

119TH CONGRESS
1ST SESSION

S. _____

To impose sanctions with respect to persons that operate in a sector of the economy of the People's Republic of China in which the person has engaged in a pattern of significant theft of the intellectual property of a United States person, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CURTIS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To impose sanctions with respect to persons that operate in a sector of the economy of the People's Republic of China in which the person has engaged in a pattern of significant theft of the intellectual property of a United States person, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Combatting China's
5 Pilfering of Intellectual Property Act" or the "CCP IP
6 Act".

1 **SEC. 2. IMPOSITION OF SANCTIONS RELATED TO THE**
2 **THEFT OF INTELLECTUAL PROPERTY.**

3 (a) IN GENERAL.—The President shall impose the
4 sanctions described in subsection (b) with respect to each
5 person described in subsection (c) that the President de-
6 termines, on or after the date of enactment of this Act,
7 operates in a sector of the economy of the People’s Repub-
8 lic of China in which the person—

9 (1) has engaged in a pattern of significant theft
10 of the intellectual property of a United States per-
11 son; or

12 (2) has received the intellectual property of a
13 United States person through a pattern of signifi-
14 cant theft engaged in by other persons.

15 (b) SANCTIONS IMPOSED.—The sanctions described
16 in this subsection are the following:

17 (1) ASSET BLOCKING.—The exercise of all pow-
18 ers granted to the President by the International
19 Emergency Economic Powers Act (50 U.S.C. 1701
20 et seq.) to the extent necessary to block and prohibit
21 all transactions in all property and interests in prop-
22 erty of a person described in subsection (a) if such
23 property and interests in property are in the United
24 States, come within the United States, or are or
25 come within the possession or control of a United
26 States person.

1 (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,
2 OR PAROLE.—

3 (A) VISAS, ADMISSION, OR PAROLE.—An
4 alien described in subsection (a) is—

5 (i) inadmissible to the United States;

6 (ii) ineligible to receive a visa or other
7 documentation to enter the United States;
8 and

9 (iii) otherwise ineligible to be admitted
10 or paroled into the United States or to re-
11 ceive any other benefit under the Immigra-
12 tion and Nationality Act (8 U.S.C. 1101 et
13 seq.).

14 (B) CURRENT VISAS REVOKED.—

15 (i) IN GENERAL.—The issuing con-
16 sular officer, the Secretary of State, or the
17 Secretary of Homeland Security (or a des-
18 ignee of one of such Secretaries) shall, in
19 accordance with section 221(i) of the Im-
20 migration and Nationality Act (8 U.S.C.
21 1201(i)), revoke any visa or other entry
22 documentation issued to an alien who the
23 Secretary of State or the Secretary of
24 Homeland Security (or a designee of one of
25 such Secretaries) determines is described

1 in subsection (a), regardless of when the
2 visa or other documentation is issued.

3 (ii) EFFECT OF REVOCATION.—A rev-
4 ocation under clause (i) shall take effect
5 immediately and shall automatically cancel
6 any other valid visa or entry documenta-
7 tion that is in the alien's possession.

8 (c) PERSONS DESCRIBED.—A person described in
9 this subsection is one of the following:

10 (1) An individual who—

11 (A) is a national of the People's Republic
12 of China or acting at the direction of a national
13 of the People's Republic of China or an entity
14 described in paragraph (2); and

15 (B) is not a United States person.

16 (2) An entity that is—

17 (A) organized under the laws of the Peo-
18 ple's Republic of China or of any jurisdiction
19 within the People's Republic of China;

20 (B) owned or controlled by individuals who
21 are nationals of the People's Republic of China;
22 or

23 (C) owned or controlled by an entity de-
24 scribed in subparagraph (A) that is not a
25 United States person.

1 (d) PENALTIES; IMPLEMENTATION.—

2 (1) PENALTIES.—A person that violates, at-
3 tempts to violate, conspires to violate, or causes a
4 violation of subsection (b)(1) or any regulation, li-
5 cense, or order issued to carry out that subsection
6 shall be subject to the penalties set forth in sub-
7 sections (b) and (c) of section 206 of the Inter-
8 national Emergency Economic Powers Act (50
9 U.S.C. 1705) to the same extent as a person that
10 commits an unlawful act described in subsection (a)
11 of that section.

12 (2) IMPLEMENTATION.—The President may ex-
13 ercise all authorities provided to the President under
14 sections 203 and 205 of the International Emer-
15 gency Economic Powers Act (50 U.S.C. 1702 and
16 1704) for purposes of carrying out this section.

17 (e) WAIVER.—The President may waive the imposi-
18 tion of sanctions under subsection (a) on a case-by-case
19 basis with respect to a person if the President—

20 (1) certifies to the Committee on Foreign Af-
21 fairs and the Committee on the Judiciary of the
22 House of Representatives and the Committee on
23 Foreign Relations and the Committee on the Judici-
24 ary of the Senate that such waiver is in the national
25 security interests of the United States; and

1 (2) includes a justification for such certifi-
2 cation.

3 (f) TERMINATION OF SANCTIONS.—The President
4 may terminate sanctions imposed under subsection (a)
5 with respect to a person if the President certifies to the
6 Committee on Foreign Affairs of the House of Representa-
7 tives and the Committee on Foreign Relations of the Sen-
8 ate that such person is no longer engaging in efforts to
9 steal intellectual property of United States persons.

10 (g) REPORT REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, the President
12 shall submit to the Committee on Foreign Affairs of the
13 House of Representatives and the Committee on Foreign
14 Relations of the Senate a report that specifies each person
15 the President determines meets the criteria described in
16 subsection (a) for the imposition of sanctions.

17 (h) DEFINITIONS.—In this section:

18 (1) ADMITTED; ALIEN.—The terms “admitted”
19 and “alien” have the meanings given those terms in
20 section 101 of the Immigration and Nationality Act
21 (8 U.S.C. 1101).

22 (2) UNITED STATES PERSON.—The term
23 “United States person” means—

1 (A) an individual who is a United States
2 citizen or an alien lawfully admitted for perma-
3 nent residence to the United States; or

4 (B) an entity organized under the laws of
5 the United States or of any jurisdiction within
6 the United States.

7 **SEC. 3. RESTRICTION ON ISSUANCE OF VISAS.**

8 (a) **RESTRICTION.**—The Secretary of State may not
9 issue a visa to, and the Secretary of Homeland Security
10 shall deny entry to the United States of, each of the fol-
11 lowing:

12 (1) Senior officials in the Chinese Communist
13 Party, including the Politburo, the Central Com-
14 mittee, and each delegate to the 20th National Con-
15 gress of the Chinese Communist Party.

16 (2) The spouses and children of the senior offi-
17 cials described in paragraph (1).

18 (3) Members of the cabinet of the Government
19 of the People's Republic of China.

20 (4) Active duty members of the People's Libera-
21 tion Army of China.

22 (b) **APPLICABILITY.**—The restriction under sub-
23 section (a) shall not apply for any year in which the Presi-
24 dent certifies to the Committee on the Judiciary of the
25 House of Representatives and the Committee on the Judi-

1 ciary of the Senate that the Government of the People's
2 Republic of China has ceased sponsoring, funding, facili-
3 tating, and actively working to support efforts to infringe
4 on the intellectual property rights of citizens and entities
5 of the United States.

6 (c) REPORT REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of State shall submit to Congress a report that—

9 (1) details the efficacy of visa screening mecha-
10 nisms to mitigate intellectual property theft by the
11 People's Republic of China; and

12 (2) includes a list of research institutions asso-
13 ciated with the People's Liberation Army and the
14 Ministry of State Security of the People's Republic
15 of China.