

**AMENDMENT TO H.R. 3524**  
**OFFERED BY MS . MALLIOTAKIS**

At the appropriate place in the bill, insert the following:

**1 SEC. \_\_\_\_ . INTELLECTUAL PROPERTY VIOLATORS LIST.**

2 (a) IN GENERAL.—Not later than one year after the  
3 date of the enactment of this Act, and not less frequently  
4 than annually thereafter, the Secretary of State, in coordi-  
5 nation with the Secretary of Commerce, the United States  
6 Trade Representative, and the Director of National Intel-  
7 ligence, shall create a list (referred to in this section as  
8 the “intellectual property violators list”), which identifies  
9 all state-owned enterprises that have benefitted from—

10 (1) a significant act or series of acts of intellec-  
11 tual property theft that subjected a United States  
12 economic sector or particular company incorporated  
13 in the United States to harm; or

14 (2) an act or government policy of involuntary  
15 or coerced technology transfer of intellectual prop-  
16 erty ultimately owned by a company incorporated in  
17 the United States.

18 (b) RULES FOR IDENTIFICATION.—To determine  
19 whether there is a credible basis for determining that a

1 company should be included on the intellectual property  
2 violators list, the Secretary of State, in coordination with  
3 the Secretary of Commerce, the United States Trade Rep-  
4 resentative, and the Director of National Intelligence,  
5 shall consider—

6 (1) any finding by a United States court that  
7 the company has violated relevant United States  
8 laws intended to protect intellectual property rights;  
9 or

10 (2) substantial and credible information re-  
11 ceived from any entity described in subsection (e) or  
12 other interested persons.

13 (c) CONSULTATION.—In carrying out this section, the  
14 Secretary of State, in coordination with the Secretary of  
15 Commerce, the United States Trade Representative, and  
16 the Director of National Intelligence, may consult, as nec-  
17 essary and appropriate, with—

18 (1) other Federal agencies, including inde-  
19 pendent agencies;

20 (2) the private sector; and

21 (3) civil society organizations with relevant ex-  
22 pertise.

23 (d) REPORT.—

1           (1) IN GENERAL.—The Secretary of State shall  
2           publish, in the Federal Register, an annual report  
3           that—

4                   (A) lists the companies engaged in the ac-  
5                   tivities described in subsection (a)(1); and

6                   (B) describes the circumstances sur-  
7                   rounding actions described in subsection (a)(2),  
8                   including any role of the Government of the  
9                   PRC; and

10                   (C) assesses, to the extent practicable, the  
11                   economic advantage derived by the companies  
12                   engaged in the activities described in subsection  
13                   (a)(1).

14           (2) FORM.—The report published under para-  
15           graph (1) shall be unclassified, but may include a  
16           classified annex.

17           (e) DECLASSIFICATION AND RELEASE.—The Direc-  
18           tor of National Intelligence may authorize the declassifica-  
19           tion of information, as appropriate, to inform the contents  
20           of the report published pursuant to subsection (d).

21           (f) REQUIREMENT TO PROTECT BUSINESS-CON-  
22           FIDENTIAL INFORMATION.—

23                   (1) IN GENERAL.—The Secretary of State and  
24                   the heads of all other Federal agencies involved in  
25                   the production of the intellectual property violators

1 list shall protect from disclosure any proprietary in-  
2 formation submitted by a private sector participant  
3 and marked as business-confidential information,  
4 unless the party submitting the confidential business  
5 information—

6 (A) had notice, at the time of submission,  
7 that such information would be released by the  
8 Secretary; or

9 (B) subsequently consents to the release of  
10 such information.

11 (2) NONCONFIDENTIAL VERSION OF REPORT.—

12 If confidential business information is provided by a  
13 private sector participant, a nonconfidential version  
14 of the report under subsection (d) shall be published  
15 in the Federal Register that summarizes or deletes,  
16 if necessary, the confidential business information.

17 (3) TREATMENT AS TRADE SECRETS.—Propri-  
18 etary information submitted by a private party  
19 under this section—

20 (A) shall be considered to be trade secrets  
21 and commercial or financial information (as de-  
22 fined under section 552(b)(4) of title 5, United  
23 States Code); and

1 (B) shall be exempt from disclosure with-  
2 out the express approval of the private party.

