

117TH CONGRESS
1ST SESSION

S. 1409

To designate any alien who is or has been engaged in economic espionage or the misappropriation of trade secrets inadmissible and deportable.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2021

Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To designate any alien who is or has been engaged in economic espionage or the misappropriation of trade secrets inadmissible and deportable.

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 “Stop Theft of Intellec-
5 tual Property Act of 2021”.

6 **SEC. 2. IMMIGRATION CONSEQUENCES OF TRADE SECRET**
7 **THEFT AND ECONOMIC ESPIONAGE.**

8 (a) INADMISSIBILITY.—Section 212(a)(3) of the Im-
9 migration and Nationality Act (8 U.S.C. 1182(a)(3)) is
10 amended—

1 (1) in subparagraph (A)(i)—

2 (A) by striking “(I) to violate” and insert-
3 ing “that violates”; and

4 (B) by striking “or (II)” and all that fol-
5 lows and inserting a semicolon; and

6 (2) by adding at the end the following:

7 “(H) THEFT OF SENSITIVE INFORMATION
8 OR TRADE SECRETS.—Any alien who a consular
9 officer, the Secretary of Homeland Security, the
10 Secretary of State, or the Attorney General
11 knows, or has reasonable grounds to believe—

12 “(i) has engaged in, is engaging in, or
13 is seeking admission to the United States
14 to engage in any activity that—

15 “(I) violates or evades any law
16 prohibiting the export from the
17 United States of goods, technology, or
18 sensitive information; or

19 “(II) violates any law of the
20 United States relating to the theft or
21 misappropriation of trade secrets or
22 economic espionage; or

23 “(ii) has been convicted of conspiracy
24 related to an activity described in clause
25 (i),

1 is inadmissible.”.

2 (b) DEPORTABILITY.—Section 237(a)(4) of the Im-
3 migration and Nationality Act (8 U.S.C. 1227(a)(4)) is
4 amended—

5 (1) in subparagraph (A)(i), by striking “or to
6 violate or evade any law prohibiting the export from
7 the United States of goods, technology, or sensitive
8 information,” and inserting a semicolon; and

9 (2) by adding at the end the following:

10 “(G) THEFT OF SENSITIVE INFORMATION
11 OR TRADE SECRETS.—Any alien who—

12 “(i) has engaged, is engaged, or at
13 any time after admission engages in any
14 activity that—

15 “(I) violates or evades any law
16 prohibiting the export from the
17 United States of goods, technology, or
18 sensitive information; or

19 “(II) violates any law of the
20 United States relating to the theft or
21 misappropriation of trade secrets or
22 economic espionage; or

23 “(ii) has been convicted of conspiracy
24 related to an activity described in clause
25 (i),

1 is deportable.”.

2 **SEC. 3. ANNUAL REPORT OF INADMISSIBLE AND DEPORT-**
 3 **ABLE FOREIGN NATIONALS.**

4 Not later than 180 days after the date of the enact-
 5 ment of this Act, and annually thereafter, the Secretary
 6 of Homeland Security, in cooperation with the Attorney
 7 General, shall submit a report to the Chair and Ranking
 8 Member of the Committee on the Judiciary of the Senate
 9 and of the Committee on the Judiciary of the House of
 10 Representatives that identifies—

11 (1) the nationality and visa admission category
 12 of each of the foreign nationals who was determined,
 13 during the reporting period, to be inadmissible under
 14 section 212(a)(3)(H) of the Immigration and Na-
 15 tionality Act, as added by section 2(a), or deportable
 16 pursuant to section 237(a)(4)(G) of such Act, as
 17 added by section 2(b); and

18 (2) the research institutions, United States pri-
 19 vate industries, United States Government agencies,
 20 and taxpayer-funded organizations with which such
 21 foreign nationals were associated.

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