

# **Stop Theft of Intellectual Property Act of 2020 (S. 4370)**

## *Grassley, Whitehouse*

### **Policy Goals and Explainer**

#### **Section 1: Short Title**

This section designates the bill as the Stop Theft of Intellectual Property Act of 2020.

#### **Section 2: Immigration Consequences of Trade Secret Theft and Economic Espionage**

This section amends the INA to make inadmissible and removable foreign nationals who:

- Violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information
- Violate any law of the United States relating to the theft or misappropriation of trade secrets or economic espionage; or
- Has been convicted of conspiracy to violate these laws.

The theft of American intellectual property has become a major problem.<sup>1</sup> As an example, the Department of Justice recently charged four Chinese nationals with visa fraud for lying about their status as members of China's military while conducting research in the United States.<sup>2</sup> One of the individuals charged was allegedly instructed by the director of his military university lab in China to observe the layout of the U.S. lab in order to bring back information on how to replicate it in China. He also told his supervising professor in the U.S. that he had duplicated some of the work of that professor at the lab in China.<sup>3</sup> Some of the work of the UCSF lab was funded by grants from the National Institutes of Health (NIH). Similarly, in April 2019, tenured foreign national scientists at a Houston cancer research institution were "working with government sponsorship to exfiltrate intellectual property that has been created with the support of U.S. taxpayers, private donors and industry collaborators."<sup>4</sup>

These are not isolated incidents. The National Institutes of Health reported that 55 institutions across the nation are investigating similar concerns. And these cases involve only one grant-issuing agency. Private industry and non-governmental organizations also present areas of concern.

On December 12, 2018, the Senate Judiciary Committee held a hearing exploring these issues titled *China's Non-Traditional Espionage Against the United States: The Threat and Potential Policy Responses*.<sup>5</sup>

#### **Section 3: Reporting Requirements**

This section of the bill requires the submission of an annual report to the Chair and Ranking Members of the Senate and House Judiciary Committees that lists the nationalities and visa admission categories of those determined to be inadmissible or deportable for IP theft. The report must also list the research institutions, private industries, government agencies, and taxpayer-funded organizations with which those individuals were associated.

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<sup>1</sup> <https://www.hsgac.senate.gov/imo/media/doc/2019-11-18%20PSI%20Staff%20Report%20-%20China's%20Talent%20Recruitment%20Plans%20Updated2.pdf>; <https://www.fbi.gov/news/testimony/chinas-non-traditional-espionage-against-the-united-states>

<sup>2</sup> <https://www.justice.gov/opa/pr/researchers-charged-visa-fraud-after-lying-about-their-work-china-s-people-s-liberation-army>

<sup>3</sup> *Id.*

<sup>4</sup> <https://www.nytimes.com/2019/04/22/health/md-anderson-chinese-scientists.html?smid=nytcore-ios-share>

<sup>5</sup> <https://www.cnas.org/publications/congressional-testimony/chinas-non-traditional-espionage-against-the-united-states-the-threat-and-potential-policy-responses>