

113TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title 18, United States Code, to ensure greater protections for trade secrets.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## A BILL

To amend title 18, United States Code, to ensure greater protections for trade secrets.

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 **[-----]**.

5 **SEC. 2. TRADE SECRET THEFT ENFORCEMENT.**

6        (a) IN GENERAL.—Chapter 90 of title 18, United  
7 States Code, is amended—

8            (1) in section 1831(a), in the matter preceding  
9 paragraph (1), by inserting after “agent,” the fol-  
10 lowing: “or intending or knowing that the offense is

1 committed at the request, under the direction, or on  
2 behalf of any foreign government, foreign instrumen-  
3 tality, or foreign agent,”;

4 (2) in section 1835—

5 (A) by striking “In any prosecution” and  
6 inserting the following:

7 “(a) IN GENERAL.—In any prosecution”; and

8 (B) by adding at the end the following:

9 “(b) INTERESTED OWNERS.—The court shall allow  
10 an owner of a trade secret at issue in a prosecution under  
11 this chapter to file a submission under seal that describes  
12 the interest of the owner in a trade secret remaining con-  
13 fidential, and shall consider such submission before  
14 issuing an order under subsection (a). The record for an  
15 interlocutory appeal brought by the Government shall in-  
16 clude the submission made under seal to the court by the  
17 owner of the trade secret, and may be supplemented on  
18 appeal by a further submission under seal by the owner  
19 of the trade secret. No submission under seal made pursu-  
20 ant to this subsection may be entered into evidence in a  
21 prosecution.”;

22 (3) in section 1837—

23 (A) in paragraph (1), by striking “or” at  
24 the end;

1 (B) in paragraph (2), by striking the pe-  
2 riod at the end and inserting “; or”; and

3 (C) by adding at the end the following:

4 “(3) an act in furtherance of the offense was  
5 committed through means or facilities located in the  
6 United States and the offense resulted in an injury  
7 to an individual or entity located in the United  
8 States.”; and

9 (4) in section 1839(1)—

10 (A) in paragraph (1)—

11 (i) by inserting “subsidized,” after  
12 “sponsored,”; and

13 (ii) by inserting “or foreign agent”  
14 after “government”;

15 (B) in paragraph (3)—

16 (i) in the matter preceding subpara-  
17 graph (A), by inserting “strategies, negoti-  
18 ating positions,” after “plans,”; and

19 (ii) in subparagraph (B), by striking  
20 “and” at the end;

21 (C) in paragraph (4), by striking the pe-  
22 riod at the end and inserting “; and”; and

23 (D) by adding at the end the following:

24 “(5) the term ‘benefit any foreign government,  
25 foreign instrumentality, or foreign agent’ shall in-

1       clude the conveyance of any trade secret to any for-  
2       eign government, foreign instrumentality, or foreign  
3       agent.”.

4       (b) RICO PREDICATE OFFENSES.—Section 1961(1)  
5 of title 18, United States Code, is amended by inserting  
6 “sections 1831 and 1832 (relating to economic espionage  
7 and theft of trade secrets),” before “section 1951”.