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119TH CONGRESS
2D SESSION

H. R. 9142

To amend title 35, United States Code, to limit the ability of persons who pose a threat to national security to receive and enforce patents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2026

Mr. FITZGERALD (for himself, Mr. MOOLENAAR, and Mr. ISSA) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To amend title 35, United States Code, to limit the ability of persons who pose a threat to national security to receive and enforce patents, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prohibiting Adversarial Patents Act of 2026''.

SEC. 2. LIMITATION ON ABILITY OF PERSONS WHO POSE A THREAT TO NATIONAL SECURITY TO RECEIVE AND ENFORCE PATENTS.

(a) IN GENERAL.—Chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"§ 106. Limitation on ability of persons who pose a threat to national security to receive and enforce patents

"(a) LIMITATION.—Notwithstanding any other provision of law—

"(1) a person may not be issued a United States patent for an invention if that person (or any subsidiary, affiliate, successor, assign, legal representative, or privy of such person)—

"(A) is an entity on the Non-SDN Chinese Military-Industrial Complex Companies List (NS–CMIC List) maintained by the Office of Foreign Assets Control of the Department of the Treasury under Executive Order 14032 (86 Fed. Reg. 30145; relating to addressing the threat from securities investments that finance certain companies of the People's Republic of China), or any successor order;

"(B) is identified as a Chinese military company in the most recent annual report sub-

mitted pursuant to section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 113 note); or

"(C) produces or provides communications equipment or service on the list published by the Federal Communications Commission under section 2(a) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(a));

"(2) any United States patent issued to a person described under paragraph (1) shall be unenforceable; and

"(3) no procedure, including any procedure under the Patent Prosecution Highway Program, may be used to conduct an expedited review an application for a patent filed by a person described under paragraph (1).

"(b) WAIVER.—

"(1) IN GENERAL.—The President may waive the application of the prohibition under subsection (a) with respect to a person for successive periods of not more than 180 days each if the President—

"(A) determines that there is not an essential security interest in applying the prohibition

under subsection (a) with respect to a person; and

"(B) submits, not less than 30 days before waiving such prohibition, a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives—

"(i) a specific and detailed rationale for the determination that there is not an essential security interest in applying the prohibition with respect to that person;

"(ii) a description of the activity that resulted in the person being included on a list or in a report described under subparagraphs (A) through (C);

"(iii) an assessment of the significance of such activity to the national security interests of the United States or allies of the United States; and

"(iv) an explanation of any effort made by the United States to secure the cooperation of the government with primary jurisdiction over the person or the location where the activity described in

clause (ii) occurred in to terminate, as appropriate, or penalize such activity.

"(2) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The President shall ensure that in granting any waiver under this subsection, the President exercises such authority in a manner that is consistent with international obligations.

"(c) NO EFFECT ON PATENT APPLICATION; OWNERSHIP AND TERM OF PATENT.—The application of the prohibition under subsection (a), or the grant of any waiver under subsection (b), to a person shall not affect—

"(1) the ability of such person file a patent application;

"(2) except as provided in subsection (a)(3), the examination of any such application; or

"(3) the ownership or term of any patent owned by such person.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 10 of title 35, United States Code, is amended by inserting after the item relating to section 105 the following:

"106. Limitation on ability of persons who pose a threat to national security to receive and enforce patents.".

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