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(Original Signature of Member)

119TH CONGRESS
2^D SESSION

H. R. _____

To prohibit certain foreign governments from acquiring intellectual property rights of research conducted by United States universities, faculty, staff, or students, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NEHLS introduced the following bill; which was referred to the Committee
on _____

A BILL

To prohibit certain foreign governments from acquiring intellectual property rights of research conducted by United States universities, faculty, staff, or students, and for other purposes.

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 “Preventing Research
5 Ownership Transfer to External Competitive Threats
6 (PROTECT) Act of 2026”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COVERED FOREIGN GOVERNMENT.—The
4 term “covered foreign government” means the gov-
5 ernment of any prohibited nation, including any
6 agency, instrumentality, or entity controlled by such
7 government.

8 (2) COVERED RESEARCH.—The term “covered
9 research” means any research, invention, discovery,
10 or intellectual property developed or conducted, in
11 whole or in part, by a United States university, or
12 by any faculty member, staff member, or student af-
13 filiated with such university.

14 (3) DESIGNATED FOREIGN TERRORIST ORGANI-
15 ZATION.—The term “designated foreign terrorist or-
16 ganization” has the meaning given such term in sec-
17 tion 219 of the Immigration and Nationality Act (8
18 U.S.C. 1189).

19 (4) INTELLECTUAL PROPERTY RIGHTS.—The
20 term “intellectual property rights” includes patents,
21 copyrights, trademarks, trade secrets, know-how,
22 data rights, and any other form of proprietary infor-
23 mation or rights related to covered research.

24 (5) PROHIBITED NATION.—The term “prohib-
25 ited nation” has the meaning given such term in sec-
26 tion 4.

1 (6) UNITED STATES UNIVERSITY.—The term
2 “United States university” means any institution of
3 higher education as defined in section 101 of the
4 Higher Education Act of 1965 (20 U.S.C. 1001) or
5 section 102 of the Higher Education Act of 1965
6 (20 U.S.C. 1002), headquartered in the United
7 States.

8 **SEC. 3. PROHIBITION ON ACQUISITION OF INTELLECTUAL**
9 **PROPERTY RIGHTS.**

10 (a) IN GENERAL.—No United States university, or
11 any faculty member, staff member, or student affiliated
12 with such university, shall enter into any contract, agree-
13 ment, license, sale, transfer, or other transaction that
14 grants, conveys, or otherwise provides a covered foreign
15 government with any intellectual property rights in cov-
16 ered research.

17 (b) APPLICABILITY.—The prohibition under sub-
18 section (a) shall apply to any transaction entered into on
19 or after the date of the enactment of this Act.

20 **SEC. 4. PROHIBITED NATIONS.**

21 The term “prohibited nation” means—

- 22 (1) the Russian Federation;
23 (2) the People’s Republic of China;
24 (3) the Islamic Republic of Iran;

1 (4) any nation that is engaged in armed conflict
2 with the United States;

3 (5) any nation that harbors, financially sup-
4 ports, or otherwise cooperates with a designated for-
5 eign terrorist organization; or

6 (6) any nation designated as a State Sponsor of
7 Terrorism by the U.S. Department of State

8 (7) any other nation that the Secretary of State
9 determines poses a threat to the national security of
10 the United States.

11 **SEC. 5. PENALTIES.**

12 (a) VIOLATIONS NOT ENDANGERING NATIONAL SE-
13 CURITY.—Any United States university that violates sec-
14 tion 3 shall be subject to a civil penalty of not more than
15 \$500,000 for each such violation, if the Secretary of State
16 determines that the violation does not endanger the na-
17 tional security of the United States.

18 (b) VIOLATIONS ENDANGERING NATIONAL SECUR-
19 ITY.—Any United States university that violates section
20 3 with respect to covered research, in general, or covered
21 research related to critical energy or defense issues, which
22 may affect the national security of the United States shall
23 be subject to a civil penalty of not more than \$5,000,000
24 for each such violation.

1 (c) SEIZURE OF FUNDS.—In the case of any violation
2 under subsection (a) or (b), any funds or other consider-
3 ation received by the United States university in exchange
4 for the intellectual property rights in the covered research
5 shall be subject to seizure and forfeiture to the United
6 States Government.

7 (d) ENFORCEMENT.—The Attorney General, in con-
8 sultation with the Secretary of State, shall enforce the
9 penalties under this section.

10 **SEC. 6. DETERMINATIONS BY SECRETARY OF STATE.**

11 (a) IN GENERAL.—Any determination required under
12 this Act, including determinations regarding prohibited
13 nations under section 4(7), the level of threat to national
14 security under section 5(a) or 5(b), or whether covered
15 research relates to critical energy or defense issues under
16 section 5(b), shall be made by the Secretary of State.

17 (b) FINALITY.—Determinations under subsection (a)
18 shall be final and committed to agency discretion. No such
19 determination, finding, or action under this section shall
20 be subject to judicial review, except to the extent required
21 by the Constitution for colorable claims of violation of con-
22 stitutional rights.

23 **SEC. 7. SEVERABILITY.**

24 If any provision of this Act, or the application of such
25 provision to any person or circumstance, is held to be in-

1 valid, the remainder of this Act, and the application of
2 such provision to other persons or circumstances, shall not
3 be affected thereby.