

116TH CONGRESS
1ST SESSION

S. 1710

To prohibit funds made available under the airport improvement program from being provided to entities that have violated the intellectual property rights of United States entities and therefore pose a threat to national security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2019

Mr. CORNYN (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit funds made available under the airport improvement program from being provided to entities that have violated the intellectual property rights of United States entities and therefore pose a threat to national security, 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 “Airport Infrastructure
5 Resources Security Act of 2019” or the “AIR Security
6 Act”.

1 **SEC. 2. PROHIBITION ON PROVISION OF GRANT FUNDS TO**
2 **ENTITIES THAT HAVE VIOLATED INTELLEC-**
3 **TUAL PROPERTY RIGHTS OF UNITED STATES**
4 **ENTITIES.**

5 (a) IN GENERAL.—Subchapter I of chapter 471 of
6 the title 49, United States Code, is amended by adding
7 at the end the following:

8 **“§ 47145. Prohibition on provision of grant funds to**
9 **entities that have violated intellectual**
10 **property rights of United States entities**

11 “(a) IN GENERAL.—Beginning on the date that is 30
12 days after the date of the enactment of this section,
13 amounts provided as project grants under this subchapter
14 may not be used to enter into a contract described in sub-
15 section (b) with any entity on the list required by sub-
16 section (c).

17 “(b) CONTRACT DESCRIBED.—A contract described
18 in this subsection is a contract or other agreement for the
19 procurement of infrastructure or equipment for a pas-
20 senger boarding bridge at an airport.

21 “(c) LIST REQUIRED.—

22 “(1) IN GENERAL.—Not later than 30 days
23 after the date of the enactment of this section, and
24 thereafter as required by paragraphs (2) and (3),
25 the Administrator of the Federal Aviation Adminis-
26 tration shall, in consultation with the United States

1 Trade Representative and the Attorney General,
2 make available to the public a list of entities that—

3 “(A)(i) are owned or controlled by, or re-
4 ceive subsidies from, the government of a coun-
5 try—

6 “(I) identified by the Trade Rep-
7 resentative under subsection (a)(1) of sec-
8 tion 182 of the Trade Act of 1974 (19
9 U.S.C. 2242) in the most recent report re-
10 quired by that section; and

11 “(II) subject to monitoring by the
12 Trade Representative under section 306 of
13 the Trade Act of 1974 (19 U.S.C. 2416);
14 and

15 “(ii) have been determined by a Federal
16 court to have misappropriated intellectual prop-
17 erty or trade secrets from an entity organized
18 under the laws of the United States or any ju-
19 risdiction within the United States; or

20 “(B) own or control, are owned or con-
21 trolled by, are under common ownership or con-
22 trol with, or are successors to, an entity de-
23 scribed in subparagraph (A).

24 “(2) UPDATES TO LIST.—The Administrator
25 shall update the list required by paragraph (1)—

1 “(A) not less frequently than every 90
2 days during the 180-day period following the
3 initial publication of the list under paragraph
4 (1); and

5 “(B) not less frequently than annually dur-
6 ing the 5-year period following the 180-day pe-
7 riod described in subparagraph (A).

8 “(3) CONTINUATION OF REQUIREMENT TO UP-
9 DATE LIST.—

10 “(A) IN GENERAL.—Not later than the
11 end of the 5-year period described in paragraph
12 (2)(B), the Administrator shall make a deter-
13 mination with respect to whether continuing to
14 update the list required by paragraph (1) is
15 necessary to carry out this section.

16 “(B) EFFECT OF DETERMINATION THAT
17 UPDATES ARE NECESSARY.—If the Adminis-
18 trator determines under subparagraph (A) that
19 continuing to update the list required by para-
20 graph (1) is necessary, the Administrator shall
21 continue to update the list not less frequently
22 than annually.

23 “(C) EFFECT OF DETERMINATION THAT
24 UPDATES ARE NOT NECESSARY.—If the Admin-
25 istrator determines under subparagraph (A)

1 that continuing to update the list required by
2 paragraph (1) is not necessary, the Adminis-
3 trator shall, not later than 90 days after mak-
4 ing the determination, submit to Congress a re-
5 port on the determination and the reasons for
6 the determination.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 471 of such title is amended by inserting after the
9 item relating to section 47144 the following:

“47145. Prohibition on provision of grant funds to entities that have violated
intellectual property rights of United States entities.”.

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