

115TH CONGRESS  
2D SESSION

# S. 3743

To amend title 18, United States Code, to make certain changes with respect to bringing a civil action for the misappropriation of a trade secret, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2018

Ms. HARRIS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to make certain changes with respect to bringing a civil action for the misappropriation of a trade secret, 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 “Deterring Espionage  
5 by Foreign Entities through National Defense Act of  
6 2018” or the “DEFEND Act”.

1 **SEC. 2. PROTECTION OF TRADE SECRETS.**

2 Chapter 90 of title 18, United States Code, is amend-  
3 ed—

4 (1) in section 1836—

5 (A) in subsection (b)(3)(C), by striking “2  
6 times” and inserting “3 times”; and

7 (B) in subsection (d), in the first sentence,  
8 by striking “3 years” and inserting “5 years”;  
9 and

10 (2) in section 1837—

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

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

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

16 “(3) the offense causes substantial economic  
17 harm in the United States.”.

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