

S 678

Economic Espionage Penalty Enhancement Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Mar 30, 2011

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 255.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 255. (Dec 8, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/678>

Sponsor

Name: Sen. Kohl, Herb [D-WI]

Party: Democratic • **State:** WI • **Chamber:** Senate

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Coons, Christopher A. [D-DE]	D · DE		Mar 30, 2011
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Mar 30, 2011
Sen. Blumenthal, Richard [D-CT]	D · CT		Jun 22, 2011
Sen. Graham, Lindsey [R-SC]	R · SC		Oct 17, 2011
Sen. Kyl, Jon [R-AZ]	R · AZ		Oct 17, 2011
Sen. Coburn, Tom [R-OK]	R · OK		Nov 1, 2011
Sen. Feinstein, Dianne [D-CA]	D · CA		Dec 1, 2011
Sen. Klobuchar, Amy [D-MN]	D · MN		Dec 7, 2011
Sen. Grassley, Chuck [R-IA]	R · IA		Jul 31, 2012

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Dec 8, 2011

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
112 HR 6029	Related bill	Jan 14, 2013: Became Public Law No: 112-269.

Economic Espionage Penalty Enhancement Act - Amends the federal criminal code to increase (from 15 to 20 years) the term of imprisonment for economic espionage (i.e., stealing or obtaining, duplicating or conveying, or buying or possessing trade secrets without authorization intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent).

Directs the United States Sentencing Commission to review and amend the federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission of a stolen trade secret outside of the United States or economic espionage to reflect the intent of Congress that penalties for such offenses: (1) reflect the seriousness of, and potential and actual harm caused by, such offenses; and (2) provide adequate deterrence.

Directs the Commission to: (1) consider the extent to which such guidelines and statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for such offenses to address the seriousness of this conduct; (2) consider additional enhancements to account for any transmission of a stolen trade secret outside of the United States and any such transmission that is committed for the benefit of a foreign government; (3) consider establishing a minimum offense level for offenses relating to such transmission; (4) ensure that the guidelines and statements reflect the serious nature of such offenses and the need to deter such conduct; (5) ensure reasonable consistency with other relevant directives, guidelines and statements, and federal statutes; and (6) ensure that the guidelines adequately meet the purposes of sentencing.

Directs the Commission to complete its review within 180 days and to issue a report explaining any decision not to adopt any of the specific recommendations.

Actions Timeline

- **Dec 8, 2011:** Committee on the Judiciary. Ordered to be reported with an amendment favorably.
- **Dec 8, 2011:** Committee on the Judiciary. Reported by Senator Leahy with an amendment. Without written report.
- **Dec 8, 2011:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 255.
- **Jun 22, 2011:** Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 112-922.
- **Mar 30, 2011:** Introduced in Senate
- **Mar 30, 2011:** Sponsor introductory remarks on measure. (CR S1985)
- **Mar 30, 2011:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S1985)