

PROTECT AMERICA'S INNOVATION AND ECONOMIC
SECURITY FROM CCP ACT OF 2024

AUGUST 30, 2024.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. JORDAN, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1398]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1398) to establish the CCP Initiative program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect America’s Innovation and Economic Security from CCP Act of 2024”.

SEC. 2. CCP INITIATIVE.

(a) **ESTABLISHMENT.**—There is established in the National Security Division of the Department of Justice the CCP Initiative to—

- (1) counter nation-state threats to the United States;
- (2) curb spying by the Chinese Communist Party on United States intellectual property and academic institutions in the United States;
- (3) develop an enforcement strategy concerning nontraditional collectors, including researchers in labs, universities, and the defense industrial base, that are being used to transfer technology contrary to United States interests;
- (4) implement the Foreign Investment Risk Review Modernization Act of 2018 (title XVII of division A of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2173)) for the Department of Justice, including by working with the Department of the Treasury to develop regulations under that Act;
- (5) identify cases under the Foreign Corrupt Practices Act of 1977 (Public Law 95–213; 91 Stat. 1494) involving Chinese companies that compete with United States businesses; and
- (6) prioritize—
 - (A) identifying and prosecuting those engaged in trade secret theft, hacking, and economic espionage; and
 - (B) protecting the critical infrastructure in the United States against external threats through foreign direct investment and supply chain compromises.

(b) **CONSULTATION.**—In executing the CCP Initiative’s objectives as set forth in subsection (a), the Attorney General, acting through the Assistant Attorney General for National Security, shall consult with relevant components of the Department of Justice as necessary, and coordinate activities with the Federal Bureau of Investigation and any other Federal agency as necessary.

(c) **REQUIREMENT.**—Under the CCP Initiative—

- (1) the Initiative shall be separate from and not under the authority or discretion of any other Department of Justice initiative dedicated to countering nation-state threats; and
- (2) all resources used for the CCP Initiative shall solely be set aside for the CCP Initiative and shall not be combined to support any other Department of Justice program, including other programs and initiatives dedicated to countering nation-state threats.

(d) **ANNUAL REPORT.**—The Attorney General shall submit annually a written report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives, on the progress and challenges of the CCP Initiative over the preceding year, including—

- (1) its progress in accomplishing the objectives set forth in subsection (a);
- (2) the amount and sufficiency of resources provided to, and expended by, the CCP Initiative;
- (3) the level and effectiveness of coordination with the Federal Bureau of Investigation and other Federal agencies;
- (4) the status of efforts by the Chinese Communist Party to engage in trade secret theft, hacking, and economic espionage; and
- (5) the impact of the CCP Initiative on those efforts of the Chinese Communist Party.

(e) **SUNSET.**—This Act shall take effect on the date of enactment of this Act and cease to be in effect on the date that is 6 years after that date.

(f) **SEVERABILITY.**—If any provision of this Act, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions of such to any person or circumstance, shall not be affected thereby.

Purpose and Summary

H.R. 1398, the Protect America’s Innovation and Economic Security from CCP Act of 2024, introduced by Representative Lance

Gooden (R–TX), provides for the establishment of an initiative within the National Security Division of the U.S. Department of Justice (DOJ) to address espionage by the Chinese Communist Party (CCP) and the Chinese government on U.S. intellectual property (IP) and academic institutions. The initiative would focus on identifying and prosecuting individuals engaged in the theft of trade secrets, hacking, and economic espionage, and protecting critical U.S. infrastructure from being compromised based on foreign investment and supply chains.

Background and Need for the Legislation

According to DOJ, approximately 80 percent of all economic espionage cases prosecuted by DOJ involve theft of trade secrets by the Chinese government or its instrumentalities or agents, and approximately 60 percent of all trade secret misappropriation cases brought in the United States have a nexus to the People’s Republic of China (PRC).¹ The Chinese government also makes extensive use of cyber-intrusions to steal American IP.² The annual cost of the theft of intellectual property by the PRC from the United States has been estimated at as much as \$500 billion.³

In response to the theft of U.S. trade secrets orchestrated by the Chinese government, DOJ established its China Initiative in 2018.⁴ Dozens of cases were prosecuted under DOJ’s China Initiative, primarily under the Trump Administration.⁵ Over 160 individuals and entities were indicted under the China Initiative, at least 45 of which have since been convicted or pled guilty.⁶ Arguably, these cases brought under the China Initiative were just the tip of the iceberg. Despite the track record of PRC IP theft and the successes of the Initiative, the Biden-Harris Administration chose to end the China Initiative in February 2022, bowing to pressure from liberal commentators and activists alleging that the program stoked anti-Asian bias and dissuaded Chinese students and scholars from coming to the U.S.⁷ The number of new economic espionage cases filed

¹David H. Laufman et al., *The Department of Justice’s National Security Division Chief Addresses China’s Campaign to Steal U.S. Intellectual Property*, NAT’L L.R., Aug. 24, 2020, <https://www.natlawreview.com/article/departments-justice-s-national-security-division-chief-addresses-china-s-campaign-to-information-about-department-of-justice-s-china-initiative-and-compilation-of-china-related-prosecutions-since-2018>, DEPT. OF JUST., (Nov. 19, 2021), <https://www.justice.gov/archives/nsd/information-about-department-justice-s-china-initiative-and-compilation-china-related> (“China Initiative Overview”).

²OFF. OF U.S. TRADE REP., FINDINGS OF THE INVESTIGATION INTO CHINA’S ACTS, POLICIES, AND PRACTICES RELATED TO TECHNOLOGY TRANSFER, INTELLECTUAL PROPERTY, AND INNOVATION UNDER SECTION 301 OF THE TRADE ACT OF 1974, at 153–171 (2018) (“USTR 2018 Sec. 301 Report”), <https://ustr.gov/sites/default/files/Section%20301%20FINAL.PDF>.

³Naveed Jamali and Tom O’Connor, *U.S., China’s Cold War Is Raging in Cyberspace, Where Intellectual Property is a Costly Front*, NEWSWEEK, Sept. 16, 2020, <https://www.newsweek.com/us-chinas-cold-war-raging-cyberspace-where-intellectual-property-costly-front-1532133>.

⁴*Information About Department of Justice’s China Initiative and Compilation of China-Related Prosecutions Since 2018*, DEPT. OF JUST., (Nov. 19, 2021), <https://www.justice.gov/archives/nsd/information-about-department-justice-s-china-initiative-and-compilation-china-related> (“China Initiative Overview”).

⁵*Id.*

⁶Christopher Pelham & Brian A. Sun, US DOJ formally ends the China Initiative, but leaves the underlying prosecution priorities intact (Mar. 2022), <https://www.nortonrosefulbright.com/enus/knowledge/publications/0712bf2d/us-doj-formally-ends-the-china-initiative>.

⁷Ronn Blitzer & Jake Gibson, *Biden DOJ ending national security initiative aimed at countering China amid complaints about bias*, FOX NEWS, Feb. 23, 2022, <https://www.foxnews.com/politics/doj-ending-china-initiative-national-security-program-bias>.

following cancellation of the initiative declined significantly—for example, zero new economic espionage cases were opened in 2022.⁸

H.R. 1398 would reestablish an initiative at DOJ, the CCP Initiative, dedicated to protecting the United States from the threats previously addressed by the China Initiative, statutorily requiring that this important work resumes. In conducting the work of the CCP Initiative, H.R. 1398 would mandate that DOJ coordinate efforts with the Federal Bureau of Investigation (FBI), other elements of DOJ, and other federal agencies, as necessary. Further, to enable effective Congressional oversight and to ensure that DOJ adequately pursues the CCP Initiative’s objectives, H.R. 1398 requires robust annual reporting to key committees in the House and Senate.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearings were used to develop H.R. 1398: “Intellectual Property: Enforcement Activities by the Executive Branch,” a hearing held on May 7, 2024, before the Subcommittee on Courts, Intellectual Property, and the Internet of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- Josh Goldfoot, Acting Deputy Assistant Attorney General, U.S. Department of Justice, Criminal Division.
- Michael Ball, Deputy Director, National Intellectual Property Rights Coordination Center; Deputy Assistant Director, Homeland Security Investigations Global Trade Division.
- Brandon Lord, Deputy Director, National Intellectual Property Rights Coordination Center; Executive Director, U.S. Customs and Border Protection Trade Policy and Programs Directorate.

The hearing examined enforcement of IP in the United States, with a focus on agencies and U.S. government entities charged with IP enforcement-related tasks. The hearing explored, among other topics, the lack of criminal IP enforcement matters brought by the U.S. Department of Justice following the Biden Administration’s cancellation of the China Initiative, as well as the lack of adequate information regarding such prosecutions.

The Committee held another hearing titled, “Intellectual Property and Strategic Competition with China: Part 3—IP Theft, Cybersecurity, and AI,” a hearing held on October 19, 2023, before the Subcommittee on Courts, Intellectual Property, and the Internet of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- John Brennan, Ph.D., General Manager, Public Sector, Scale AI.
- William Hannas, Ph.D., Lead Analyst, Center for Security and Emerging Technology (CSET), Georgetown University; former Senior Intelligence Service, Central Intelligence Agency; former Assistant Professor of Chinese, Georgetown University.
- Benjamin Jensen, Ph.D., Senior Fellow, International Security Program at the Center for Strategic and International

⁸BUREAU OF JUSTICE STATISTICS, *Federal Criminal Case Processing Statistics Data Tool*, U.S. DEP’T OF JUST., <https://fccps.bjs.ojp.gov/home.html?dashboard=FJSP-Prosecution&tab=ProsecutionCourtsDefendantsChargedinCriminalCasesAdvanced> (last visited May 1, 2024).

Studies (CSIS); Professor of Strategic Studies, Marine Corps University School of Advanced Warfighting; former Senior Research Director, U.S. Cyberspace Solarium Commission.

- Robert Sheldon, Senior Director of Public Policy and Strategy, CrowdStrike.

The hearing explored the current capabilities and risks in the arms race between the United States and the PRC in the development of artificial intelligence (AI) as it relates to cybersecurity and IP theft. The hearing examined the cybersecurity implications of AI and the potential impacts on the protection of U.S. IP and technical resources, including data.

The Committee held a further hearing titled, “Intellectual Property and Strategic Competition with China: Part I,” a hearing held on March 8, 2023, before the Subcommittee on Courts, Intellectual Property, and the Internet of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- The Honorable William Evanina, Founder and CEO, Evanina Goup, LLC.
- Mr. Jamieson Greer, Partner of International Trade, King & Spalding.
- Mr. Mark Cohen, Distinguished Senior Fellow and Director of Asia IP Project, Berkeley Center for Law and Technology.
- Mr. Charles Duan, Policy Fellow and Adjunct Professor, Program on Information Justice and Intellectual Property, American University Washington College of Law, and Member, Patent Public Advisory Committee, U.S. Patent and Trademark Office.

The hearing explored the role and importance of IP in the strategic competition between the United States and the PRC. The hearing examined the scope and extent of actions by the Chinese government to obtain U.S. IP and technology, the goals and plans of the Chinese government as it relates to U.S. IP and technology, the methods and instrumentalities employed by the Chinese government to accomplish those goals, steps taken by the United States to counter IP theft by the Chinese government or its instrumentalities or agents as well as areas in which more action is needed, and the impact of Chinese government actions in these areas on the United States.

Committee Consideration

On May 22, 2024, the Committee met in open session and ordered the bill, H.R. 1398, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 15 to 8, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee’s consideration of H.R. 1398:

1. Vote on favorably reporting H.R. 1398, as amended—passed 15 ayes to 8 nays.

COMMITTEE ON THE JUDICIARY
 118th CONGRESS
 24-19
 ROLL CALL

Date: 5/22/24

Vote on: Final passage of HR 1398, as amended

Roll Call #: 1

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MS. LOFGREN (CA)			
MR. GAETZ (FL)	✓			MS. JACKSON LEE (TX)			
MR. BIGGS (AZ)	✓			MR. COHEN (TN)			
MR. McCLINTOCK (CA)	✓			MR. JOHNSON (GA)		✓	
MR. TIFFANY (WI)				MR. SCHIFF (CA)			
MR. MASSIE (KY)				MR. SWALWELL (CA)			
MR. ROY (TX)	✓			MR. LIEU (CA)			
MR. BISHOP (NC)	✓			MS. JAYAPAL (WA)			
MS. SPARTZ (IN)				MR. CORREA (CA)		✓	
MR. FITZGERALD (WI)	✓			MS. SCANLON (PA)		✓	
MR. BENTZ (OR)				MR. NEGUSE (CO)			
MR. CLINE (VA)	✓			MS. McBATH (GA)			
MR. ARMSTRONG (ND)	✓			MS. DEAN (PA)			
MR. GOODEN (TX)	✓			MS. ESCOBAR (TX)		✓	
MR. VAN DREW (NJ)				MS. ROSS (NC)		✓	
MR. NEHLS (TX)	✓			MS. BUSH (MO)			
MR. MOORE (AL)	✓			MR. IVEY (MD)		✓	
MR. KILEY (CA)	✓			MS. BALINT (VT)		✓	
MS. HAGEMAN (WY)							
MR. MORAN (TX)							
MS. LEE (FL)	✓						
MR. HUNT (TX)							
MR. FRY (SC)							
VACANT							

Roll Call Totals: X Ayes: 15 Nays: 8 Present: _____ Failed: _____

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely submitted prior to filing of the report and is included in the report. Such a cost estimate is included in this report.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the enclosed cost estimate for H.R. 1398 from the Director of the Congressional Budget Office:

H.R. 1398, Protect America’s Innovation and Economic Security from CCP Act of 2024			
As ordered reported by the House Committee on the Judiciary on May 22, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 1398 would require the Department of Justice (DOJ) to establish a program to counter espionage, theft of intellectual property and trade secrets, and threats to critical infrastructure posed by the Chinese government. The bill also would require DOJ to report to the Congress annually on the program’s activities. The bill’s requirements would expire six years after enactment.

Based on the costs of similar activities, CBO estimates that implementing H.R. 1398 would cost less than \$500,000 over the 2024–2029 period, primarily to comply with the bill’s reporting requirements. Any related spending would be subject to the availability of appropriated funds. Because DOJ already addresses threats posed by the Chinese government, CBO estimates that the cost of implementing those provisions would be insignificant.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 1398 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 1398 would provide for the establishment of an initiative within the National Security Division of the U.S. Department of Justice (DOJ) to address espionage by the Chinese Communist Party (CCP) and the Chinese government on U.S. intellectual property (IP) and academic institutions.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 1398 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

Federal Mandates Statement

Pursuant to section 423 of the *Unfunded Mandates Reform Act*, the Committee has determined that the bill does not contain federal mandates on the private sector. The Committee has determined that the bill does not impose a federal intergovernmental mandate on state, local, or tribal governments.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

Section-by-Section Analysis

Section. 1. Short title

The “Protect America’s Innovation and Economic Security from CCP Act of 2024.”

Section. 2. CCP Initiative

Establishes the “CCP Initiative” within DOJ’s National Security Division to counter nation state threats to the United States and curb spying by the CCP on U.S. IP and academic institutions, including by non-traditional collectors being used to transfer technology contrary to U.S. interests. The Act directs the DOJ to leverage the Foreign Investment Risk Review Modernization Act of 2018 and the Foreign Corrupt Practices Act of 1977, and to prioritize identifying and prosecuting individuals engaged in the theft of trade secrets, hacking, and economic espionage, as well as protecting the critical infrastructure of the United States from foreign investment and supply chain compromises. The Act requires consultation and coordination with the FBI and other relevant elements of DOJ and federal agencies as necessary, and mandates that DOJ provide an annual report to Congress regarding the effectiveness and progress of the CCP Initiative and related information. The Act further requires the CCP Initiative be separate from and not under the authority of any other DOJ initiative designed to counter nation-state threats, and requires DOJ to use resources for the CCP Initiative only for activities of the CCP Initiative.

Dissenting Views

H.R. 1398 would reestablish the failed China Initiative at the Department of Justice (DOJ) in everything but name. While there are legitimate national security and economic espionage concerns posed by the People’s Republic of China (PRC), this program did nothing to counter those threats. Instead of preventing intellectual property theft, the China Initiative encouraged unrelated, unsupportable cases against Chinese academics at the height of their careers and stoked tensions with a community already experiencing unprecedented levels of discrimination. For these reasons, elaborated below, I urge all Members to oppose this legislation.

The China Initiative was born out of the understanding that a strategic priority of the United States is countering national security threats from China.¹ But instead of furthering the United States’ national security and other strategic priorities, the China Initiative became a vehicle to target immigrants and foreigners. Using this program, the Trump Administration invested significant resources into targeting individuals of Chinese descent working in the United States, diverting crucial funding and personnel that could have been used to combat economic espionage and trade secret theft across the board.

Civil rights groups and national security experts have criticized the China Initiative for targeting Chinese American academics for minor infractions, such as administrative errors, while failing to

¹Web Page, *Information About the Department of Justice’s China Initiative and a Compilation of China-Related Prosecutions Since 2018*, DEP’T OF JUSTICE ARCHIVES (Nov. 19, 2021), <https://www.justice.gov/archives/nsd/information-about-department-justice-s-china-initiative-and-compilation-china-related>.

address any true threats to the United States.² These concerns are augmented by the data available. Though the China Initiative’s purported focus was countering economic espionage, only 25% of cases included charges of violating the Economic Espionage Act (EEA).³ Many cases also had little-to-no nexus to national security, resulting in racial profiling based on academics’ race, ethnicity, and ancestry. While at least 150 individuals were ultimately charged, a significant number of these cases were dropped, dismissed, or ended in mistrial.⁴ Critics have also highlighted that the Department of Justice was inconsistent in its reporting on these cases, for example, by deleting cases from its website after they did not result in a conviction.⁵

The China Initiative was ineffective. But it did not just waste valuable resources. Rather than keeping America safe, the China Initiative divided workplaces, ruined careers, and contributed to Anti-Asian hate at the height of the pandemic, when tensions were already high. Even after their cases were dropped, many academics faced long-term personal and professional damage and were unable to recover their former jobs at American universities.⁶ An investigation by MIT Technology Review found that some fired academics were even forced to take up positions at the laboratories to which they were previously accused of hiding their affiliations, without other avenues for conducting their research.⁷

Scientists of Chinese descent also experienced a chilling effect on their research as a result of DOJ’s prosecutions. A survey of nearly 2,000 scientists found that 51% of scientists of Chinese descent reported feeling “considerable fear, anxiety, or both about being surveilled by the US government,” while only 12% of non-Chinese scientists reported the same sentiment.⁸ Respondents also commented that fear of added scrutiny and discrimination caused them to pursue “safer” rather than “cutting edge” research.⁹ In another study of scientists of Chinese descent, 72% reported feeling unsafe in the US; 61% reported feeling pressure to move overseas; and 45% reported an intent to avoid federal grant applications. The scientists expressed disappointment with the government’s actions, with 89% of respondents affirming that they still wish to contribute to US leadership in science and technology.¹⁰

These chilling effects have also extended to the US’s attractiveness to international scientists more broadly, and to fields seeking to study US China relations. A 2021 survey of over 3,200 physicists found that 43% of early-career researchers believed the

²Natasha Gilbert & Max Kozlov, *The Controversial China Initiative Is Ending, and Researchers Are Relieved*, SCI. AM. (Feb. 25, 2022), <https://www.scientificamerican.com/article/the-controversial-china-initiative-is-ending-and-researchers-are-relieved/>.

³Eileen Guo, Jess Aloe, & Karen Hao, *The US crackdown on Chinese economic espionage is a mess. We have the data to show it*, MIT TECH. REVIEW (Dec. 2, 2021), <https://www.technologyreview.com/2021/12/02/1040656/china-initiative-us-justice-department/>.

⁴*Id.*

⁵*Id.*

⁶*Id.*

⁷*Id.*

⁸*Racial Profiling Among Scientists of Chinese Descent and Consequences for the US Scientific Community*, The University of Arizona, <https://www.committee100.org/wp-content/uploads/2021/10/C100-Lee-Li-White-Paper-FINAL-FINAL-10.28.pdf>.

⁹*Id.*

¹⁰Yu Xie, et al., *Caught in the crossfire: Fears of Chinese-American scientists*, Proceedings of the National Academy of Sciences (June 27, 2023), <https://www.pnas.org/doi/10.1073/pnas.2216248120>.

US to be “unwelcoming for international students and scholars.”¹¹ In a September 2022 report by the Asian American Scholar’s Forum, researchers found that between December 2021 and March 2022, 42 percent of the over 1,300 faculty members surveyed nationwide reported being fearful of conducting research in the U.S. A further 61 percent felt pressure to leave the U.S., and 45 percent intended to avoid federal grant applications.

Finally, innovation in the United States also suffered because of China Initiative policies. During its four-year tenure, the China Initiative stifled intellectual property growth by discouraging foreign talent from moving to American companies and prevented Chinese researchers from accepting positions at our institutions of higher learning. We cannot quantify those missed opportunities, there is no way to know what inventions never came to be, but we can realize when we made a mistake, and move on. This legislation would prevent us from doing so.

For all of these reasons, I dissent, and I urge all of my colleagues to oppose this legislation.

JERROLD NADLER,
Ranking Member.



¹¹*Research Security Policies & Their Impacts: Key Results of APS Member Survey*, American Physical Society (October 2021), <https://www.aps.org/policy/analysis/upload/APS-Research-Security-Survey-Key-Findings-2021.pdf>.