

117TH CONGRESS
2D SESSION

S. 3960

To establish the CCP Initiative program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2022

Mr. SCOTT of Florida (for himself, Mr. HAGERTY, Mr. RUBIO, Mr. BRAUN, Mrs. BLACKBURN, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish the CCP Initiative program, 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. CCP INITIATIVE PROGRAM.**

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

7 (1) counter nation-state threats to the United
8 States;

(2) curb spying by the Chinese Communist Party on United States intellectual property and academic institutions in the United States; and

(3) focus on—

(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) STEERING COMMITTEE.—The CCP Initiative shall be led by a steering committee comprised of—

(1) the Assistant Attorney General for National Security;

(2) senior officials in the Federal Bureau of Investigation, as determined by the Attorney General;

(3) the Assistant Attorney General for the Criminal Division of the Department of Justice;

(4) the Executive Assistant Director of the National Security Branch of the Federal Bureau of Investigation; and

(5) five United States attorneys, appointed by the Attorney General, from the judicial districts with the most cases involving espionage, intellectual prop-

1 erty theft, and trade secrets during the preceding 5-
2 year period.

3 (c) GOALS.—The CCP Initiative shall have the fol-
4 lowing goals:

5 (1) Identify priority trade secret theft cases, en-
6 suring that investigations are adequately resourced.

7 (2) Work to bring the cases described in para-
8 graph (1) to fruition in a timely manner and accord-
9 ing to the facts and applicable law.

10 (3) Develop an enforcement strategy concerning
11 nontraditional collectors, including researchers in
12 labs, universities, and the defense industrial base,
13 that are being coopted into transferring technology
14 contrary to United States interests.

15 (4) Educate colleges and universities about po-
16 tential threats to academic freedom and open dis-
17 course from influence efforts on campus.

18 (5) Apply the Foreign Agents Registration Act
19 of 1938, as amended (22 U.S.C. 611 et seq.) to un-
20 registered agents seeking to advance the political
21 agenda of the People's Republic of China, bringing
22 enforcement actions if appropriate.

23 (6) Equip United States attorneys with intel-
24 ligence and materials they can use to raise aware-

1 ness of these threats within their judicial districts
2 and support their outreach efforts.

3 (7) Implement the Foreign Investment Risk Re-
4 view Modernization Act of 2018 (subtitle A of title
5 XVII of Public Law 115–232; 132 Stat. 2173) for
6 the Department of Justice, including by working
7 with the Department of the Treasury to develop reg-
8 ulations under the Act and prepare for increased
9 workflow.

10 (8) Identify opportunities to better address sup-
11 ply chain threats, especially ones impacting the tele-
12 communications sector, prior to the transition to 5G
13 networks.

14 (9) Identify Foreign Corrupt Practices Act of
15 1977 (Public Law 95–213; 91 Stat. 1494) cases in-
16 volving Chinese companies that compete with United
17 States businesses.

18 (10) Increase efforts to improve Chinese re-
19 sponses to requests under the Mutual Legal Assist-
20 ance Agreement with the United States.

21 (11) Evaluate whether additional legislative and
22 administrative authorities are required to protect
23 United States assets from foreign economic aggres-
24 sion.

25 (d) REQUIREMENT.—Under the CCP Initiative—

1 (1) all investigations and prosecutions shall be
2 set as priority and not based on discretion;

3 (2) the Initiative must be separate from and
4 not under the authority or discretion of any other
5 Department of Justice initiative dedicated to coun-
6 tering nation-state threats; and

7 (3) all resources used for the CCP Initiative
8 must solely be set aside for the CCP Initiative and
9 cannot be combined to support any other Depart-
10 ment of Justice program, including other programs
11 and initiatives dedicated to countering nation-state
12 threats.

13 (e) ANNUAL BRIEFING.—The Attorney General shall
14 brief the Committee on Homeland Security and Govern-
15 mental Affairs and the Committee on the Judiciary of the
16 Senate and the Committee on Homeland Security and the
17 Committee on the Judiciary of the House of Representa-
18 tives annually on the progress and challenges of the CCP
19 Initiative.

20 (f) SUNSET.—This Act is effective beginning on the
21 date of enactment of this Act and ending on the date that
22 is 6 years after that date.

23 (g) SEVERABILITY.—If any provision of this Act, or
24 the application of such provision to any person or cir-
25 cumstance, is held to be unconstitutional, the remainder

1 of this Act, and the application of the provisions of such
2 to any person or circumstance, shall not be affected there-
3 by.

