

Questions for the Record from Rep. Darrell Issa for Mr. Goldfoot
Hearing on “Intellectual Property: Enforcement Activities by the Executive Branch”
May 7, 2024

1. HSI has published statistics on the number of IP Theft and Commercial Fraud investigations opened over the past two fiscal years. Are similar statistics available for FBI investigations into IP theft matters, and could you provide them to the House Judiciary Committee?
2. Over the past three fiscal years, do you believe that generally the number of IP crimes being committed increased or decreased, and by how much (regardless of whether they were investigated, referred, or prosecuted)?
3. How many referrals did federal law enforcement make to DOJ for IP crimes last fiscal year, how many of those referrals resulted in an indictment, how does those statistics compare to the previous two fiscal years, and what factors drove any significant changes over that time? Do you expect referrals to increase or decrease in FY24 compared to FY23?
4. DOJ’s case statistics reflect that there were no new economic espionage cases filed by DOJ in 2022. What is driving this lack of cases – is it a lack of crimes being committed, a lack of resources, or prioritization of other cases? How many economic espionage cases were filed in 2023?
5. A number of the cases that were filed as a result of the China Initiative did not involve charges of economic espionage, as some of the cases included counts of crimes such as wire fraud or 18 U.S.C. § 1001 fraud on the government. How many cases were filed last year alleging such crimes connected to the acts of the PRC and its agents?
6. DOJ has struggled in recent years to secure convictions on economic espionage cases. What has been the source of such difficulties? For example, have prosecutors in economic espionage cases received sufficient resources to adequately gather the necessary evidence and prepare the cases? Have economic espionage cases suffered from insufficient cooperation or coordination with law enforcement agencies? Are there any features of economic espionage cases generally that make them more challenging to prosecute successfully?
7. There has been a steady decrease in the number of copyright piracy cases filed over the past five years. What is driving this decrease – is it a lack of crimes being committed, a lack of referrals, a lack of resources, or prioritization of other cases? Approximately what fraction of criminal copyright piracy offenses occurring are investigated and prosecuted by DOJ?

8. Over the past five years, do you believe that the number of copyright piracy offenses being committed has increased or decreased?
9. Has DOJ filed any cases under the authorities that were expanded by the Protecting Lawful Streaming Act of 2020, and if not, why not? Does DOJ expect that the authorities provided by the Protecting Lawful Streaming Act of 2020 will, in the long term, result in significantly greater or more effective prosecutions of copyright piracy?
10. Has DOJ conducted an assessment on the impact of cancelling the China Initiative on cases filed and convictions obtained against malign acts of the PRC against the United States? If yes, what was the outcome of the assessment, and if no, why was such an assessment not conducted?
11. Who made the decision to cancel the China Initiative, what was the basis for that decision, were any changes made as to how cases are prioritized for prosecution in response to that decision, and what was communicated to U.S. Attorney offices about the cancellation of the China Initiative, the reasons for the cancellation, and the expectations of the Department in terms of the effect of the cancellation on both ongoing cases and new cases going forward?
12. What steps, if any, has DOJ taken to implement the requirements of Public Law 117-336, the Protecting American Intellectual Property Act of 2022? Have any sanctions been applied pursuant to the Act, and if not, why not?

Questions for the Record from Rep. Ted Lieu for Mr. Goldfoot
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1. Mr. Goldfoot, you highlight the Department’s efforts to combat illicit streaming piracy in your testimony, including successful enforcement actions against domestic pirate operations. Could you share any limitations you face when combatting digital piracy operations conducted from locations outside the United States? Are there operators you are unable to reach or actions you are unable to take because of jurisdictional limitations?