

118TH CONGRESS  
1ST SESSION

# H. R. 1398

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2023

Mr. GOODEN of Texas (for himself, Mr. WEBER of Texas, Mr. POSEY, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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. SHORT TITLE.**

4 This Act may be cited as the “Protect America’s In-  
5 novation and Economic Security from CCP Act”.

6 **SEC. 2. CCP INITIATIVE PROGRAM.**

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

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

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

6           (3) focus on—

7                 (A) identifying and prosecuting those en-  
8 gaged in trade secret theft, hacking, and eco-  
9 nomic espionage; and

10                (B) protecting the critical infrastructure in  
11 the United States against external threats  
12 through foreign direct investment and supply  
13 chain compromises.

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

16           (1) the Assistant Attorney General for National  
17 Security;

18           (2) senior officials in the Federal Bureau of In-  
19 vestigation, as determined by the Attorney General;

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

22           (4) the Executive Assistant Director of the Na-  
23 tional Security Branch of the Federal Bureau of In-  
24 vestigation; and

1           (5) five United States attorneys, appointed by  
2           the Attorney General, from the judicial districts with  
3           the most cases involving espionage, intellectual prop-  
4           erty theft, and trade secrets during the preceding 5-  
5           year period.

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

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

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

13          (3) Develop an enforcement strategy concerning  
14          nontraditional collectors, including researchers in  
15          labs, universities, and the defense industrial base,  
16          that are being co-opted into transferring technology  
17          contrary to United States interests.

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

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

1           (6) Equip United States attorneys with intel-  
2           ligence and materials to be used to—

3                   (A) raise awareness of the threats de-  
4                   scribed in this section within their judicial dis-  
5                   tricts; and

6                   (B) support outreach efforts.

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

14          (8) Identify opportunities to better address sup-  
15          ply chain threats, especially ones impacting the tele-  
16          communications sector, prior to the transition to 5G  
17          networks.

18          (9) Identify Foreign Corrupt Practices Act of  
19          1977 (Public Law 95–213; 91 Stat. 1494) cases in-  
20          volving Chinese companies that compete with United  
21          States businesses.

22          (10) Increase efforts to improve Chinese re-  
23          sponses to requests under the Mutual Legal Assist-  
24          ance Agreement with the United States.

1           (11) Evaluate whether additional legislative and  
2           administrative authorities are required to protect  
3           United States assets from foreign economic aggres-  
4           sion.

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

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

8           (2) the Initiative shall be separate from and not  
9           under the authority or discretion of any other De-  
10          partment of Justice initiative dedicated to coun-  
11          tering nation-state threats; and

12          (3) all resources used for the CCP Initiative  
13          shall solely be set aside for the CCP Initiative and  
14          shall not be combined to support any other Depart-  
15          ment of Justice program, including other programs  
16          and initiatives dedicated to countering nation-state  
17          threats.

18          (e) ANNUAL BRIEFING.—The Attorney General shall  
19          brief the Committee on Homeland Security and Govern-  
20          mental Affairs and the Committee on the Judiciary of the  
21          Senate and the Committee on Homeland Security and the  
22          Committee on the Judiciary of the House of Representa-  
23          tives annually on the progress and challenges of the CCP  
24          Initiative.

1       (f) SUNSET.—This Act is effective beginning on the  
2 date of enactment of this Act and ending on the date that  
3 is 6 years after that date.

4       (g) SEVERABILITY.—If any provision of this Act, or  
5 the application of such provision to any person or cir-  
6 cumstance, is held to be unconstitutional, the remainder  
7 of this Act, and the application of the provisions of such  
8 to any person or circumstance, shall not be affected there-  
9 by.

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