

December 7, 2023

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mike Johnson
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Hakeem Jeffries
Democratic Leader
United States House of Representatives
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Johnson, and Democratic Leader Jeffries,

We, the undersigned, respectfully submit this letter to voice our concerns and strong opposition to the language to reinstate the Department of Justice’s “China Initiative” in the explanatory materials¹ in the House version of the Fiscal Year (FY) 2024 Commerce, Justice, Science, and Related Agencies (CJS) Appropriations bill, H.R. 5893. We write to provide feedback as the House and Senate enter into conference to reconcile differences between the Senate and House versions of the bill. Moreover, we reject any references within the explanatory materials that suggest that the decision to end the Department of Justice’s “China Initiative” was erroneous or “unwise.”² We urge our leaders to strike the language in the explanatory materials referencing the “China Initiative,” and oppose the reinstatement of the “China Initiative” or any iterations.

In the past decade, we have had programs within federal agencies that have raised concerns and fears that race, ethnicity, national origin, and/or religious beliefs were being used to profile and target Asian Americans, particularly Chinese American scientists, researchers, and scholars. This intensified under the Justice Department’s now-defunct “China Initiative,” which was launched in 2018 with the alleged purpose of combating economic espionage and trade secret theft. While there are legitimate concerns about the activities of the People’s Republic of China (PRC) government, the increasing pressure on federal agencies to scrutinize scientists, researchers, and scholars; along with rising xenophobic and anti-China rhetoric from U.S. government officials, have further fueled anti-Asian sentiments at home and instigated a new wave of fear, profiling, and violent targeting of our communities.

¹ U.S. House. Committee on Appropriations Commerce, Justice, Science, and Related Agencies Subcommittee. (2024). *Explanatory Materials for the Commerce, Justice, Science, and Related Agencies Appropriations Bill—H.R. 5893*.

<https://appropriations.house.gov/sites/republicans.appropriations.house.gov/files/FY24-CJS-Explanatory-Materials.pdf>

² *Id.*

Many of our organizations welcomed the Biden administration's termination of the flawed "China Initiative," and recognized this as a crucial step towards addressing the historic and long standing concerns of bias and profiling against Asian Americans in our country. We commended the Department of Justice's review of the Initiative and the appropriate actions they took in ending the program. Reinstating the "China Initiative" would be one significant step back, reversing the progress we have made, not only for the Asian American community, but for our country as a whole. The "China Initiative" distracted FBI agents from looking for evidence of national security threats and economic espionage to instead focus on people who had a "nexus to China." Even former US Attorney Andrew Lelling, who prosecuted China Initiative cases, conceded that the program "lost its focus." This led to costly, time consuming, and abusive investigations and prosecutions of people, particularly Asian American scholars and researchers, who were not suspected of being PRC or CCP agents or threats to the national security or economic well-being of the US.

As a result, the "China Initiative" created a chilling effect for Asian American scholars resulting in civil rights concerns and harming our country's leadership in science and technology by leading to a loss of talent and deterring Asian Americans from normal activities such as applying for federal grants, conducting research, or even traveling with family. [A report³ published in the Proceedings of the National Academy of Sciences \(PNAS\)⁴](#) shed light on the widespread fear experienced by scientists of Chinese descent in the United States during the course of their routine research and academic activities. In that report, 89% of respondents said they would like to contribute to the US leadership in science and technology, but 72% feel unsafe in the US and 61% feel pressure to leave the US. Professors were deterred from normal activities with 42% feeling fearful of conducting research, and 45% intending to avoid federal grant applications, especially senior faculty, mainly due to fear. The end of the DOJ's "China Initiative" was a critical step in alleviating this chilling effect, re-establishing trust between the Asian American and scholar community and our government to the benefit of all. Failing to alleviate these concerns and establish long-term trust will not only lead to civil rights concerns, but also may result in significant loss of talent, hampering America's scientific progress and hurt our country's ability to remain a global leader in science and technology.

Moreover, the "China Initiative" caused irreparable harm to many Chinese American scholars, including Drs. Anming Hu and Gang Chen. Dr. Anming Hu was indicted and arrested on

³ Yu Xie, Xihong Lin, et al., *Caught in the crossfire: Fears of Chinese–American scientists*, 120 PNAS 27 (2023). In that report was a national survey of professors of Chinese descent in the US, with over 1,300 people responding between December 2021 and March 2022.

⁴ PNAS is a peer-reviewed multidisciplinary journal of the National Academy of Sciences (NAS). The NAS is a private, nonprofit society of distinguished scholars. Established by an Act of Congress, signed by President Abraham Lincoln in 1863, the NAS is charged with providing independent, objective advice to the nation on matters related to science and technology.

February 27, 2020 under the China Initiative. The government accused Dr. Hu of wire fraud and making false statements. Following a mistrial, in July 2021 the government attempted to retry Dr. Hu, but the federal judge dismissed all counts against Dr. Hu and acquitted him on all charges on Sept. 9, 2021. In 2021, FBI agents raided the home of and arrested Dr. Gang Chen, a widely respected mechanical engineering professor and nanotechnologist at Massachusetts Institute of Technology.⁵ The government accused Dr. Chen of federal grant fraud. Dr. Chen was the subject of a yearlong investigation under the Department of Justice’s “China Initiative.” Like many other Asian American scientists and researchers, Dr. Chen had his “loyalty” questioned during a press conference and was scapegoated as a national security threat. Dr. Chen’s arrest galvanized a whole country leading to calls of “We Are All Gang Chen.” Earlier this year, the Department of Justice dropped all charges against Dr. Chen, but according to Dr. Chen, “[f]or 371 days, [his] family and [him] went through a living hell.”

Our country must live up to our American values and ensure that history does not repeat itself. We must learn from the experiences of Drs. Gang Chen, Anming Hu, and the many others harmed by the “China Initiative,” and reject any efforts to bring back the “China Initiative” or any similar programs. Not only is this in keeping with our American values, but also recognizes the tremendous contributions of Asian American scholars, who should not be treated as collateral damage as US-China tensions worsen.

We urge you to ensure that this language is stricken during conferencing, and call on our leaders to protect and advance the rights of Asian Americans in our country.

Best Regards,

Alliance San Diego

America’s Voice

American Civil Liberties Union

APA Justice

Asian American Academy of Science and Engineering (AAASE)

Asian American Federal Employees for Nondiscrimination (AAFEN)

Asian American Scholar Forum

Asian American Unity Coalition (AAUC)

Asian Americans Advancing Justice | AAJC

Asian Americans Advancing Justice - Asian Law Caucus

⁵ *The scientist and the prosecutor: MIT Prof. Gang Chen, accused of exploiting country at China’s benefit*, at odds with US Attorney Andrew Lelling about where his loyalties lie, Mass Live, Feb. 13, 2021,

<https://www.masslive.com/boston/2021/02/the-scientist-and-the-prosecutor-mit-prof-gang-chen-accused-of-exploiting-country-at-chinas-benefit-at-odds-with-us-attorney-andrew-elling-about-where-his-loyalties-lie.html>.

Asian Americans Advancing Justice Southern California
Asian Faculty Association at Yale
Asian Pacific American Labor Alliance (APALA) - AFL-CIO
Brennan Center for Justice
Center for Biotechnology and Interdisciplinary Studies (CBIS)
Chinese American Hematologist and Oncologist Network (CAHON)
Chinese for Affirmative Action
Committee of 100
Diocesan Migrant and Refugee Services Inc.
Japanese American Citizens League (JACL)
Justice is Global
Las Americas Immigrant Advocacy Center
NAFSA: Association of International Educators
National Asian Pacific American Bar Association (NAPABA)
National CAPACD- National Coalition for Asian Pacific American Community Development
National Immigrant Justice Center
National Korean American Service & Education Consortium (NAKASEC)
OCA - Asian American Advocates Westchester and Hudson Valley Chapter
OCA - Asian Pacific American Advocates
OCA - Asian Pacific American Advocates Greater Cleveland Chapter
OCA Greater Tucson
OCA Greater Washington DC, APA Advocates (OCA-DC)
Pacific Asian Counseling Services
Peace Action New York State
Quincy Institute for Responsible Statecraft
Sikh American Legal Defense and Education Fund (SALDEF)
Society of Chinese Bioscientists in America (SCBA)
Stop AAPI Hate
The Serica Initiative
T'ruah: The Rabbinic Call for Human Rights
Tulane Association of Chinese Professionals
UGA Association of Chinese American Professors
Union of Concerned Scientists
University at Albany Asian Coalition of Professionals
University of Arizona Faculty of Chinese Heritage Association
University of Michigan Association of Chinese Professors
Western States Center
Wind of the Spirit Immigrant Resource Center