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

The Honorable Mitch McConnell Minority Leader United States Senate Washington, DC 20510 The Honorable Mike Johnson Speaker of the U.S. House of Representatives Washington, D.C. 20515

The Honorable Hakeem S. Jeffries Democratic Leader U.S. House of Representatives Washington, D.C. 20515

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

We, faculty members at Stanford University, are writing this open letter to strongly oppose legislation that would reinstate the Department of Justice's (DOJ) China Initiative and to communicate the reasons why. In particular, we urge members of Congress to (1) oppose H.R. 1398 "Protect America's Innovation and Economic Security from CCP Act," that would re-instate the China Initiative in all but name, and (2) as Congress resolves differences between House and Senate appropriations bills, strike language from the House CJS Report (Report 118-582) accompanying H.R. 9026 "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2025" that directs the DOJ to reinstate the National Security Division (NSD)'s "China Initiative."

Many of us signed a letter to Attorney General Garland two years ago urging the Department of Justice to terminate the China Initiative – and similar letters followed from faculty at many universities around the country. We are sure that, as was the case then, we are expressing an opinion that is widely shared by faculty, particularly STEM faculty, at universities in all states of the Union. In February 2022 when the DOJ terminated the China Initiative, Assistant Attorney General for National Security Matthew Olson announced the DOJ NSD's new Strategy for Countering Nation-State Threats. There was acknowledgement "that this [China] initiative is not the right approach to meet the threat in the coming years, Olsen said. "Instead, the current threats demand a broader approach." The China Initiative was not the right approach then and it is not the right approach now.

We must protect the country from espionage, illicit technology transfer and intellectual property theft. However, whatever the good intentions of the China Initiative were, its actual effect on U.S. science and technology has been much more harmful than constructive, and this would be the case for the revived versions of it in current legislation. Between 2012 and 2018, the U.S. gained in the net flow of scientific talent, including from China. As noted in the 2024 National Academy of Sciences' (NAS) Consensus Study Report, *International Talent Programs in the Changing Global Environment*, this influx of valuable personnel has dropped since 2018, "indicating that the United States is losing talent and that other OECD countries and China have surpassed the United States." The NAS consensus report concluded that the China Initiative was "highly problematic, especially in its disproportionate focus on fundamental research in academia" and that "The passage of such a bill [H.R. 1398] would likely have substantial consequences, especially for Asian American scholars, and a significant influence on the U.S. global talent competition."

Actions that substantially discourage the flow of exceptional talent to our country and discourage those that are here from remaining, risk far greater damage than any plausible loss due to espionage or intellectual property theft. Indeed, it is in our national interest to continue to provide excellent educational opportunites to international students from China, including those who may ultimately return to China. We should not underestimate the impact that exposure to our free and open society has upon brilliant and dedicated students that come to our country from repressive and inward-looking nations. The vast majority of international students who have studied at our universities and return to their home countries, including China, have developed a deep affection for the United States and a profound appreciation of the benefits of freedom. Let us not needlessly jeopardize that.

We are in a global competition for talent. We can and must win this competition. We urge Congress not to reinstate the China Initiative or initiatives that resemble it by passage of H.R. 1398 and strike the House CJS report language in the section entitled *Countering Espionage by the People's Republic of China* in the final joint explanatory statement to accompany the FY25 CJS Appropriations Bill.

We should strive – consistent with our history and our beliefs – to be the "shining city upon a hill" that welcomes the brightest, most ambitious and dedicated students, scientists, and engineers from around the world. We should not be driven by fear and inadvertently push these talented people towards our rivals. If there is to be a "China Initiative", let it be one designed to make clear how much we appreciate the influx of STEM talent from China and our dedication to their success in the United States. And for all, we must insist on the responsible and ethical conduct of research.

Sincerely yours,

Steven A. Kivelson

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Professor of Physics

Peter F. Michelson

Luke Blossom Professor in the School of Humanities & Sciences

Professor of Physics

on behalf of the following Stanford faculty members who have endorsed this letter (names listed on next pages)

Disclaimer: The views and opinions expressed in this open letter are our own and do not necessarily reflect the official policy or position of Stanford University.

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Dominique	Bergmann	Professor	Biology
Arthur	Bienenstock	Professor, emeritus	Photon Science
Roger	Blandford	Luke Blossom Professor in School of Humanities and Sciences	Physics
Steven	Block	S.W. Ascherman Professor of Sciences, emeritus	Applied Physics
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Philip	Bucksbaum	Professor	Physics, Applied Physics
Wei	Cai	Professor	Mechanical Engineering
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Joonhee	Choi	Assistant Professor	Electrical Engineering
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Jose	Dinneny	Professor of Biology, Investigator of the Howard Hughes Medical Institute	Biology
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