

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074

<http://oversight.house.gov>

February 20, 2020

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20535

Dear Director Wray:

We write to request information about counterintelligence efforts of the Federal Bureau of Investigation (FBI) that reportedly target ethnically Chinese scientists.

There are certainly authentic and legitimate cases of espionage that should be investigated. However, according to news reports, the FBI has arrested and charged many Chinese-American scientists who have turned out to be innocent.<sup>1</sup>

One study found that 52% of individuals charged under the Economic Espionage Act since 2009 have been of Chinese heritage. But those defendants are more than twice as likely to be acquitted, or have all charges against them dropped, compared to defendants with non-Chinese names, suggesting that many individuals of Chinese heritage who were swept up in the FBI's counterintelligence efforts were innocent and falsely accused.<sup>2</sup>

Chinese-American scientists who are wrongfully accused by the FBI may suffer severe negative consequences to their careers. For example:

- National Weather Service hydrologist Sherry Chen was charged with accessing data on U.S. dams to give to China, which prosecutors said could be used during wartime to cause mass murder. Ms. Chen had legitimate reasons to access the data, and none of the data was passed to China. Though the charges were dropped, Ms. Chen still lost her job and was reinstated only after three years and

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<sup>1</sup> *The U.S. Is Purging Chinese Cancer Researchers from Top Institutions*, Bloomberg (June 13, 2019) (online at [www.bloomberg.com/news/features/2019-06-13/the-u-s-is-purging-chinese-americans-from-top-cancer-research](http://www.bloomberg.com/news/features/2019-06-13/the-u-s-is-purging-chinese-americans-from-top-cancer-research)); *FBI Urges Universities to Monitor Some Chinese Students and Scholars in the U.S.*, National Public Radio (June 28, 2019) (online at [www.npr.org/2019/06/28/728659124/fbi-urges-universities-to-monitor-some-chinese-students-and-scholars-in-the-u-s](http://www.npr.org/2019/06/28/728659124/fbi-urges-universities-to-monitor-some-chinese-students-and-scholars-in-the-u-s)).

<sup>2</sup> Andrew Chongseh Kim, *Prosecuting Chinese "Spies": An Empirical Analysis of the Economic Espionage Act*, *Cardozo Law Review* (Dec. 2018) (online at <http://cardozolawreview.com/wp-content/uploads/2019/01/Kim.40.2.6.newcharts.pdf>).

\$200,000 in legal fees.<sup>3</sup>

- The FBI arrested Temple University physicist Xiaoxing Xi at gunpoint in front of his wife and two daughters. He was accused of sharing superconductor technology with China. The charges were dropped five months later after it was determined that the information he was accused of sharing was old and publicly available. Nonetheless, Mr. Xi was demoted from his position as chair of the physics department and lost funding for his research.<sup>4</sup>
- Based on allegations of espionage from the FBI, the Department of Defense (DOD) reportedly revoked the top-secret security clearance of U.S. Army scientist Wei Su, who had held the clearance for 24 years. DOD later determined that Mr. Su was innocent of the allegations, but the revocation of clearance and allegations of espionage impaired Mr. Su's employment, and he retired after being falsely maligned.<sup>5</sup>

The FBI has reportedly encouraged university and college administrators to cooperate with its counterintelligence efforts and to scrutinize Chinese-American faculty and researchers.<sup>6</sup> University officials are reportedly unsure of what exactly the FBI is looking for, however, and have said that briefings by the FBI have been "frustratingly vague."<sup>7</sup>

For these reasons, the Subcommittee requests that the FBI produce by March 5, 2020, the following information, covering the time period of January 1, 2014, to the present:

1. A description of investigations and prosecutions involving theft or attempted threat of intellectual property by:
  - a. Year;
  - b. Race/ethnicity, including, but not limited to, persons of Chinese ethnicity;
  - c. Category of case, including but not limited to espionage, economic espionage, economic counter-intelligence, foreign counter-intelligence,

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<sup>3</sup> *Chinese-American Scientist Who Was Wrongly Accused of Spying Gets Job Back*, Huffington Post (Apr. 27, 2018) (online at [www.huffpost.com/entry/sherry-chen-scientist-not-spying\\_n\\_5ae3465fe4b055fd7fcb9168](http://www.huffpost.com/entry/sherry-chen-scientist-not-spying_n_5ae3465fe4b055fd7fcb9168)).

<sup>4</sup> *U.S. Drops Charges That Professor Shared Technology with China*, New York Times (Sept. 11, 2015) (online at [www.nytimes.com/2015/09/12/us/politics/us-drops-charges-that-professor-shared-technology-with-china.html](http://www.nytimes.com/2015/09/12/us/politics/us-drops-charges-that-professor-shared-technology-with-china.html)).

<sup>5</sup> *Mistrust and the Hunt for Spies Among Chinese Americans*, Bloomberg (Dec. 10, 2019) (online at [www.bloomberg.com/news/features/2019-12-10/the-u-s-government-s-mistrust-of-chinese-americans](http://www.bloomberg.com/news/features/2019-12-10/the-u-s-government-s-mistrust-of-chinese-americans)).

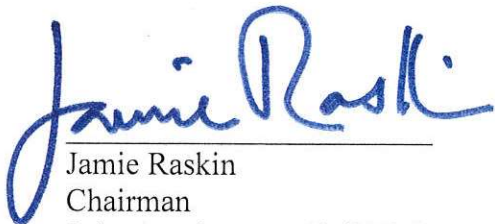
<sup>6</sup> *FBI Urges Universities to Monitor Some Chinese Students and Scholars in the U.S.*, National Public Radio (June 28, 2019) (online at [www.npr.org/2019/06/28/728659124/fbi-urges-universities-to-monitor-some-chinese-students-and-scholars-in-the-u-s](http://www.npr.org/2019/06/28/728659124/fbi-urges-universities-to-monitor-some-chinese-students-and-scholars-in-the-u-s)).

<sup>7</sup> *The New Red Scare on American Campuses*, The Economist (Jan. 2, 2020) (online at [www.economist.com/briefing/2020/01/02/the-new-red-scare-on-american-campuses](http://www.economist.com/briefing/2020/01/02/the-new-red-scare-on-american-campuses)).

- foreign intelligence, and security clearances; and
- d. What action(s) resulted in each case, such as disruptions, arrests, charges (including indictments, informations, or complaints), convictions, dismissals, and acquittals;
  2. All documents and communications with academic entities regarding the monitoring of Chinese students and scholars at colleges and universities;
  3. All communications with NIH regarding the investigation of individuals of Chinese ethnicity;
  4. All documents from the College and University Security Effort related to people of Chinese ethnicity; and
  5. All counterintelligence training materials related to people of Chinese ethnicity.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.



Jamie Raskin  
Chairman  
Subcommittee on Civil Rights and Civil Liberties

Sincerely,



Judy Chu  
Chair  
Congressional Asian Pacific American  
Caucus

Enclosure

cc: The Honorable Chip Roy, Ranking Member  
Subcommittee on Civil Rights and Civil Liberties