

To the office of U.S. Representative Lance Gooden

Re: HR 1468 (119th Congress), Protect America's Innovation and Economic Security from CCP Act • Latest action (2026-06-15): Placed on the Union Calendar, Calendar No. 607.

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American Innovation Security and Oversight Act

The measure, as described from the official record: Protect American innovation and economic security from threats posed by the Chinese Communist Party, including economic espionage and unfair technology transfer.

THE PROPOSAL

SECTION 1. SHORT TITLE.

This Act may be cited as the 'American Innovation Security and Oversight Act'.

SEC. 2. FINDINGS.

Congress finds that foreign state-directed economic espionage targeting United States trade secrets substantially affects interstate and foreign commerce, and that a clear federal cause of action and enhanced penalties are necessary to protect national economic security.

SEC. 3. DEFINITIONS.

- (a) 'Foreign state actor' means any government or agency of a foreign country, including the Chinese Communist Party, or any entity controlled by such government.
- (b) 'Economic espionage' means knowingly and intentionally obtaining, retaining, or transmitting a trade secret without authorization, intending or knowing that the offense will benefit a foreign state actor.

SEC. 4. FEDERAL CAUSE OF ACTION.

- (a) Private Right of Action. – Any person aggrieved by a violation of this section may bring a civil action in federal district court for damages and injunctive relief.
- (b) Criminal Penalties. – Any person who knowingly engages in economic espionage as defined in section 3(b) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

SEC. 5. INTERAGENCY OVERSIGHT.

The Secretary of Commerce, in coordination with the Attorney General and the Director of National Intelligence, shall establish an Interagency Committee on Foreign Technology Threats to review transactions involving critical technologies and report annually to Congress on threats to U.S. innovation.

SEC. 6. LIMITATIONS.

- (a) This Act does not apply to activities protected by the First Amendment or to lawful international trade.

(b) No person shall be liable under this Act unless the conduct has a substantial effect on interstate or foreign commerce.

SEC. 7. FUNDING.

(a) Authorization of Appropriations. – There is authorized to be appropriated \$50,000,000 for each of fiscal years 2025 through 2029 to carry out this Act.

(b) Source. – Funding shall be derived from fees collected from parties seeking review of transactions by the Interagency Committee, and from criminal and civil fines imposed under this Act.

SEC. 8. SUNSET.

This Act shall expire on December 31, 2029, unless reauthorized by Congress.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect 90 days after enactment.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Fees from transaction reviews and fines imposed under the Act, plus general appropriations.
Funding Amount	\$50,000,000 per year for five years.
Sunset Years	5 years
Oversight Body	Interagency Committee on Foreign Technology Threats, chaired by the Secretary of Commerce.
Enforcement Mechanism	Criminal enforcement by Department of Justice; civil enforcement via private right of action. Judicial review under Article III.
Effective Date	90 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause)
- Article I, Section 8, Clause 18 (Necessary and Proper Clause)
- Fifth Amendment (Due Process)
- Tenth Amendment (Reserved Powers)

Concerns with the measure as written:

- Potential overbreadth and vagueness could violate First Amendment (speech and association) and Fifth Amendment Due Process.
- May exceed Commerce Clause authority by regulating purely intrastate or non-commercial activities.
- Could infringe on Tenth Amendment by commandeering state law enforcement resources without explicit authorization.
- Risk of targeting individuals based on national origin, raising equal protection concerns.

WHY BOTH SIDES CAN BACK IT (VFA’S ASSESSMENT)

Democrats: Protects economic security and innovation, includes oversight and private right of action; Republicans: Narrowly tailored, respects federalism, includes sunset, avoids overreach, provides due process protections.

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