

Congress of the United States  
House of Representatives  
Washington, DC 20515-1604

May 9, 2022

The Honorable Jason E. Kearns  
Chairman  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

*Re: Certain Plant-Derived Recombinant Human Serum Albumins ("rHSA") and Products  
Containing Same, Inv. No. 337-TA-1238*

Dear Chairman Kearns and Commissioners:

We respectfully submit these comments to the U.S. International Trade Commission (ITC) in support of the remedies sought by Complainant Ventria Bioscience, Inc. in the above-referenced proceeding. As members of the U.S. House of Representatives, we have particular interest in the issues raised in this case.

Ventria is an entrepreneurial, privately owned company based in Kansas and Colorado. Through its groundbreaking scientific innovations, Ventria has created socially valuable products that help advance the U.S. public interest. However, Ventria's success has been inhibited by repeated unfair competition stemming from China.

Ventria is a recognized leader in the field of plant-based expression of recombinant proteins, including rHSA. Ventria has built its business through its entirely U.S. activities, which include extensive research and development, laboratory work, rice breeding, farming, and manufacturing. In addition, all of the company's vendors are based in the United States. Thus, Ventria is advancing scientific progress while supporting good-paying American jobs.

Ventria has faced repeated infringement and economic espionage from China, with one instance even resulting in a high-profile criminal prosecution of individuals who stole the company's proprietary rice seeds.<sup>1</sup> In this instance, we understand the Administrative Law Judge found that Respondent Wuhan Healthgen Biotechnology Corp.—which we understand was founded by a former Ventria employee—has violated Section 337 by importing and selling rHSA products that infringe one of Ventria's U.S. patents.<sup>2</sup>

It is crucial to protect innovative American companies from unfair foreign competition. This is especially true where, as here, the unfair competition dovetails with broader U.S. policy concerns

<sup>1</sup> See <https://www.justice.gov/opa/pr/chinese-scientist-sentenced-prison-theft-engineered-rice>.

<sup>2</sup> We further understand that Wuhan Healthgen's distributors were found in default, and that the Administrative Law Judge also recommended remedial orders against those entities in relation to failure to label the accused products as being Made in China.

relating to China.<sup>3</sup> To that end, we note that biotechnology is a critical component of the modern U.S. economy, and that the intersection of biotechnology and agribusiness—at which this case squarely sits—is a key focus of the Chinese Communist Party. Individuals and companies affiliated with the Chinese Communist Party have specifically targeted rice-seed technology, including from Ventria.<sup>4</sup> In fact, through its Made in China 2025 industrial strategy, Beijing has made explicit its aspiration: to supplant U.S. innovation in technological development, including in the life sciences.

In contrast to China, the U.S. innovation ecosystem is premised on substantial private-sector investments of capital and talent to research, develop, and commercialize new technologies. Ventria has made such investments over the course of many years, essentially launching an entirely new sector within the biotechnology industry (i.e., plant-based expression of recombinant proteins). Yet, despite its investments and innovations, Ventria’s success has been thwarted by systemically unlawful competition from China.

This case epitomizes why Congress gave the ITC unique powers in regulating unfair trade practices. And we understand that Ventria is fully prepared to replace the excluded products with its domestically manufactured rHSA, and that ample alternative products exist. In sum, the U.S. public interest will be served by the issuance of remedial relief for an innovative, growing American company like Ventria.

Thank you for considering this submission. Please feel free to contact us with any questions.

Respectfully,



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Ron Estes  
Member of Congress



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Tracey Mann  
Member of Congress



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Jake LaTurner  
Member of Congress

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<sup>3</sup> See “The Threat Posed by the Chinese Government and the Chinese Communist Party to the Economic and National Security of the United States,” Speech by FBI Director Christopher Wray, July 7, 2020, available at <https://www.fbi.gov/news/speeches/the-threat-posed-by-the-chinese-government-and-the-chinese-communist-party-to-the-economic-and-national-security-of-the-united-states>.

<sup>4</sup> See <https://www.agweb.com/news/business/technology/while-america-slept-china-stole-farm>. Moreover, Wuhan Healthgen was founded by a former Ventria employee who is part of the Chinese government’s Thousand Talents Plan, a program used to systematically misappropriate American technology. See <https://www.recombinant-hsa.com/sale-8750596-no-fragments-polymers-hsa-cell-culture-keep-stem-cell-undifferentiation-protein-powder-hsa.html>.