

Congress of the United States
Washington, DC 20515

July 25th, 2022

The Honorable Lloyd J. Austin III
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Austin,

We are writing to you regarding the People's Republic of China (PRC) government's influence and infiltration in American universities through Confucius Institutes and other partnerships with PRC universities that may pose a national security risk to American universities and the U.S. research and development enterprise.

The presence of Confucius Institutes on American university campuses has long raised serious concerns about PRC government influence and infiltration in our higher education and research systems, ranging from infringement on academic freedom to illicit technology transfer. In response to these concerns and potential risks, Congress has introduced legislation and passed various laws to address issues surrounding PRC influence on U.S. higher education and research through Confucius Institutes.

Most notably, Section 1091 of the FY2019 National Defense Authorization Act (NDAA) prohibits Department of Defense (DoD) funding for Chinese language instruction provided by a Confucius Institute, and Section 1062 of the FY2021 NDAA went a step further by prohibiting DoD funding for any institution of higher education that hosts a Confucius Institute after October 1, 2023. These provisions pressured most American universities to close Confucius Institutes on their campuses.

Confucius Institutes, however, are far from meeting their demise on our university campuses. According to a recent report by the National Association of Scholars, while 104 of the 118 Confucius Institutes on American university campuses have closed, at least 28 universities have replaced the Confucius Institute with a similar program and 58 have maintained the partnership with the PRC university reached as a part of the agreement with Confucius Institute. The single most common reason universities give when they close a Confucius Institute is that they are replacing it with a new PRC partnership program.¹

¹ Peterson, Rachele, Flora Yan and Ian Oxnevad, *After Confucius Institutes: China's Enduring Influence on American Higher Education*. National Association of Scholars. Available at:

Section 1062 of the FY 2021 NDAA defines Confucius Institute broadly as “a cultural institute directly or *indirectly* (emphasis added) funded, or materially supported by the Government of the People’s Republic of China.” When the FY 2021 NDAA was introduced, the Office of Chinese Language Council International (more commonly known as Hanban), the Confucius Institute parent organization under the PRC Ministry of Education, was promptly rebranded as the Center for Language Exchange and Cooperation in July 2020. It then spun off a separate organization – the Chinese International Education Foundation (CIEF), which now funds and oversees Confucius Institutes and many of their reconstituted programs and institutes.²

CIEF is controlled by the PRC government, despite its ostensible non-governmental status. Any CIEF-funded cultural program or institute should be considered a Confucius Institute. Section 1062 will go into effect on October 1, 2023, two years after the FY2021 NDAA was enacted. It provides ample time for universities to sever their link with Confucius Institutes. As such, DoD should stick with the established time frame to implement and enforce provisions in Section 1062 after October 1, 2023 and focus its efforts not only on the Confucius Institutes but also the restructured programs and institutes that continue to serve similar functions and raise similar concerns as the Confucius Institutes.

Yet, we have learned that DoD has awarded funding with contractual periods extending beyond October 1, 2023 to some universities, including a number of major state universities, which have replaced their Confucius Institute with a similar program or institute directly or indirectly funded, or materially supported by the PRC government. According to National Association of Scholars’s recent report, these universities include, but are not limited to, University of Michigan, University of Hawaii Manoa, Michigan State University, University of Minnesota, North Carolina State University, Stony Brook University and the University of Texas at San Antonio.³ This raises a number of questions about how DoD will enforce Section 1062 and whether these universities will receive some sort of exemption enabling them to avoid Congress’s intent to prohibit DoD funding for any institution of higher education that hosts a Confucius Institute.

Additionally, in many cases research collaborations and partnerships that PRC universities established with their American counterparts via now defunct Confucius Institutes remain largely intact through their existing structures. According to another report, in establishing Confucius Institute partnerships the PRC government often pairs Chinese universities with American universities that have research strengths in targeted technologies that correspond to areas the Chinese university is tasked with developing in China. Many of those PRC universities are linked to China’s military and defense industry and are tasked with the development of specific capabilities including through special programs and lines of research and international outreach.

https://www.nas.org/storage/app/media/Reports/After%20Confucius%20Institutes/After_Confucius_Institutes_NAS.pdf

² Ibid.

³ See Appendix I of the NAS Report:

https://www.nas.org/storage/app/media/Reports/After%20Confucius%20Institutes/After_Confucius_Institutes_NAS.pdf/#page=158; and

https://www.nas.org/storage/app/media/Reports/After%20Confucius%20Institutes/After_Confucius_Institutes_NAS.pdf/#page=158 as well as <https://publicaccess.dtic.mil/search/#/pubdefense/simpleSearch>

The report documents that many U.S. universities maintain or even expanded or seek to expand partnerships with their PRC counterparts long after closing Confucius Institutes on their campuses.⁴

Some of the PRC and U.S. university partnerships that deserve particular attention include: Hunan University with Colorado State University, Sun Yat-sen University with Indiana University-Purdue University, Xi'an Jiaotong University with University of Nebraska Lincoln, Sichuan University with Southern Utah University and University of Washington. These Chinese universities mentioned here have already been recognized by the U.S. government as posing a national security risk to the United States and have been placed on the Department of Commerce's Entity List, which identifies persons involved, or with the potential to be involved, in activities contrary to U.S. national security or foreign policy interests. Bureau of Industry Security typically requires a license for U.S. exports to those listed on the Entity List. Yet many American universities seem to be reluctant to restrain their collaborations with their PRC counterparts. They may assume that they will continue to receive DoD funding, because restructuring Confucius Institutes into other forms of cooperation is sufficient to meet the requirement of law and partnership with research institutes of concern has not been explicitly restricted.

As the deadline for implementation of Section 1062 approaches we are concerned that the universities have not addressed the concerns about Confucius Institutes and similar programs identified by Congress. We are also concerned about how DoD is preparing to meet its deadlines that would require it to cut off funding to these institutes, including potential funding that might be in the middle of a grant or research cycle. As part of our role as members of Congress in exercising oversight of the requirements of Section 1062, we kindly request that you respond to the following questions by August 15th at 5:00 PM:

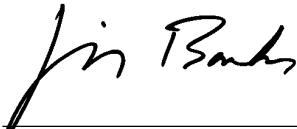
- 1) If a university replaces a Confucius Institute with any *other* program or institute serving the same purpose and function and directly or indirectly funded, or materially supported by the PRC government, does DoD consider the university hosting a Confucius Institute as defined by Sec. 1062 of the FY2021 NDAA?
- 2) Has DoD been tracking the closure and restructuring of Confucius Institutes into programs and other partnerships that exist or that have been put in place as reconstituted Confucius Institutes?
- 3) What type of reporting and oversight is DoD undertaking to ensure that the Section 1062 requirements are met and university measures undertaken are adequate ahead of the October 1, 2023 deadline?
- 4) Many DoD grants and funding can span a 3 to 5 year period. What does DoD intend to do with funding already provided to a university that hosts a Confucius Institute or its replacement program prior to October 1, 2023 but with the contractual period of DoD funding that goes after October 1, 2023?
- 5) Does DoD consider a Confucius Institute or any similar program or institute established by a one-time donation or endowment from the Chinese government or its instrumentality either before or after October 1, 2023 a Confucius Institute, since such an arrangement

⁴ <https://www.fdd.org/analysis/2021/12/09/the-middle-kingdom-meets-higher-education/>

would seem to undermine Congress' intent as a workaround for specific provisions that Congress required in the Section 1062 of the FY2021 NDAA?

- 6) Has DoD issued or does it intend to issue a waiver to any university hosting Confucius Institutes in accordance with Section 1062 of the FY2021 NDAA? If yes, please kindly explain your reasons and criteria that the DoD developed to consider whether or not it would issue such a waiver.
- 7) What measures has DoD taken or does the DoD intend to take to safeguard DoD-funded research at those American universities which partner or collaborate with Chinese universities listed on the Department of Commerce's Entity List or having ties with the Chinese military and defense industry?

Sincerely,



Jim Banks
Member of Congress



Michael Waltz
Member of Congress



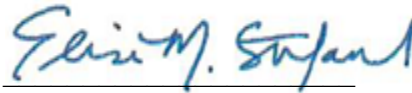
Joe Wilson
Member of Congress



Robert J. Wittman
Member of Congress



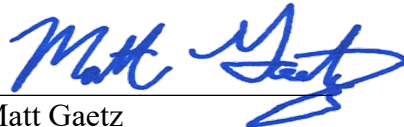
Mike Rogers
Member of Congress



Elise Stefanik
Member of Congress



Vicky Hartzler
Member of Congress



Matt Gaetz
Member of Congress



Doug Lamborn
Member of Congress



Lisa McClain
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Mike Gallagher
Member of Congress



Mo Brooks
Member of Congress



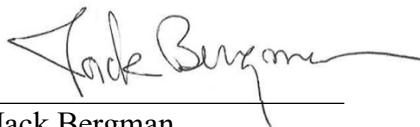
Scott Franklin
Member of Congress



Stephanie Bice
Member of Congress



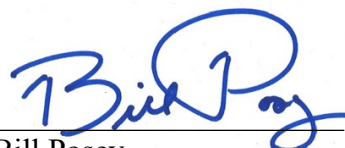
Austin Scott
Member of Congress



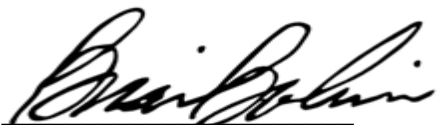
Jack Bergman
Member of Congress



Scott DesJarlais
Member of Congress



Bill Posey
Member of Congress



Brian Babin
Member of Congress



Anthony Gonzalez
Member of Congress



Daniel Webster
Member of Congress



Glenn Grothman
Member of Congress



Roger Williams
Member of Congress



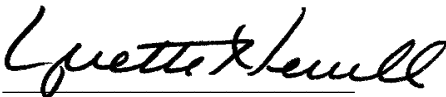
Bob Good
Member of Congress



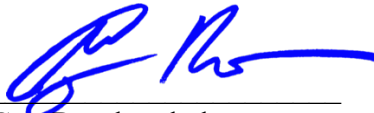
Andrew S. Clyde
Member of Congress



Burgess Owens
Member of Congress



Yvette Herrell
Member of Congress



Guy Reschenthaler
Member of Congress



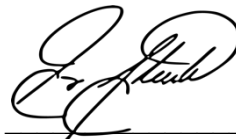
Michelle Steel
Member of Congress



Bob Gibbs
Member of Congress



Carlos Gimenez
Member of Congress



W. Gregory Steube
Member of Congress



Bill Johnson
Member of Congress



Kat Cammack
Member of Congress



Ben Cline
Member of Congress



Tim Walberg
Member of Congress



Tim Burchett
Member of Congress



Robert B. Aderholt
Member of Congress



Diana Harshbarger
Member of Congress



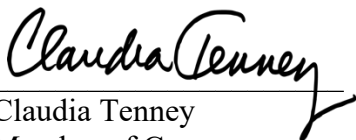
Ralph Norman
Member of Congress



Brian Mast
Member of Congress



John R. Moolenaar
Member of Congress



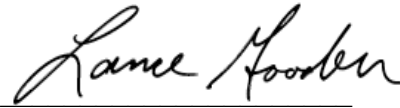
Claudia Tenney
Member of Congress



Gregory F. Murphy, M.D.
Member of Congress



Kevin Hern
Member of Congress



Lance Gooden
Member of Congress



Chip Roy
Member of Congress




August Pfluger
Member of Congress



Dan Crenshaw
Member of Congress



Vern Buchanan
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



Eric A. "Rick" Crawford
Member of Congress



Michael Guest
Member of Congress



Ken Buck
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Russ Fulcher
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Madison Cawthorn
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Mary E Miller

Mary E. Miller
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