

# United States Senate

WASHINGTON, DC 20510

February 11, 2021

## VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security

Dear Secretary Mayorkas:

According to news reports, the Department of Homeland Security (DHS) has withdrawn a proposed Trump administration rule titled, “Establishing Requirement for Student and Exchange Visitor Program Certified Schools to Disclose Agreements with Confucius Institutes and Classrooms.” That proposed rule would have required universities and K-12 schools to disclose their financial ties to Confucius Institutes.<sup>1</sup> U.S. Government agencies, including within the Intelligence Community, have clearly asserted that the communist Chinese government uses Confucius Institutes embedded in our academic institutions as a propaganda tool within the United States.<sup>2</sup> Accordingly, withdrawing the rule is cause for serious concern and weakens our ability to detect and deter foreign influence efforts by the communist Chinese government. DHS must explain whether it will re-submit the rule and what steps it has taken to detect and deter communist Chinese government influence activity within our academic environment.

Starting in April 2015, I engaged in oversight activity of the federal government’s response to foreign influence efforts.<sup>3</sup> That oversight activity has included a review of the government’s application of the Foreign Agents Registration Act as well as the role Confucius Institutes have played in the Chinese government’s attempts to spread communist propaganda throughout our academic environment.<sup>4</sup>

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<sup>1</sup> Chuck Ross, *Biden Administration Quietly Drops Trump Proposal To Track Chinese Influence In US Schools*, Daily Caller (February 9, 2021), available at [Biden Administration Quietly Drops Trump Proposal To Track Chinese Influence In US Schools | The Daily Caller](https://www.dailycaller.com/2021/02/09/biden-administration-quietly-drops-trump-proposal-to-track-chinese-influence-in-us-schools/); Jerry Dunleavy, *Biden withdraws Trump rule on schools disclosing ties to Chinese state-run Confucius Institutes*, Washington Examiner (February 19, 2021), available at <https://www.washingtonexaminer.com/news/news/biden-trump-rule-schools-disclosing-chinese-state-run-confucius-institutes>; The Office of Information and Regulatory Affairs website also lists the proposed rule as “withdrawn.” OIRA Conclusion of EO 12866 Regulatory Review ([reginfo.gov](https://www.reginfo.gov)) (Feb. 20, 2021).

<sup>2</sup> Thomas Lum, Cong. Research Serv., IF11180, *Confucius Institutes in the United States: Selected Issues* (2019), available at <https://crsreports.congress.gov/product/pdf/IF/IF11180>; Ethan Epstein, *How China Infiltrated U.S. Classrooms*, Politico (Jan. 17, 2018), available at <https://www.politico.com/magazine/story/2018/01/16/how-china-infiltrated-us-classrooms-216327>; Eric Shawn, *China trying to infiltrate US colleges to recruit spies, indoctrinate students, intelligence agencies say*, Fox News (Feb. 7, 2019), available at <https://www.foxnews.com/us/china-infiltrating-us-colleges-to-recruit-spies-indoctrinate-students-intelligence-agencies-say>; Rachele Peterson, *American Universities Are Welcoming China’s Trojan Horse*, Foreign Policy (May 9, 2017), available at <https://foreignpolicy.com/2017/05/09/american-universities-are-welcoming-chinas-trojan-horse-confucius-institutes/>.

<sup>3</sup> Hearing on Foreign Threats to Taxpayer-Funded Research, *Comm. on Finance*, 116<sup>th</sup> Cong. (2019), available at <https://www.finance.senate.gov/hearings/foreign-threats-to-taxpayer-funded-research-oversight-opportunities-and-policy-solutions>; Letter from Senator Grassley, Chairman, Senate Judiciary Committee, to the Honorable Jeff Sessions, Attorney General, Dep’t of Justice (Sept. 19, 2018), available at <https://www.grassley.senate.gov/news/news-releases/grassley-presses-doj-fara-and-china-s-activity-us-education-system>; Senator Grassley, *Iowa not immune to foreign threats to taxpayer-funded research*, (June 3, 2019), available at <https://www.grassley.senate.gov/news/commentary/grassley-op-ed-iowa-not-immune-foreign-threats-taxpayer-funded-research>; *China’s Impact on the U.S. Education System Hearing Before the Permanent Subcomm. on Investigations*, 116<sup>th</sup> Cong. (2019), available at <https://www.hsgac.senate.gov/subcommittees/investigations/hearings/chinas-impact-on-the-us-education-system>.

<sup>4</sup> Press Release, *Grassley Presses DOJ on FARA and China’s Activity in the U.S. Education System*, October 1, 2018, available at [Grassley Presses DOJ on FARA and China’s Activity in the U.S. Education System | Chuck Grassley \(senate.gov\)](https://www.grassley.senate.gov/news/news-releases/grassley-presses-doj-on-fara-and-chinas-activity-in-the-us-education-system); Press Release, *Grassley to Schools: Confucius Institutes are Fronts for Chinese Propaganda; just as FBI*, March 11, 2020, available at [Grassley to Schools: Confucius Institutes are Fronts for Chinese Propaganda; just ask FBI | Chuck Grassley \(senate.gov\)](https://www.grassley.senate.gov/news/news-releases/grassley-to-schools-confucius-institutes-are-fronts-for-chinese-propaganda-just-as-fbi).

My staff have received classified and unclassified briefings outlining the threats posed by the Chinese Government generally, and Confucius Institutes specifically. Based upon information gathered from unclassified briefings, we know that Confucius Institutes are an arm of the Chinese Government and are overseen by the Office of Chinese Language International (Hanban), which is part of the Chinese Ministry of Education. The Hanban is composed of members from twelve state ministries including its propaganda outlets.<sup>5</sup> Confucius Institutes are also reportedly funded by the United Front Work Department, a Chinese Government agency that coordinates foreign influence operations.<sup>6</sup> The activities of Confucius Institutes are inherently political in nature and intended to influence U.S. policy and public opinion.

As a government entity, Confucius Institutes are controlled and managed by government officials and act as a mouthpiece for the Chinese Government. In 2011, Li Changchun, a member of the Chinese Government, stated:

The Confucius Institute is an appealing brand for expanding our culture abroad. It has made an important contribution toward improving our soft power. The ‘Confucius’ brand has a natural attractiveness. Using the excuse of teaching Chinese language, everything looks reasonable and logical.<sup>7</sup>

That same individual also said that Confucius Institutes are an “important part of China’s overseas propaganda set-up.”<sup>8</sup> Not surprisingly, a member of China’s propaganda ministry reportedly said:

Coordinate the efforts overseas and domestic propaganda, further create a favorable international environment for us...[w]ith regard to key issues that influence our sovereignty and safety, we should actively carry out international propaganda battles against issues such as Tibet, Xinjiang, Taiwan, Human Rights, and Falun Gong. Our strategy is to proactively take our culture abroad...[w]e should do well in establishing and operating overseas cultural centers and Confucius Institutes.<sup>9</sup>

In light of these concerns, I wrote to dozens of schools in March 2020 that had a Confucius Institute on campus and requested that they receive a briefing from the FBI on the

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<sup>5</sup> Rachelle Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, National Association of Scholars (April 2017) at 22, available at <https://files.eric.ed.gov/fulltext/ED580866.pdf>.

<sup>6</sup> Alexander Bowe, U.S.-China Econ. and Sec. Review Comm’n, *China’s Overseas United Front Work Background and Implications for the United States* (2018), available at [https://www.uscc.gov/sites/default/files/Research/China's%20Overseas%20United%20Front%20Work%20-%20Background%20and%20Implications%20for%20US\\_final\\_0.pdf](https://www.uscc.gov/sites/default/files/Research/China's%20Overseas%20United%20Front%20Work%20-%20Background%20and%20Implications%20for%20US_final_0.pdf). “To carry out its influence activities abroad, the UFWD directs “overseas Chinese work,” which seeks to co-opt ethnic Chinese individuals and communities living outside China, while a number of other key affiliated organizations guided by China’s broader United Front strategy conduct influence operations targeting foreign actors and states.”

<sup>7</sup> Ethan Epstein, *How China Infiltrated U.S. Classrooms*, Politico (Jan. 17, 2018), available at <https://www.politico.com/magazine/story/2018/01/16/how-china-infiltrated-us-classrooms-216327>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* See also Marshall Sahllins, *Confucius Institutes: Academic Malware*, *The Asia-Pacific Journal*, Volume 12, Issue 46 (Nov. 16, 2014), available at <https://apjif.org/2014/12/46/Marshall-Sahllins/4220.html>.

threats the Institutes cause to the academic environment.<sup>10</sup> I also wrote a letter to DOJ in September 2018 asking why it had yet to require officials connected to Confucius Institutes to register as foreign agents under the Foreign Agents Registration Act.<sup>11</sup> That law is critical to identifying agents operating within the United States on behalf of foreign principals, and last Congress I reintroduced bipartisan legislation to strengthen the law, the Foreign Agents Disclosure and Registration Enhancement Act (S. 1762).<sup>12</sup> In addition, in December 2018, I convened a hearing as Chairman of the Judiciary Committee regarding China's non-traditional espionage against the United States.<sup>13</sup> In that hearing, DOJ and FBI officials made clear that the threat to our universities and taxpayer-funded research from foreign governments is known and ongoing. For example, the DOJ witness, Assistant Attorney General for National Security John Demers, stated, "we need to adapt our enforcement strategy to reach non-traditional collectors, including researchers in labs, universities, and the defense industrial base, some of whom may have undisclosed ties to Chinese institutions and conflicted loyalties."<sup>14</sup> The FBI witness, then-Assistant Director for the Counterintelligence Division Bill Priestap, stated that China's talent recruitment programs are effectively "brain gain programs" that "encourage theft of intellectual property from U.S. institutions."<sup>15</sup>

You may also be aware that the National Defense Authorization Act (NDAA) for Fiscal Year 2021 included a provision that addresses Congress's distrust of China's role within Confucius Institutes on American campuses.<sup>16</sup> Specifically, it places limitations on federal funds that can be provided to an academic institution that hosts a Confucius Institute.<sup>17</sup>

These concerns are echoed by academic associations and many institutions that have already discontinued their affiliation with Confucius Institutes. Both the American Association of University Professors and the National Association of Scholars have independently detailed how Confucius Institutes restrict academic freedom and promote an agenda tailored by the Chinese Government for the benefit of the Chinese Communist party.<sup>18</sup> In response to a variety of concerns over affronts to academic freedom, and the direct control of Confucius Institutes by

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<sup>10</sup> Press Release, Grassley to Schools: Confucius Institutes are Fronts for Chinese Propaganda; just ask FBI (Mar. 11, 2020), [Grassley to Schools: Confucius Institutes are Fronts for Chinese Propaganda; just ask FBI | Chuck Grassley \(senate.gov\)](https://www.grassley.senate.gov/news/news-releases/grassley-to-schools-confucius-institutes-are-fronts-for-chinese-propaganda-just-ask-fbi)

<sup>11</sup> Senator Grassley, Chairman, Senate Judiciary Committee, to the Honorable Jeff Sessions, Attorney General, Dep't of Justice (Sept. 19, 2018), available at <https://www.grassley.senate.gov/news/news-releases/grassley-presses-doj-fara-and-china-s-activity-us-education-system>.

<sup>12</sup> Floor speech, *Grassley Urges Colleagues to Pass the Foreign Agents Disclosure and Registration Enhancement Act*, (Dec. 16, 2020), <https://www.grassley.senate.gov/news/news-releases/grassley-urges-colleagues-pass-foreign-agents-disclosure-and-registration>. Press Release (June 10, 2019), available at <https://www.grassley.senate.gov/news/news-releases/grassley-leads-bipartisan-bill-boost-disclosure-foreign-lobbying>.

<sup>13</sup> *China's Non-Traditional Espionage Against the United States: The Threat and Potential Policy Responses Before the S. Comm. on the Judiciary*, 115<sup>th</sup> Cong. (2018), available at <https://www.judiciary.senate.gov/meetings/chinas-non-traditional-espionage-against-the-united-states-the-threat-and-potential-policy-responses>.

<sup>14</sup> *Id.* at 8 (statement of John Demers, Assistant Att'y Gen., Department of Justice), <https://www.judiciary.senate.gov/imo/media/doc/12-12-18%20Demers%20Testimony.pdf>.

<sup>15</sup> *Id.* at 5 (statement of E.W. "Bill" Priestap, Assistant Director, Counterintelligence Division, Federal Bureau of Investigation), <https://www.judiciary.senate.gov/imo/media/doc/12-12-18%20Priestap%20Testimony.pdf>.

<sup>16</sup> William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 PL 116-283, Jan. 1, 2021, available at <https://www.congress.gov/bills/116/congress-house-bill/6395/text>.

<sup>17</sup> *Id.* at Section 1062.

<sup>18</sup> Committee A on Academic Freedom and Tenure, *On Partnerships with Foreign Governments: The Case of Confucius Institutes*, American Association of University Professors available at <https://www.aaup.org/report/confucius-institutes>; Rachelle Peterson, *Outsourced to China: Confucius Institutes and Soft Power in American Higher Education*, National Association of Scholars (April 2017) at 22, available at <https://files.eric.ed.gov/fulltext/ED580866.pdf>

the Chinese Government, dozens of Confucius Institutes within the United States have been expelled from institutions of higher education.<sup>19</sup>

Accordingly, it's extremely concerning that the Biden administration has withdrawn the proposed rule that would have required schools to disclose their relationship with Confucius Institutes. The American public, and most importantly parents, should be able to know whether or not the school their child attends has a relationship with a Chinese government propaganda machine. No later than February 25, 2021, please provide answers to the following:

1. Does DHS plan to re-introduce the same rule or a similar rule? If so, when? If not, why not?
2. Does DHS consider Confucius Institutes and Classrooms to be an extension of the communist Chinese government? If not, why not?
3. Does DHS consider Confucius Institutes and Classrooms to be purveyors of communist Chinese government propaganda? If not, why not?
4. What steps has DHS taken to detect and deter communist Chinese government efforts to infiltrate our academic environment and spread propaganda?

I anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the committee, and provide a classified addendum to the Office of Senate Security. Although the committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions.

In addition to the questions, please provide a briefing to my staff about these issues. Should you have questions, please contact Joshua Flynn-Brown of my committee staff at 202-224-5225. Thank you for your attention to this important matter.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary

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<sup>19</sup> *How many Confucius Institutes Are in the United States?*, National Association of Scholars (Feb. 2, 2021) available at [https://www.nas.org/blogs/dicta/how\\_many\\_confucius\\_institutes\\_are\\_in\\_the\\_united\\_states](https://www.nas.org/blogs/dicta/how_many_confucius_institutes_are_in_the_united_states); Elizabeth Redden, *Closing Confucius Institutes*, Inside Higher Ed (Jan. 9, 2019), available at <https://www.insidehighered.com/news/2019/01/09/colleges-move-close-chinese-government-funded-confucius-institutes-amid-increasing>.