

Chinese Communist Party on Campus? Congress Probes Alleged Chinese Ties to American Universities

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With the 118th Congress well underway, certain investigative priorities have come to the fore. One such priority for Democrats and Republicans alike has been on issues relating to China and the Chinese Communist Party (CCP) and their connections to the United States. That focus on China has led to myriad investigations targeting both government agencies and various areas of the private sector. In addition, a particular bipartisan focus has been on institutions of higher education, namely colleges and universities. Statements by Committees and letters from Members of Congress may foreshadow future congressional investigations of institutions of higher education and alleged connections to China.

For example, this past spring, the House Select Committee on the Chinese Communist Party (Select Committee) has posted a series of tweets about alleged Chinese infiltration of US universities, indicating an ongoing focus on institutions of higher education, which Chairman Mike Gallagher (R-WI) specifically has indicated is a priority with relation to China. Indeed, Chairman Gallagher previewed his concerns as early as last year in an op-ed in the *Federalist* asking “[a]re American universities committed to their professed values, or are they willing to profit from the CCP’s ongoing efforts to commit genocide, destroy the environment, and build weapons designed to kill Americans in a future war?”

These tweets relating to universities and colleges from the Select Committee have included:

- Posting a video from the Department of Justice announcing charges against a Chinese National, sponsored by an American university, who allegedly attempted to smuggle biological material and research to Beijing;
- Tweeting an article about a university’s alleged failure to disclose to the U.S. government Chinese state funding for a joint tech venture in China; and
- Advocating in favor of legislation that would revoke the tax-exempt status of American universities whose endowments invest in Chinese companies or CCP-affiliated entities.

In addition, on June 1, the Select Committee announced two investigations relating to American universities. The first was an investigation into the Department of Defense for providing funding for weapons-related research to universities that host Confucius Institutes, which the Select Committee described as, among other things being “funded by the CCP Propaganda Department.” The Select Committee likewise initiated a concurrent investigation into Alfred University itself, seeking correspondence, agreements, and documents reflecting financial dealings related to the university and the Confucius Institute. On June 15, the Select Committee tweeted a statement from Chairman Gallagher indicating that Alfred University was closing its Confucius Institute.

In a speech delivered to the Association of American Universities on October 23, Chairman Gallagher further elaborated his criticisms of universities with connections to the Chinese Communist Party and its affiliated entities. His speech targeted Chinese Students and Scholars Associations (CSSAs) as well as foreign donations and university endowment investments as sources of nefarious CCP influence on American campuses.

The Select Committee is not a lone actor in this space, either. On June 9, Senator Todd Young (R-IN) sent a letter to the Secretary of Education requesting that the Department of Education open an investigation into the University of California, Berkeley regarding, among other things, the university’s reported failure to disclose a financial partnership with Tsinghua University in China. Moreover, the House Education and Workforce Committee has shown interest in CCP-connections to American universities, evidenced by a recent op-ed published by Chairwoman Virginia Foxx and Rep. Michelle Steel in the *Washington Times* decrying foreign influence in American higher education. Chairwoman Foxx and Select Committee Chairman Gallagher also announced a joint investigation into the University of California, Berkeley related to their partnership with Tsinghua University on July 17.

What does this mean for universities under a congressional microscope? We recommend universities do three things:

1. **Understand that these are not typical government investigations.** There are political dimensions that need to be considered when developing a response strategy.
2. **Understand the potential consequences.** There can be ramifications—legal, financial, and reputational—resulting from a failure to appropriately respond to a congressional investigation, particularly for institutions that receive federal funding. Entities need counsel who know how congressional committees pursue their inquiries and maximize the tools at their disposal, and who can inform universities of the strategic options available in response to an investigation, ranging from document negotiation, to proactive communications strategy, to litigation.
3. **Understand the reputational risks.** It is important to consider not just the legal and financial risks that come with a congressional investigation, but also the risk to reputation. Given the public and political nature of congressional hearings, members of Congress may take

advantage of university disclosures/productions or gotcha moments at hearings in a way that damages institutional brand and reputation.

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