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IS ACADEMIC FREEDOM THREATENED BY CHINA'S INFLUENCE ON U.S. UNIVERSITIES?

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

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IS ACADEMIC FREEDOM THREATENED BY CHINA'S INFLUENCE ON U.S. UNIVERSITIES?

THURSDAY, JUNE 25, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:05 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order.

And I want to welcome all of our very distinguished panelists and guests to this hearing this afternoon.

And I would like to begin with an opening statement, and then I will yield to my two distinguished colleagues if they would like to make any opening statements.

This hearing is the second in a series probing the question of whether maintaining access to China's lucrative education market undermines the very values that make American universities great, including academic freedom.

This hearing is timely for three reasons: The growing number of satellite or branch campuses started by the U.S. universities in China; the record numbers of Chinese students, 275,000 estimated, enrolling in U.S. universities and colleges in China in each year, bringing with them nearly $10 million a year in tuition and other spending; and the recent efforts by the Communist Party of China to regain ideological control over universities and academic research.

Official Chinese Government decrees prohibit teaching and research in seven areas, the so-called seven taboos or seven silences, including universal values, press freedom, civil society, citizen rights, criticism of the party's past neo-liberal economics, and the independence of the judiciary. All of these so-called seven taboos are criticized as Western values, which begs a very significant and important question: Are U.S. colleges and universities compromising their images as bastions of free inquiry and academic freedom in exchange for China's education dollars?

Some may defend concessions made as the cost of doing business in an authoritarian country or dictatorship, such as in China. Maybe a university decides that it won't offer a class on human rights in China. Maybe they won't invite a prominent dissident, a fellow, or visiting lecturer. Maybe they won't protest when a pro-

fessor is denied a visa because of his or her work that is critical of a dictatorship. Maybe such compromises are rationalized as necessary to not offend a major donor or for the greater good of maintaining access.

If U.S. universities are only offering Chinese students and faculty a different name on their diploma or paycheck, is it worth the cost and the compromises and the concessions?

Perry Link, the eminent China scholar, argued during our last hearing in this room just a few months ago that the slow drip of self-censorship is the most pernicious threat to academic freedom, and it undermines both the recognized brands of our major universities as well as their credibility.

Self-censorship may be the reason why NYU terminated the fellowship of a world-class human rights activist and hero, Chen Guangcheng. As NYU faculty said in their letter to the board of trustees, the circumstances surrounding the launch of an NYU satellite campus in Shanghai and the ending of Chen's residence created a "public perception, accurate or otherwise, that NYU made commitments in order to operate in China." Again, begs another question: Did NYU make any commitment or in any way fashion their response to Chen's staying at NYU?

Let the record show that we had invited NYU's president or faculty some 16 times to testify before this subcommittee without success. However, we are very, very pleased that Jeffrey Lehman, the vice chancellor of the NYU Shanghai campus, is indeed here with us today.

On a personal note, I spent a considerable amount of time with Chen Guangcheng when he first came to the United States and have continued that friendship ever since. Though NYU offered him important sanctuary, he was, in my opinion, treated very rudely at times, particularly when it was clear that he would not isolate himself on campus. And that included times when I invited him to join Speaker Boehner and Nancy Pelosi at a joint press conference to hear from Chen Guangcheng about his beliefs about human rights in China, and it was a totally bipartisan effort, and yet that was not looked at very favorably.

Though NYU offered NYU officials and others worked hard to cordon off access to Chen, even on the days that he came. I was literally moved to the side so I wouldn't be able to have access to him. And that is after holding four hearings, including two in this room, when we got him on the phone when he was in a hospital in Beijing and hooked him up right here at this microphone, and he made his appeal to the American public and to the press that he would like to come to the United States.

Reuters and The Wall Street Journal also reported that there was concern that Chen was too involved with so-called antiabortion activists, Republicans, and others, which would fit me as a description because I am very pro-life.

We may never know if NYU experienced persistent and direct pressure from China to oust Chen from his NYU fellowship or whether they sought to isolate him in order to keep Chen's story out of the 2012 Presidential election, as Professor Jerry Cohen had said in an interview at the time. Certainly, there is some interest here, as Hillary Clinton spent a whole chapter in her book detail-

ing the events of Chen's escape and exile in the United States, which, when Chen Guangcheng's book came out, certainly was not the same story being told by both. Or maybe there wasn't any pressure at all, just self-censorship to keep in Beijing's good graces during the final stages of opening the NYU Shanghai campus.

While we are not here to exclusively focus on the sad divorce of Chen Guangcheng and NYU, but his ousting begs the question: Is it possible to accept lucrative subsidies from the Chinese Government, or other dictatorships for that matter, and operate campuses on their territory and still preserve academic freedom and other values that make America's universities great?

I am sure there are those here today who say they can and reference the assurance they receive from the government or any agreement they sign, which is often kept secret with the host government. The real answer appears to be much more murky.

Foreign educational partnerships indeed are important endeavors for students, collaborative research, cultural understanding, and maybe even for the host country. The U.S. model of higher education is the world's best. American faculty, fellowships, and exchange programs are effective global ambassadors. We must all seek to maintain that integrity, and it is in the interest of the United States to do so, and particularly when it comes to China.

Nevertheless, if U.S. colleges and universities are outsourcing academic control, faculty and student oversight, or curriculum to a foreign government, can they really be the islands of freedom in the midst of authoritarian states or dictatorships? Are they places where all students and faculty can enjoy the fundamental freedoms denied them in their own country?

These questions we ask today are not abstract at all. The Chinese Government and the Communist Party are waging a persistent, intense, and escalating campaign to suppress dissent, purge rivals from within the party, and regain total ideological control over the arts, media, and universities.

The campaign is broader and more extensive than any other in the past 20 years. Targets include human rights defenders, the press, social media and the Internet, civil rights lawyers, Tibetans, Uyghurs, and religious groups, the Falun Gong, NGOs, intellectuals and their students, and government officials, particularly those allied with former Chinese leader Jiang Zemin.

Chinese universities have been targeted, as well. The recently issued Communist Party Directive Document 30 reinforces earlier warnings to purge Western-inspired notions of media independence, human rights, and the criticism of Mao Zedong.

In a recent speech reported by The New York Times, President Xi Jinping urged university leaders to "keep a tight grip on . . . ideological work in higher education . . . never allow singing to a tune contrary to the party center, never allowing eating the Communist Party's food and then smashing the Communist Party's cooking pots"—his words.

Will anyone at NYU or Fort Hays or Johns Hopkins or Duke, for that matter, be allowed to smash any Chinese Communist Party cooking pots? It is a serious question, because if your campuses are subsidized by the Chinese Government, if your joint educational partnerships are majority-owned by the Chinese Government,

aren't you then eating the Communist Party's food and then subject to its rules just like any Chinese university?

I remember almost 10 years ago when Google, Yahoo, Microsoft, and Cisco here testified in a hearing about censorship and raised their hands and gave their oath that they would tell the truth. The persistent response to their censorship and their opening up of their personally identifiable information to the Communist dictatorship in China was that they were just following Chinese law. And many great people, like activists, particularly in the media area, were imprisoned because of that complicity, because they were enabling it.

I will never forget showing pictures of Tiananmen Square on Google which showed nothing but nice pictures—that is the Chinese version—and then if you went to Google, obviously the one that we have access to, you got millions of hits of tanks in the Square and young students being killed.

There are nine U.S. educational partnerships operating in China. The New York University Shanghai campus opened its doors to students in September 2013; Duke; the University of California, Berkeley's School of Engineering; Kean College, which is located of course in my own State of New Jersey. In addition, there is Fort Hays State University out of Kansas, and there are a couple of others as well.

I would point out to my colleagues that we have also asked—because this is the second in what will be a multiseries of hearings on this—the Government Accountability Office, and they have agreed, to study the agreements of both satellite campuses in China and the Confucius Institutes in the United States.

I know some agreements are public while others are not. In fact, some schools made their agreements public after our last hearing, and we are very grateful for that. We are looking for complete and total transparency, and we will be asking all the universities and colleges to make their agreements with the Chinese Government public.

We need to know if universities and colleges who are starting satellite programs in China can be, again, islands of freedom in China or in other parts of the world. We need to know what pressures are being placed on them to compromise and backstop them, knowing that the Congress and the U.S. Government is behind they being unfettered in their ability to have academic freedom.

These are important questions. Can they be handled by the universities and faculties and trustees themselves, or are there things that the U.S. Congress and State Department and the White House need to be doing to protect these freedoms?

I would like to yield to my good friend and colleague Mr. Sherman for any comments he might have.

Mr. SHERMAN. Thank you, Mr. Chairman.

I am not ranking member of this subcommittee. I am not even a member of this subcommittee. Karen Bass asked me to sit in and promised that I could leave at 2:45, which I will need to do. But I am the ranking member of the Asia Subcommittee, which I believe is somewhat relevant to this discussion.

As an interloper to this subcommittee, I want to commend the chair and congratulate the chair and Ranking Member Bass of the passage of AGOA today on the House floor.

When it comes to the greatest human rights deprivation by China, it is probably the enormous trade deficit they run with the United States. We are now engaged in this strategic and economic dialogue. All the bigwigs from China are here. The entire State Department is dedicated to them. Hundreds of pages of pronouncements are being generated. I can't find one that actually mentions that we have a $343 billion trade deficit with China.

And I would point out that, while there are dozens and dozens of meetings, none of them are with Members of Congress, except for the administration has created this Potemkin village situation where Members of Congress are invited to participate only if they do not speak to anyone from China. God forbid the Chinese find out that there are people in the United States, unlike, perhaps, the administration, who care about that I mentioned the $343 billion trade deficit.

Now, as to the matter at hand, we have to focus on what effect these educational relationships have with free speech in the United States and free speech in China. One other issue that is mentioned is, are we just cheapening the brand, independent of human rights and politics? Are we sending people over—are the Chinese learning mathematics the same way they would learn at the home campus here?

That, I think, is a little outside of government's purview. You know, there are Buicks being sold in China, and if GM wants to make a Yugo and put a Buick nameplate on it and sell it to the Chinese, that is their business, and it will hurt their business. The universities have a lot tied up in the value of their name, and I think that will at least assure that good mathematics is taught by those good universities that establish branches in China.

But the question is, what is the effect of this relationship on free speech there and free speech here? As to free speech there, I think that American campuses in China are doing a better job of honoring American values of free speech than any other campus in China. So our presence there does raise the standard, to some degree.

Even better, from a free-speech standpoint, is when Chinese students come here. I guarantee that every Chinese student that comes here will have a chance, often, to see the cooking pots of the Communist Party of China smashed. It will be a good experience for them.

But, as to those who are taught there, we would want to have the highest standard of free speech, the highest standard of political inquiry and tough Socratic questions. My guess is that we will not be able to reach American standards.

I am also concerned about the effect this all has on free speech here. For example, AMC—I believe it is the second-largest owner of movie screens in the United States—is now Chinese-owned. Is Richard Gere going to be in a movie about Tibet that is made in the future by some studio that feels that being on movie screens in the United States is not relevant to the success of the movie? I don't know. But we do know that such a movie will not be on Chi-

nese screens and may have difficulty being on Chinese-owned screens here in the United States.

More attuned to academia, I have seen Turkey try to buy chairs of genocide denial by endowing chairs of history, and I would be concerned about China endowing chairs at our university.

They have a program worldwide of teaching Confucianism. I think China should be very proud of Confucian philosophy and what it has added to the world. The world could learn more about Confucianism. But I have fear that, if it is up to the Chinese Government, the version that you will learn will involve not breaking the cooking pots of the Chinese Communist Party.

We do have to worry about the influence of money. Universities are not exempt from this, and there is a ton of money. We already see the enormous political power China gets from our corporations. The easiest way to make money is to make something for pennies in China and sell it for dollars in the United States. A lot of people are in that business, and they are a powerful force here in Washington and in the general political circles. And, of course, the money that our universities make on the Chinese enterprise, whether it be campuses there or students coming here, may very well affect what is taught, what stances are taken, who does the teaching.

So, in conclusion, I think that having our campuses there helps free speech in China—though it doesn't help it as much as if we were able to obtain the levels of purity and free discourse that I would like to see—but we can do better. And a hearing like this will push people like you to move in the right direction.

I yield back.

Mr. SMITH. Thank you very much, Mr. Chairman.

Chairman Rohrabacher?

Mr. ROHRABACHER. Well, first and foremost, I would like to thank our witnesses for coming today, and I would like to thank the chairman.

Chairman Smith has been a stalwart example of what I think Americanism is supposed to be all about. We are supposed to stand for other things rather than simply corporate profit and making money. I am not against making money, and I am for lower taxes, but that is not what our Founding Fathers had in mind, just a place where selfish people could come and make a load of money and not care about any other values.

No, instead, it is very clear that our Founding Fathers believed that there are certain rights that are granted by God to people everywhere, every individual has rights that are granted by God, and that as Americans we should lead the way and hold out basic values so that the world—we don't have to go to war with everybody, but at the very least we should be an example to the world and an inspiration to people of China and everywhere that would like to have their freedom, as well.

I think the moment of truth, Mr. Chairman, came—and it was very sad; we were defining ourselves—in 1989 when the Chinese military poured into Tiananmen Square and slaughtered the democracy movement.

Let me just note that when I was working with Ronald Reagan in the White House for 7 years we prided ourselves that we

brought down the Soviet Union without an actual military confrontation between our two societies. But we did that by supporting and financing and bolstering the efforts of those people who were struggling for freedom in their own country, in the Soviet Union, and in those countries that the Soviet Union was trying to dominate.

And, in 1989, the moment came for China to reverse its course from dictatorship and totalitarianism. And we let them down; we let ourselves down. We let ourselves down because that cowardice that we showed in not confronting the Chinese leadership was something that we are now beginning to experience the negative side of that decision.

People said, well, what would you have done to back them up? Ronald Reagan, who I worked for for 7½ years, was not President at the time. Had he been President at the time, there would have been a phone call as soon as he got an intelligence report that the Chinese Army was going into Tiananmen Square, and that would have said, "I am sorry, if you destroy the democracy movement in China, the deal is off. No open markets, no technology transfers, no interaction and cooperative efforts and social interaction. It is all off. Don't destroy the democracy movement."

George Herbert Walker Bush's telephone call, it went like this: There was no telephone call. And after they invaded Tiananmen Square and slaughtered the democracy movement, there was no price for the Communist Party of China to pay. And we continued having policies that enriched them and their control over their country.

China's evolution stopped that day, and, since then, there has been no democratic reform in China. Although, we have been told, even after Tiananmen Square, if we just have this interaction, economically and socially and like the education programs we are talking about today, China will evolve into a better country. I have always called that the "hug a Nazi, make a liberal" theory.

And there has been no evolution toward political freedom in China. But we have seen an enrichment and an empowering of an elite, a despotic and brutal and belligerent elite, in China. And it is now becoming very evident that this new China that is emerging poses, at least in the future, not only as a symbol of repression to their own people but as a belligerent threat to the rest of the world.

When we don't stand up for freedom and those people struggling for freedom in these countries, we pay the price in the end. And that is what is happening.

And we have seen all of these proposals, like we are going to discuss today, with interaction on education. And there have been lots of these various programs that, supposedly, we are going to make China evolve toward a freer direction. We have instead enriched them and empowered them in the economic arena.

And, Mr. Chairman, I would like to submit for the record, at this point, a letter that I have just sent out describing and alerting our Government to the fact that—a major American company has brought this to my attention—that the Chinese have a predatory strategy when it comes to business. And, especially, they are trying

to get control of the chip manufacturing, get control or at least have a dominating influence on the manufacture of computer chips.

And, with your permission, I would like to submit for the record a letter that I have just sent today alerting our Government to that fact.

Mr. SMITH. Without objection, so ordered.

Mr. ROHRABACHER. Okay.

Now, this was brought to my attention by an American company there. And I have the letter—it is to the Secretary of the Treasury—right here, right now. And I hope that we pay attention to that predatory and that negative strategy on the part of the Communist Party of China.

However, what we talk about today, I think, has—where that is an immediate threat, this idea that we are having—and I disagree with my friend Mr. Sherman on this, and we usually agree on things. I do not believe that we need to bring Chinese students over here and train them in our technology schools. If they want to come over and take some courses in social studies, I think maybe that is okay.

But I would like to hear from the panel today. I understand many of these students that are coming over are taking graduate-level classes in the sciences, number one, which puts them in a position to out-compete us, but puts us in jeopardy in terms of knowledge that we have spent billions of dollars trying to develop in our scientific research. That should not be just shared with individuals from another country if they are going to take it home to that country.

So we need to start using, number one, a moral system to guide our decisionmaking in terms of countries like China, but we need to be courageous, and we need to make sure that we are honest with ourselves about what these policies are accomplishing.

Thank you again. Thanks to the witnesses for alerting us what is going on with our universities, how that is impacting this whole dynamic at play.

So thank you very much.

Mr. SMITH. Thank you very much, Chairman Rohrabacher.

You underscored—and I think most members of the panel know this, that Mr. Rohrabacher was a speechwriter for Ronald Reagan. And the opposition to what George Herbert Walker Bush did, especially in sending Brent Scowcroft soon after Tiananmen Square to assure the dictatorship that they had nothing to fear from the United States, was one of the most infamous betrayals, in my opinion, that is only paralleled by, not exceeded or matched but paralleled by, President Clinton, when he de-linked human rights and trade, infamously, on a Friday afternoon, when the Chinese took the measure of the United States of America and said, profits trump human rights.

And the Executive order, which I had lauded—held press conference after press conference thanking President Clinton for—only to find out it was a ruse. That was when they realized that America, at least the administration, cared only about making more money, at the expense of human rights activism. And none of the matriculation from dictatorship to human rights protections have occurred.

Mark Meadows, the vice——

Mr. SHERMAN. If I could——

Mr. SMITH [continuing]. Chairman of the——

Mr. SHERMAN. Mr. Chairman, since the gentleman from California mentioned me. I was simply saying that Chinese students here in the United States will learn our systems of free expression. I never weighed that benefit to our values with the technological progress that they might be able to furnish to their government. And so you would have to weigh one or the other.

And I join with the gentleman in feeling that those who study sociology, political science, and history in the United States are more of a pure plus for our values.

Mr. SMITH. Okay.

The chair recognizes Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman. I will be very, very brief.

Thank each of you for your willingness to testify here today, for illuminating an issue that, if we do not talk about, becomes a bigger and bigger problem. And so your testimony is not only important, but it is also one that hopefully will make a change.

The chairman has been a champion for human rights, freedom of speech and freedom of religion, unparalleled by anybody else here in Congress. And so it is an honor to serve with him.

It certainly is one that we would love to know what legislative things or what pressure can be brought to bear for us to truly address that. And coming from the great State of North Carolina, we have a lot of institutions of higher learning, and I enjoy a good relationship with many of those.

And so, Mr. Chairman, this is a fly-out day, and there are not many members, and so I wanted to be here to show that it is not only a priority for the chairman but a priority for many of the others of us in Congress. So thank you for being here.

I yield back.

Mr. SMITH. Thank you, Mr. Meadows.

Let me begin first by introducing our first distinguished panelist, Mr. Jeffrey Lehman, who is the first vice chancellor of NYU Shanghai. He has previously been chancellor and founding dean of the Peking University School of Transnational Law, president of Cornell University, dean of the University of Michigan Law School, a tenured professor of law and public policy at the University of Michigan. He has also been a practicing lawyer in Washington, DC, a law clerk, including being a law clerk to Associate Justice John Paul Stevens of the United States Supreme Court.

Welcome, Mr. Lehman.

We will then hear from Ms. Susan Lawrence, who is a specialist in Asian affairs at the Congressional Research Service, a unit of the Library of Congress that provides the U.S. Congress with research and analysis. She covers U.S.-China relations, Chinese foreign policy, Chinese domestic politics, Taiwan, and Mongolia. She joined CRS after a career spent largely in journalism in which she worked in Beijing for 11 years and reported from Washington, DC. Immediately prior to joining the CRS, Ms. Lawrence managed public health advocacy programs in China for a Washington, DC-based NGO.

Then we will hear from Mr. Robert Daly, who has directed the Kissinger Institute on China and the U.S. at the Wilson Center since 2013. Previously, he was at the University of Maryland, where he served from 2007 until 2013. And, prior to that, he was American director of the Johns Hopkins University-Nanjing University Center for Chinese and American Studies for 6 years. Mr. Daly began his work in U.S.-China relations as a diplomat, serving as an officer in the U.S. Embassy in Beijing. He has taught at Cornell, Syracuse, and has worked on TV and theater projects in China as a host, actor, and writer.

We will then hear from Dr. Mirta Martin, who was appointed the ninth president of Fort Hays State University in 2014. Dr. Martin is the first female president in the 113-year history of Fort Hays State University and the first Hispanic president in the more-than-150-year history of the entire Kansas Regents system. Dr. Martin's career involves work in both public and private sectors, including special expertise in organizational behavior, management, institutional advancement, and workplace development. She has worked as a senior banking executive, held numerous positions in higher education, and was appointed by the former Governor of Virginia to serve on the Virginia Council on the Status of Women.

Then we will hear from Ms. Yaxue Cao, who was the founder and editor of ChinaChange.org, an English language Web site devoted to news and commentary related to civil society, the rule of law, and human rights activities in China. The site works to help the rest of the world understand what people are thinking and doing to effect change in the PRC. Reports and translations on China Change have been cited by The New York Times, Time Magazine, The Guardian, Telegraph, The Washington Post, and The New Republic, among others, and of course has been included in many congressional reports. Ms. Cao grew up in northern China during the cultural revolution and studied literature in the United States.

Mr. Lehman, if you could proceed.

STATEMENT OF MR. JEFFREY S. LEHMAN, VICE CHANCELLOR, NEW YORK UNIVERSITY–SHANGHAI

Mr. LEHMAN. Chairman Smith, other Members of Congress, I thank you for the opportunity to testify this afternoon.

I have submitted detailed written testimony concerning my experiences in China. Because of time constraints, my oral testimony will only touch the key points.

I moved to China in 2008 because the president of Peking University asked me to help his university create the first law school outside the United States to offer a true J.D. Program taught in the American way. I hesitated at first, but people like Justice Anthony Kennedy stressed my patriotic duty as an American to help develop the rule of law in China. And so I agreed to go, but I insisted that I be given absolute control over the school's curriculum and faculty appointments and that the school operate according to fundamental principles of academic freedom.

Peking University has fully honored those promises. For example, the students there study American constitutional principles with the legal director of the American Civil Liberties Union of Southern California, and they learn about international courts

from the chair of the American Bar Association Human Rights Advisory Council.

That law school is part of a government-supported effort inside China to experiment with new approaches to higher education, and so is NYU Shanghai, which began teaching in 2013. NYU Shanghai is a degree-granting campus of New York University, whose work must be accredited by both the Middle States Commission on Higher Education in Philadelphia and China's Ministry of Education in Beijing.

The trustees of New York University award degrees to its graduates. Therefore, NYU agreed to participate, on the condition that it would operate under principles of academic freedom. NYU has exclusive and final responsibility over faculty appointments, student admissions, curricula, academic policies and procedures, et cetera.

Half of NYU Shanghai's undergraduates come from China, and half come from the rest of the world.

NYU Shanghai delivers an undergraduate liberal education in the humanities, social sciences, and natural sciences, promoting the skills of critical and creative thinking. All of our undergraduate students pursue a core curriculum in Shanghai for 2 years and then spend their junior year studying at other campuses within NYU's network, which now spans 14 cities around the world. And then they return to Shanghai to complete their degrees.

We at NYU choose the faculty who teach our courses, and I am proud to say that we have recruited a remarkable group of stars who do not diminish the brand and who are listed in Appendix 1 to my written testimony.

Financially, NYU does not profit from its activities in Shanghai. NYU Shanghai sits as a tub on its own bottom. So why, you might ask, has NYU taken this on? Two reasons stand out.

First, NYU Shanghai advances NYU's bold redefinition of how a university can be structured. In the 21st century, the phenomena of globalization and modern information and communications technologies have created new challenges and new opportunities for humanity. In order to more effectively fulfill its academic mission, NYU expanded to become a global network of campuses and academic centers in important cities. Students can enter NYU through the degree-granting campuses in New York, Abu Dhabi, and Shanghai, and they can study away in 11 other cities.

Shanghai is a superb location for NYU to have established a degree-granting campus. China is an extraordinarily important and rapidly changing country, and Shanghai is New York's natural counterpart.

Second, NYU Shanghai provides NYU with an essential opportunity to reflect deeply about what knowledge, skills, and virtues this generation of students requires in order to lead lives of satisfaction and contribution. NYU Shanghai is a place where NYU can experiment with new ways of developing those qualities.

For example, because it is so important today that each of us know how to see the world through the eyes of others, NYU Shanghai requires every student to live with a roommate from another country.

I personally teach the course that all students are required to take during freshman year, an intellectual history course which I teach using the Socratic method, in which students engage a set of great books by authors such Aristotle, Thomas Aquinas, John Locke, Adam Smith, and Friedrich Hayek. These are the same readings I would use if I were teaching the course in New York, and I included syllabi from the course as Appendix 2 to my written testimony.

NYU Shanghai is a pioneering university, and we receive dozens of visitors to our campus every week. We would be delighted if any members of this subcommittee or their staffs would come to visit us.

People who have not visited us in person occasionally suggest that NYU Shanghai should not exist. Sometimes they argue that American universities should stay away from any authoritarian country. Sometimes they say that China presents unique risks that render academic freedom impossible. While I appreciate the good motives of these individuals who speculate about our university from afar, I do not believe their conclusions are well-founded.

First of all, the benefits of engagement are enormous. Our universities in America nuture skills and values that we believe are important to their wellbeing as individuals and to their societies. We are all better off if Chinese students, American students, and students from around the world have the chance to study at institutions like ours. And we would all be better off if countries all around the world developed institutions like ours that could provide those benefits to large numbers of their citizens.

China is in the middle of a period of astonishing change. Within Chinese society, there is heated debate about what direction change should take over the next two decades and about what goals should take precedence over others. This debate is more likely to go well if the participants can point to the positive impact of schools like NYU Shanghai on Chinese students.

The challenge of engagement in foreign lands is real, but it does not come close to offsetting those benefits. American universities themselves grew and prospered in a flawed country with serious human rights problems like slavery, but our universities have been durable institutions and have made important contributions to America's progress.

To be sure, we have to be vigilant. A university such as ours cannot function if students and faculty are not free to ask questions and to entertain arguments that might be disruptive and even offensive to others. Norms of civility may be imposed, but they must not cut off genuine and rigorous inquiry. If it would become impossible to operate with academic freedom, NYU would close down its Shanghai campus.

Last weekend, I told a Shanghainese friend that I would be testifying here today. He asked why, and I explained that some people who value the free exchange of ideas believe American universities should not be present in China. His response was crisp and, I believe, quite apt. He said, "If someone is truly committed to the free exchange of ideas here in China, they should want to see more schools like NYU Shanghai, not fewer."

I believe in my heart that this is a noble project. It is not without risk, but it has the potential to benefit all of humanity.

In my written testimony, I suggest that Congress consider creating a scholarship program to ensure that students from families of modest means are able to study abroad at programs like these. I hope that you will take that proposal seriously.

Thank you very much.

[The prepared statement of Mr. Lehman follows:]

TESTIMONY OF JEFFREY S. LEHMAN

VICE CHANCELLOR OF NYU SHANGHAI

BEFORE

THE SUBCOMMITTEE ON
AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

OF

THE COMMITTEE ON FOREIGN AFFAIRS

OF

THE UNITED STATES HOUSE OF REPRESENTATIVES

At a Hearing on the Subject:

"Is Academic Freedom Threatened
by China's Influence on U.S. Universities?"

June 25, 2015

Chairman Smith and Members of the Subcommittee, I thank you for the opportunity to testify this morning about the opportunities that are created when an American research university develops a strong presence in China.

My name is Jeffrey Lehman, and I am testifying in my capacity as the vice chancellor of NYU Shanghai. NYU Shanghai has just completed its second year of activity as the third degree-granting campus of New York University.

I shall begin by describing my own experiences over the past seven years leading academic institutions inside China that are committed to principles of academic freedom. I will then provide a brief overview of NYU Shanghai. In the most extensive part of my testimony, I will discuss the reasons why a great research university like New York University would accept the challenge of creating a degree-granting campus in Shanghai. Next, I will address some of the concerns voiced by those who believe it is inappropriate for American universities to teach and conduct research in China. Finally, I will discuss one way that the United States government can be of assistance in this regard.

I. My Personal Background in China

Before coming to NYU, I served as a law clerk to Judge Frank Coffin at the U.S. Court of Appeals for the First Circuit and to Justice John Paul Stevens at the Supreme Court, as a tax lawyer here in Washington, as a professor of law and public policy at the University of Michigan, as the dean of the University of Michigan Law School, as the president of Cornell University, as a senior scholar at the Woodrow Wilson International Center for Scholars.

I moved to China in 2008, because the president and vice president of Peking University asked me to help them found a new law school as part of that university, the School of Transnational Law ("STL"). STL would teach law in the American style, using the Socratic method to study U.S. law, Chinese law, and international law, in a program that would lead both to a traditional J.D. degree and to a Chinese J.M. degree. This was to be the newest element in China's effort to carry out small experiments with approaches to higher education that are different from the approaches generally used at Chinese universities.

I resisted the idea at first, as I was not a student of China, I did not speak any Chinese, and I was unfamiliar with the operations of a Chinese university. Eventually, however, I decided to take on the project, significantly at the urging of Justice Anthony Kennedy of our Supreme Court, and of the Chairman of the C.V. Starr Foundation, Hank Greenberg, each of whom stressed my patriotic duties as an American to help the rule of law continue to develop in China. I accepted Peking University's request, but only on the conditions that I would have absolute control over the school's curriculum, faculty, teaching style, and operations, and that I would receive an ironclad guarantee that I could operate the school according to the principles of academic freedom that were

fundamental to my own experience of higher education throughout my career in the United States.

Those conditions were fully honored during my time at STL. Students took classes with leading law professors from Harvard and Stanford and Michigan and Virginia, and a former senior lawyer at the U.S. State Department. They studied American constitutional principles with Mark Rosenbaum, the legal director of the American Civil Liberties Union of Southern California, and learned about international criminal and human rights tribunals from Mike Greco, past president of the American Bar Association and Chair of the Advisory Council of the ABA Center for Human Rights.

I had the privilege of serving as a member of the United States delegation to the U.S.-China Legal Experts Dialogue in 2011 and again in 2012, and of discussing my experiences with our students at STL. Later in 2012, I took on the responsibilities of being the founding vice chancellor of NYU Shanghai.

II. An Overview of NYU Shanghai

NYU Shanghai is a unique institution.

On the one hand, it is a full, degree-granting campus of New York University. All degrees are awarded by the trustees of New York University, in full compliance with the accreditation requirements of the Middle States Association. On the other hand, it is, like STL, also part of the effort inside China to carry out small experiments with approaches to higher education that are different from the approaches generally used at Chinese universities, legally chartered as the first Sino-American Joint Venture University.

The creation of NYU Shanghai followed a similar pattern to that involved in the creation of STL. NYU agreed to participate on the conditions that it would have absolute control over the school's curriculum, faculty, teaching style, and operations, and that it would receive an ironclad guarantee that it could operate the school according to the fundamental principles of academic freedom. NYU also required that the school operate in compliance with a 14-point statement of labor values.

As vice chancellor, I am charged with running the university's academic and academic support operations. I serve at the pleasure of the president of New York University. Because the graduates of NYU Shanghai will receive NYU degrees, NYU has exclusive and final responsibility over faculty appointments, curriculum, student admissions, etcetera.

We have structured our school so that half the undergraduates come from China, and half come from the rest of the world. Every Chinese student has a non-Chinese

roommate, and vice versa. Every day is therefore an intense education in what it means to be part of a multicultural world.

NYU Shanghai delivers an undergraduate liberal education in the humanities, social sciences, and natural sciences, promoting the skills of critical and creative thinking. All of our undergraduate students pursue a core curriculum in Shanghai for two years, spend their junior year studying at other NYU sites – the campuses in New York and Abu Dhabi or global academic centers in eleven other cities around the world. The students then return to Shanghai to complete their degrees. In addition to the rich experiences it provides undergraduates, NYU Shanghai is a research university with graduate programs and research institutes in domains ranging from social development to neural science to financial risk.

Our faculty includes tenured and tenure-track faculty whose appointments are at NYU Shanghai, as well as tenured and tenure-track faculty whose appointments are at other NYU campuses. In addition to being approved by our provost, Joanna Waley-Cohen, and by me, all of these appointments must also be approved by the Provost of New York University. We also have exceptionally talented faculty who are hired to fixed-term contracts, and visiting professors from other NYU campuses and from other top universities around the world. (I have attached to this testimony, as Appendix 1, a list of faculty who are teaching and who have taught at NYU Shanghai, so that you might have a sense of the extraordinary quality of our professors.)

III. Having a Campus in Shanghai Is Important to NYU's Mission

Let me quickly lay to rest one misconception about NYU Shanghai. NYU does not profit financially from its activities in Shanghai. It is designed to operate as a "tub on its own bottom," neither subsidizing the rest of NYU nor being subsidized by the rest of NYU.

Why, then, has NYU undertaken such a complex endeavor? Two reasons stand out.

First, NYU Shanghai advances NYU's bold redefinition of how a university can be structured. Traditionally, higher education was experienced by attending a university that was located in a single place. Sometimes a university would operate several campuses, but they would be distinct institutions. Sometimes a university would operate a "study abroad site," but those would exist only as satellites to receive students from the mother ship for a semester or two.

In the twenty-first century, however, the phenomena of globalization and technological advancement have created new challenges and new opportunities for humanity. We in America are much more directly affected by developments in other

parts of the world than ever before. The world's challenges are our challenges. We have a greater stake than ever before in how the rest of the world develops.

In order to more effectively fulfill its academic mission in the twenty-first century, NYU has created an impressive global network of campuses and academic centers located in important cities around the world. NYU expanded globally with the understandings (a) that students could enter its network through more than one degree-granting doorway, and (b) that a key part of students' education would involve spending a semester or two studying in countries other than their degree-granting base. Currently, students can enter NYU through its degree-granting campuses in New York, Abu Dhabi, and Shanghai. In addition to these locations, NYU students can study in Accra, Berlin, Buenos Aires, Florence, Madrid, London, Paris, Prague, Sydney, Tel Aviv, and here in Washington, D.C.

That idea of a truly global education is attractive to students who want to prepare themselves to be effective in an increasingly global world, as well as the faculty who will help them acquire that preparation. And Shanghai is a superb location in which to locate a degree-granting campus within NYU's global network. China is an extraordinarily important, rapidly changing country, and as China's commercial capital Shanghai is New York's natural counterpart. It is vitally important that the next generation of America's best and brightest students have an opportunity to learn how to work effectively there.

Second, NYU Shanghai provides NYU with an essential opportunity to reflect deeply about what knowledge, skills, and virtues this generation of students requires in order to lead lives of satisfaction and contribution. NYU Shanghai is a place where NYU can experiment with new ways of developing those qualities, such as having every student live with a roommate from another country, and making use of new forms of teaching technology.

Through our core curriculum, we push our students hard along these dimensions. We force every student to stretch, to think of the world from different perspectives, to see how different intellectual tools can help us to understand it differently. They carry those lessons with them throughout NYU's global network, when they travel abroad from Shanghai to study at NYU's other global sites with other NYU students.

I personally have the opportunity to see the success of these efforts because I teach the course that all students are required to take during freshman year, a course called "Global Perspectives on Society." This is an intellectual history course in which students engage a set of great books from western civilization, as well as a set of great books from eastern civilization. In this course I have helped the students to engage the writings of Plato, Aristotle, Thomas Aquinas, Kant, Locke, Hobbes, Rousseau, Bentham, Mill, Adam Smith, Montesquieu, Darwin, Marx, Freud, Virginia Woolf, Woodrow Wilson, Gandhi, Hayek, Martin Luther King, Robert Nozick, Rachel Carson, Thomas Piketty, Anthony Appiah, as well as the first nine chapters of the Book of Genesis. We

have also had the opportunity to read Confucius, Mencius, Mozi, Sun Zi, Sima Qian, and Mao Zedong. These are the same readings I would use if I were teaching the course in New York. In Appendix 2 to this testimony, you will find the complete syllabi of this course from the first two years in which I taught it.

IV. NYU Shanghai Helps to Advance International Norms of Intellectual Inquiry

People who care about higher education are very interested in NYU Shanghai. We are pioneering a new approach to twenty-first century higher education, and we believe that our graduates will be prepared to contribute in entirely new ways to the development of a world where people from different cultures can cooperate to address challenges and opportunities, and can forestall conflict and misunderstanding.

For that reason, we receive a constant stream of visitors to our campus – on average dozens every week. If any members of this Subcommittee or their staffs should visit China in the future, we would be delighted to welcome them to our campus, so that they can have the opportunity to observe, and to speak with our students, our faculty, and our administrative staff. There is simply no substitute for first-hand observation.

Of course, it is understandable for people who have not been able to visit to wonder about what it is like to operate a university like ours inside China. And I have on several occasions encountered suggestions by such people that it is somehow inappropriate for NYU to be present in China.

Such suggestions might be divided into two groups. The first group includes a variety of absolutist positions, to the effect that no American university should be present in China at all. One such position alleges that such a presence serves to "legitimate" government practices we do not approve of. A second such position alleges that government practices outside the campus necessarily make it impossible to offer a genuine liberal education inside the campus. A third such position alleges that no coherent understanding of academic freedom fails to include unrestricted freedom to advocate peacefully in favor of change in the larger society.

A second group of criticisms is more nuanced. These arguments suggest that, although it might be possible to operate a university appropriately inside a society that has features of which we disapprove, it would be very easy to go astray in a country like China. Accordingly, they argue that it would be better to stay away entirely than to run the risk of error.

At the end of the day, I do not believe any of these suggestions holds up under scrutiny.

In the first instance, these positions ignore the benefits of engagement. Our universities are properly sources of enormous pride for America. They nurture skills and

values that help students to be productive citizens, contributors to the well-being of their societies. They nurture an ability to see things from different perspectives. We are all better off if American students have the opportunity to learn about China while studying at a university that embraces NYU's value system.

Significantly, however, American students are not the only ones who stand to benefit from NYU Shanghai's presence. China is in the middle of a period of astonishing change. Within Chinese society there is heated debate about what direction change should take over the next two decades, and about what goals should take precedence over others. Some prominent individuals are asserting that China should not draw inspiration from the values and practices of universities outside China, while others are arguing strongly in favor of those same values and practices.

This latter group will benefit if they can point to the positive impact of schools like NYU Shanghai on Chinese students. And since the values and practices of such schools promote norms of mutual respect and understanding across national borders, the entire world can be said to have a stake in their success.

I do not believe any of the critiques I have mentioned come close to offsetting those benefits. The more absolutist positions make inaccurate assumptions about the relationship between American universities and the larger society. American universities were not established on a firmament of perfect respect for human dignity. Liberal education and academic inquiry are not fragile flowers that can survive only in perfect soil. To the contrary, America's best universities were established in a flawed land, one of whose greatest virtues was its commitment to improvement, to form a more perfect union. Precisely because those universities are hardy defenders of academic freedom and liberal education, they have been important contributors to America's progress. (I discussed these issues at length in a speech at Columbia University, a speech that I attach as Appendix 3.)

The less absolutist positions, however, are more reasonable, and point to a set of questions that we take seriously. A university such as ours cannot function if students and faculty are not free to ask questions, and to entertain arguments, that might be disruptive and even offensive to others. The search for understanding must be allowed to proceed unimpeded, down blind alleys and unproductive pathways, against the headwinds of conventional wisdom and ideological correctness. Norms of civility may be imposed, but they must not cut off genuine and rigorous inquiry.

At NYU Shanghai we are vigilant in assuring that these principles of academic freedom are honored every day. So far, so good. But if circumstances were to change and those principles were abrogated, NYU Shanghai would have to be closed down.

Sometimes people ask me why NYU Shanghai does not file public statements criticizing the Chinese government for one or another action or policy. We do not do so because that is not our role in China, any more than it is in the United States. The fact that a government has acted deplorably does not mean that a university has an institutional duty to criticize it publicly. At the same time, there are sometimes occasions when a government acts, or proposes to act, in ways that would prevent a university from fulfilling its mission. When that happens, the university should act in whatever ways (public and/or private) it believes are most likely to be effective in forestalling the action in question. (I discussed these points at greater length in an essay published in the Chronicle of Higher Education, attached as Appendix 4.)

One example of such an occasion arose last month, when China promulgated a draft law entitled, "The Non-Mainland Non-Governmental Organization Management Law of the People's Republic of China." The proposed law would seriously undermine the ability of universities like NYU to operate in China according to principles of academic freedom. Accordingly, NYU joined with eleven other universities in filing critical comments with the Chinese government. I attach those comments as Appendix 5.

Last weekend I told a Shanghainese friend that I would be testifying here today. He asked why, and I explained that some people who value the free exchange of ideas believe American universities should not be present in China. His response was crisp and, I believe, quite apt: "If someone is truly committed to the free exchange of ideas here, they should want to see more schools like NYU Shanghai, not fewer."

V. How the United States Government Can Help

It is in America's best interest for China to develop along a path of constructive partnership with America, a path that recognizes the state of interdependence in which we now find ourselves. Such development is surely facilitated when our nations' college students are able to acquire a deep and accurate understanding of China by studying in China, side by side with Chinese students, in an environment of academic freedom.

Almost thirty years ago, Johns Hopkins University spearheaded the creation of such an opportunity, through the Hopkins-Nanjing Center. Today, other institutions, like NYU and Duke, are following in Hopkins's footsteps.

Unfortunately, programs such as these are so expensive that they would be beyond the means of many American students if it were not for financial aid opportunities underwritten by generous private donors. It is unlikely that the generosity of philanthropists will keep pace with the need.

I would therefore respectfully ask that Congress consider creating a scholarship program to ensure that students from families of modest means are able to study abroad at programs like NYU Shanghai, in countries like China.

* * *

In this testimony, I have attempted to provide the Subcommittee with useful information about NYU Shanghai, and about why a great American research university would accept the challenge of creating such an institution. Projects such as these cannot be undertaken risk-free. I firmly believe, however, that with proper care they can be undertaken in ways that promote the highest academic values and carry a significant likelihood of contributing to the ongoing progress of humanity.

Mr. SMITH. Mr. Lehman, thank you very much for your testimony.

I would like to now ask Ms. Lawrence if she would proceed.

STATEMENT OF MS. SUSAN V. LAWRENCE, SPECIALIST IN ASIAN AFFAIRS, CONGRESSIONAL RESEARCH SERVICE

Ms. LAWRENCE. Chairman Smith, Congressman Rohrabacher, Congressman Sherman, Congressman Meadows, thank you for this invitation to testify today.

China's Ministry of Education indicates it has so far approved 11 U.S. universities and 1 U.S. individual to work with Chinese partners to run cooperative education institutions in China, essentially joint campuses. The Ministry has granted three of these institutions independent legal person status, which may give them some greater autonomy in their operations than those without such status. Those three are NYU Shanghai, Duke Kunshan University, and Wenzhou-Kean University.

In addition, the Chinese Ministry of Education has approved a broader set of U.S. universities to work with Chinese partners to offer degree programs on campuses operated solely by Chinese partners. More than 80 U.S. universities are involved in partnerships to offer undergraduate degrees, and more than 30 U.S. universities are involved in partnerships to offer graduate degrees in China. In all, universities from at least 36 of the 50 U.S. States appear to be involved in approved cooperative educational institutions or programs in China.

In the case of high-profile partnerships to establish new joint campuses, U.S. universities cite benefits in the forms of generous funding from the Chinese side, typically covering all campus construction costs and some or all operating costs; opportunities for new global research collaborations; and opportunities for students from the universities' home campuses to broaden their education through study abroad.

Critics of U.S. educational collaborations in China have focused on several areas of concern. The most prominent relates to the compromises U.S. universities may be forced to make with regard to academic freedom—the subject of this hearing.

Educational institutions in China, including those with U.S. partners, are subject to an array of Chinese laws and administrative regulations and guidance documents. The key national laws include the 1995 Education Law and the 1998 Higher Education Law.

Several provisions of the Higher Education Law have implications for academic freedom on campuses with U.S. partners. As I will discuss later, however, not all of these provisions appear to be uniformly enforced.

Article 10 of the Higher Education Law stipulates that the state "safeguards the freedom of scientific research, literary and artistic creations, and other cultural activities in institutions of higher learning according to law," but it also says that such creations and activities should abide by law, potentially limiting such freedoms.

Article 39 of the law outlines the leadership role of Communist Party committees in state-run higher education institutions. It states that Communist Party committees "exercise unified leadership over the work of the institutions" and that the committees' du-

ties are, among other things, to guide ideological and political work and moral education on campuses and to make key personnel decisions.

Article 51 of the law stipulates that "the basis for the appointment, [or] dismissal" of faculty and administrative personnel should be ideology and political performance first, followed by professional ethics, professional skill, and actual achievements.

Similarly, Article 58 of the law stipulates that students should be permitted to graduate if they, first, "are qualified in their ideology and moral character," and, secondarily, if they have "completed the study of the courses required and have passed the examinations or got all the credits required."

Finally, Article 53 requires that students of institutions of higher learning should "build up their physiques and the concepts of patriotism, collectivism, and socialism; diligently study Marxism, Leninism, Mao Zedong thought, and Deng Xiaoping theory; have sound ideology and moral character; and grasp a comparatively high level of scientific and cultural knowledge and specialized skills."

In 2003, China's State Council promulgated regulations specifically addressing collaborations with foreign partners in education. The regulations bar foreign partners from involvement in military academies, police academies, and political education. They also bar foreign religious organizations, religious institutions, religious colleges and universities, and so-called religious workers from involvement in cooperative education efforts in China, and they bar joint campuses from offering religious education or conducting religious activities.

The regulations require that Chinese foreign educational collaborations "not jeopardize China's sovereignty, security, and public interests"—a broad requirement that Chinese authorities could use to rule out academic discussion related to Taiwan, Tibet, Uyghurs, electoral reform in Hong Kong, the Falun Gong spiritual group, and other topics.

It appears that, in practice, the Chinese Government has been willing to relax some of these requirements, particularly in the case of jointly operated institutions with independent legal person status and significant numbers of non-Chinese students, such as NYU Shanghai and Duke Kunshan University, a partnership among Duke University, China's Wuhan University, and the Government of Kunshan Municipality in China's Jiangsu Province.

On the role of party committees, a 2013 article in the Global Times, a tabloid affiliated with the Chinese Communist Party's paper of record, the People's Daily, cited unnamed educators as saying that "unlike Chinese universities, where administrative interference is considered one of the biggest problems with the education system, the Party committees in these branch campuses usually don't have a say in academic affairs."

NYU Shanghai's chancellor, Yu Lizhong, told a Hong Kong newspaper in 2012 that the NYU Shanghai campus would be run by a board of directors rather than by a Communist Party committee. And the NYU Shanghai Web site contains no reference to a party committee.

Public reports of the Communist Party activities of NYU Shanghai staff relate to their participation in party bodies and activities

not at NYU Shanghai but at NYU Shanghai's academic partner in the NYU Shanghai campus, East China Normal University. NYU Shanghai's head of human resources, for example, is identified on East China Normal University's Web site as serving concurrently as the head of the party branch of East China Normal University's Chinese-Foreign Cooperation Office.

In contrast, one of the three campuses run jointly by Fort Hays State University, Henan Province-based Sias International University, openly lists information about its Communist Party Committee on its Chinese language Web site. The Web site lists the school's Party Secretary and Deputy Party Secretary as among the nine members of the school's leadership group and includes an organization chart showing party structures across the university, including party groups in the university's business school, law school, school of international education, and nine other schools.

On the scope of permitted expression, U.S. media reports indicate that academic discussions on campuses in China jointly operated by U.S. partners do sometimes stray onto topics that would be taboo on other campuses in China, especially when the joint campuses include significant numbers of non-Chinese students.

Such campuses may also have arrangements allowing their students unfettered access to the Internet, including to sites that are usually blocked in China, such as Google, Gmail, Facebook, Twitter, and YouTube. Such allowances may contribute to greater levels of overall academic freedom on such campuses than China normally tolerates.

The legal guarantees underpinning such zones of free speech, however, remain ambiguous, raising questions about the long-term sustainability of such zones. Some observers have also noted that, because joint campuses in China tend to be heavily subsidized by the Chinese Government, the government may have significant leverage if serious disputes over academic freedom issues should arise.

My fellow panelists are the experts on how their institutions operate within the broad legal and regulatory framework for institutions of higher learning in China and within the context of their individual partnership agreements and their legal person status. I look forward to learning from them.

Thank you again, Chairman Smith, for the opportunity to testify about these issues. As an employee of the Congressional Research Service, I am confined to speaking about the technical and professional aspects of the issues under discussion in this hearing and to answering questions within my field of expertise. With that understanding, I look forward to your questions.

[The prepared statement of Ms. Lawrence follows:]

Testimony of

Susan V. Lawrence

Specialist in Asian Affairs

Congressional Research Service

before the

The House Committee on Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

at the hearing

"Is Academic Freedom Threatened by China's Influence on U.S. Universities?"

June 25, 2015

Chairman Smith, Ranking Member Bass, Congressman Sherman, and distinguished Members of the subcommittee,

Thank you for inviting the Congressional Research Service to testify today.

In 2003, China began explicitly encouraging its universities "to cooperate with renowned foreign institutions of higher learning in running schools."[1] Its stated objective in doing so was the need to improve the quality of higher-level education to meet the workforce needs of China's growing economy. China's National Plan for Medium and Long-term Education Reform and Development (2010-2020), issued in July 2010, reiterated the government's interest in encouraging such partnerships, exhorting Chinese universities to become "world-class" in part by establishing "international academic cooperation organizations" and setting up research and development centers with "high quality educational and scientific research institutions from overseas."[2]

In such a context, China's Ministry of Education indicates on its website that it has so far approved 11 U.S. universities and one U.S. individual to work with Chinese partners to cooperatively run 14 university campuses in China. The Ministry has granted three of those campuses independent legal person status, which may give them some greater autonomy in their operations than those without such status. My fellow panelists include the Vice Chancellor of the first U.S.-China joint venture university to be granted independent legal person status, NYU Shanghai, a partnership between New York University and East China Normal University.[3] My fellow panelists also include the President of Fort Hays State University, which is involved in partnerships in three Chinese provinces to run campuses that do not have independent legal person status.[4]

In addition, the Chinese Ministry of Education has approved a broader set of U.S. universities to work with Chinese partners to offer degree programs on campuses operated solely by Chinese partners: more than 80 U.S. universities are involved in partnerships to offer undergraduate degrees in China under such arrangements, and more than 30 U.S. universities are involved in partnerships to offer graduate degrees in China under such arrangements. The Chinese Ministry

[1] Regulations of the People's Republic of China on Chinese-Foreign Cooperation in Running Schools," 2003, available at www.crs.jsj.edu.cn/index.php/default/news/index/3.

[2] 国家中长期教育改革和发展规划纲要(2010-2020 年) (Outline of China's National Plan for Medium and Long-term Education Reform and Development (2010-2020)), Xinhua News Agency, July 29, 2010, http://www.gov.cn/jrzg/2010-07/29/content_1667143.htm.

[3] The other two U.S.-China joint venture campuses with independent legal person status are Duke Kunshan University and Wenzhou Kean University.

[4] The website of Ministry of Education of the People's Republic of China carries lists of approved Chinese-foreign educational partnerships, including detailed information about their legal status and other matters. See "本科中外合作办学机构与项目(含内地与港台地区合作办学机构与项目)名单" ("Undergraduate Chinese-Foreign Cooperation in Running Educational Institutions and Projects (Including Cooperation in Running Educational Institutions and Projects Between the Mainland and Hong Kong and Taiwan): A List"), http://www.crs.jsj.edu.cn/index.php/default/approval/orglists/2 and"硕士及以上中外合作办学机构与项目(含内地与港台地区合作办学机构与项目)名单," ("Graduate-level Chinese-Foreign Cooperation in Running Educational Institutions and Projects (Including Cooperation in Running Educational Institutions and Projects Between the Mainland and Hong Kong and Taiwan): A List"), http://www.crs.jsj.edu.cn/index.php/default/approval/orglists/1. These lists may not be complete. For example, since 1986, Johns Hopkins-SAIS has operated a center on the Nanjing University campus offering M.A. degrees, but the collaboration does not appear on these Ministry of Education lists.

of Education website indicates that universities from 36 of the 50 U.S. states are involved in approved partnerships either to jointly run campuses or to offer degree programs on Chinese-run campuses, or both.[5]

U.S. university administrators cite a variety of benefits from their partnerships in China. Some of those cited benefits include the potential for significant revenues from full fee-paying Chinese students on China-based campuses, who may later become alumni donors; the potential for a higher profile in China translating into the recruitment of more full fee-paying Chinese students to home campuses in the United States; and the cachet of operating in a country with rapidly growing economic power and global strategic clout. In the case of partnerships to establish new joint campuses, U.S. universities also cite benefits in the form of generous funding from the Chinese side, typically covering all campus construction costs and some or all operating costs; opportunities for new global research collaborations; and opportunities for students on the universities' home campuses to broaden their education through study abroad. Fostering interactions among Chinese students and American and other non-Chinese students, supporters argue, increases mutual cultural understanding and contributes to the development of an informed global citizenry.[6]

Critics of U.S. educational collaborations in China have focused on several areas of concern. The most prominent relates to the compromises U.S. universities may be forced to make with regard to academic freedom, the subject of this hearing. Other concerns voiced by critics include that universities operating campuses in China may be straining faculty resources needed to maintain educational standards at home.[7] Critics warn, too, of possible reputational damage to U.S. universities from the more limited range of course offerings at their Chinese campuses, as compared with their home campuses in the United States; the difficulty some U.S. universities face in attracting high-quality faculty to their Chinese campuses; academic ethics challenges common in China; and association with an authoritarian Chinese government that routinely restricts freedom of expression.[8]

All institutions in China, including those with U.S. partners, are subject to a set of Chinese laws, national-level administrative regulations, Ministry of Education rules and regulations, Ministry of Education guidance documents, and various national and local measures pertaining to their implementation and interpretation. The key national laws include the 1995 Education Law of the

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[5] Ibid.

[6] On financial benefits from such partnerships, see comments by Kean University President Dawood Farahi in Nic Corbett, "Kean University gets approval from Chinese government to build degree-granting campus," *The Star-Ledger*, December 21, 2011, http://www.nj.com/news/index.ssf/2011/12/kean_university_gets_approval.html. On the goal of creating global citizens, see the website of NYU Shanghai, which says that the university seeks "to create a cross-cultural learning environment that will help students become global citizens." Accessible at https://shanghai.nyu.edu/about.

[7] See concerns raised by the Kean University Federation of Teachers when Kean won preliminary Chinese government approval to establish a degree-granting campus in China. Nic Corbett, "Kean University gets approval from Chinese government to build degree-granting campus," *The Star-Ledger*, December 21, 2011, http://www.nj.com/news/index.ssf/2011/12/kean_university_gets_approval.html.

[8] For a broad discussion of all these issues, see Anya Kamenetz, "Should Top U.S. Colleges Expand Overseas?" *Newsweek/The Daily Beast*, March 5, 2013, http://www.thedailybeast.com/newsweek/2013/03/04/should-top-u-s-colleges-expand-overseas.html. See also Letter from the American Association of University Professors (AAUP) New York University Chapter to the New York University Board of Trustees, September 3, 2013.

People's Republic of China and the 1998 Higher Education Law of the People's Republic of China.[9]

Several provisions of the Higher Education Law have implications for academic freedom on campuses with U.S. partners, including provisions relating to the role of the Communist Party on campuses and the use of ideological and political performance metrics for faculty and staff personnel decisions and decisions about student eligibility for graduation. As I will discuss later, however, not all these provisions appear to be uniformly enforced.

Article 10 of the Higher Education Law stipulates that "the state safeguards the freedom of scientific research, literary and artistic creations and other cultural activities in institutions of higher learning according to law," but also that, "Scientific research, literary and artistic creations and other cultural activities should abide by law," potentially limiting such freedoms.

Article 39 of the law outlines the leadership role of Communist Party committees in state-run higher education institutions. It states that Communist Party committees "exercise unified leadership over the work of the institutions" and that the committees' duties are, "to adhere to the lines, principles and policies of the Chinese Communist Party, to keep to the socialist orientation in running the schools, to provide guidance to ideological and political work and moral education in the institutions, to discuss and decide on the internal structure and directors of departments of the institutions, reform, development and basic management systems of the institutions and other important matters, and to ensure fulfilment of all the tasks centering on the training of students."

Article 51 of the law stipulates that "the basis for appointment, dismissal, promotion, reward and punishment" of faculty and administrative personnel should be "ideology and political performance," first, followed by "professional ethics, professional skill and actual achievements."

In a similar vein, Article 58 of the law stipulates that students should be permitted to graduate if they, first, "are qualified in their ideology and moral character," and secondarily, "have completed study of the courses required...and have passed the examinations or got all the credits required."

Finally, Article 53 requires that students of institutions of higher learning should, 'build up their physiques and the concepts of patriotism, collectivism and socialism, diligently study Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory, have sound ideology and moral character, [and] grasp a comparatively high level of scientific and cultural knowledge and specialized skills."

In 2003, China's State Council promulgated Regulations of the People's Republic of China on Chinese-Foreign Cooperation in Running Schools, specifically addressing collaborations with foreign partners in education.[10] The regulations bar foreign partners from involvement in military

[9] Higher Education Law of the People's Republic of China, adopted 1998 and effective as of January 1, 1999, available in English translation on the Ministry of Education website at http://www.moe.edu.cn/publicfiles/business/htmlfiles/moe/moe_2803/200905/48454.html.

[10] Regulations of the People's Republic of China on Chinese-Foreign Cooperation in Running Schools," promulgated 2003 and effective as of September 1, 2003, available on the Ministry of Education website at http://

academies, police academies, and political education (Article 6.) They also bar foreign religious organizations, religious institutions, religious colleges and universities and "religious workers" from involvement in cooperative education efforts in China, and bar jointly-run campuses from offering religious education or conducting religious activities (Article 7). The regulations require that Chinese-foreign educational collaborations "not jeopardize China's sovereignty, security and public interests" (Article 5), a broad requirement that Chinese authorities could use to rule out academic discussion related to Taiwan, Tibet, Uighurs, electoral reform in Hong Kong, the Falun Gong spiritual group, and other topics.

The regulations require the president or chancellor of jointly-run educational institutions in China to be a Chinese citizen, resident in China, who must "love the motherland," usually interpreted in China as showing loyalty to the Communist Party of China (Article 25). Finally, the regulations require jointly run institutions to offer courses "on the constitution, laws, ethics of citizens and basic facts about China, etc., in accordance with the requirements by China for educational institutions of the same type at the same level" (Article 30). On solely Chinese-run campuses, such mandatory classes include a class in the principles of Marxist philosophy.

It appears that, in practice, the Chinese government has been willing to relax some of these requirements, particularly in the case of jointly-operated institutions with independent legal person status and significant numbers of non-Chinese students, such as NYU Shanghai and Duke Kunshan University, a partnership among Duke University, China's Wuhan University, and the government of Kunshan Municipality in China's Jiangsu Province. On the role of Party committees, a 2013 article in the *Global Times*, a tabloid affiliated with the Chinese Communist Party's paper of record, the *People's Daily*, cited unnamed "educators" as saying that, "...unlike Chinese universities, where administrative interference is considered one of the biggest problems with the education system, the Party committees in these branch campuses usually don't have a say in academic affairs...."[11] Indeed, NYU Shanghai's Chancellor, Yu Lizhong, told a Hong Kong newspaper in 2012 that the NYU Shanghai campus would be run by a board of directors, rather than a Communist Party committee.[12] Currently, the only mention of the board of directors on NYU Shanghai's Chinese-language website is in Chancellor Yu's biography, which lists him as the board's chairman.[13] The website contains no reference to a Party committee. Public reports of the Communist Party activities of NYU Shanghai staff relate to their participation in Party bodies and activities not at NYU Shanghai, but at NYU Shanghai's academic partner, East China Normal University (ECNU). NYU Shanghai's head of human resources, for example, is identified on ECNU's website as serving concurrently as head of the Party branch of ECNU's Chinese-Foreign Cooperation Office.[14]

http://www.crs.jsj.edu.cn/index.php/default/news/index/3.

[11] Xuyang Jinjing, "Bringing the Ivy League to China," *Global Times*, August 26, 2013, http://www.globaltimes.cn/content/806445.shtml#.UhuCpj-rF2A.

[12] Raymond Li, "NYU Shanghai as a study in globalisation," *South China Morning Post*, May 26, 2013, http://www.scmp.com/news/china/article/1246326/study-globalisation.

[13] Chancellor Yu's Chinese-language biography is posted at https://shanghai.nyu.edu/cn/leadership-render/nojs/2416.

[14] "研究生院党支部参观 I:海纽约大学 学习和交流管理经验" ("Party Branch of the Graduate School Visits NYU Shanghai to Study and Exchange Management Experiences"), website of East China Normal University, January 8, 2015, http://zzb.ecnu.edu.cn/s/98/t/416/c0/99/info123033.htm.

As noted earlier, the three campuses jointly run by Fort Hays State University do not have independent legal person status. One of those campuses, Henan Province-based Sias International University, openly lists information about its Communist Party Committee on its Chinese-language website. The website lists the school's Party Secretary and Deputy Party Secretary as among the nine members of the school's leadership group and includes an organization chart showing Party structures across the university, including Party groups in the university's business school, law school, school of international education, and nine other schools.[15]

On the scope of permitted expression, U.S. media reports indicate that academic discussions on campuses in China jointly operated by U.S. partners do sometimes stray into topics that would be taboo on other campuses in China, especially when the joint campuses include significant numbers of non-Chinese students. Such campuses may also have arrangements allowing their students unfettered access to the Internet, including to sites that are usually blocked in China, such as Google, Gmail, Facebook, Twitter, and YouTube.[16]

Such allowances may contribute to greater levels of overall academic freedom on such campuses than China normally tolerates. The legal guarantees underpinning such zones of free speech remain ambiguous, however, raising questions about the long-term sustainability of such zones. Some observers have also noted that because joint campuses in China tend to be heavily subsidized by the Chinese government, the government may have significant leverage if serious disputes over academic freedom issues should arise in the future.

My fellow panelists are the experts on how their institutions operate within the broad legal and regulatory framework for institutions of higher learning in China and within the context of their individual partnership agreements and their legal person status. I look forward to learning from them.

Thank you again, Chairman Smith and Ranking Member Bass, for the opportunity to testify about these issues. As you know, as an employee of the Congressional Research Service, I am confined to speaking about the technical and professional aspects of the issues under discussion in this hearing, and to answering questions within my field of expertise. With that understanding, I look forward to your questions.

[15] Website of Sias International University, http://www.sias.edu.cn/channels/3004.html.

[16] Lillian Foote, "American Universities Opening Up Shop in China—Sino-Foreign Joint Education Ventures," The Huffington Post, May 10, 2015, http://www.huffingtonpost.com/china-hands/american-universities-opc_b_7250306.html.

Mr. SMITH. Ms. Lawrence, thank you very much for your testimony.

And, without objection, your full statement and that of all of our distinguished witnesses will be made a part of the record, but I thank you for it.

Now, Mr. Daly.

STATEMENT OF MR. ROBERT DALY, DIRECTOR, KISSINGER INSTITUTE ON CHINA AND THE U.S., WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Mr. DALY. I would like to thank the chair and the other members of the committee for the chance to discuss a very important set of issues with you today.

These are issues that I have worked on from within government and academia for almost 30 years. And I can tell you, Mr. Chairman, that all of your concerns are very well-founded, and they require constant attention from the practitioners in the field who are working with China. There are no easy answers to this. It requires balance.

Many of my Chinese colleagues and friends would be surprised to hear that there was a discussion today about Chinese influence on American universities, because, in their experience, the influence has flowed almost entirely in the other direction since 1854, when the first Chinese earned a degree from an American University.

In fact, the very idea of the university, the modern university in China, was introduced from the West and primarily from the United States by people like John Leighton Stuart, by Johns Hopkins University, Oberlin, Yale, and Harvard, who brought the idea of the academic disciplines at university degrees to China in the first place. And the model for China's universities, their structures, their degrees, their governance—with the exception of the involvement of the Chinese Communist Party, which is pervasive, as you suggest—this model comes primarily from the United States.

Even today, Chinese universities are adapting American academic standards and models to suit China's needs, and Chinese scholars seek partnership with American experts and publication in American journals. Furthermore, young Chinese, as you have mentioned, now comprise 29 percent of all foreign students in the U.S., and approximately 2 million have pursued degrees here since 1979.

On the other side of the equation, American academics rarely seek publication in Chinese journals, most of which are of low quality and many of which deal in plagiarized and faked research. And few American students pursue degrees from Chinese universities. Most Americans students who visit China—and I support them to do so, I believe strongly in the value of study abroad, but most of these students go for short-term language and cultural classes as part of U.S. degree programs. So Chinese education, as such, holds very little allure for Americans.

So there can be no question that American universities have far greater impact on China than China has on them, just as there can be no question that American soft power in China overall—our influence on Chinese institutions, the aspirations, tastes, and values

of the Chinese people—while they are not what we would like them to be, dwarf China's soft power here. I think that that fact has to be kept clearly in mind, because calls for reconsideration of our policy of engagement with China are growing more strident.

Still, yes, as you note, China does exert influence on American universities, and that seems to be growing. And it comes, I believe, primarily from American colleges' and universities' need for and their fear of losing Chinese sources of financing, although it doesn't come only from there.

We should mention, too, that while we are talking about our concerns about Chinese impacts on America, we should recognize the contribution that educational exchanges with China have made to the United States. This is not just a story about the flow of Chinese money into American universities. Even more beneficial has been the flow of Chinese talent and energy into American society.

Many of the Chinese students who study here remain in the U.S. after graduation, and this new generation of immigrants, like their predecessors, is providing a vital infusion of expertise into every professional field and academic discipline in the United States. So we should recognize today that when we speak of Chinese students, this is not to demonize them; we are also speaking of our American neighbors, colleagues, and friends, and they are making a big contribution to this country.

We should also note that money isn't the only thing that American universities want from the PRC. They also cooperate with China in order to fulfill their academic missions. American scholars, if they are to be leaders in their field, need access to Chinese archives, data, and research sites. They need to interview Chinese experts and survey Chinese populations. They need study-abroad opportunities for American students. American students now cannot be leaders in their field unless they have knowledge in China.

In short, because the PRC is now central, whether we like it or not, to nearly every global issue, be it strategic, economic, technological, environmental, public health, U.S. universities cannot do their work, they cannot be universal, unless they engage with China to some degree.

This is a new situation not only for American universities but for American corporations, professional institutions, American filmmakers, American subnational governments. They now have China interests, China relations, and China policies. This is a positive development, I believe, in the main, but it has its dangers.

American universities fear ill repute in China. They fear being cut off from China. They fear the loss of Chinese tuition and fees. And this fear does give China leverage, and China knows it.

We should, furthermore, be worried about how China will use the leverage. As the chairman has mentioned, Document 9 and following documents make very clear that issues like constitutional democracy, civil society, neoliberal economics, and Western ideas of journalism cannot be discussed openly in Chinese universities or in the Chinese media.

Earlier this year, China's Minister of Education, Yuan Guiren, told a meeting of Chinese academic leaders in Beijing that they should reduce the number of Western-published textbooks in their

classrooms and "by no means allow teaching materials that disseminate Western values."

The reason for this prohibition was provided by the state-run Global Times paper that Susan mentioned. They wrote, "Young students and teachers are the major groups used by enemy forces to penetrate and divide China." This is the attitude.

So Yuan's statement sounds like a direct order to Chinese universities and a direct threat to American schools that offer American degrees on Chinese soil. If Western textbooks, as China claims, are vectors that infect young Chinese minds and weaken the country, are not Western faculty members and universities more dangerous still?

And it is this situation, I think, that has compelled this subcommittee to ask the question about whether academic freedom can be maintained while working in and with a country such as the PRC.

Despite these difficulties, however, I would argue that there is a way forward under the current set of circumstances. Now, circumstances could change, and there is definitely a time to pull out tent stakes and say that, yes, while the perfect may be the enemy of the good, China is imposing conditions on American universities that they cannot meet, as you mentioned. There could be a time to leave, but we are not there yet.

And the reason, I think, is that, despite Xi Jinping's ideology campaign and despite the political character of Chinese universities, American universities have been able to find ways to interact with Chinese counterparts that do not threaten academic freedom.

How can this be done? Is there room for honorable maneuver? I think there is because, as Susan has suggested, Xi Jinping's campaign and Yuan Guiren's pronouncements against American textbooks haven't meant much in practice yet on campuses. There is an atmosphere of hesitancy and fear in Chinese academic, cultural, and media circles that we haven't seen since the aftermath of the Tiananmen massacre, but, to date, there have been no reports of Chinese faculty being required to revise their reading lists or of Chinese colleges altering their curriculum. There has of yet been no systematic implementation of this very backward and draconian ideological campaign.

Many Chinese students and scholars within China, furthermore, question and mock openly Yuan Guiren's call to restrict Western textbooks, and they do this in state-run media. So it is hard to keep track of what all this means in China.

The president of Tiankai University wrote in the Communist Party flagship paper, the People's Daily, "I have read people on the Internet saying that the ranks of academics must be cleansed, purified, and rectified. I can't agree with this. This was the mentality of 1957," the violent anti-rightist campaign, "or 1966," which was the launch of the cultural revolution. Other Chinese critics point out gleefully that Marxism is itself a Western idea and that this campaign is, therefore, self-contradictory and incoherent.

So we don't yet know where this is headed. There is space that is in play. And it may be that Beijing is only paying lip service to rectification on Chinese campuses because Beijing remains con-

flicted about the influence of the West. We still lead, we, the West, with the United States at the fore, lead the world in nearly every field of academic inquiry.

And Xi Jinping surely knows that, despite demonizing Western culture, China cannot meet his reform goals unless it masters Western learning. His desire to make China a leader in the international knowledge economy and his demand that Chinese universities produce more innovative students are at odds with his calls for ideological purity. And everyone in China knows that his own daughter is a graduate of Harvard University, so it makes it hard to be too loud about these issues.

So lastly, I would just like to make a few specific recommendations going forward to universities that want to work with China.

One is, I would suggest that all memoranda of understanding with Chinese universities state clearly that any relationship or program can be concluded at any time by either party if its standards of academic freedom, academic integrity, or academic rigor are compromised. This clause will serve as a warning to both sides and a reminder of first principles, and it will protect American partners if Xi's ideological agenda is actually put into practice, at which point these programs do become untenable, in my view. MOUs should also, as the chair suggests, be made public, as any practices that fall short of full transparency will fuel a reasonable skepticism, the skepticism that American faculty, students, and other university stakeholders rightly have.

American faculty, furthermore, and having worked in Hopkins and other universities I have seen this in practice, American faculty should be consulted at every stage in the planning of cooperative ventures with China, and faculty should vote to decide whether projects meet their standards of academic quality. This is essential because university administrators have to consider financial and political matters while faculty loyalty is to their discipline, to their departments, and to standards, so faculty need to lead.

U.S. colleges and universities should not allow the Chinese Government or any other national government, or its agencies, to appoint faculty or instructors on American campuses, to violate U.S. fair hiring laws, or to dictate program conditions that violate U.S. best practices.

And lastly, the U.S. Government, you asked what the government can do, we should ask regularly in our representations, ask Beijing to clarify its opposition to Western culture and its policies restricting foreign NGOs. China does not shy away, as you know, from accusing American media of bias against China. We shouldn't be reticent about asking why Beijing has a formal campaign demonizing our values.

But in closing, even as we remain vigilant, I think that we must remember that our educational institutions, culture, and ideas have vastly more influence in China than China has here. That influence is made possible by our policy of engagement. Curtailing engagement would cut off our influence, which would serve neither American interests nor those of the Chinese people.

Thank you.

[The prepared statement of Mr. Daly follows:]

Is Academic Freedom Threatened by China's Influence on U.S. Universities?

Testimony by Robert Daly
Director, Kissinger Institute on China and the United States, The Wilson Center
U.S. House of Representatives Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Jun 25, 2015

I. The Impact of American Higher Education on China

The question we are considering today is whether academic freedom is threatened by China's influence on American universities. The history of U.S.-China educational relations suggests that we should first ask whether China has such influence at all.

Since 1854, when Yung Wing became the first Chinese student to graduate from an American university, influence has flowed almost entirely in the other direction: from the U.S. to China. Qing Dynasty students who came to New England as part of the Chinese Educational Mission in 1872 and the nearly 40,000 Chinese who studied here between 1870 and 1949 returned to China with knowledge and ideas that built Chinese industry and sparked calls for liberal social change. China had no perceptible impact on American universities during this period other than as a source of talent. In the same era, Americans like John Leighton Stuart and institutions like Johns Hopkins, Oberlin, Yale, and Harvard founded China's first modern universities and introduced the academic study of the natural, applied, and social sciences to China. Our universities have played and continue to play a vital role in China's development.

Today, there are more American higher educational exchanges with China than can be kept track of, and the scale and variety of such efforts is expanding. Chinese universities are adapting American academic standards and models to suit China's needs and Chinese scholars are seeking partnership with American experts and publication in American journals. Young Chinese now comprise 29% of all foreign students in the U.S. 287,260 hold U.S. student visas (approximately 2 million Chinese have pursued degrees here since 1979). In the 80s and 90s, most Chinese who came to the States were graduate students, but we are now witnessing an explosion in undergraduate enrollments as well. According to the *Chronicle of Higher Education*, the number of Chinese undergraduates at U.S. colleges has grown 900 percent over the past decade. Expanding enrollments in U.S. primary and secondary schools and in academic summer programs also testify to Chinese hunger for American education and American credentials.

The question of whether these students' exposure to American ideas and culture changes their thinking, and how those who return to China are shaping their nation has not been adequately studied. The history of our educational relations since 1854 makes clear, however, that, while we cannot predict or control how American education influences the thought, aspirations, and careers of Chinese students, that influence has been profound in ways that accrue to our national credit and that promote social pluralism and modern attitudes in China.

Looking at the other side of the unbalanced equation that is U.S.-China educational relations, American academics rarely seek publication in Chinese journals, most of which are of low

quality and many of which deal in plagiarized and faked research, and few American students pursue degrees from Chinese universities. Most American students who visit China do so for short-term language and cultural classes as part of U.S. degree programs. Chinese education as such holds little allure for Americans.

There can be no question that American universities have had a far greater impact on China than China has had on them, just as there can be no question that American soft power in China—our influence on Chinese institutions, aspirations, tastes, and values—dwarfs China's soft power here. That fact should be kept clearly in mind as calls for reconsideration of our policy of engagement with China grow more strident.

II. China's Leverage

Still, China *does* exert influence on American universities, and that influence is growing. It doesn't stem from Chinese values or ideas or from the attractiveness of China's educational system; it's mostly about American colleges' and Universities' need for—and fear of losing—Chinese money.

Most of the Chinese PhD students who came to the Sates in the 80s and 90s received fellowships from American schools. Today, most Chinese undergraduate and master's students pay full, out-of-state tuition for American degrees. Those fees have become a vital source of funds for some American schools. Chinese tuition became particularly important when the number of American out-of-state applicants to U.S. state universities dropped after 2008. That is when we began to see a rapid increase in Chinese undergraduate enrollments, the creation of U.S. master's programs that cater to students from the PRC, and the building of "American campuses" in China that charge U.S.-level tuitions to Chinese students. American universities also compete with each other to sell executive training courses to mid-career Chinese leaders and they earn fees for "summer camps" for Chinese high school students and undergrads. Chinese students are also an economic boon to American communities. The Department of Commerce estimates that in the 2013-14 academic year, Chinese students contributed $8.04 billion to the U.S. economy.

(It must be noted that the flow of Chinese money into American universities, important as it is, is not as beneficial as the flow of Chinese talent and energy into American society. Many Chinese students remain in the U.S. after graduation. The new generation of Chinese immigrants, like their predecessors, is providing a vital infusion of expertise into every professional field and academic discipline in the U.S. These new Americans found American companies, build American communities, and save and enrich American lives. Most come to the States initially as students. We must remember, therefore, that when we speak of "*Chinese* students," we are also speaking of our *American* neighbors, colleagues, and friends.)

Money isn't the only thing American universities want from the PRC; they also cooperate with China in order to fulfill their academic missions. American scholars need access to Chinese archives, data, and research sites. They need to interview Chinese experts and survey Chinese populations. They need study abroad opportunities for American students, who cannot be leaders in their fields unless they have knowledge of China. In short, because the PRC is central to nearly every global issue—strategic, economic, technological, environmental, public health—U.S. universities cannot do their work well unless they engage with China.

Engagement means that our universities don't merely offer *academic* China programs or conduct educational *exchanges* with China; they now have complex *interests* in China. Universities have their own China *relations*, their own China *policies*. This is a positive development, but it has its dangers. American universities fear ill repute in China, they fear being cut off from China, and they fear the loss of Chinese tuition and fees. That fear gives China leverage, and China knows it.

III. Reason to Worry

We must be skeptical about how China will wield this influence. China takes names. It blacklists American scholars if their findings or even the focus of their research are seen as a threat to the party-state. Not only do the Chinese ministries of Public Security, Propaganda, Culture, and Education monitor the activities of Chinese universities and American scholars and schools working in China, Chinese universities are themselves led by the Chinese Communist Party (CCP). While there are many brilliant, hard-working students and scholars in Chinese universities, it must be remembered that the primary mission of Chinese higher education is not the advancement of knowledge; it is the training of personnel that the CCP has determined are needed for the continued development of China's economy and comprehensive power.

The CCP has invested heavily in higher education and has made it possible for a high percentage of Chinese to earn university degrees. But the Party is also wary of academics. Chinese universities and intellectuals have long seen themselves as having the moral and patriotic duty to promote Chinese social modernization and to call out wrong-headed government policies. This was demonstrated in the May 4th Movement of 1919 and the Tiananmen Movement of 1989.

This tradition of academic activism is the reason that Xi Jinping and China's Ministry of Education have made universities a focus of a national campaign to guard against the influence of Western thought. Xi has named Western values as one of the non-traditional threats that will be addressed by the new National Security Commission that Xi himself chairs. The Commission views Western values as an existential threat to the party-state on a par with terrorism and sedition. Xi spelled out what he means by "Western values" in 2013 in a notice commonly known as Document 9. It lists subjects that are not to be openly discussed in the media or in university classrooms, including Western constitutional democracy, universal values, civil society, neoliberal economics, and Western ideas about journalism.

The *New York Times* reported that Document 9's proscriptions were strengthened in 2014 by Document 30, which called for cleansing Chinese universities and cultural institutions of Western-inspired liberal ideas. Xi spurred the campaign at a meeting on the Party's work in higher education in late 2014, stressing that universities are "charged with the heavy responsibility of studying, researching, and propagating Marxism, (and) training the next generation of builders of socialism with Chinese characteristics," and that "strengthening the Party's leadership of universities, and strengthening and advancing the Party apparatus within universities is the most basic guarantee of the success of socialist universities with Chinese characteristics."

To advance Xi's agenda, the Minister of Education, Yuan Guiren told Chinese university leaders in January of this year to reduce the number of Western-published textbooks in their classrooms and to "by no means allow teaching materials that disseminate Western values." The reason for this prohibition was provided by China's state-run *Global Times* newspaper: "Young students and teachers are the major groups used by enemy forces to penetrate and divide China."

Yuan's statement sounds like a direct order to Chinese universities and a direct threat to American schools that offer American degrees on Chinese soil. If Western textbooks are vectors that infect young Chinese minds and weaken the country, are not Western faculty and universities more dangerous still? The Ministry of Education's suspicion of American education is echoed in China's draft law on the governance of foreign NGOs. The draft places all non-Chinese NGOs—a category which may include foreign educational institutions—under management by China's Public Security Bureau, treating them, in effect, as criminal suspects.

This situation compels this committee to ask how American colleges and universities founded on academic freedom can work in or with such a country under such conditions. This question should be considered seriously by every American institution of higher education.

IV. The Way Forward

Despite Xi Jinping's ideology campaign, and despite the political character of Chinese universities, American universities can interact with Chinese counterparts in ways that do not threaten the academic freedom that makes our system of higher education the finest in the world. It is not only possible for American universities to work with China in this way, it is essential that they do so. It is necessary both for the fulfilment of their academic missions and for America's national interest.

There is room for honorable maneuver by American universities because Xi Jinping's campaign and Yuan Guiren's pronouncements don't mean much *in prac*tice yet. There is an atmosphere of hesitancy and fear in Chinese academic, cultural, and media circles that we haven't seen since the aftermath of Tiananmen, but, to date, there have been no reports of Chinese faculty being required to revise their reading lists or of Chinese colleges altering curricula. There has been no systematic implementation of the ideology campaign in Chinese university classrooms. Many Chinese students and scholars, furthermore, question and mock Yuan Guiren's call to restrict Western textbooks, and they do so in state-run media. The president of Tiankai University wrote in the Communist Party's flagship paper, *People's Daily*, "I've read people on the Internet saying that the ranks of academics must be cleansed, purified and rectified. I can't agree with this. This was the mentality of 1957 (the Anti-Rightist Campaign) or 1966 (launch of the Cultural Revolution)." Other Chinese critics point out that Marxism itself is of Western origin.

It may be that Beijing will only pay lip service to the rectification of Chinese campuses. Beijing's attitudes toward Western learning are, after all, conflicted. The West still leads the world in nearly every field of academic inquiry and Xi surely knows that, despite demonizing Western culture, China cannot meet his reform goals unless it masters Western learning. Xi's desire to make China a leader in the international knowledge economy and his demand that

China's universities train more innovative students are at odds with his calls for ideological purity. He may also be restrained by the fact of his daughter's recent graduation from Harvard.

Xi, in other words, faces the same quandary that confounded his predecessors: he cannot find a way to make China both *Chinese*, as he understands the term, and truly modern. He wants to keep the modernist wolf at the door even as he ushers it in. He is trying to manage this paradox, furthermore, as China faces a daunting set of domestic and international challenges and while the nation is changing at a pace and on a scale unprecedented in human history. Everything in the PRC is in flux, and the stakes are extremely high. High for China, high for its neighbors, and high for the United States.

That is why America must continue to engage vigorously with China. As the foundation of our intellectual and technological strength, universities play a key role in our geostrategic competition with China and in promoting the cooperation that keeps competition in check.

V. Recommendations

Our universities, founded on the principle of academic freedom, must comprehensively engage with China if they are to fulfill their academic missions and advance our national interests. But cooperation means that China, which opposes academic freedom, has a say in setting the terms of interaction. I'd like to close by recommending several steps that universities might take in order to protect standards of academic freedom while working with Chinese counterparts.

- MOUs with Chinese universities should state that any relationship or program can be concluded at any time, by either party, if its standards of academic freedom, academic integrity, or academic rigor are compromised. Such a clause will serve as warning and reminder of first principles for both parties, and will protect American partners if Xi's ideological agenda is actually put into practice.

- MOUs should be made public, as any practices that fall short of full transparency will fuel reasonable skepticism on the part of American faculty, students, and other stakeholders.

- American faculty should be consulted at every stage in the planning of cooperative ventures with China and should vote to decide whether projects meet their standards of academic quality. This is essential, as university administrators must consider financial and political matters, while faculty loyalty is to academic disciplines, departments, and standards.

- U.S. colleges and universities should not allow the Chinese government (or any other government) or its agencies to appoint faculty or instructors on American campuses, to violate U.S. fair hiring laws, or to dictate program conditions that violate U.S. best practices.

- The U.S. government should ask Beijing to clarify its opposition to Western culture and its policies restricting foreign NGOs. China doesn't shy away from accusing American media of bias against China. We shouldn't be reticent about asking why Beijing demonizes our values.

In conclusion,

1. **China does not have any influence on American universities that American universities don't permit it to have.** Hearings like this one help raise awareness of the pitfalls and opportunities of academic engagement with China. I thank the Chair and Ranking Member for hosting this valuable discussion.

2. The dangers of academic engagement shouldn't be overstated. U.S.-China educational relations are not a battlefield. They are mutually beneficial and mutually enriching at both the institutional and personal levels. Our joint challenge is to manage these complex relations well, not to peer under every rock for Western liberalization, in China's case, and for Communist Party perfidy, in America's case.

3. Even as we remain vigilant, Americans must remember that our educational institutions, culture, and ideas have vastly more influence in China than China has here. This influence is made possible by the policy of engagement. Curtailing engagement would cut off our influence, serving neither American interests nor those of the Chinese people.

Mr. SMITH. Mr. Daly, thank you so very much for your testimony.

We are joined by Eliot Engel, who is the ranking Democrat on the full Foreign Affairs Committee.

Mr. Engel.

Mr. ENGEL. Thank you very much, Mr. Chairman, and thank you for calling this hearing. Thank you for your leadership. We have discussed this together for many, many years. Thank you for your concern about academic freedom, especially when it comes to American institutions operating in the People's Republic of China.

Let me welcome our witnesses. Thank you for sharing your time and expertise. We really, really appreciate it.

I want to give a shout-out to Vice Chancellor Lehman. NYU is near and dear to my heart. I am very proud to have that as one of the wonderful institutions in New York City. And while you are not in New York City, you are certainly an extension of that wonderful, wonderful campus. And so welcome. And I also am told that you are a native of Bronxville, New York, which is in my district. So that is two good things. And I know you have come a long way to be with us today, all the way from Shanghai. I am so grateful to see you.

I support these things. I think academic exchanges are a very critical tool to building relationships between Americans and people around the world. I was a teacher myself. Before I ever got a law degree, before I ever went into politics, I was a classroom teacher. I have seen firsthand how new ideas and new perspectives can transform a student's understanding of the world and of themselves. And when students from around the world sit in our classrooms, or when American academics teach and research abroad, I really believe it helps to spread knowledge and understanding. And these person-to-person ties are the foundation of strong engagements between countries and governments. And that is why I think these exchanges are a priority and should remain so in our foreign policy. So thank all of you for what you do.

The United States and China have a troubled relationship in many ways, but have a long history of educational exchange. And as Mr. Daly testified, the U.S. has had far more influence on China as a result of these educational exchanges than China has had on the United States. So we should put aside the question of whether these exchanges should take place, the value, as far as I am concerned is clear, but we should be asking how they take place. We need to make sure these educational agreements continue to benefit students and teachers, and also to advance American interests.

We have heard that NYU has worked hard to maintain full academic freedom on their campus in Shanghai. So far the Chinese authorities, I am told, haven't interfered with course material or classroom discussions. So to me, it seems that the NYU Shanghai campus is resulting in more freedom and a greater exchange of ideas, not less. To be sure, NYU needs to stay vigilant in protecting these freedoms, and I expect that will be the case.

Another issue is whether financial arrangements between university partners could prejudice the academic freedom of U.S. institutions. Fort Hays State has established two campuses in China that issue U.S. bachelor's degrees to Chinese students, one through a

partnership with Sias International University, and one with the Shenyang Normal University.

Dr. Martin, I guess, will testify in your written testimony that the faculty have voluntarily chosen to avoid the topic of the Tiananmen Square massacre. The issue is considered too sensitive for discussion in China. I think we need to take a hard look at this sort of self-censorship and how it relates to the academic freedom of American institutions, and I look forward to a rich discussion.

So I am going to end by again thanking the chairman for having this very important hearing and thanking our witnesses for giving their unique perspectives. That is how we in Congress learn. We talk to ourselves too much. We like to learn by talking to people who are experts in what they do.

So thank you all, and I appreciate you coming here today.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Engel.

Dr. Martin, please proceed.

STATEMENT OF MIRTA M. MARTIN, PH.D., PRESIDENT, FORT HAYS STATE UNIVERSITY

Ms. MARTIN. Good afternoon, Mr. Chairman and distinguished Members of the U.S. House of Representatives. Thank you for affording me today the opportunity to come before you and to provide you with testimony. In the interest of time, and with your permission, Mr. Chairman, I will provide you a summary of those comments since you have the full spectrum in your possession.

Fort Hays State University was established in 1902 when the U.S. House of Representatives decommissioned the U.S. Army Base, Fort Hays, and gave the land to form a state university. Since then, Fort Hays State University has evolved and is now a regional comprehensive university serving close to 14,000 students through three modalities: On campus, where we serve approximately 4,800 students; the Virtual College, which delivers online education to about 5,800 students located in Kansas, nearly all 50 States, and the U.S. Armed Services personnel internationally; and in China, where we have approximately 3,100 students.

In March 1999, Fort Hays State University was introduced to a private university in China, Sias International University, a university that had previously been approved by the Chinese Government. Sias affiliates with the prestigious Zhengzhou University, located in the Henan Province of China, which is a sister province to the State of Kansas. Fort Hays State University's profile was presented to the Ministry of Education in China, who approved the request to deliver courses leading to a bachelor's degree. This partnership came under the Chinese regulation of Sino-Foreign Cooperation in Running Schools, and the initial agreement was signed in May 2000.

In the fall of 2000, Fort Hays State University delivered its first courses to 40 students. Fort Hays State University does not have a satellite campus in China; rather, it operates through a partnership agreement to deliver courses leading to bachelor's degrees which are dual in nature. These courses are taught by faculty hired by Fort Hays State University, many of whom live on the campuses

of our partner institutions, and Fort Hays State University has labeled the delivery of these courses cross border education.

Soon after offering Fort Hays State University's first courses, we were asked by the Chinese Government to provide the syllabi, textbooks, and other instructional resources, as well as the faculty credentials for the courses offered to Chinese students. All materials requested were forwarded to the Chinese Government, and soon thereafter we were approved to deliver bachelor's degrees in China. There was no censorship of the content of any course by the government, nor by the university partners. The Chinese Government has never asked again to review our curriculum, to review our content, or to review the faculty credentials.

In 2010, Fort Hays State University's two partners, Sias University and Shenyang Normal University, which was approved in 2004, were selected by the Ministry of Education to conduct a self-study related to the quality and performance of the dual degree programs. Other universities through the world that fell under the regulations, entitled Sino-Foreign Cooperation in Running Schools, were also selected. The work was not inconsequential and the results identified Fort Hays State University's practices as a model for other universities. As a matter of fact, 50 percent of the partners operating in China at that time failed this regulation, and as a result their partnerships were canceled.

The guarantee of teaching quality is the sole responsibility of Fort Hays State University. Faculty teaching in China report to international coordinators and department chairs who are located on the campus of Fort Hays State University, just like any other faculty would that teach on our campus. All faculty teaching in China are required to attend a week-long training in Hays, America, conducted by the Fort Hays State University academic units prior to even setting foot in China. The Chinese Government, as a matter of fact, has been rather impressed that Fort Hays State University spends significant financial resources and time to train our faculty and to ensure academic rigor and academic consistency.

Faculty have had total control over the design and content of the curriculum. The textbooks and other circulor materials are selected only by our faculty. The partners purchase these materials from import-export companies and the students are required to refer to them in the classroom. Rarely, the administration of the universities or the party secretary visit the Fort Hays State University courses.

At this time, Mr. Chairman, with your permission, I would like to brief you very quickly on the programs offered by Fort Hays State University in China. All Chinese students enroll in an academic program offered by Fort Hays State University and they take English Composition sequence 101 and 102, as would our students here in the United States. The sequence provides the foundation for introducing Chinese students to Western values and the Western educational system.

One of the most important goals of these courses is the development of critical thinking and analytical skills. These English courses mirror the courses offered on campus at Fort Hays State University, although they are augmented with English for foreign language learners strategies to accommodate the foreign students'

abilities as English learners. Chinese students are held to exactly the same standards of academic integrity as our U.S. students, and classroom practices, such as group work, collaboration, and active participation, which foster Western educational values. The Department of Leadership Studies in the College of Arts and Sciences has offered a bachelor of science degree at Sias University and Shenyang Normal since 2008.

Despite the academic freedom enjoyed by faculty teaching the curriculum, Fort Hays State University has experienced some instances where the faculty of the partner school has been complacent in undermining academic integrity, but Fort Hays State University has met with the partner institutions' leadership team to work through solutions to these issues surrounding academic integrity, and requests by Fort Hays State University have been met with great support. I will say that more faculty and more student training, the use of student identification cards, and enforcement of policy need to be fully implemented to augment the progress in this area.

As a whole, Fort Hays State University has dealt with issues of academic integrity by taking the stance that we own the curriculum and that our standards of academic rigor and academic excellence will not be sidetracked. Collaboration between Fort Hays State University and the Department of Political Science has been extremely positive. We have experienced absolutely no efforts to infringe the academic freedom or integrity of our Political Science: Legal Studies program. All universities have been respectful, transparent, and collaborative with each other. Learning about the American system of government and law has been the key learning objective of this program.

In the decade of teaching American law and government at two institutions in China, Fort Hays State University has never encountered any resistance in teaching Western values or political structure. Through the political science curriculum, the students receive extensive exposure to the U.S. democratic system of government and rule of law. In courses such as the American Government, Introduction to Law, and Constitutional Law, faculty spend a significant amount of time discussing the issues of civil liberties, and civil rights, including the concepts of due process, equal protection, freedom of speech, freedom of the press, freedom of religion and assembly, and the rights of criminal defendants. In essence, we discuss our Bill of Rights.

The predominant programs at Fort Hays State University's College of Business and Entrepreneurship, such as the Bachelor of Business Administration in Management and the Bachelor of Administration in International Business and Economics, by their nature, typically do not involve subjects that are sensitive or political in nature. However, our faculty have always had access to Western academic databases, albeit limited, and have never been prevented from sharing Western scholarship in the classroom setting.

Every semester Fort Hays State University conducts student and faculty evaluations, and the results of these are used by the academic departments on the campus of Fort Hays State University to modify and improve quality and the performance of students overseas. Fort Hays State University faculty display principles of

academic freedom and transparency in their teaching, research, and discussions with the students in China. Discussions regarding learning objectives for degree programs, majors, and individual courses have all been given and accepted in an atmosphere of transparency.

China's new leader, Xi Jinping, has made no secret of his ambitions to revitalize China and increase her influence on the global stage, as you have stated earlier, Mr. Chairman. President Xi has made it clear that he wants to build an innovative society with strong tech firms that compete internationally. Fort Hays State University was selected and approved to deliver the first American bachelor's degree to Chinese students on mainland China, and I believe that because of that and because of the strength of our curriculum we are highlighting to China and the students all that is great in America.

The challenges that we have faced have been addressed together with our Chinese partners under the auspices of their respective education commissions, and we have protected the academic freedom and integrity of our programs. I believe that the greatest outcome of the relationships are our Chinese students' expanded knowledge of the world and the United States. The Chinese students have similar aspirations to those of the U.S. students: To be engaged in their communities, to own their own businesses, to be successful leaders and role models for their families, and to improve our world.

Tom Friedman in his book, "The World Is Flat," writes that students who have the facility of two languages, have a cultural experience in another country, and use technology to communicate worldwide are true citizens of the world. They are equipped and ready to change the world in a positive way.

As I conclude, I would like to leave you with some final thoughts. From the early days of our Republic, our forefathers recognized the value of a widely and highly educated citizenry to the success and stability of our Nation. Indeed, we have created a system of public and private higher education that is the worldwide standard for academic excellence. As an immigrant to this country, sir, I submit to you that we, as a Nation, need to go back to those roots. We need to return to the guiding principles established by our Founding Fathers that support and deliver a superb education because it is essential to the common good.

This year the Chinese Government mandated that English be a required course in middle school. They are committed to educating the citizenry to do business in the global marketplace. We need to do the same. We need to look beyond our current status and recognize that knowing how to do business in the East, that knowing how to do business in the world will be a determining factor in the prosperity of our children and the success of our Nation. Fort Hays State University stands ready to continue to build bridges that connect and educate our world.

Thank you, Mr. Chairman. Thank you, distinguished Members of the House of Representatives.

[The prepared statement of Ms. Martin follows:]

FORT HAYS STATE UNIVERSITY

Forward thinking. World ready.

OFFICE OF THE PRESIDENT

Testimony provided to the House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations of the Foreign Affairs Committee, U.S. House of Representatives

By: Mirta M. Martin, Ph.D.
President, Fort Hays State University
Hays, Kansas

Date: June 25, 2015

Good afternoon, distinguished members of the House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations of the Foreign Affairs Committee, U.S. House of Representatives.

My name is Dr. Mirta M. Martin and I have the privilege to serve as the ninth president of Fort Hays State University located in Hays, Kansas. Thank you for affording me the opportunity to provide you testimony about our academic initiatives in China.

Fort Hays State University

Fort Hays State University (FHSU) was established in 1902 when the U.S. House of Representatives decommissioned the U.S. Army Base, Fort Hays, and the land was given to establish a state university. The university was originally named Western Branch of the State Normal School and its initial focus was on teacher training.

Today, Fort Hays State University is the destination of choice for students through its Programs of Distinction and its People of Excellence. The collective efforts of the many individuals at the University greatly impact the lives of Kansans and the rest of our nation. Fort Hays State University is a regional comprehensive university serving close to 14,000 students. The University has four divisions: Academic Affairs, Administration and Finance, Technology, and Student Affairs. Students can pursue certificate and degree programs at the associate's, bachelor's, master's and doctoral levels through 70 majors in 28 academic departments in four colleges - the College of Arts and Sciences, the College of Business and Entrepreneurship, the College of Education and Technology, the College of Health and Life Sciences - and in the Graduate School. As a result of re-engineering efforts which started in October 2014 and culminated in April 2015, the formation of a fifth college has been proposed and it is awaiting final approval by the Kansas Board of Regents. Once approved, it will be called the College of Science, Technology, Engineering and Mathematics (STEM).

Fort Hays State University is accredited by the Higher Learning Commission (HLC), an independent corporation that was founded in 1895 as one of six regional institutional accreditors in the United States. The HLC accredits degree-granting post-secondary educational institutions in 19 states located in the North Central region of the United States.

Fort Hays State University attracts goal-oriented students who want premier learning opportunities both inside and outside the classroom combined with extraordinary one-to-one attention and support. We provide hands-on learning with expert faculty members that take pride in making personal relationships that last beyond college

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years. With over 200 student intramural activities, more than 100 student groups and organizations, and by following the Fighting Tiger Athletic teams, Fort Hays State University students have opportunities to become active participants in our campus life.

Fort Hays State University is known for innovation and entrepreneurship. The University has three teaching modalities: on-campus, with an approximate enrollment of 4800; the Virtual College, with an approximate enrollment of 5860 that includes Kansas, nearly all 50 states and U.S. Armed Services personnel internationally; and in China, with about 3165 students at partner universities. Fort Hays State is a national leader in delivering education at a distance through its Virtual College. The University is also home to the Kansas Academy of Mathematics and Science (KAMS), which is Kansas' premier residential academic high school program for the state's best and brightest high school students.

With the most affordable tuition in the region and the second most affordable tuition in the United States (U.S. News and World Report, 2015), Fort Hays State offers its students hands-on learning with close attention from a faculty that prepares them with a global perspective, professional skills and confidence to pursue successful careers. Revenue from its online and international operations supplements the low tuition charged to Kansas residents and enables the University to provide high quality learning experiences on a beautiful campus with leading edge facilities.

Located halfway between Denver and Kansas City, Fort Hays State University is part of a welcoming community in the heart of historic Hays, Kansas; a community that celebrates its frontier roots, its pioneering spirit and its modern sensibility - coffee shops, one-of-a-kind restaurants, shopping, and a vibrant arts scene. Hays, Kansas (often called Hays America) has been recognized as the third-best college town in America among small cities (epodunk.com). In addition, the website *StateUniversity.com* recently ranked the Fort Hays State campus as the safest in the state of Kansas. The ranking was based on a formula that accounts for the severity of a crime as well as the frequency of crime.

In August 2014 *The Chronicle of Higher Education* reported that Fort Hays State was the third-fastest-growing university in the United States from 2001 to 2011, the most recent 10-year period for which data were available. Over that time, Fort Hays State grew from an enrollment of 5,626 in fall 2001 to 12,802 in fall 2011, an increase of 127.6 percent.

Our professors are outstanding teacher scholars who inspire students to develop their unique talents. Our staff are dedicated individuals who ensure the operational needs of the campus are carefully attended. As a result, our students graduate with a deep appreciation of knowledge, service, and respect for resources as well as professional skills and confidence. These give them a competitive edge in their careers, now and for a lifetime.

Quick facts:
Enrollment: 13,825
On-campus headcount: 4,800
Virtual College headcount: 5,860
China program headcount: 3,165

Total number of Kansans served by Fort Hays State University: 7,141, compared to 6,900 a year ago, which is an increase of 241 in-state students.

Graduates: 3,163 in the 2014-2015 academic year (fall 2014, spring 2015, summer 2015). The number of graduates was an increase of 153 percent over the past 11 years, from 1,250 graduates in 2003-2004.

Placement rate: 95 percent (2013-2014 academic year — most recent final statistics available). The percentage includes students accepted into programs of advanced study.

What led to Fort Hays State University's partnerships in the People's Republic of China?
In March 1999, Fort Hays State University was introduced to Dr. Shawn Chen, an American businessman. A year earlier, Dr. Chen launched the first private university in China, Sias International University (Sias), owned by an American and approved by the Chinese government. Sias affiliates with the prestigious Zhengzhou University located in the Henan province of China, the sister province to the state of Kansas. At the time, Dr. Chen was seeking a regionally-accredited American university partner to offer dual bachelor's degrees for Chinese students. Fort Hays State University had experience in delivering quality education at a distance and had the faculty and administrative qualifications he was seeking, including an affordable tuition for these rural Chinese students.

Dr. Chen presented the Fort Hays State University profile to the Ministry of Education in China. The Ministry gave Dr. Chen permission to negotiate a contract with Fort Hays State University to deliver courses leading to bachelor's degrees. This partnership came under the Chinese regulation of "Sino-Foreign Cooperation in Running Schools." The initial agreement was signed in May 2000 and the first Fort Hays State University courses were offered in the fall 2000 semester to 40 students. Fort Hays State University made the decision to start small so that it could maintain the same high quality of programming as is present on the main campus. The goal was established to double the number of students every year, at least for the first several years. Since then, Fort Hays State University has graduated over 8,000 students and this semester is serving about 3,165 students at two Chinese partner universities. Fort Hays State University does not have a satellite campus in China; rather it operates through partnership agreements to deliver courses leading to dual bachelor's degrees. The courses are taught by faculty hired by Fort Hays State University (mostly U.S. citizens), many of whom live on the campuses of our partner institutions in China.

Has there been any censorship by Chinese authorities of content offered by Fort Hays State University?
Soon after offering Fort Hays State University's first courses, Dr. Chen was asked by the Chinese government to provide the syllabi, textbooks, other instructional resources, and faculty credentials for the courses offered to Chinese students. All materials requested were forwarded to China during the first week of April 2001. This was the week of the spy plane incident between the United States and China. Some of the Fort Hays State University staff working on the launch of this Chinese initiative were skeptical that the politics between our two countries might mean that the educational materials from our University would not be approved by the Chinese government. However, their concerns were short-lived as the Ministry of Education of PRC sent a statement indicating that the Fort Hays State University courses had passed with "flying colors" and Fort Hays State University was approved to deliver bachelor's degrees in China. There was no censorship of any content or any courses by the government or by the university partners. The Chinese government has not asked to review curriculum, content or faculty credentials since then.

Initially, Fort Hays State University offered courses leading to a Bachelor of General Studies (BGS) degree with various concentrations. The first several years were a steep learning curve for Fort Hays State University and for our Chinese partners in how to serve students and to manage American and Chinese policies and practices.

In 2007, the Ministry of Education asked Fort Hays State University to offer more traditional Bachelor of Arts (BA), Bachelor of Science (BS), and Bachelor of Business Administration (BBA) degrees. Today Fort Hays State University is offering the following degrees: Bachelor of Business Administration, Bachelor of Science and Bachelor of Arts in Organizational Leadership, Bachelor of Arts in Global Business English, Bachelor of Science in Information Networking and Telecommunications, and Bachelor of Arts in Political Science. All courses offered in China are taught in English.

How did Fort Hays State University expand its partners in China?
In 2003, Dr. Shawn Chen introduced Fort Hays State University to Shenyang Normal University (SNU) in Liaoning Province as a second university desiring to offer dual bachelor's degrees with an American university. The Ministry of Education also approved this agreement and the first courses were offered in fall 2004.

Shenyang Normal University is a public university under the authority of the Liaoning Education Commission. Again, never has any content been censored by the Education Commission.

Over the years, Fort Hays State University explored partnership agreements with a number of Chinese institutions. Currently, we have two cross border partnerships in China and over 10 study abroad agreements.

What is the difference between planned and unplanned students in China and how does that impact the delivery of Fort Hays State University's curriculum?
Planned students are determined by their scores on the Chinese national standardized exam - the Gaokao. The cuts for each tier of university are determined by the Chinese Ministry of Education.

Students may be strong students, but may not do well on the Gaokao exam. A single standardized test may not be an effective indicator of learning ability or academic performance for all students. The Gaokao overly rewards memorization and may under weigh other valuable learning traits. A low Gaokao score may not be an indication of academic weakness. Some students choose not to take the Gaokao because they plan to study abroad and thus are "unplanned" by Chinese policies.

Planned students who pursue a Fort Hays State University degree receive dual degrees; one from the Chinese University and one from Fort Hays State University. Unplanned students in the partnership programs receive only the Fort Hays State University degree, although they take coursework for that degree from both, the Chinese institution and from Fort Hays State University.

The Fort Hays State University program is particularly important for the unplanned students as it is their only opportunity for a college degree in China. On the whole, unplanned students have weaker English language skills; yet, some of them seize the opportunity and rise to the top of their class. An observation some of the faculty who teach in China have made is that some of the unplanned students are "out-of-the-box" thinkers who have not performed as well on the standardized tests that are required for college admission. The brightest of them have some creative and critical thinking skills that serve them extremely well in the American program.

What is the instructional model used by Fort Hays State University in China?
Fort Hays State University has labeled the delivery of its Chinese programs "cross border education." Fort Hays State University faculty are hired to live in China and teach Chinese students. Our faculty have total control over the design and content of the curriculum. They select the textbooks, prepare exams and quizzes, assess students and issue grades. Many of the faculty live on the campus of the partner university.

Fort Hays State University brought the first Blackboard server to China to meet the curricular needs of the faculty. Blackboard is the learning management system for classroom and content management. While a myriad of documents had to be prepared for the Chinese government to bring the technology into mainland China, the request was approved. Fort Hays State University now has four servers in China. In addition, Blackboard now has offices located throughout China to serve Chinese universities.

At this time, I would like to briefly outline the various programs offered by Fort Hays State University, their method of delivery and political climate in China.

College of Arts and Sciences – Department of English Experience with China Programming at Sias International University and Shenyang Normal University (SNU)

All Chinese students enrolled in an academic program offered by Fort Hays State University take the English Composition sequence (English 101 and 102). This sequence of courses provides the foundation for introducing Chinese students to western values and western educational system. Most importantly in maintaining curricular integrity, full-time instructors hired and supervised by Fort Hays State University teach both courses face-to-

face in China. Instructors have, minimally, a master's degree in English or a related field. They participate in a state-side, week-long, intensive orientation session that includes workshops on curriculum design, English as a Foreign Language (EFL) and writing pedagogy, academic honesty, grade norming, and cultural differences. Also essential to maintaining integrity, instructors report directly to the Fort Hays State University English department's International Coordinator, who is a Fort Hays State University faculty member, and who is not accountable to any member of the Chinese university administration. The International Coordinator has the responsibility of hiring, supervising, and evaluating instructors, and maintains regular contact with instructors throughout the academic year, including an on-site visit in the spring.

English 101 and 102 mirror the courses offered on-campus in Hays by Fort Hays State University, using the same syllabi guidelines with the same course goals and learning objectives. Classroom pedagogy is also similar, although augmented with EFL strategies to accommodate the students' abilities as English language learners. Chinese students are held to the same standards of academic integrity as U.S. students, and classroom practices, such as group work, collaboration, and active participation, foster western education models.

One of the most important goals of English 101 and 102 is the development of critical thinking and analysis skills. In order to do so, the curriculum of these courses focuses on examining topics that students are encouraged to take a variety of viewpoints on. While we stay away from hot-button topics like Tibet or Taiwan, we do include topics such as the environment, especially pollution and the government's role in addressing the problem; educational methods at the secondary or university level; tourism and the preservation of cultural sites; and branding and marketing, including the concept of *shan zhai* (fake or imitation products). Many of these topics involve asking critical questions of the government's role in Chinese society. Students respond in various ways, some maintaining the party line, while others become more open in their outlook. Related to the issue of critical thinking and analysis, both English 101 and 102 emphasize academic integrity and honesty, particularly plagiarism. In our courses, Fort Hays State University tries to take a culturally sensitive route, recognizing that there are varied but valid ways of acknowledging sources, but ultimately, we are teaching western styles of writing and academic discourse, which require appropriate acknowledgement and documentation of sources.

College of Arts and Sciences – Department of Leadership Studies Experience with China Programming at Sias International University (Sias) and Shenyang Normal University (SNU)

The Department of Leadership Studies has offered a Bachelor of Arts/Sciences at Sias International University and Shenyang Normal University in the People's Republic of China since 2008. Information about the department, academic programs, and learning outcomes can be found at www.fhsu.edu/leadership. This 124 credit hour program utilizes the same learning outcomes, faculty credentials, degree requirements, and academic policy as all other modalities, including traditional on-campus instruction. Faculty members have at a minimum a master's degree in leadership studies or a related field. Throughout the history of this program, Leadership Studies has experienced full academic freedom in determining the curriculum and content of the degree.

Fort Hays State University utilizes a shared curriculum model wherein 42 credit hours are taught directly by Fort Hays State University, and the remaining 82 credit hours are transferred in from the partner institution. Within the 42 credit hours taught by Fort Hays State University, all aspects of the curriculum are fully under the authority of the academic department (Leadership Studies). This includes not only the content in the classes, but also the overall program outcomes and the degree requirements, as well as the prerogative to make administrative decisions related to the program including faculty hiring and course availability. At no time has Leadership Studies ever been coerced or pressured to alter the content of the curriculum from an outside entity within the Chinese government or the partner institutions, despite including content of a sensitive nature in the curriculum. However, innovation and creativity regarding pedagogy have been challenging. For instance, students and faculty have experienced difficulty in accessing specific content and learning tools due to the internet censorship by the Chinese government.

Despite the relative academic freedom of the curriculum, Fort Hays State University has experienced some instances of the partner schools' faculty being complacent in undermining academic integrity. Fort Hays State University has met with the partner institutions' leadership team to work through solutions to the issues surrounding academic integrity and the requests have been met with great support. However, more faculty and student training, use of student identification cards, and enforcement of policies need to be fully implemented to make more progress in this area. Leadership Studies, and Fort Hays State University as a whole, have largely dealt with these issues by taking a stance of placing ownership of standards with the program in question. This stance has allowed Fort Hays State University to maintain academic integrity in its courses.

Students who earn a Fort Hays State University degree with an Organizational Leadership major find the Western leadership content to be challenging; however, the guiding principles and learning outcomes of the program give students the tools to exercise leadership in their organizations and communities.

One of the challenges in offering a bachelor's in organizational leadership in China is the difficulty in explaining and translating the definition of leadership. In China, leadership refers to the Communist Party leadership. Initially, students do not wish to enroll in this degree as they are not interested in studying aspects of Communist Party leadership. However, once they understand the learning outcomes of the Fort Hays State University degree related to team building, communication skills, civic engagement, personal and professional development and even women in leadership roles, they enroll and thrive in the program.

College of Arts and Sciences - Department of Political Science's Experience with China Programming at University of International Business and Economics (UIBE) and Shenyang Normal University (SNU)

Collaboration between the Fort Hays State University Department of Political Science and our University of International Business and Economics (UIBE) and SNU partners has been positive. We have experienced no efforts to infringe the academic freedom or integrity of our Political Science: Legal Studies programs. All universities have been respectful, transparent and collaborative with each other. Learning about the American system of government and law has been one of the key learning objectives of the program, and, as a result, students have been expected, both by their Fort Hays State University and UIBE/SNU faculty and administrators, to learn that content.

The Fort Hays State University Department of Political Science's first dual degree program in China was a Bachelor of General Studies (BGS) in Legal Studies with the University of Business and Economics in Beijing, China. The Fort Hays State University/UIBE partnership lasted six years. The UIBE campus, located in Beijing is land-locked; thus it created challenges for the partnership to grow to the enrollment numbers that were appropriate to continue the relationship. Thus, both institutions mutually agreed to terminate the dual-degree partnership.

The department had a positive experience in terms of maintaining transparency, integrity and academic freedom. The small size of the Political Science: Legal Studies program made it possible to use a predominantly face-to-face delivery model with a single full-time doctorally-degreed faculty member located in China. Creation of the degree program at UIBE was facilitated by the inherent flexibility of the BGS. UIBE desired graduates who understood the American Legal System and were prepared for graduate legal study in the U.S. or other countries and/or work in international business arenas that would benefit from an understanding of American law. The only Fort Hays State University legal studies course UIBE did not want to have delivered in the dual program was American Civil Liberties. Constitutional Law and American Civil Liberties are parts 1 and 2 of Fort Hays State University's Constitutional Law sequence. UIBE desired a single American Constitutional Law course rather than the two-course sequence. They were, however, amenable to including civil liberties and civil rights concepts in the single American Constitutional Law course.

As a result of UIBE's desire to combine the Constitutional Law content into a single course, the Constitutional Law course Fort Hays State University offered at UIBE was slightly different from the one offered domestically. Instead of using the 2-text companion set that was normally used, Fort Hays State University selected a textbook that combined the two parts of Constitutional Law (institutional powers and constraints/civil rights and civil liberties) into a single text. The college-level text was appropriate for a Constitutional Law course, and integrity of content and academic freedom were not in any way abridged. All other legal studies courses taught in that program used the same materials as their American counterparts.

The department's second partnership in China was a BGS: Legal Studies with Shenyang Normal University in Shenyang, China. The Fort Hays State University/SNU dual degree BGS: Legal Studies was exactly the same as the program created for UIBE. The BGS degree is not a typical degree in China, and because the Ministry of Education expressed a preference for recognizable degrees such as the BA, BS and BBA, Fort Hays State University transitioned from a BGS: Legal Studies to a Bachelor of Arts (BA) in Political Science with a Legal Studies concentration. Fort Hays State University has delivered the Bachelor of Arts for nearly a decade.

The Department of Political Science of Fort Hays State University has used some different textbooks in China compared to those textbooks used in the domestic versions of the same courses. In selecting appropriate texts, the faculty considered content, available vendors, pricing and accessibility for Chinese students. All the selected texts are acceptable college-level texts appropriate for the courses.

The SNU version of Constitutional Law takes a more generalist approach than its domestic counterpart because it combines coverage of institutional powers and constraints and civil rights and civil liberties into a single course. As a result, the students read and write less in the SNU version. Because of the limited availability of American legal library resources on the partner campus and the limited access students have to online American legal search engines, the SNU version of Legal Research and Writing does not require students to do as much of their own research, although they still learn the research process, citation format, legal analysis and writing style.

The Legal Studies program has enjoyed a reputation for rigor, a consequence of which has been diminished popularity with unplanned students at SNU. On the whole, planned students enjoy greater success in the program and many have gone on to reputable graduate programs in China, the U.S., Canada, the U.K. and other countries.

In a decade of teaching American law and government at two institutions in China, Fort Hays State University has never encountered any resistance to the teaching of western values or political structures. Through the political science curriculum the students receive extensive exposure to the U.S. democratic system of government and rule of law. In courses such as American Government, Introduction to Law and Constitutional Law, faculty always spent a significant amount of time discussing the issues of civil liberties and civil rights including the concepts of due process, equal protection, freedom of speech, freedom of the press, freedom of religion and assembly, and the rights of criminal defendants (i.e.: The Bill of Rights). In the Political Philosophy course students are required to read, be tested over, and write about western political philosophy. We have not experienced any resistance from students, faculty or administrators. Fort Hays State University's faculty in China have covered content that included discussion of the Great Leap Forward and the Cultural Revolution in China, including coverage of Chinese dissidents. Students have read articles and viewed documentaries that included versions of events different from what they had previously been taught.

Fort Hays State University faculty do not criticize the Chinese government and do not compare and contrast differences in Chinese and American systems of government and law in a judgmental way. We believe students, Chinese or American, can make those judgments for themselves. Tiananmen Square is the only topic our faculty have chosen to avoid, not at anyone's request, but because it is believed to be too sensitive in China.

SNU has sent many faculty and students to participate in exchange opportunities on the Fort Hays State University campus. Faculty have come for periods of a few weeks to an entire semester, sitting in on American classes to observe teaching methodologies, meeting and collaborating with American colleagues, offering guest lectures, and participating in activities such as mock trials. We have had 2-5 students per year spend their junior year on the Fort Hays State University campus. They typically take the American versions of courses they would have taken in China, and it is possible some have taken the American Civil Liberties class and/or upper division Political Theory courses. SNU has been supportive of these course substitutions.

College of Business and Entrepreneurship (COBE) – Departments of Management and International Business and Economics' Experience with China Programming at Sias International University and Shenyang Normal University (SNU)

Fort Hays State University has maintained academic freedom through a clear understanding that it establishes the curriculum for the joint programs. All faculty employed to teach in the China program by Fort Hays State University report solely to Fort Hays State University and teach coursework that aligns with learning objectives that mirror those taught in the United States. The predominant programs in the Fort Hays State University College of Business and Entrepreneurship (COBE), such as the Bachelor of Business Administration (BBA) in Management and Bachelor of Business Administration in International Business and Economics, by their nature, typically do not involve subjects that are sensitive or political. Our faculty have had computer access to Western academic databases and have never been prevented from sharing Western scholarship in the classroom setting.

Fort Hays State University's partner universities have sought bridges between East and West. Shenyang Normal University has a sculpture garden featuring "great thinkers" including Confucius, Ts'ai Lun - the Chinese inventor of paper, Sir Isaac Newton, Charles Darwin and Albert Einstein. Sias International University's administration building is built to replicate the Chinese Great Hall of the People from the East and the United States Capitol from the West. Interaction of western faculty and students with Chinese faculty and students has been viewed as a means of expanding intellectual development and understanding in both directions.

The Fort Hays State University College of Business and Entrepreneurship maintains the academic integrity of its programs in China in a number of ways. Our teaching model promotes both quality and academic integrity. Our instructors—who are doctorally-qualified—are on-the-ground in China and personally oversee all aspects of their courses. The COBE's faculty in China are American citizens and are well-acquainted with Fort Hays State University's expectations concerning academic integrity. Each COBE faculty member in China is assisted by one full-time and one part-time assistant. These assistants help our faculty to maintain academic integrity by proctoring exams, taking roll and through other means. The COBE further promotes academic integrity by clearly stating its expectations regarding integrity in its course syllabi. The COBE's own faculty determine the course content and the means of instruction. The COBE's faculty exercise exclusive control over the evaluation of students' work product and over the assignment of grades in the course.

In establishing the curricula, the COBE maintained total control over the courses that it would deliver face-to-face in China, as well as those courses it would accept in transfer. Since the COBE began delivering its particular degrees in China (Bachelor of Business Administration in Management and Bachelor of Business Administration in International Business and Economics), only occasional changes to these curricula have been implemented, and always at the COBE's direction, rather than at the urging of our Chinese partner schools. The COBE has experienced the unfettered freedom to experiment with "continuous improvement" processes in its China courses. For instance, the COBE has deployed several exams to measure seniors' learning across the curriculum, including one exam developed in-house by Fort Hays State's domestic business faculty. In addition, Fort Hays State University has continued to test a variety of plagiarism detection software in its China programs.

To date, the COBE has never been pressured to alter its curriculum or the nature of its courses. Fort Hays State University alone selects the textbooks and other teaching materials used in its courses in China. These textbooks are almost entirely U.S. products that speak to numerous business contexts, and largely incorporate U.S. values, including business, cultural and ethical values.

For instance, the COBE delivers its Business Law course in China. The COBE's Business Law course is focused almost entirely upon the American legal system and its role in the American business environment. This course considers, among other topics, American contract law, property law, business organizations, and business and legal ethics. The COBE's Business Law course exposes students in China to the ideas and commitments that animate the American tradition, including the freedom to contract, the integrity and significance of private property ownership, and the foundational role of the United States Constitution in creating and perpetuating these institutions in America. Students also study the nature of America's common law system, the notion of three branches of government (including an independent judiciary), and the basics of the American lawmaking and legal processes in this course. The other courses that the COBE delivers in China are similarly oriented toward the U.S. environment and American values.

Faculty Credential Expectations

The credentials for faculty who are hired by Fort Hays State University to teach face-to-face in China are the same for our faculty who are teaching domestically face-to-face in Hays or on-line. The faculty must meet the minimum standards set forth by the Higher Learning Commission. Fort Hays State University is seeking program-specific accreditation of its business program. Therefore, in the instance of the courses taught in China by the College of Business and Entrepreneurship, the faculty must also meet the prevailing standards set by the Association to Advance Collegiate Schools of Business (AACSB). As a result, the College of Business and Entrepreneurship hires highly qualified individuals in all areas. For the COBE, there are four qualifying designations for teaching faculty as put forth in Standard 15 of the 2013 Standards for Accreditation by AACSB: the Scholarly Academic (SA), Practicing Academic (PA), Instructional Practitioner (IP), and Scholarly Practitioner (SP). The general guidelines for the four designations are:

- **Scholarly Academics (SA)** sustain currency and relevance through scholarship and related activities. SA status is granted to faculty members who earned their terminal doctorate degree in a field consistent and appropriate to their teaching assignment.
- **Practice Academics (PA)** sustain currency and relevance through professional engagement, interaction, and relevant activities. PA status may be granted to faculty members who are tenured, full professors, and previously classified as Scholarly Academics.
- **Scholarly Practitioners (SP)** sustain currency and relevance through continued professional experience, engagement, or interaction and scholarship related to their professional background and experience. SP status is applied to practitioner faculty members who augment their experience with development and engagement activities involving substantive scholarly activities in their fields of teaching.
- **Instructional Practitioners (IP)** sustain currency and relevance through continued professional experience and engagement related to their professional backgrounds and experience. IP status is granted to newly hired faculty members who join the faculty with significant and substantive professional experience.

All new faculty hired by Fort Hays State University to teach face-to-face business courses in China are to be Scholarly Academics, as deemed by the COBE administrators. These faculty are hired by a search committee at the Fort Hays State University campus and then deployed to the Chinese partnering institution on one-year contracts.

In the current agreement with our China partners, the University is requiring that all partner faculty teaching the courses accepted for Advanced Standing Credit (ASC) will have the same credentials as those teaching

domestically. These ASC courses will have the Fort Hays State University course designation on the student transcript. The preference of the COBE is that the faculty instructing these courses be Scholarly Academics. Fort Hays State University also requires these faculty to have strong English skills as the courses are taught in English.

In the College of Business and Entrepreneurship, the courses accepted as transfer credit from the partner institution by Fort Hays State University are taught by qualified faculty that meet the AACSB requirements. These faculty must be deemed IP, SP, SA, or PA, based on AACSB Standard 15 and the COBE Faculty Qualifications document.

Fort Hays State University partner institutions have been provided the AACSB 2013 Standards for Accreditation as well as the COBE Faculty Qualifications document that was developed internally. These documents are intended to guide our Chinese partners in the hiring of teaching faculty earmarked to teach transfer courses. The partners have agreed to provide curricula vitae of all current faculty and any potential faculty teaching courses for transfer to the BBA curriculum for review by COBE Administrators to ensure they are qualified.

These guidelines provide for consistency throughout Fort Hays State University's domestic, virtual and Chinese partnership programs. In this way, all faculty teaching courses within the COBE are qualified to teach in an institution with or striving for AACSB Accreditation. Our Chinese partners have reaffirmed their agreement to these guidelines.

Cultural Differences – Access vs. Quality
Whereas universities in the United States have focused on improving quality over the past couple decades, universities in China have been more concerned with access to education over this same time period. According to the Chinese Ministry of Education, the number of students enrolled in higher education increased from 3.4 million to 31.1 million between 1990 and 2010.

This sharp increase in enrollments has outpaced the Chinese universities' ability to train qualified teachers for all the necessary classes to accommodate all these students. Although the increase in enrollments is slowing which allows universities to "catch up" in regards to hiring qualified teachers, many classes are still taught by teachers without the academic credentials that Fort Hays State University would prefer.

This access vs. quality issue also affects the students' expectations about the academic rigor of university course work. In China, simply getting into a university is often considered by many students as the most difficult challenge. Then, many students expect that they will graduate. In the United States, gaining acceptance into an institution of higher education is difficult, but successfully completing the requirements for graduation is considered the most difficult part.

How does Fort Hays State University continue to maintain the integrity of our curriculum?
In 2010, our two partner universities in China were selected by the Ministry of Education to conduct a self-study related to the quality and performance of the dual degree programs. Other universities throughout the world that fell under the regulations entitled "Sino-Foreign Cooperation in Running Schools" were also selected. The work was not inconsequential; and the results identified Fort Hays State University's practices as a model for other universities. Over 50 percent of the partners falling under this regulation were terminated as a result of this evaluation process.

The government has continued to be supportive of increasing our enrollments and providing the tools for delivering quality education. Of course, as it is in America, there is always room for improvement. Fort Hays State University is currently undertaking reformations in all its programs; of particularly emphasis are the offerings of the BBA in Management and BBA in International Business and Economics. It is imperative the

faculty, the curriculum objectives and assessment align with the prevailing standards established by the Association to Advance Collegiate Schools of Business (AACSB).

The textbooks and other curriculum materials are selected by our faculty. The partners purchase these materials from import-export companies, and students are required to refer to them in the classroom. Rarely do the administration or Party Secretaries of SNU visit the classes of Fort Hays State University faculty. If they do, it is to observe the students' performance, not the teaching performance.

The guarantee of teaching quality is the sole responsibility of Fort Hays State University. Faculty teaching in China report to international coordinators and department chairs at Fort Hays State University, just like other faculty teaching on the Hays campus. All faculty teaching in China are required to attend a week-long training in Hays conducted by the Fort Hays State University academic units prior to going to China. The Chinese government has been impressed that Fort Hays State University spends the money and time to train the faculty hired to teach in China. Fort Hays State University invests significant financial resources each year to conduct this week-long training. Academic integrity is maintained by constant communication through Skype and email during the semester. Fort Hays State University has a student appeal process for our Chinese students as it does for any student who believes a grade or other matter has not been handled appropriately.

At our other partner school, Sias International University, the partner has recently been requested by the Education Commission of the Henan Province to conduct peer-to-peer evaluations of all teachers, including that of its foreign partner, Fort Hays State University. Fort Hays State University was comfortable with the request, as this is an established, on-going methodology already in place and used to ensure excellence and uniformity of delivery. No additional influence has resulted from this new mandate.

In addition, the Fort Hays State University employs an International Education Management Group (IEMG) to manage internal operations, policies and practices related to global partnerships. A handbook of policies has been developed and is regularly updated and shared with partners.

Student and Faculty Evaluations
Every semester, Fort Hays State University conducts student and faculty evaluations and the results of these are used by the academic departments to modify and improve quality and the performance of students. The University follows the *Principles of Good Practice in Overseas International Education Programs for Non-U.S. Nationals*, endorsed by all regional accrediting commissions.

Student Evaluations – At the end of each semester, students are provided the opportunity to provide anonymous feedback about the quality of their teacher, course and course materials. These evaluations are submitted online and the results are only accessible by the academic leaders at Fort Hays State University. These results are not shared with the Chinese partner university.

Faculty Evaluations – Once per semester, academic leaders from the campus of Fort Hays State University visit the Chinese partner schools to evaluate their programs. One part of this program evaluation is an evaluation of each teacher in the program. The academic leaders visit the classrooms to observe and evaluate their faculty.

Both the evaluation conducted by students and the evaluation conducted by Fort Hays State University's academic leaders are used to ensure quality.

Has Fort Hays State University ever had to replace a textbook or other content in China?
Fort Hays State University has controlled the selection of textbooks. The courses are owned and delivered by the University and its faculty. Departments have sometimes selected textbooks different from those used in the comparable classes in the domestic program. Decisions to use a different textbook were sometimes made to accommodate the partner institution's concerns about textbook costs or vendor access to a textbook. Ultimately,

textbook selection has always remained with Fort Hays State University. Even in the Credit by Documentation courses taught by the partner institution, Fort Hays State University faculty have been involved in the selection of textbooks.

How do our faculty display principles of academic freedom and transparency?
Fort Hays State University faculty display principles of academic freedom and transparency through their teaching, research and discussions with students. Discussions regarding learning objectives for the degree programs, majors and individual courses have all been given and accepted in an atmosphere of transparency. Faculty have been free to select their own textbooks, reading materials, video and web content. While faculty may seek Chinese and international examples to include in their courses, Fort Hays State University has never had any involvement by Chinese administrators or government officials in developing course materials. Fort Hays State University faculty have conducted research and participated in academic conferences without fetter. Our faculty have been able to discuss relevant course topics in class and have not had any interference.

In Credit by Documentation courses, faculty have openly and successfully advocated for course syllabi and materials resonant with domestic versions of the same course. They have delivered programs and courses that meet the department's expectations in terms of content and rigor. Where internet access to materials has been limited in China, faculty have either made other selections or provided the content through other means.

Faculty have been free to teach and engage in scholarly activity appropriate for their disciplines without interference by the partner institution, although, of course, they do not have full access to the internet while in China. Fort Hays State University faculty seek to be very transparent in grading and they seek to remove arbitrary or preferential treatment. The Fort Hays State University administration has stood firmly behind the faculty decisions regarding grading and grade distribution. Like in America, at times, rigorous grading results in students failing classes or even being dismissed from a program.

Fort Hays State University has experienced some efforts on the part of some administrators from partner institutions in China to try to align the teaching practices of cooperating teachers with traditional Chinese faculty. A cooperating teacher is a faculty employed by the Chinese partner to teach some of the Fort Hays State University's curriculum in China. The University has always championed the academic freedom of the cooperating teachers and insisted upon the integrity of the learning experience. Currently, the University is assessing this model of delivery.

Chinese students will seek out our faculty to explore ideas, views and values. As with all young adults, this may be confusing to them, which is part of the critical thinking development that is fostered through the dual degree programs. There have been occasions when the student might discuss these differing values and views with faculty. The faculty have not been censured for sharing or listening to these viewpoints.

Fort Hays State University has been fortunate to have a high retention rate of our faculty, particularly those teaching English Composition, which is as high as 95 percent retention. If faculty felt the government or the partners were imposing on personal or academic freedoms and human rights, we do not believe we would have this high retention.

Have our faculty and students experienced challenges with technology infrastructure and social media?
The bandwidth for internet infrastructure on our partner campuses is improving, but challenges still exist. The Chinese firewall was the overarching reason that Fort Hays State University brought the four Blackboard servers inside China in order to more easily facilitate delivery of instruction. Virtual Private Networks (VPNs) have recently been blocked so that faculty could not access sites blocked by the Chinese government. Last year, Gmail was totally blocked for the first time. This has limited students applying to U.S. colleges and faculty trying to access international research. Communications to and from China, always slightly unreliable, have been more erratic. Facebook was blocked in China in 2009 after riots in the northwestern Xinjiang province.

Yet, the internet is thriving in China. A recent report by Morgan Stanley estimates that by 2018 there will be more online transactions occurring in China than in the rest of the world combined. We admit that universities and other organizations working in a foreign country whose reputations depend on privacy rights and the free flow of information do not appreciate restrictions imposed by any government. Many of the students at our partner universities have smartphones and tablets, used for Internet access, texting and social media outlets approved by government officials. Fort Hays State University is working through these technology challenges. As recent as May 2015, Fort Hays State University's Vice President for Technology held meetings with her counterparts at the partner universities to address technology infrastructure challenges and availability. They were open to her observations and suggestions. We will continue these conversations.

Fort Hays State University faculty are reminded not to post offensive information on the web or social media. Faculty hired to live and teach in China are reminded to obey the rules as "guests" of China.

Areas for Mutual Improvement
Improving the abilities of students to study courses in English will always be an ongoing challenge for dual degree programs. Our Chinese partners and Fort Hays State University have implemented new strategies each and every year, some with greater success than others. We will continue to learn from our experience, study the research literature on teaching English as a second language, and experiment with new initiatives.

The lack of English abilities often hinders some students from completing their Fort Hays State University degrees. Fort Hays State University has committed to sending more PhD faculty to our partner schools to teach courses in the cross border programs. Fort Hays State University believes this will provide a new methodology rich in research and design which will further Fort Hays State University's goal for academic excellence.

Improving the quality of cross-border programs
One of the greatest challenges of teaching in a non-native English speaking country is ensuring that students in the classroom are capable of understanding instruction in English. English proficiency tests are generally good at assessing written language but notoriously unreliable when assessing the spoken language. To ensure that students are prepared for the instructional environment, Fort Hays State University will be implementing an interview assessment process conducted by Fort Hays State University faculty for each student.

Another challenge with ethical values is that grades and rules about students passing pre-requisite courses may not be uniformly enforced if managed by the host country. Due to challenges in the Chinese registration system, students may be inadvertently registered in a core course even if they have failed the pre-requisite course. Therefore, faculty often have to manually withdraw these students from courses. Fort Hays State University currently audits these records. The University is looking to implement its own course registration system to ensure that this information is accurately maintained and rules enforced.

It is also very important that the learning achieved by each student in a course of study be consistent, irrespective of the country of delivery. More rigorous definition of learning outcomes and ubiquitous assessment across programs will be implemented to ensure that this is the case.

Concluding Comments
China's new leader, Xi Jinping, has made no secret of his ambitions to revitalize China and increase her influence on the global stage. President Xi has made it clear that he wants to build an "innovative society" with strong Chinese tech firms that can compete internationally. His vision and mission have not negatively affected Fort Hays State University's partnerships in China; in fact, they may be have strengthened them.

Fort Hays State University feels privileged to have been selected and approved to offer the first American bachelor's degree to Chinese students on-site in mainland China. All of the challenges that we have faced have

been addressed together with our Chinese partners under the auspices of their respective government education commissions. The Fort Hays State University-Sias and Fort Hays State University-SNU partnerships are widely noted in the higher education circles as a model of U.S.-Sino cooperation. During these times of complex political and economic change, the continued success of these partnerships serves as a "best practice" model where both institutions and their students benefit greatly.

In the concluding statement of the Higher Learning Commission System Appraisal Team's report about Fort Hays State University in March 2010, a statement is made: "I endorse Fort Hays State University's accreditation status and extensive success in working with educational partners in China and elsewhere." On April 20, 2004, a resolution was entered into the Congressional Record of the U.S. House of Representatives by the Honorable Xavier Becerra from California on the occasion of the fifth anniversary of Sias International University. In speaking about the partnership with Fort Hays State University and Sias International University, the resolution states, "The establishment of an institution like Sias could not be timelier. At a time when countries are threatened by terrorism and the national reflex worldwide is to close borders, we must remember that our economies, our people, and thus our nations are intertwined in this world. We must continue to resist reactions of fear and isolation and work instead towards forging relations with our international neighbors." These statements are equally true today.

The greatest outcome of these relationships are our Chinese students' expanded knowledge of the world around them, and how China fits into the global picture. Our Chinese students have similar aspirations to our U.S. students: to be engaged in their communities, to hold political offices, to own their own businesses, to be successful leaders and role models in their families, and to strive for the improvement of our world. Fort Hays State University is proud to be associated with the Chinese Ministry of Education and the provincial Education Commissions and to be part of the positive work accomplished through our dual degree programs.

Tom Friedman in his book *The World is Flat* writes that students who have the facility of two languages, have a cultural experience in another country, and use technology to communicate worldwide, are true citizens of the world. They are equipped and ready to change the world in a positive way. Fort Hays State University is proud to be partners with Chinese universities, as well as other universities throughout the world, to prepare students to be *forward thinking* and *world-ready*.

As I conclude, I would like to leave you with some final thoughts. From the early days of our republic, our forefathers recognized the value of a widely and highly educated citizenry to the success and stability of our nation. Indeed, we created a system of public and private higher education that is the world-wide standard for academic excellence. As a nation, I submit, we need to go back to those roots; we need to return to the guiding principles established by our Founding Fathers that support and deliver a superb education because it is essential to the common good.

This year, the Chinese government mandated that English be a required course starting in middle school. They are committed to educating their citizenry to do business in the global market place. We need to do the same. We need to look beyond our current status and recognize that knowing how to do business with the East will be a determining and critical factor in the prosperity of our children and the success of our nation.

Fort Hays State University stands ready to continue building bridges that connect and educate the future leaders of our world.

Thank you for affording me the great privilege to share Fort Hays State University's initiatives in China with you.

Mr. SMITH. Dr. Martin, thank you so very much for your testimony. And your full statement as well, I think I mentioned this earlier, as well as anybody else, will be made a part of the record, and anything you want to add to it, any extraneous materials.

Ms. Cao.

STATEMENT OF MS. YAXUE CAO, FOUNDER AND EDITOR, CHINA CHANGE

Ms. CAO. Dear Congressman Smith and the members of the subcommittee, I am pleased to speak today about the Chinese Government's policy on joint higher education ventures, its mechanisms of controlling them, the Communist Party's presence in these ventures, and the regime's suppression of academic freedom in Chinese universities.

China first set the rules for the joint-venture higher education programs in 2003. In 2010, China issued the National Plan for Medium and Long-Term Education Reform and Development that devotes a chapter, Chapter 16 that is, to these ventures. The purpose of these joint ventures is to bring the best international higher education resources to China. This includes bringing world-class experts and scholars to China to engage in teaching, research, and management, conducting joint research with the best universities in the world, all to advance the science and technology, and encouraging foreign universities to use their intellectual property as their share of investment in these ventures.

When entering WTO in 2001, China promised to open its education sector to foreign universities, allowing "foreign majority ownership," but China has had no intention to deliver that promise. Instead, it set up joint ventures with the Chinese Government being the controlling party. The rules stipulate that the board of these joint ventures must have a Chinese majority and the president must be a Chinese citizen. Courses and textbooks must be filed with the authorities. These programs must provide courses known as political thought education to the Chinese students.

The most insidious part of the control mechanism probably lies in the finance of these joint-venture universities. It is also the least transparent part. Financial dependence on the Chinese Government, even if it is partial, puts foreign universities in the vulnerable position where they may feel the need to conform to China's expectations, not only on the joint-venture campuses, but also on home campuses.

The 2,000 also joint-venture programs in China are mostly focused on advanced technology. Thirty-seven percent of them are engineering, while literature, history, and law are less than 2 percent each.

China is also bringing its quest for knowledge to the U.S. soil. Last year, China's elite Tsinghua University, the University of Washington, and Microsoft launched the Global Innovation Exchange Institute in Seattle that focuses on technology and design innovation. In the Chinese press this institute was described as, "An important step in the milestone of Tsinghua University's international strategic deployment." China is seeking to invest in the research triangle in North Carolina and also establish innovation

platforms elsewhere in the U.S. with Chinese investment and the research expertise from American universities.

Another component of China's strategy is theft. Reports on this abound. For example, in May, Penn State University disclosed that its engineering school had been invaded by Chinese hackers for more than 2 years. Penn State develops sensitive technology for the U.S. Navy.

China's intentions are probably best illustrated in two incidents involving UC Berkeley. In November 2014, Peking University gave the president of UC Berkeley an honorary professorship, and they expressed the desire in "cooperation" on big data processing technology, which has wide applications. Three months later, a labor rights center in Guangzhou jointly established by UC Berkeley and the Sun Yat-sen University was forced to close as part of a systematic suppression of rights activities and civil society in recent years.

Reports in the Chinese press confirmed the CCP presence on joint-venture campuses as well. From the Ministry of Education's review of joint-venture programs in 2014, I quote:

> "Joint-venture universities have established the party committees so that there would be a party organization wherever there are party members, achieving the party's no-blind-spot coverage on the grassroots level. Some universities have also established the overseas party cells to ensure that the party's work remained synchronized with its work at home when students study abroad."

In China's current political system there has never been academic freedom as understood by Americans, though the level of repression has fluctuated. Since early 2013, a CCP order known as Document No. 9 has shut down what little academic freedom was enjoyed before. The Christian Science Monitor reported recently that professors were fired or pressured to quit their jobs for exposing liberal ideas and teaching them in the classroom. Trips to academic conferences were cut or constrained. Student reading lists were vetted for ideological content. On some campuses classrooms are monitored by surveillance cameras.

Over the last 30 years the Communist regime has benefited enormously from the unprecedented transfer of knowledge from Western countries, much of it through joint business ventures and through theft of intellectual property. Many such relations have soured in recent years and the trend is likely to worsen. Now it seems that the Chinese Government is duplicating the successful model in higher education while pursuing an agenda to stamp out the Chinese people's demand of freedom.

I have no problem with the free exchange of knowledge, but I have a problem with freely providing knowledge to the Communist regime and to strengthen its grip on power. I have a problem with our institutions of higher education looking the other way as terrible suppression of freedoms and civil society take place in the country.

On a personal level, for the 3 years I have been an activist of human rights in China, all the peoples, I mean all the peoples have been in jail now. Some of them left the country for political asylum, but almost all of them are in jail.

The U.S.-China relationship for the last 3 years has operated on the premise that the U.S. should engage with China, help her grow economically, and the economic development will lead to the Chinese Communist Party's embracing human rights and democratic values. Instead, today we have a monstrous combination of state capitalism, the kleptocratic marriage of power and money, and the broader and harsher suppression of the Chinese people and their legitimate demand for political and civil rights. Internationally, we are witnessing an increasingly aggressive China, a rising threat to the peace and security of the world and a challenge to the existing world order.

One can argue about all the defects of the current order, but I assure you with absolute certainty that you do not want a global regime set up and dominated by the Chinese Communist Party. The CCP has mastered the game of taking advantage of a free society like ours. It is sad to see how easily our universities can fall prey to the party's scheme. It is my wish that American universities are able to see the full picture, where they fit into it, and what end they are serving when entering joint ventures with the Chinese Government.

Thank you very much.

[The prepared statement of Ms. Cao follows:]

Yaxue Cao
Founder and editor of ChinaChange.org
House Committee on Foreign Affairs
Subcommittee Hearing: Is Academic Freedom Threatened by China's Influence on U.S. Universities?
June 25, 2015

American Universities: Chess Pieces in China's Grand Quest for Knowledge

Dear Congressman Smith and members of the Subcommittee,

I'm pleased to have this opportunity to speak today alongside the distinguished panelists here. Earlier this year, I wrote an article about New York University Shanghai and published it on ChinaChange.org, a website that I edit. Today I would like to speak about the Chinese government's policies on joint higher education ventures, its mechanisms of controlling them, the Communist Party's presence in these ventures, and the regime's severe suppression of academic freedom in Chinese universities. I will also be happy to answer your questions about my research on NYU Shanghai.

China's national policies on joint ventures in higher education

In 2003, China first issued the *Regulation on Chinese-foreign Cooperative Education* 《中华人民共和国中外合作办学条例》 to set the rules for joint-venture higher education programs. Between 2004 and 2007, China issued several follow-up regulatory documents regarding the implementation of the initial regulation. In 2010, China promulgated the National Plan for Medium and Long-Term Education Reform and Development (2010 – 2020) (《国家中长期教育改革和发展规划纲要(2010-2020年)》). The National Plan devotes a chapter (Chapter 16) to joint higher education, which gives a more detailed, and more visionary, description of its purpose and implementation. In 2014, the Ministry of Education issued a document reviewing the joint higher education ventures in China over the past three years, since the promulgation of the National Plan (《教育规划纲要实施三年来中外合作办学发展情况》).

The purpose of joint ventures in higher education is to bring the best international higher education resources to China. This includes: "bringing world-class experts and scholars to China to engage in teaching, research, and management; conducting joint research with first-rate foreign universities on advanced basic research and high technology, especially in the areas of science, technology, agriculture, and medicine; and introducing educational ideas, content, teaching methods, talent training models and management expertise."

The *Regulation* encourages foreign education institutions to primarily use their intellectual property as their investment in the joint venture.

But China is very concerned about so-called "education sovereignty." "According to WTO rules," admits the Ministry of Education document in 2014, "China promised to open its education sector, and foreign educational institutions may engage in education service trade as businesses." But China has plainly refused to deliver its WTO promises in this area, as in many others. Meanwhile, it has sought to take advantage of the best education, research, and knowledge resources from foreign institutions.

The solution to these opposed goals is to set up a joint venture with the Chinese government being the controlling party. Remarkably, many foreign universities are willing to oblige.

The *Regulation* stipulates that the board of these joint ventures must have a Chinese majority, and the president must be a Chinese citizen. "Courses and imported textbooks in these joint-venture programs or universities must be submitted to government review and approval organs for record." And "the joint-venture programs and universities must provide courses about the Chinese constitution, law, citizen morality, and the current state of the country, just as similar domestic institutions are required." Those who understand the coded language of the government know that this refers to political education, or more plainly, the indoctrination of students with Marxism-Leninism, "socialism with Chinese characteristics," Maoism, and only the Party's view of its history.

I'm afraid that the most insidious part of the control mechanism lies in the finance of these joint-venture universities. And it is also the least transparent and least known part. Financial dependence on the Chinese government, even if it is partial, puts foreign universities in a vulnerable position where they may feel the need to conform to China's expectations, not only on the joint-venture campuses, but also on home campuses.

The *Regulation* prohibits foreigners from conducting education on topics such as the military, police, and politics, and prohibits religious organizations, including churches and religious teachers, from engaging in educational activities. Religious education is also prohibited.

According to the Ministry of Education, the near 2,000 joint-venture programs in China focus on advanced manufacturing, modern agriculture, and modern service sectors. And China wants more talent in the fields of energy, mining, environmental protection, and finance. Of the near 2,000 programs, 37% are engineering, while literature, history, and law are less than 2% each.

China's drive to take advantage of the best and most advanced educational resources around the world is multi-faceted. Between the fall of 2013 and early 2014, nine top Chinese research universities signed the *Hefei Statement*, along with four international university leagues, all from developed countries. The purpose of the Statement was "to identify the key characteristics that make research universities effective; and to promote a policy environment which protects, nurtures and cultivates the values, standards and behaviors which underlie these characteristics and which facilitate their development." Among these are the demand for "academic freedom by faculty... without undue constraint," and "tolerance, recognition and welcoming of competing views."

While the *Hefei Statement* was signed, the Chinese government was in the process of carrying out the most severe crackdown on academic freedom in recent memory.

In other words, China is attempting to deepen international cooperation by lying. Again, its counterparties have been all too willing to oblige.

Recent developments show that China's quest for advanced knowledge and technology is picking up steam and is coming to this country. Just a few days ago, newspapers reported the launch of a technology institution called the "Global Innovation Exchange Institute" in Seattle, a joint venture of China's elite university Tsinghua University, the University of Washington, and Microsoft, that focuses on technology and design innovation in the areas of the "Internet of things", intelligent cities, mobile healthcare, and clean energy. U.S. media reported that Microsoft was the investor, but in the Chinese press it was described as "an important step and a milestone of Tsinghua University's international strategic deployment." Many of us would like to know whether the Chinese government is also an investor in this initiative, and if so, what its share and level of control is.

Two other recent reports in Chinese newspapers indicate that China is seeking investment in the research triangle of Duke University, University of North Carolina at Chapel Hill, and North Carolina State University. In an innovation forum at the University of Maryland, a Chinese official expressed the desire to build the first innovation incubation platform on the East Coast, with Chinese investment and research expertise from American universities.

These are only some of the examples of a constant flow of news where China is pouring money into extracting knowledge and innovation from foreign resources. Jason Lane, co-director of the Cross Border Education Research team at the State University of New York, Albany, said partnerships like the one between Tsinghua and Washington are "the next generation of Confucius Institutes." This is deeply alarming, given the Confucius Institutes' abundantly documented infringements on academic freedom in American universities and around the world.

Another component of China's quest for quick and easy acquisition of advanced science and technology is simpler: theft. We regularly read reports about Chinese government-sponsored hackers breaking into sensitive systems here in the United States, often with grave consequences like the recent breach of the federal personnel files. To give just one example of these thefts, Penn State University disclosed recently that Chinese hackers have been sifting through the computers of its engineering school for more than two years. Penn State develops sensitive technology for the U.S. Navy.

The presence of the Communist Party in joint-venture programs

After I published *New York University Shanghai: What Is the Deal?*, a young professor at NYU Shanghai commented angrily about my "guess" that Chinese students at NYU Shanghai are likely required to take the four "thought and political education" courses. She said, "the answer is a simple 'no'". That's the reason you couldn't find them on our

website." But I soon found from Daniel Cuesta, who works in academic affairs at NYU Shanghai, that Chinese students do take these courses, though he was unable to provide details. In what was intended to be a lighthearted comment on the ChinaChange website, he quipped that NYU Shanghai could probably "skype in the Dalai Lama." I have tremendous respect for these professionals and the pride they take in their work, but their naiveté about the modus operandi of the Chinese Communist Party is astounding. They now work within the glass box erected for them by the Party, and seem to not even realize it.

At NYU Shanghai, Chancellor Yu Lizhong admitted that there is "Party organization life" on campus. He did not elaborate, but any Chinese person will know the connotations of the term. I was able to find reports of the Party's presence in other joint-venture universities. In the SJTU-ParisTech Elite Institute of Technology, an engineering college and joint venture between Shanghai Jiaotong University and Paris Technology Institute, the CCP party branch there said they "do not at all relent on students' thought education" and they proactively "guide students to embrace communist ideas and beliefs in a highly international educational environment where they face the challenge of defending [China's] educational sovereignty."

The Ministry of Education paid particular attention to ideological indoctrination in its 2014 Review of the joint-venture universities and programs. "They have engaged in thought and moral education as well as patriotic education based on the characteristics of students in these schools and programs, and have achieved remarkable results. Sino-foreign joint-venture universities, such as the University of Nottingham Ningbo, have insisted on establishing Communist Party committees so that there would be the Party's work wherever the masses [i.e. people] are, and there would be a Party organization wherever there are Party members, achieving the Party's no-blind-spot coverage on a grassroots level. Some universities have also established overseas Party branches to ensure that the Party's work remains synchronized with its work at home when students....study abroad."

Is access to the Internet unrestricted on these joint-venture campuses? It may vary from campus to campus, but a Hong Kong paper recently reported that students at the Shenzhen campus of Chinese University of Hong Kong cannot use the CUHK VPN to access the Internet, despite the fact that the university has invested in precisely that capacity. Instead, Internet on the Shenzhen campus is restricted by the Great Fire Wall of China.

We know that in Chinese universities, students, especially Party and Youth League members, are routinely recruited as informants, reporting on their teachers and fellow students, ensuring that none are proffering ideas counter to those of the Party. Are similar initiatives taking place at these joint-venture programs? The authorities showed particular concerns for students in these programs, so it would be surprising if they were not.

At NYU Shanghai's Education Development Foundation, which raised money for the university, we learned that key members are in fact retired high ranking Party officials.

In the parlance of the CCP, these are "cadres working on the second front" ("退居二线") who often assume roles in the "non-governmental sector" to exert government control.

Academic freedom pummeled at Chinese universities

In China's current political system there has never been academic freedom as understood by Americans, though the level of repression has fluctuated. Much has been written about the Chinese Communist Party's Document No. 9, issued in the spring of 2013, which prohibits Chinese universities from teaching ideas about constitutional governance, universal values, free press, civil society, and the rule of law. This edict has shut down what little academic freedom was enjoyed before. Articles, such as a recent piece in the *Christian Science Monitor*, have reported that professors were fired, or pressured to quit their jobs, for espousing liberal ideas and teaching them in the classroom; Party officials cut or constrained trips to academic conferences; student reading lists were vetted for ideological content. A media professor told the paper that, "There are topics I know that as soon as they are mentioned in my classes, I would be sacked immediately."

For the record, I would like to quote a social media post of the well-known law professor He Weifang at Peking University from last December. The post was later deleted by China's Internet censors, but I was able to read a preserved copy and have confirmed its authenticity:

> 【Universities are as silent as the winter cicadas】 When lecturing, it is like walking on thin ice because there are surveillance cameras overhead. Gingerly we conduct research. We are not supposed to write papers on constitutional democracy; even if we do, there is no place to publish them. To take part in an international conference, we have to file a request with the authorities one year in advance, and the request would be denied if it is deemed even slightly sensitive (there are no transparent criteria for what is sensitive). Many on-campus academic lectures must be approved by the propaganda department of the university's CCP Committee. It's a mystery which faculty members are on the "black list." They have been incessantly talking about making Chinese universities world-class universities. How do they do that?

Conclusion

China's intentions in the world of higher education were made clear in a pair of recent instances involving UC Berkeley. In November 2014, Peking University gave the President of UC Berkeley an honorary professorship, and expressed strong interest in "cooperation" on big data processing, a new and important computing technology with wide application. In February 2015, the Wall Street Journal reported the forced closure of a labor center in Guangzhou jointly established by UC Berkeley, and Sun Yat-sen University, as part of the broad, systematic suppression of rights activities and civil society over the last two years.

The US-China relationship for the last 30 years has operated on the premise that the US should engage with China, help her grow economically, and that economic development will lead to the Chinese Communist Party's embracing human rights and democratic values. Instead, today we have a monstrous combination of state capitalism, the kleptocratic marriage of power and money, and broader and harsher suppression of the Chinese people and their legitimate demands for political and civil rights. Internationally, we are witnessing an increasingly aggressive China, a rising threat to the peace and security of the world, and a challenge to the existing world order.

One can argue about the current order and point out all its defects, but I assure you with certainty that you do not want a global regime set up and dominated by the Chinese Communist Party.

Over the past three decades, China has benefited from an unprecedented transfer of knowledge and know-how from Western countries, much of it through joint ventures and through theft of intellectual properties. Many such relationships have soured in recent years, and the trend is likely to deepen. Now, the Chinese government is attempting to duplicate its successes in the business realm and apply them to the world of higher education. Its aim is to extract the knowledge and expertise from the world's most prestigious and successful research institutions, all the while pursuing a political agenda that tramples on the ideas that set the human mind free and give it dignity—that are the basis of higher education as we know it.

To be sure, I have no problem with free exchange of knowledge and technology. But I have a problem with freely providing knowledge and technology to the communist regime in China, which has no other effect than to strengthen it and its grip on power. I have a problem with our institutions of higher education looking the other way as terrible human rights violations take place in the country.

Dear members of the subcommittee and fellow panelists, if you are wondering why I have a problem with our higher education institutions becoming business partners with China, here is why: In the past three years, I have covered scores of Chinese citizens who advocated or exercised their political and civil rights using legal and peaceful methods. Among them are human rights lawyers, liberal intellectuals, professors, authors, journalists, pastors, accountants, computer programmers, artists, NGO practitioners, activists, factory workers, women's rights activist, Uighurs and Tibetans, people from all walks of life. They were thrown in jail, or placed under house arrest. They were tortured and their homes were raided. Some were forced to leave the country to seek political asylum. I have said this before, and I will say it again: China's brightest and most courageous men and women are either in jail or on their way to jail. It may not be obvious when you walk on streets in China, but it is a fact.

Over the years the CCP has learned and mastered the game of taking advantage of a free society like ours. It is sad to see how easily our universities can fall prey to the Party's scheme—out of greed, or ignorance, or both. It is my wish that American universities, when entering these joint ventures with the Chinese government (all Chinese universities are totally controlled by the government), are able to see the full picture and where they fit into it. Or to use another analogy, that they are able to step away from the chessboard and realize which pieces they have become in the other party's game.

Links in the order of appearance:

http://www.lawinfochina.com/display.aspx?lib=law&id=3555&CGid=

http://planipolis.iiep.unesco.org/upload/China/China_National_Long_Term_Educational_Reform_Development_2010-2020.pdf

http://www.gov.cn/jrzg/2010-07/29/content_1667143.htm

http://www.crs.jsj.edu.cn/index.php/default/news/index/80

http://www.leru.org/files/news/Hefei_statement.pdf

http://world.huanqiu.com/exclusive/2015-04/6291531.html

http://www.chinanews.com/gj/2015/03-23/7148944.shtml

http://www.bloomberg.com/news/articles/2015-05-15/china-hackers-force-penn-state-to-unplug-engineering-computers

http://chinachange.org/2015/02/05/new-york-university-shanghai-what-is-the-deal/

http://www.sjtu.edu.cn/info/1853/61956.htm

http://www.crs.jsj.edu.cn/index.php/default/news/index/80

http://www.mingpaocanada.com/VAN/htm/NEWS/20150408/HK-g0a1_r.htm

http://www.nytimes.com/2013/08/20/world/asia/chinas-new-leadership-takes-hard-line-in-secret-memo.html

http://www.csmonitor.com/World/Asia-Pacific/2015/0607/On-China-s-campuses-scholars-battle-ideology-and-red-tape

http://www.oir.pku.edu.cn/Item/6045.aspx

http://www.wsj.com/articles/china-labor-ties-fray-as-grievances-rise-economic-growth-slows-1423528666

Mr. SMITH. Thank you so very much for your testimony and your research.

Let me first begin the questioning first with Mr. Lehman, if I could. Is it your testimony that the Chinese Government officials have no say whatsoever in hiring, firing, promotion of NYU personnel, including your professors and teachers?

And when it comes to admissions, how is that determined? For example, can a son or a daughter of a dissident be accepted to NYU? What is the cost? What is the tuition, fees, and all when you add it all up together for an academic year for a student? How much of that is paid for by the Chinese Government? I mean, getting to who actually owns NYU Shanghai, is it a partnership where 51 percent is you or them? We just don't know on this side of the aisle.

But, again, how much are those student fees and tuition is subsidized by the government? And if they don't have a say in who is admitted to NYU, I mean, do they just give you the money and then you decide who it is that comes in?

I do want to thank you for the invitation offered broadly to Members of Congress. I accept. I would very much like if you could provide me with an invitation to speak on human rights. I would love to give a lecture on religious freedom and other human rights issues.

This is my 53rd hearing on human rights in China. I have chaired probably close to 500, if not more, human rights hearings covering from human trafficking, to forced labor, to issues of every kind. The students and professors might find it of some interest. So I would hope, if you could extend that to me when we are not in session, I and my staff will be there.

Let me also ask you too, and I know I am throwing a number of questions right out first, but how do you vet NYU teachers there to ensure that—the Chinese Government, as we all know, is extraordinarily effective in placing people in positions, they do it in business all the time, that keep a very sharp eye on others to ensure conformity to what the party wants. How do you ensure that the people you are hiring are not agents or people reporting back and surveilling both other teachers and others, personnel, as well as the students?

I yield.

Mr. LEHMAN. So thank you, Chairman Smith, and I will try to answer all of the questions. If I miss one of them, please feel free to remind me and I will do my best.

I will start at the end and the beginning, which was the question about faculty appointments and how they work. So faculty appointments at NYU Shanghai are the same as they are at NYU New York. That is to say, they are led by a provost on our campus, who is Joanna Waley-Cohen, who is seated behind me today. She was the chairman of the History Department at NYU for many years. She was on the NYU faculty for decades before coming to NYU Shanghai.

The process is, we announce that we are holding a search. It is a global search, and the search is for the best people in the field. The searches are done by discipline. Because we are starting out, we don't have a large established faculty in Shanghai, and so we

rely on faculty from NYU's campus in New York to help us to conduct the search. And the search is all on the academic merits.

It is a very rigorous and extensive process. Potential faculty members' publications are reviewed by the search committee. A small group of finalists are then brought in to give what are called job talks, where they have to give a lecture, effectively conduct a class in the way that they should, and then ultimately offers are extended.

You can see from Appendix 1 to my testimony the list of the people who are teaching at NYU Shanghai. They are extraordinarily distinguished people. They did their academic training at the finest universities in the world. They did postdocs at the finest universities in the world. We also have visiting faculty from New York who are members of the National Academy of Sciences, the American Academic of Arts and Sciences. This is an extraordinary group of faculty. People who have held endowed chairs at institutions like Cornell and Northwestern University have come to teach with us.

The Communist Party has no say, the Chinese Government has no say, no voice in this process at all. East China Normal University, which is the partner to NYU in this process, has no voice in this process. Our graduates get degrees from New York University. They get degrees from the trustees of New York University. They do not get degrees from East China Normal University. So NYU is responsible for the education that they receive and the quality that they receive.

In terms of the admissions process, again, it is completely controlled by NYU. The process is complex. So half of our students come from China and the other half come from the rest of the world.

Mr. SMITH. And that is what, about 2,000? What is the number that you will build out to?

Mr. LEHMAN. When we are full grown, it will be 2,000 undergraduates. That is to say, 500 per year, 251 from China in each entering class, 249 from the rest of the world. In the startup period, we have had only 300 students in each entering class, so 151 from China, 149 from the rest of the world.

The students who apply from the rest of the world follow a process that is the same as for NYU New York, NYU Abu Dhabi, the common application, they submit essays. They indicate which campus they would like to go to, and they are free to select Shanghai or New York or Abu Dhabi or any two or all three as their preferences, and they can rank what their preferences are. The process is a little bit more intensive than it is in New York because we are small. So our admissions office in New York is able to actually conduct video interviews with finalists who are applicants in New York.

Mr. SMITH. Can I ask you, while you are answering, can a Falun Gong practitioner be admitted to NYU and also be hired as a professor?

Mr. LEHMAN. Sure. I mean, they could.

Mr. SMITH. Do you have any?

Mr. LEHMAN. No, we don't have any. I don't know that we have received any. We don't ask people about their religious preferences when they apply for application.

Mr. SMITH. But you believe you would be free enough that if a Falun Gong practitioner said, "This is my expertise," has the academic gravitas to take on that position, you would be able to do it?

Mr. LEHMAN. Yeah. If they were the most qualified applicants we could hire them, absolutely.

Mr. SMITH. But is there any fear of self-censorship where you believe that could hurt your standing with the government? You would have no such concerns?

Mr. LEHMAN. We came on a condition, and the condition was that NYU would be NYU. And the government said: Good, that is what we would like. If they were to change their mind, then we would leave. But so far, so good.

So as the other witnesses have testified, China is a constantly changing place. And it is as Mr. Daly testified right now, there are mixed signals all around us. We hear different voices all the time. And so we don't know what tomorrow will be like. But I would be very surprised if the government of Shanghai were to say: Well, sorry, we don't want you anymore. But they could. That is their prerogative. Conversely, they could try to go partway and say: Well, we want you, but you can't have academic freedom. And if they did that, then NYU would leave.

Mr. SMITH. Well, can I ask you then in followup, there was a letter dated September 3—I am sure you have seen it—2013 to the NYU Board of Trustees signed by five members of the faculty, including Andrew Ross, the president of NYU AAUP, and they wrote, "We are obliged to record some grave concerns expressed by our members about the prospects of academic freedom in China and at the new campus."

They speak to the seven silences and whether or not those—and I mentioned in my opening universal freedoms, press freedom, and the like—would be able to be spoken about, discussed, inquiry in an unfettered way. And they also said how concerned they were, and this is their words: "Under such circumstances, self-censorship of instructors and students is certain." They didn't say it is a probability, they said it is certain. How do you respond to that?

Mr. LEHMAN. Well, they are entitled to their opinion, but that opinion is not correct. That letter was written just as we were starting to begin teaching, and I think it was perhaps appropriate at that time for them to have had some concerns about how things would play out. But as things have played out, we have enjoyed full academic freedom on our campus.

And so I don't know all five, I don't recall all five of the signatories to that letter, but certainly one faculty member from New York who was quite vocal in expressing her concerns about how things would play out in Shanghai has talked with us and has gone back and told people: No, there is academic freedom, absolutely, at NYU Shanghai.

I would actually direct your attention, there is a blog published by a professor called PrawfsBlawg, and in it there was a submission by a member of our faculty who talked about his course at NYU Shanghai. He is a member of the law school faculty at NYU New York, and he was visiting with us.

And in his course, he says, in response to something that he had read: "I could not speak for anyone else at NYU Shanghai, but I,

myself, am teaching exactly what I want with the usual lack of oversight enjoyed by any professor teaching at NYU in Washington Square," in his course. "As an example of my unhindered freedom, my course requires the students to compare U.S. and Chinese constitutional rules and concepts, and as background for this comparison I assign so-called 'sensitive' documents such as the infamous Document Number 9."

This is the kind of classroom that we have at NYU Shanghai today. And I do believe it is important that we have classrooms like this in order to be true to our mission as NYU.

Mr. SMITH. Just so I am totally clear, it is your testimony that the seven taboos or seven silences—universal values, press freedom, civil society, citizens' rights, criticism of the Communist Party's past, neoliberal economics, and independence of the judiciary—can all be taught in an unfettered way on your campus without any fear of retaliation? That is what happening?

Mr. LEHMAN. That is my testimony. It is absolutely true. That is the case. And I should say, one of the interesting points about the seven taboos—and this is just an example of how complicated China is today—one of them I think that you mentioned is on neoliberal economics as a banned topic. If you go in Shanghai to the Tsinghua book store and look, you will see a display of two of the most prominent books right now there, and one of them is the speeches of Xi Jinping, and the other one, next to it, is a Chinese translation of a book by Professor Ned Phelps called "Mass Flourishing."

Professor Phelps is a professor at Columbia University. He won the Nobel Prize in Economics. And "Mass Flourishing" is about the way in which modern capitalism is essential to enabling humans to flourish in a society that values what he calls vitalism. That is Shanghai today.

And so, yes, on the one hand, there are these seven taboos—never given to us, never given to NYU Shanghai, I should say, but I have heard about them. I have never seen them. But I seen them referred to widely. So there is that document out there.

And I should say Premier Li Keqiang has spoken about Mr. Phelps' book and has spoken about its importance. Premier Li Keqiang gave a talk in February in which he talked about Adam Smith's "Theory of Moral Sentiments" and it is importance to their thinking about how the economy should develop.

There are mixed signals everywhere in China today. We at NYU Shanghai operate consistent with our principles and no one has told us not to.

Mr. SMITH. Not to belabor the point, but how much of a student's cost, total costs are borne by the government? And does that have any impact as to how you bring students in, admit students into the school?

Mr. LEHMAN. Sure. So the tuition for NYU Shanghai is the same as the tuition at NYU in New York. It is about $45,000 per year.

Mr. SMITH. Is that in keeping with other colleges or universities in China? Is that parallel to or far in excess of?

Mr. LEHMAN. You mean other Chinese universities?

Mr. SMITH. Yes.

Mr. LEHMAN. Wildly in excess. Wildly in excess of what it is. And I believe that that is reflected in the nature of the education that we provide. The kind of education we provide is very labor intensive and it is very expensive. And I believe that it is actually reflected in the difference in the quality of the education that we provide.

Now, that level of tuition would be unaffordable to many of the best Chinese students. And therefore one of the important conditions of opening NYU Shanghai was that there be a subsidy from the government of Shanghai that would enable Chinese students to pay 100,000 Renminbi per year, which is about $17,000, instead of $45,000. So that works out to about a $28,000 per-student subsidy for all Chinese students, not only ones——

Mr. SMITH. Who actually pays that, the central government or the Shanghai——

Mr. LEHMAN. Shanghai, city of Shanghai.

Mr. SMITH. City of Shanghai.

Mr. LEHMAN. City of Shanghai.

And so if you look at the overall structure of our budget, as I said, NYU Shanghai is a tub on its own bottom. So no profits are distributed to NYU in New York and no subsidy is demanded from New York. Our budget is self-contained.

So when we are full grown, when we have 2,000 undergraduates, the plan for the budget is that about 60 percent of the total cost of operating the campus will come from tuition, about 25 percent will come from government subsidy, and of which about 14 of that 25 percent is going to be going to financial aid for Chinese students.

Mr. SMITH. Again, the tuition would be 60 percent. A large part of that is from the government as well, so——

Mr. LEHMAN. No, no, no. The 60 percent is what is sometimes referred to as sticker price tuition. So that is tuition. Financial aid reduces that cost for—is part of the expenditures against which that operates.

So another way to think about it, I guess, would be to say the total budget will be about $200 million a year. About $60 million of that, $55 million of that, will be going to financial aid. So that means there is about $145 million left for operating costs. So I am talking about percentages of the $200 million.

About 60 percent of that $200 million comes from tuition, about 25 percent will come from government, and the last 15 percent will come from private philanthropy, and to the extent we operate executive education programs that are able to produce net surplus, that will be part of the last 15 percent.

Mr. SMITH. Just one final question on the admissions.

Mr. LEHMAN. Yes.

Mr. SMITH. Are the students the children of the elite, are they just any child, any young person, I should say, who aspires and has the academic credentials to make it? And when the decisions are made by your local board, are there Chinese nationals on that board who are influencing this or is it done exclusively by NYU coming out of New York?

Mr. LEHMAN. Exclusively by NYU.

Mr. SMITH. New York, I mean.

Mr. LEHMAN. NYU New York. I mean, we have local staff.

Mr. SMITH. But my question is about the vetting before. Who are the local staff? I mean, how do you know they are not clandestinely part of the government apparatus?

Mr. LEHMAN. Well, I could be wrong, I suppose. I mean, I am not experienced at spotting——

Mr. SMITH. I mean, to shell out $28,000, you would think the government would want to have a main say in who it is that gets admitted.

Mr. LEHMAN. I don't believe so. The mission here is for us to have the best and the brightest in China studying with us. So we have students who turned down Peking University, turned down Tsinghua University, turned down Fudan, turned down Berkeley, turned down Cornell for the opportunity to be a part of this very special academic experience.

The concern both at NYU and, honestly, by the city of Shanghai, was that at $45,000 a year it would simply be a playground for children of the rich and that would not be acceptable. So it was necessary from the beginning to structure this to make NYU Shanghai affordable. Now, some students can't afford 100,000 Renminbi either, and so we have need-based financial aid as well, in addition to sort of the flat reduction to 100,000 RMB.

The process, we have thousands and thousands of applicants from all across China for these 150 seats. And so the process that is followed is they send us their high school grades, their letters of recommendations from principals, their essays. And that written portfolio is reviewed first by our staff in Shanghai, then by our staff in New York, and a group of about 500, the top 500, are invited to come to our campus for what we call Candidate Day.

And in Candidate Day, they are in batches of 125. They have one-on-one interviews with us. They have sample classes. They write essays. We want to be sure that they are ready to study in the kind of academic environment that we provide, that their English is good enough. And after that Candidate Day process, we then identify the top 150 or so, to whom we extend conditional offers of admission.

Now, the condition is that they then have to take this Chinese examination known as the gaokao, which I am sure you are familiar with, which is the national admissions exam in China. They then have to score in the top tier on the gaokao in order for their offer of admission actually to be effective. Almost all of them do, but every year, unfortunately, some of them do not.

This process, I will say, Chairman Smith, I have complete confidence in. It is not an ideological screen. It is not controlled by the government. You asked me to speculate why the government would give us money to subsidize this if they don't get to control admissions.

Mr. SMITH. Or even influence.

Mr. LEHMAN. Or even influence admissions. I will give two partial answers to that.

Most of our financial aid in the United States in American universities is underwritten by donors, by private philanthropists who make gifts, and that accounts for the ability to give financial aid. And the question is, why do they make these gifts if they don't get

to influence who they are supporting? And the idea is there is a sense that you are doing good if you are opening up access on the basis of merit rather than on the basis of financial capacity. And I honestly believe that that is a big part of the motivation here.

Separately, I would say, because we are so small, if there were ways for the government to influence who came, to say, okay, there is a special side door for children of privilege, that would destroy our reputation in China immediately. I mean, word would get around in a flash. The social media in China today are an unbelievably powerful force. Mr. Daly spoke about the comments, about Minister Yuan's comment, alleged comment. And I think everyone in China knows that this is all very, very visible.

And so, again, we haven't received that kind of effort to influence yet, but if it were to come, we will be vigilant.

Mr. SMITH. Can I ask you, Dr. Martin, did you receive that kind of subsidy or anything close to it?

Ms. MARTIN. No, sir. Our program is a little bit different, obviously, because it is an undergraduate program conducted at two universities. Sias University, as I shared earlier, is a private university, whereas SNU is a public university. Normally students who come to the campuses pay for their degree.

As you know, there are two types of students in China: Those who are termed planned, which as was stated earlier, achieve a certain high percentage in the gaokao examination, and then those who are unplanned, which means that they did not fall within the auspices of those examinations.

The planned students are subsidized normally by the government, whereas the unplanned are not. And so for many who are unplanned students at the private universities, the education and the degree that they obtain through the courses and the program at Fort Hays State University is their only chance to have access to an education in China.

Mr. SMITH. Any of our distinguished witnesses, if you want to chime in or speak out on anything you hear, please.

Yes, Ms. Cao.

Ms. CAO. I just want to add a few points, because I was the one who did this research on "NYU Shanghai: What's the Deal," in February. So I know a few things from—almost all my sources are from the Chinese language sources when I posted this, and several NYU faculties wrote me thinking it is very, very helpful, and the fact that they knew it is a joint venture, but what it means really was lost to most of the faculty members at the NYU here.

Now, just pick Professor Lehman's comments. I want to point out, at least at the early stage, at least that, that may or may not be the case now, that at least at the very early stage, NPR, when the Shanghai campus opened in 2013, right, NPR had the article, interviewed a half-dozen also American students, all of them received generous tuition from NYU Shanghai. And some were even paid with their plane tickets.

So where does that money come from? All of them were given huge tuition fees that cost—let me read from the original NPR report—that one of the students was offered a deal worth $228,000. That is huge. And, quote from the NPR report, "The half dozen oth-

ers with whom NPR spoke said that they got either generous discounts or free tuitions." So that is one comment I want to make.

Another comment is about the philanthropy part of NYU Shanghai. There was an article I found in Chinese that described this newly found foundation called the Education Development Foundation at the NYU Shanghai. NYU President Sexton referred to the three distinguished people on this foundation, and I was amazed to find that two of them were high-ranking Chinese party officials, retired.

And these are officials, in the Chinese culture parlance, they are called the tui ju er xian de guan bu, which means, "Communist cadres working on the second front," meaning that they work in the nongovernment sector to exert government control.

So I just find the word "philanthropy" is misleading in here because of exactly where does the money come from? It could still come from the government, even it is labeled as fundraising philanthropy. I don't know. I am just saying because this foundation is led by former high-ranking officials. One of them was a former member of the CCP Central Committee. That is very, very high ranking. I mean, you have what, 1,000, a few hundred CCP Central Committee members across the country?

And also just on a more playful note, the Chinese elite privileged kids, guess what? They don't want to go to NYU Shanghai. They all come here, to Harvard, to Princeton, to UPenn, and they come here. So that is my comment.

Mr. SMITH. If I could, Mr. Lehman, maybe ask you another question, whether or not discussions about—and, Dr. Martin, this would be to you as well and any others who would like—can there be a robust discussion about the Dalai Lama?

I led the congressional effort to nominate Liu Xiaobo, Chen Guangcheng to get the Nobel Peace Prize, went there when they had the big, empty chair, which is one of the most heartbreaking scenes ever. And of course Liu Xiaobo's wife is not doing very well, and she is under a kind of house arrest.

Here is a Nobel Peace Prize winner. We are going to hold another hearing on Liu Xiaobo very soon to try to keep the focus on a Nobel Peace Prize winner who is languishing in prison. And my question would be, can you discuss his work? Can you do it? Dr. Martin, as well, and Mr. Daly, do you want to speak this, or anyone else?

And, again, in an unfettered way, because the crackdown there was so complete they even threatened the Nobel Peace Prize Committee and the host country for having the audacity to raise his issue, as they did so well in nominating him or selecting him.

Let me also ask with regards to religious freedom, can Bible studies exist? Can, again, Falun Gong practitioners engage in their spiritual exercise on campus?

Internet freedom. We know how the Internet is absolutely abridged by the great China firewall that is in place. So, again, your students—I am not sure there is much anyone can do about that except if we keep the pressure on worldwide—but they are getting a very filtered set of facts and information via the Internet.

But let me ask you as well, in 1983, 1984, I offered the first amendment that passed the U.S. House of Representatives on the

greatest human rights violation of women's rights ever, in my opinion, and that is the egregious one-child-per-couple policy that makes brothers and sisters illegal. It requires forced abortion by policy. There has been talk since 1985 that it is relaxing, and it never seems to bear fruit. It is usually proffered for international consumption and to garner a headline somewhere that somehow they are relaxing the policy.

And, frankly, with the implosion that is imminent in China because of the missing girls, we had a hearing just a few weeks ago, and the number of missing daughters is incalculable. It might be as many as 100 million or more, leading to sex trafficking and a disproportionality of males to females that is causing huge problems for the country. Hopefully, the government realizes their self-interest in eliminating such a ban on children, making children illegal.

I asked in this room the head of the Foreign Affairs Committee, when she was visiting with a delegation from China, how they deal with the fact that 600 women per day commit suicide, nowhere else in the world is female suicide more than male, except China, and the fact that there is such a terrible, terrible toll and a lot of it. We don't know how much.

But that comes for the Centers for Disease Control—theirs, not ours. They challenged my number. We brought down the facts and figures and she walked out. That was the end of that conversation. That is a loss of women's lives that is, again, unparalleled anywhere else in the world, 600 per day.

My question would be, with regards to the one-child-per-couple policy, and Dr. Martin as well, in one of my trips to China I asked a number of businesses whether or not they were implementing the one-child-per-couple policy, whether or not workers can snitch—and that is the word they used—on a women who is pregnant without the birth permitted coupon and authorization given by the government. And most of the businesses told me yes. These were American businesses. Some didn't know what I was talking about, but those that did said: Sadly, it is part of Chinese law and we follow it.

And I am wondering what happens to an unwed mother, one of your students—and again they are not even allowed one child, all unwed mothers are compelled to abort or face ruinous fines—what is the university or the college's response to that? Are you in any way complicit in enforcing the one-child-per-couple policy? Do you have a health clinic?

My hope is that you are in no way involved, directly or indirectly. But what is the case with regards to that?

Mr. LEHMAN. So we are in no way involved. We have a clinic on campus. It is a health and wellness area. It is very popular with our students. The mission of the health and wellness clinic is not to enforce the one-child policy. We are not charged with enforcing or implementing the one-child policy.

Mr. SMITH. But if a woman is or a young student is pregnant, how does that get—I mean, we have had—we have worked—I have worked personally, as well as my staff, on many cases of women who had a second-order baby, including talking to the Ambassador,

travelling to Beijing, just to say: Please, cease and desist, don't kill that baby simply because the authorization wasn't given out.

What does the clinic do? Do they inform government officials? Do they try to hide it?

Mr. LEHMAN. So our clinic does not provide abortion services. To my knowledge, none of our students have gotten pregnant. If one of our students got pregnant, we would have absolutely no role in enforcing the one-child policy. We are not an arm of the government, Chairman Smith. We are a university.

Mr. SMITH. I understand. But my hope would be that you wouldn't—I mean, that woman is immediately at risk, and she will be forcibly to be aborted. And a student, obviously marriages are not even allowed to occur until 25. I read your Statement of Labor Values. You have a section on protecting women's rights.

Mr. LEHMAN. Yes.

Mr. SMITH. You do put in provided by PRC law should be protected, talking about pregnancy, childbirth. But, again, the dark side of Chinese law when it comes to women and children is—one of them—is this terrible one-child-per-couple policy.

If you could check to see what happens if a woman presents, same with Dr. Martin, so that we are no way complicit.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MIRTA M. MARTIN, PH.D., TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

Fort Hays State University (FHSU) has partnerships with one public and one private University in China. Faculty are hired by FHSU to teach in China on the campus of the partner Universities. As such, they are FHSU employees and they are responsible only to FHSU. They have no reason to report any situation to Chinese authorities.

Mr. LEHMAN. I will certainly check, Chairman Smith.

Mr. SMITH. Because that is, you know, there is a child's life and a mother's life at risk.

Mr. LEHMAN. I will check and confirm that we are in no way complicit.

WRITTEN RESPONSE RECEIVED FROM MR. JEFFREY S. LEHMAN TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

I have double checked and, as I testified, there is no requirement that NYU Shanghai report pregnancies to Chinese officials.

Mr. SMITH. That would be very good. I appreciate that.

Ms. MARTIN. Mr. Chairman, unlike NYU, of course, you realize that Fort Hays State University partners with the institutions. So the program is owned in its totality by the institution, but it is delivered on a host campus, so to speak. So there are other students on that campus. As a matter of fact, Sias International University has about 30,000 students on its campus, and only a very small minority of those students are actually part of the program.

So to the extent that the communications take place within our faculty and our students, their ability to discuss anything has never been an issue. The scholarship, their willingness and ability to discuss things, as you have discussed, from the Bill of Rights all the way up to more sensitive issues, have never met opposition by any of the government.

And to that extent, one of the things that we feel very privileged to be able to do is to expand the mind of the students. I said to somebody the other day: If you understand why people do what they do and you understand the human nature of people, then you are able to put them in context and not judge them as bad or good, but rather create a system whereby you can expand your view of the world. And that is what our faculty try to do in China, and they do it very well.

And addressing your statement about spiritual or religious freedom, they are very well able to practice their religion. Clearly there is not a Catholic church that they can go into in their neighborhood, but they are able to practice their religion within their own homes.

Mr. SMITH. Before going to Mr. Sherman, I do have some other questions that I will finish with. But under number five, protecting women's rights, NYU's Statement of Labor Values, it says: "Women's rights during pregnancy, childbirth, and nursing period will be protected as provided by PRC law."

That is the problem, the PRC law, which is outrageously unethical, immoral, and out of any human rights norms, even according to U.N. principles, Cairo Population, ICPD, or anything else, because it is forced, it is coerced. And so what does that mean, "as provided by PRC law," in your statement?

Mr. LEHMAN. I wasn't part of the drafting of that, but my understanding, at least the way I understand it, is under Chinese law, after you give birth you are entitled to paid leave. And I don't know, I think it may be 4 months. And so I think this is guaranteed paid leave.

Mr. SMITH. But it does say during pregnancy as well. PRC law during pregnancy makes that child at the gravest risk of extermination at any time during their life on the planet.

Mr. LEHMAN. I believe, Chairman Smith, that that provision is intended—I think it is framed in terms of protecting the rights of the woman, I believe. And so I think what that is intended to do is to say to the extent that Chinese law creates a floor under the rights of the woman, those will absolutely be respected. And that is not only by NYU Shanghai, but by anyone who deals with NYU Shanghai.

Mr. SMITH. Okay. But, again, we are talking the rights of the women here would be coercive population control, including forced sterilization and forced abortion, which is so egregious, at Nuremberg, at the Nazi war crimes tribunal, it was construed to be a crime against humanity, which it is. Twice the U.S. Congress has called it a crime against humanity.

So my point is, if you could clarify that for us, what do you mean by that? Because if it just means enforcing—and this is what I have gotten from many businesses operating in China, it is what we got from Google when we talked about the issue of censorship, a different issue, of course, that they were just following law as promulgated by the PRC.

Mr. LEHMAN. So the point of the Statement of Labor Values, and it is comparable to the one that I believe was praised by Human Rights Watch as it was applied in Abu Dhabi, the point of this is to ensure that workers on projects associated with NYU Shanghai

have their labor rights respected and enforced. And you are pointing at number five. I believe it is 13 paragraphs. Is that right?

Mr. SMITH. Fourteen.

Mr. LEHMAN. Fourteen paragraphs of rights in different areas. And the point is to say that in each of these areas, including worker safety, including guarantees that they will be paid, that their rights will be respected and enforced. Because sometimes, as you know, in many countries, including in China, there will be times when there are rights on paper that are not respected.

Mr. SMITH. But it is precisely at the workplace where the one-child-per-couple policy is implemented. So whether these be contractors or whatever, that is the point of contact where they have their greatest means of compliance, and that is where the snitches come in, fellow workers, who are rewarded or penalized if they do not bring to the attention of the family planning cadres that so and so is pregnant without being given the ability—without getting the authorization from the government.

Mr. LEHMAN. Yes, Chairman Smith, I understand that. We will get back to you.

Mr. SMITH. So that would be both from the worker's point of view, as well as from the student's.

Mr. LEHMAN. Exactly.

Mr. SMITH. Mr. Sherman.

Mr. SHERMAN. Thank you.

I would point out that while fining a woman for having a child seems a deprivation of human rights, Mr. Lehman points out that in other cases China provides 4 months of paid leave. A woman seeking 4 months off in the United States faces a fine equal to 4 months pay.

Mr. SMITH. Not everywhere. Not in New Jersey.

Mr. SHERMAN. Well, everywhere in the United States there is no paid maternity—there is paid maternity leave in New Jersey?

Mr. SMITH. State government.

Mr. SHERMAN. Oh, if you are an employee of the State government. Okay. Well, the vast majority of my constituents are not employees of any government, and it is good to see that the State is generous to its own employees. It would be nice to see how we can work that out for all employees.

Let's see. Mr. Lehman, if one of your students is sitting in your library in Shanghai and they Google "Tiananmen Square 1989," and they do it on Google.com, what do they see? Do they see what I see or do they see what everybody else in Shanghai sees?

Mr. LEHMAN. They see what you see.

Mr. SHERMAN. So you get around the Great Firewall of China?

Mr. LEHMAN. We are part of NYU's global network.

Mr. SHERMAN. Gotcha.

Mr. LEHMAN. And so in order for us——

Mr. SHERMAN. Let me move on.

Ms. Lawrence, first, thank you so much for all the guidance you provide to my staff and myself. Second, how much money is China throwing into these Confucian Institutes here in the United States or otherwise in order to give free services, professorial and otherwise, or cash to U.S. universities? Is this a big thing?

Ms. LAWRENCE. I am afraid I don't have a number. I could——

Mr. SHERMAN. I mean, are there a dozen or several dozen professors fully paid by the Chinese Government here in the United States?

Ms. LAWRENCE. My understanding is that usually the Hanban, which is the organization in China that manages Confucius Institutes, provides a certain amount of money per Confucius Institute to get it set up. And it can be up to, I think, about $500,000, somewhere between $100,000 and $500,000, but I think it depends on the university. Robert may have more information there actually.

Mr. DALY. Well, in addition to those arrangements, you are right, the Hanban has also started to propose endowed professorships to universities. The test case on this a few years ago——

Mr. SHERMAN. So this would be the chair in——

Mr. DALY. Chair, faculty member.

Mr. SHERMAN. Okay. These faculty would teach the nine-dash line is——

Mr. DALY. No. The test case was in Stanford a few years ago. In fact, I testified in 2011 before Congressman Rohrabacher's committee on this. And there was a fight at Stanford, there was concern because the faculty got a say about the constraints that the Chinese side would put either on the specialty of the faculty member or teaching. Stanford won that argument, and they took the money for the chair sans conditions, and it was all designed by Stanford University, and the money still came through——

Mr. SHERMAN. I know at least one major university has turned down the money or pulled out presumably because they didn't get that.

Mr. Lehman, you suggested that the Federal Government pay money to U.S. students at your university and elsewhere. All I can say is nice try. This would be basically a lottery ticket in the sense that there are 1 million American students that would want it, and five or ten would get it, and I am not going to cut cancer research in order to send you students. You are going to have to get those on your own.

Let's see. Ms. Lawrence, Chinese students studying here in the United States, are they studying STEM, science and technology, engineering, math, or are they studying business? Kind of give me a vague breakdown. Humanities versus business, business law versus——

Ms. LAWRENCE. Traditionally, the Chinese students coming to the United States in the early wave of students came to do graduate study and often were studying STEM subjects, in part because they didn't require such strong language abilities. If you were studying mathematics you didn't have to have incredibly fluent——

Mr. SHERMAN. What do we see now?

Ms. LAWRENCE. But now we are moving into an era where there are many Chinese students now starting to come over actually at the undergraduate level too. I was recently in Beijing and hearing that one of the best high schools in Beijing——

Mr. SHERMAN. But you may have heard the exchange with Mr. Rohrabacher. If they are here learning the technology that will strengthen China, that is one thing. If they are here learning American values, that is something else. Are they here reading the

works of Chairman Smith on human rights in a humanities course or are they here learning how to beat us at technology?

Ms. LAWRENCE. I think that now the new wave of students who are coming not just at the graduate level but now also at the undergraduate level, I think they are starting to study rather more diverse subjects than the first wave.

Mr. SHERMAN. What about the institutes that we are basically focusing on in these hearings, the Chinese campuses of U.S. universities, are they teaching STEM, or are they teaching business and law, or are they teaching humanities, or mostly one, mostly the other?

Ms. LAWRENCE. There is a wide range of models for these U.S. universities that are operating in China. So NYU Shanghai is one model, and it is a joint campus. It is a joint venture between NYU and East China Normal University, with East China Normal University as the majority partner, and it is providing a liberal arts education.

The number of joint campuses is very small. There are three U.S. universities that have been given this independent legal person status, which Vice Chancellor Lehman could explain more what the implications of that status are.

There are only 13 U.S.-partnered institutions that China recognizes and approves as collaborative education institutions, but there are more than 100 other U.S. universities that are involved in offering degree programs on Chinese campuses.

And so it kind of varies depending on the model, but I would say that the bulk of the degrees that are being offered by U.S. institutions in China, a lot of them are business, engineering degrees, some English degrees. There are a few unusual degrees. There is one U.S. university that is offering a music degree. There is another U.S. university that is offering a dance degree. But for the most part it is more STEM, business.

Mr. SHERMAN. Chancellor Lehman, if I got you right, you testified that you are not aware of any of your students being pregnant. That is the first time a chancellor of a non-all-male university has ever said that here in Congress. Obviously then you are not focused on that, but the chancellor of UCLA has never said that.

I will ask Ms. Lawrence first, but perhaps others as well. What does the Chinese Government do to insulate the students that it sends to the United States from the wrongful influences of those who would want to break the pots of the Chinese Communist Party? What do they do to prevent the students they send here from bringing back American political values?

Ms. LAWRENCE. The Chinese Government does allow, does encourage a lot of the students now to come and study in the United States. There are Chinese student groups on a lot of campuses which have very close relationships with the Chinese Embassy, the Chinese consulates.

Mr. SHERMAN. Are they spying on the Chinese students in what they are saying and doing?

Ms. LAWRENCE. I wouldn't know whether they are spying on them, but I think they do coordinate with the Embassy. You see when major Chinese leaders are visiting, often there will be groups organized by these Chinese student groups to take Chinese stu-

dents studying in the U.S. to come and join welcome parades and that sort of thing for visiting officials.

Mr. SHERMAN. Let me ask, Ms. Cao, if someone was interested in commemorating the events of Tiananmen Square in 1989, would it be wise for them not to cause the Chinese students organization described by Ms. Lawrence, take steps so that they wouldn't be aware of that effort? Or would you walk into one of these Chinese student groups with a big "remember Tiananmen" badge on and feel just comfortable?

Ms. CAO. You will feel uncomfortable. There is evidence of that, there is incidences of that. And the associations of Chinese students and scholars on larger American campuses, like Columbia University, MIT, there is strong evidence supporting, showing that there is very close cooperation and influence from the Chinese consulates and the Embassies.

And in the UK, in Cambridge, there was an example—well, I can only quote examples that are in the paper, that is how we get to know. But I have no reason to assume that was an isolated incident.

Now, a couple years ago in Cambridge University, the university authorities actually cancelled the Chinese student association because of the Chinese Embassy's influence on who will become the president of that association, because these associations are called on, for example, when Chinese leaders are visiting, they are called on to wave the flags, and they are paid the meal and money to do that. And when the Tibetans protest, these students are organized, these associations at the behest of the Embassy or consulate are going to do the counter protest, things like that. There are a lot of incidents like that.

Mr. SHERMAN. Ms. Lawrence, if you are an agent of a foreign government or paid by a foreign government, aren't you supposed to register? I realize that we heard a description of what went on in England, but assuming that there are Chinese student organizations being subsidized by and the officers being selected by the Chinese Embassy, should those students be registering as agents of the PRC?

Ms. LAWRENCE. I have to refer you to another branch of CRS which handles U.S. domestic law. I focus on China, so I am afraid I am not familiar with——

Mr. SHERMAN. Okay. Get those folks to give us an answer.

Ms. LAWRENCE. Sure.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MS. SUSAN V. LAWRENCE TO QUESTION ASKED DURING THE HEARING BY THE HONORABLE BRAD SHERMAN

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MEMORANDUM September 3, 2015

To: House Subcommittee on Africa, Global Health, Global Human Rights & International Organizations, House Committee on Foreign Affairs

From:

American Law Division

Subject: **Foreign Student Activities in the United States Requested by a Foreign Government, and the Implications for the Foreign Agents Registration Act**

This memorandum is submitted in response to your inquiry concerning groups of foreign students in the United States who are requested by their home country's government to participate in certain activities in the United States such as turning out for a parade welcoming dignitaries of that country, or otherwise being involved in public demonstrations of support for that foreign country. Specifically, your request concerns whether such requests from a foreign embassy and the ensuing participation in such activities could subject the students or the student group to the registration and reporting requirements of the Foreign Agents Registration Act [FARA].

It should be noted initially that because the law is principally intended as an informational and reporting mechanism, there is not a significantly large body of federal court decisions interpreting the provisions of FARA which would necessarily shed light on very fact-specific questions that may be relevant to an analysis of the issues raised. Enforcement efforts regarding FARA are generally directed at implementing reporting requirements and seeking agreements to report, register, and provide the required information, rather than toward criminal prosecution. As noted by the Department of Justice:

> The official policy of the Department with respect to the prosecution of alleged violators of this Act and its regulations is to institute the appropriate legal action in cases of repeated and/or flagrant violations of the Act. In the majority of cases, the institution of civil actions is the appropriate course; however, where the circumstances justify it, criminal action will be instituted.[1]

A study of FARA cited an early report from the Government Accountability Office [GAO – at the time of the report, the General Accounting Office] providing the Department of Justice's characterization of FARA principally as a "compliance act," rather than a "criminal act":

> According to the Chief of the Registration Section, enforcement of the act has been mostly by threat of injunction and/or prosecution, rather than actual use of these remedies. He stated also that the registration act is considered a "compliance act" rather than a "criminal act," even though it

[1] United States Senate, Committee on Foreign Relations, Committee Print, *The Foreign Agents Registration Act*, by the American Law Division, Congressional Research Service, Library of Congress, at 123 (1977).

> does provide criminal sanctions for willful violations. He stated further that the Department does not prosecute or attempt to prosecute foreign agents except in clear cases of recalcitrant non-compliance."[2]

Briefly, the application of FARA to the hypothetical situations presented would generally depend on two factors: (1) whether an "agency" relationship between the students and the foreign government existed in fact, and (2) if such agency relationship did exist, whether the activities engaged in by the students would constitute "political activities," or other categories of covered activities, on behalf of the foreign government as contemplated in FARA.

Evidence of an "Agency" Relationship

As an initial consideration, for a person to be required to be registered as a foreign agent under FARA an "agency" relationship must actually exist between that person in the United States and a foreign principal. As noted by the courts, there need not be an actual or express agency *agreement* – written or oral – but an agency relationship must exist in fact.[3] Under the statute, one may be an "agent" of a foreign principal if one acts as an "agent, representative, employee, or servant" of a foreign principal, or if one acts at the "order, request, or under the direction or control of" a foreign government or entity.[4]

The legislative history of the amendments to the law in 1966 made it clear that even in the case where subsidies or payments from a foreign government are made, the element of "direction or control" of the agent by the principal would appear to still be necessary for an agency relationship to exist. Therefore, for example, if a domestic organization has received a payment, grant, or a subsidy from a foreign government, such receipt would not necessarily, in itself, create an "agency" relationship with the foreign government. In providing an explanation to the amendments proposed and adopted to the Foreign Agents Registration Act in 1966, the House committee report explained:

> The proposed amendment would make it clear that mere receipt of a bona fide subsidy not subjecting the recipient to the *direction or control* of the donor does not require the recipient of the subsidy to register as an agent of the donor. However, the amendment would insure, in order to curtail the use of subsidies as a means of avoiding the act's requirements, that where the foreign principal subsidizes a domestic person to the extent that the subsidy involves, as outlined above, *direction and control of the activities subsidized*, then the domestic person or group as well as any agents employed to carry out the functions subsidized will be treated as acting for the foreign principal.[5]

The main thrust of the requirement for being an "agent" of a foreign principal thus appears to be the element of direction or control (or employer-employee or master-servant relationship which indicates, in itself, such control) that the principal has or exercises over the "agent" either directly, or indirectly through an intermediary entity financed and controlled by the foreign principal.

The precise language of FARA does include the term "request" when describing someone who is potentially an "agent" of a foreign principal when such person engages in particular activities "at the

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[2] Pattison and Taylor, THE REGISTRATION OF FOREIGN AGENTS IN THE UNITED STATES: A PRACTICAL AND LEGAL GUIDE, at 241 (District of Columbia Bar 1981), citing to a 1974 GAO study reproduced in the 1977 Committee Print, at 100 (the GAO report is reproduced in its entirety in the 1977 Committee Print at pp. 85-106).

[3] United States v. German-American Vocational League, 153 F.2d 860 (3rd Cir. 1946), *cert. denied*, 328 U.S. 833, 834 (1946).

[4] 22 U.S.C. § 611(c) (1). To reach so-called "indirect" agencies, the law will also apply to one who acts as an agent of, or is under the direction or control of, any other person "whose activities are directly or indirectly supervised, directed, controlled, financed or subsidized in whole or in major part by a foreign principal."

[5] H. Rpt. No. 1470, 89th Cong., 2d Sess. at 5 (1966). Emphasis added.

order, request, or under the direction or control" of a foreign principal.[6] Congress, in enacting this law, as well as the courts interpreting the law, however, warned of the potential over breadth in particular applications of FARA which could impermissibly constrain persons in the United States from exercising protected First Amendment rights merely because their conduct and speech is consonant with the goals and policies of a foreign country, or when merely responding to "generalized requests or appeals" from foreign political entities.[7] As noted in the House report on the 1966 amendments to FARA:

> Under existing law it is possible because of the broad scope of the definitions contained in section 1(c) to find an agency relationship (and thus the possibility of registration) of persons who are not, in fact, agents of foreign principals but whose acts may incidentally be of benefit to foreign interests, even though such acts are part of the normal exercise of those person's own rights of free speech, petition, or assembly. This may have been desirable when the Foreign Agents Registration Act was amended in 1942, but does not appear warranted in present circumstances.[8]

The United States Court of Appeals for the 2nd Circuit noted that the issue of "agency," when the phrase "at the order, request, or under the direction or control" is employed, is heavily dependent on the particularized facts under consideration to determine if an actual "agency" relationship existed. When looking at "requests," the court noted that the specificity of the targeted persons or entities to whom such request is directed could be a factor, but may not in itself be determinative. Citing congressional hearings on FARA and the relationship of former President Carter's brother with the government of Libya, the court noted congressional testimony from the former Attorney General during such hearing, which indicated that even a specific request to one individual which is acted upon may not be enough to establish an "agency" relationship:

> For instance, a congressman visits Turkey and during his trip meets with government officials. The government officials urge the case of foreign policies favorable to Turkey, and he supports these when he returns to Washington. If that is considered a "request" under the statute, the congressman is an unregistered foreign agent, even though he has taken no orders, is under no one's direction or control, and is not anyone's agent.[9]

The court in the 2nd circuit expressly noted that the "specificity of the action requested," as well as the targeted nature of the particular group or persons to whom the requests are made, may show that "those 'requested' are in some way *authorized to act for or to represent* the foreign principal."[10] The court noted that the "surrounding circumstances" are relevant to a showing of an "agency" relationship, and in that particular case the court referenced evidence drawn from "correspondence" in the organization's files which indicated such an "agency" relationship and authority to act for the principal:

> But when a particular individual, or a sufficiently limited group of identifiable individuals, is asked to act, the surrounding circumstances may show that those "requested" are in some way authorized to act for or to represent the foreign principal. Also relevant is the specificity of the action requested. A general plea for political or financial support is less likely to constitute a "request" under the Act than is more specific instructions. Once a foreign principal establishes a particular course of conduct to be followed, those who respond to its "request" for complying action may properly be found to be agents under the Act.

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[6] 22 U.S.C. § 611(c)(1).

[7] Attorney General of the United States v. Irish Northern Aid Committee, 668 F.2d 159 (2d Cir. 1982); H. Rpt. 1470, 89 Cong., 2d Sess., *reprinted in* 1966 U.S. CODE CONG. & ADMIN. NEWS 2397, 2401.

[8] H. Rpt. 1470, *supra*.

[9] Attorney General v. Irish Northern Aid Committee, *supra* at 161, quoting former Assistant Attorney General Heymann from Hearings Before the Senate Judiciary Comm., Subcomm. to Investigate the Activities of Foreign Governments, *Inquiry Into the Matter of Billy Carter and Libya*, 96th Cong., 2d Sess. at 700, 701 (1970).

[10] Attorney General v. Irish Northern Aid Committee, *supra* at 161. Emphasis added.

> In this case there was sufficient undisputed evidence from which the District Court properly concluded that INAC [Irish Northern Aid Committee] is the agent of the IRA. The evidence, much of it drawn from correspondence in INAC's files, is meticulously set forth and assessed in Judge Haight's opinion. INAC did not present any evidence to put its "Agent" status in issue.[11]

Without additional evidence indicating some authority to speak for, or without other indications of an agency relationship (such as being compensated for such activity), it may be difficult to show or to assume that a mere general request or appeal to certain persons within the United States to turn out publicly to "welcome" foreign dignitaries, or to otherwise publicly demonstrate support in the United States for a foreign government, has turned such individuals or domestic groups into "agents" of foreign principals under FARA, particularly when such individuals in the United States act voluntarily. As the cases indicate, however, the more specific the requests from foreign principals to do certain acts are, as well as any indications of payment or compensation to such groups from foreign principals to carry out the activities expressly requested, then the more indications of an "agency" relationship might appear in any given set of circumstances.

Political Activities, Political Propaganda, or Public Relations

Even if agreeing to specific requests, or being compensated to participate in particular activities at the request, direction, or control of a foreign government, would be sufficient to create under FARA an "agency" relationship, the statute requires that such persons in the United States acting as "agents" participate in "political activities" (or other covered conduct) on behalf of foreign principals.[12] The term "political activities" by those acting as agents of foreign principals is defined in the statute to mean:

> [A]ny activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to the formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.[13]

The term "domestic and foreign policies of the United States" is, in turn, defined in regulations of the Department of Justice as those related to "existing and proposed legislation, or legislative action generally; treaties; executive agreements, proclamations, and orders; decisions relating to or affecting departmental or agency policy, and the like."[14]

The actions of foreign students in the United States being requested (or instructed) by representatives of their home government to "come and join welcome parades" for visiting foreign dignitaries, and to wave flags of their home country, might thus not constitute "political activities" as defined or contemplated by the statute. There may need to be shown, or specific factual determinations made, that any particular actions that were requested were intended to influence particular legislation, legislative action, treaties, or executive agreements in the United States to constitute "political activities" in this country.

The statute would also cover one who is an "agent" of a foreign principal and engages in the United States in the particular activities of acting as a "public relations counsel, publicity agent, information-service employee, or political consultant" for the interests of the foreign principal.[15] These terms are defined in such a manner, however, as to include specific activities or roles which might be beyond those

[11] *Id.* at 161-162.

[12] 22 U.S.C. § 611(c)(1)(i).

[13] 22 U.S.C. § 611(o).

[14] 28 C.F.R. § 5.100(f).

[15] 22 U.S.C. § 611(c)(1)(ii).

involved in the relevant hypotheticals. A "publicity agent," for example, is defined to include "any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise."[16] A "public relations counsel" includes "any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal."[17] Although turning out for a welcoming parade or participating in a demonstration might, in a very broad sense, be about "public relations" relevant to a foreign country, it is unclear whether those activities would be deemed to involve the specific conduct of "informing, advising, or in any way representing a principal in any public relations matter" as a "public relations counsel" for the foreign principal under FARA.

[16] 22 U.S.C. § 611(h).

[17] 22 U.S.C. § 611 (g).

Mr. SHERMAN. I don't know who else——yes, Ms. Cao, you have a——

Ms. CAO. Just a few weeks ago, very recently, the Chinese student association at Columbia University was shut down by the university and the reason they gave is that, well, they broke some rules. And I recently, just last week, I talked to a Reuters reporter, I urged him to dig deeper, because I believe it is likely, very likely

there is something else, not just leaving food after their events or something like that.

Mr. SHERMAN. That is so unusual at an American university. If you were to shut down the Albanian students organization at UCLA, the whole campus would erupt.

Mr. Daly, what can U.S. campuses do to ensure that Chinese students are not only protected from this intimidation or observation, but are actually encouraged to break the pots of the Chinese Communist Party?

Mr. DALY. They can do very little directly. There have always been organized——

Mr. SHERMAN. Well, let's back up a little bit. They send the kids here to study STEM. Can we require at all our universities, if you are here to study STEM, you have to take one or two courses where you may read the writing——

Mr. DALY. American universities all have distribution requirements, they have general education requirements. What American campuses can do is be American campuses. Where is our confidence? Yes, there are attempts by the consulates and the Embassies to infiltrate Communist Party cells——

Mr. SHERMAN. So you don't have U.S. universities saying: Hey, we really want the Chinese money. We will let students come here. We will give them some sort of certificate. They can take nothing but math and science.

Mr. DALY. American universities provide the opportunity, the environment, and all of the stimuli that are the best antidote to everything the Chinese Communist Party is attempting to do.

Mr. SHERMAN. Unless they are willing to provide programs designed with the interests of the PRC in mind. Are there universities that, regardless of the breadth requirements they have for their U.S. students, either have some certificate program or degree program designed to teach STEM to Chinese students without exposing them? I see Dr. Martin is saying no.

I realize no for your own campus. Does that apply to every campus you are aware of? Is there any university in this country that is saying: Come here, bring your Chinese dollars, study math and science and technology, and you can leave, and you don't have to take a course in politics, humanities, anything like that?

Ms. MARTIN. Sir, I don't have the vast knowledge to be able to answer.

Mr. SHERMAN. But have you heard of any such example?

Ms. MARTIN. However, every single institution of higher education is governed and accredited by a regional accrediting body to whom we have to answer. And as such, we provide this accrediting body a list of all of our programs and they approve it. Within those programs, as was stated earlier, there are the general education programs that include your English, your sciences, your mathematics, your humanities, your social sciences.

Mr. SHERMAN. So there is no certificate somebody can earn without those breadth requirements?

Ms. MARTIN. A certificate is a specialized series of courses in a specific area. And so the answer would be, certainly it could be designed, but I am not aware. It wouldn't be a degree.

Mr. SHERMAN. Let me just make a comment. I am concerned with Chinese money influencing American thought. I think the number one problem is the corporate sector where hundreds of billions of dollars are made and lobbyists for the benefit of China descend upon this place and descend upon the media, particularly the business cable channels, with an amount of power that far exceeds our influence in China.

I know some of you said we have got the soft power way beyond what they do. That is true if you just ignore money, lobbying, and the effect of money on cable television and think tanks. If you just ignore money and focus only on the academia, then you would say that we have got the soft power and they don't.

And then finally, as I mentioned, when China controls a big chunk of the movie theaters in the United States, they control or influence what studios will choose to make, and those of you who are looking for a second Gere movie on Tibet will have to look at just some movie that is, like, made for cable. It will not be a theatrical run.

With that, Mr. Chairman, I thank you for these hearings. I know that you have some additional questions.

Mr. SMITH. Thank you, Mr. Sherman.

Ms. MARTIN. Mr. Chairman, if I could just say something. While I am not able to speak on behalf of every single institution of higher education as to what course of study they may or may not have or what certificate they may or may not have, I believe that I can speak on behalf of every institution in this country to the fact that the academic integrity of our programs highlight and dictate who we are as an academic institution. And speaking for them, and certainly on behalf of Fort Hays State University, no amount of money will ever be able to be given to me to sacrifice the name or the credibility of my institution or those of higher education in the United States.

Thank you.

Mr. SMITH. Just a couple of final questions, and again I thank you for the generosity of your time as well this afternoon.

Mr. Lehman, I am encouraged when you say the seven taboos, there is not a concern. I think I am concerned that surveillance can be very, very ubiquitous. It could be everywhere.

When Frank Wolf and I made our way over to the PRC, to Beijing, immediately prior to the Olympics, we brought with us a prisoners list that the Congressional-Executive Commission on China, which I chair, had put together, a very extensive list, as you know, that really goes to great depth. It is one of the best prisoners lists I have ever seen. It is updated constantly, combed to make sure that it is accurate.

And while Congressman Wolf and I were in the Embassy van, it is the only time we talked about this, we talked about, kiddingly, going to Tiananmen Square, because we were on our way to another meeting, and unfurling a banner that called for human rights. Twenty minutes to twenty-five minutes later the U.S. Embassy got a phone call saying that if Smith and Wolf unfurl the human rights banner at Tiananmen Square—which was a fiction, we were talking to each other, and we did make one phone call in which we mentioned it as well—we would be immediately escorted

to the airport or worse, and the Embassy was very concerned. This was right before a big showcase Olympics.

And the ability to embed surveillance equipment and the like in the classroom when the Embassy van may have been compromised, I don't know that, but my own and my subcommittee's computers have been compromised at least once and the PRC hacked into them. So I am concerned about when someone does go beyond or says Tiananmen Square.

I mean, Chi Haotian, as we all remember, when he came into town during President Clinton's tenure in office, was given a 19-gun salute. He was the butcher of Beijing, as you know, was the operational commander, and then at that point when he was in town was the Defense Minister, he said nobody died at Tiananmen Square. We put together a hearing 2 days later. We had people who were there on the square, including correspondents, and someone from the People's Daily, who said people died and they died in large numbers.

I mean, the ability of this government in Beijing to do unbelievably nefarious things and to lie in broad daylight, I mean, here he was in Washington at the Army War College saying nobody died at Tiananmen Square. I thought Mr. Clinton did a terrible thing in honoring him. He should have been on his way to The Hague for crimes against humanity. But that said.

So I am concerned, and I completely accept your sincerity and the fact that as a very learned man you believe this is the case, and I absolutely hope it is true.

But I do want to ask you a question. The whole episode with Chen Guangcheng, and Jerry Cohen was one of my witnesses earlier on, so it is not like I have any animus toward NYU, and I want that clear and unmistakable. And we held hearings, like I said, I had worked on his case for about 5 years when he first was put behind bars. And the way that I was treated, you know, who cares. The way Chen was treated was what really concerned me. But even as he was flying into Newark International Airport, huge efforts, including Under Secretary Kennedy, who I was on the phone with, ensured that I did not meet him at the airport. He was ushered, when he came in, we were at the gate, and I know because the man who ran the Port of Authority used to be my intern and he couldn't believe the great lengths and hoops being jumped through to ensure that my wife and I were not there at the gate to greet him. I thought it was a bit bizarre, frankly. But that said.

We made our way over to the NYU. I was pushed to the side, and I mean literally brought to the side by someone working for NYU, and if it wasn't for Chai Ling yelling, as he got out of the van, "Chris Smith is here," he perked up and walked over to the direction of what she said, and I shook his hand, that was the end of it, and I was shunted to the side again.

The meetings that we had with him were always, particularly in the early days, and we tried hard to have meetings, they were hostile. And I was bewildered by it, and I mean bewildered. Then I heard from Mr. Chen how he repeatedly was admonished, maybe threatened, but admonished may be a kinder word, about coming to Washington, testifying before our subcommittee. He never got the answer from the administration or from anyone else about the

agreement, which it turns out probably was just oral, it was never written, with the Chinese Government about looking into his case. So more subterfuge there.

And then when he came down, as I said in my opening before, to an event that we suggested with former Speaker Pelosi and Speaker Boehner, which I think was a great success, that was frowned upon. And then he was told the day after he testified here, and it took almost a year to get him here because of these obstacles, that he was gone.

Whether it be Lech Walesa or Nelson Mandela or any other world-class human rights leader, not to treat Chen with that kind of—the respect, I mean, if it was my university, you are here for as long as you want to be. And he was even told: See what your right-wing friends like Smith can do. And thankfully I was able to with phone calls within an hour of his ouster, or information about his ouster, to set up for him to become part of a three-part sponsorship, including Catholic University of America, the Lantos Foundation, and the Rutherford Institute.

So it has been a very strange episode. I don't have the answers for it. I read his book. He had concerns about how he was treated, especially by the U.S. Government.

So a very specific question, and it is done in the hopes of just clearing the air. Did the PRC officials in any way pressure, advise, or convey any message to NYU personnel concerning Chen Guangcheng's case? And if so, how were those messages conveyed? And was Chen's situation perceived by NYU as a threat to NYU's Chinese programs, including at Shanghai campus?

I know that he was admonished many times not to go into certain directions. I mean, he was incarcerated and tortured, as was his wife, because he brought up the one-child-per-couple policy and in Linyi tried to defend women who were being horribly abused. And to suggest he ought to talk about corruption and rule of law generically and esoterically without getting into details was, again, mind-boggling. You wouldn't say to Nelson Mandela: By the way, don't bring up apartheid. You just wouldn't do it. That is why he was singled out for punishment.

So if you could answer that question, I would appreciate it.

Mr. LEHMAN. So the simple answer to the question is no. The Chinese Government did not attempt to influence NYU's dealings with Mr. Chen. I should say I was in China at the time. I was not in New York. No one spoke to me ever.

Mr. SMITH. But that is just you. I am talking about NYU personnel.

Mr. LEHMAN. NYU personnel in general, I mean, I will say it should be remembered that when Mr. Chen sought refuge in the Embassy in Beijing and Harold Koh was there and was working to trying find a solution so that he could leave China, to my knowledge NYU was the only university that offered a fellowship to Mr. Chen to enable him to leave. Other universities were approached and they refused.

And this was at the time that NYU Shanghai was being negotiated. This was before there was any agreement to create NYU Shanghai. And so NYU was not worried about the possibility that

they might lose NYU Shanghai. This was not a motivating factor at all.

Mr. SMITH. With total respect, at that point I agree completely. It was as he came here and as his time in the United States began to unfold that the pressure seems to have been applied.

Mr. LEHMAN. I don't believe there was any pressure applied. I have spoken with people who worked with—I have never meet Mr. Chen, but I have spoken with people who worked with him. I have spoken with people who worked closely with him while he was here. None of them ever felt any pressure whatsoever. And I believe, Chairman Smith, if NYU Shanghai was being used as a lever, I would have been told.

Mr. SMITH. Would anybody else like to say anything before we conclude?

Yes.

Ms. CAO. I just want to quickly make it, because this matters a lot, the Internet freedom on these campuses. My research on the Chinese sources, my impression is that the situation varies from campus to campus. On the campus like NYU Shanghai where you have half of the students are American students, it may very well be the case that they have free access to Internet.

But I just read an article on Hong Kong's Ming Bao that reported that on the Shenzhen campus of the Chinese University of Hong Kong, the Hong Kong university invested the capability of using their own VPN, which is completely free, like on their Hong Kong campus, but the university, the students, in the end were not allowed to use the Hong Kong university's VPN. Instead they have a domestic VPN that has the Great Firewall of China.

So my guess is that from these joint programs their Internet freedom probably varies. If the student body is entirely Chinese the likelihood is that they won't have complete Internet freedom.

Mr. SMITH. Thank you. Again, I want to thank you for your leadership, your generosity. This has been a long hearing.

And without objection, I would ask that Dr. Dawood Farahi, the president of Kean University's testimony be included in the record. We did invite Dr. Farahi to be here. We will invite him again for a future hearing. But without objection, his statement will be included in the record.

This hearing is adjourned, and thank you very much.

[Whereupon, at 4:50 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

June 25, 2015

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Thursday, June 25, 2015

TIME: 2:00 p.m.

SUBJECT: Is Academic Freedom Threatened by China's Influence on U.S. Universities?

WITNESSES:

Ms. Susan V. Lawrence
Specialist in Asian Affairs
Congressional Research Service

Mr. Jeffrey S. Lehman
Vice Chancellor
New York University - Shanghai

Mirta M. Martin, Ph.D.
President
Fort Hays State University

Ms. Yaxue Cao
Founder and Editor
China Change

Mr. Robert Daly
Director
Kissinger Institute on China and the U.S.
Woodrow Wilson International Center for Scholars

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, Global Human Rights, and International Organizations* HEARING

Day *Thursday* **Date** *June 25, 2015* **Room** *2172 Rayburn HOB*

Starting Time *2:05 p.m.* **Ending Time** *4:50 p.m.*

Recesses [*0*] (____to____) (____to____) (____to____) (____to____) (____to____) (____to____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Is Academic Freedom Threatened by China's Influence on U.S. Universities?

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Mark Meadows

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

Rep. Dana Rohrabacher, Rep. Brad Sherman, Rep. Eliot Engel

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Letter from Rep. Dana Rohrabacher, submitted for the record by Rep. Dana Rohrabacher
Appendices to the testimony of Mr. Lehman, submitted for the record by Mr. Jeffrey Lehman
Statement of Dr. Dawood Farahi, submitted for the record by Rep. Chris Smith

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:50 p.m.*

Gregory B. Simpkins
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DANA ROHRABACHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

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Congress of the United States
House of Representatives

Committees:
FOREIGN AFFAIRS
Chairman, Subcommittee on Europe, Eurasia, and Emerging Threats
Subcommittee on Asia and the Pacific
SCIENCE, SPACE, AND TECHNOLOGY
Subcommittee on Space
Subcommittee on Energy

June 22, 2015

The Honorable Jacob J. Lew
Secretary of the Treasury
Department of the Treasury
1500 Pennsylvania Ave., NW
Washington, DC 20220

Dear Secretary Lew,

I am writing to you in your capacity as Chair of the Committee on Foreign Investment in the United States ("CFIUS").

I have the honor of representing the 48th District of California, comprising many innovative technology companies that are critical employers of United States citizens. I am concerned at what I witness to be a gutting of domestic semiconductor capability by China-funded acquirers.

Semiconductors are the fundamental enabler of advances in technology that our society has benefitted from over the past 50 years. From Intel designing the first microprocessor which sparked the personal computing generation, to Qualcomm which has enabled rapid advances in mobile processing, to Applied Materials which has innovated process technology and equipment to manufacture at an increasingly microscopic scale – these and other companies have inspired a competitive drive to create breakthrough new products. Without these advances, high profile products and applications that depend on these technological advances from the likes of Apple, Cisco, Facebook, Google, and Microsoft would not be possible.

Last year, China announced an ambitious $100 billion program to invest in and acquire semiconductor companies and technologies. A troubling fact pattern has now emerged where important U.S.-based semiconductor companies have been the target of China-based companies and investment groups. The underlying objective of these Chinese entities has been to acquire important technology developed by these U.S. Companies, transport intellectual property and capabilities to China, and then deploy these capabilities for primarily domestic use.

As part of China's program, three semiconductor companies have recently executed merger agreements with China acquirers, subject to CFIUS review:

- OmniVision, a Silicon Valley image sensor capability company, for $1.9 billion.
- Divested RF Power assets of NXP to satisfy antitrust concerns related to NXP's acquisition of FreeScale, for $1.8 billion.

- Integrated Silicon Solutions Inc., "ISSI", a Silicon Valley high speed memory products company, for $732 million.

CFIUS experts have identified serious national security concerns regarding the divestiture of NXP assets to Jianguang Asset Management Co., a China State Owned Entity. OmniVision and ISSI share a common purchaser, Hua Capital Management Co., a China-sponsored private investment firm focused on semiconductor investments. Another member of the ISSI China purchaser group, SummitView Capital, was recently unsuccessful in its efforts to purchase another Silicon Valley semiconductor company, Spansion.

This accelerating trend negatively impacts U.S. long-term competitiveness and security through gradually shifting development of core technologies outside the U.S., and in these cases to a global power with which the United States has sensitive economic and national security relations. In view of the critical importance of semiconductor technologies to our national defense and infrastructure, I urge you to carefully scrutinize China's semiconductor strategy as well as the collective impact of these recently announced acquisitions. I believe that China is engaged in a sophisticated "roll up" strategy in the hope that CFIUS will not focus on its piecemeal acquisitions of semiconductor capacity and technologies.

Thank you for your consideration. I, of course, stand ready to provide what information I can to support you in protecting our national interests through a close review of these transactions.

Sincerely,

Dana Rohrabacher
Member of Congress

APPENDIX 1

TO THE

TESTIMONY OF JEFFREY S. LEHMAN

Overview of Primary Faculty
Teaching at NYU Shanghai
June 18, 2015

I. Faculty Leadership

Jeffrey Lehman	Vice Chancellor	Former president of Cornell University, dean of University of Michigan Law School, and founding dean of Peking University School of Transnational Law. Scholar of law and public policy. Teaches Global Perspectives on Society at NYU Shanghai.
Joanna Waley-Cohen	Provost	Also chaired professor at NYU NY. Former chair of NYU NY history department. Scholar of early modern Chinese history. Several books, including by Yale University Press. Teaches The Concept of China at NYU Shanghai.
Xiao-Jing Wang	Associate Vice Chancellor for Research	Also professor at NYU NY. Former director of theoretical neural science at Yale. Scholar of neurobiology. Received Sloan and Guggenheim fellowships; fellow of the American Association for the Advancement of Science. Teaches Networks and Dynamics at NYU Shanghai.
Eitan Zemel	Associate Vice Chancellor for Strategy	Also vice dean of global programs at NYU Stern and chaired professor at NYU NY. Scholar of business operations. More than 40 published articles.
David Fitch	Dean of Arts & Sciences	Also professor at NYU NY. Scholar of genetics and biology. 39 published articles. Former Fulbright fellow and Whitehead fellow. Teaches Evolution & Foundations of Science at NYU Shanghai.
Yuxin Chen	Dean of Business	Former chaired professor at Northwestern. Scholar of marketing. Many honors. Editor of 5 journals. 23 published articles. Teaches Introduction to Marketing at NYU Shanghai.
Keith Ross	Dean of Engineering and Computer Science	Also chaired professor at NYU NY. Former tenured professor at U of Pennsylvania. Scholar of computer networks. Many honors, including IEEE fellow and ACM fellow. Author of top textbook on computer networking; many published articles. Teaches Machine Learning at NYU Shanghai.
Ron Robin	Senior Vice Provost for Global Faculty Development	Also professor at NYU NY. Former associate dean at NYU Steinhardt and dean of student affairs at the University of Haifa. Scholar of cultural history with University of California and Princeton University Press books and many published articles.
Nicholas Geacintov	Vice Dean of Science	Also professor at NYU NY. Former chair of NYU NY chemistry department. Scholar of DNA. Many honors, including former president of American Society for Photobiology and former American Physical Society fellow. Coauthor of more than 400 research articles.

I. Faculty Leadership (continued)

Fanghua Lin	Associate Provost for the Quantitative Disciplines, Co-Director of Math Institute	Also chaired professor at NYU NY. Scholar of mathematics. Many honors, including member of American Academy of Arts and Sciences. Teaches Complex Variables & Partial Differential Equations at NYU Shanghai.

II. Senior Faculty

Jian Chen	Distinguished Global Network Professor	Former chaired professor at Cornell. Scholar of Chinese and cold war history. Many honors including Emmy Award and Nobel Institute Fellowship. Four books and more than 50 articles. Teaches 20th-Century East Asia-U.S. Relations at NYU Shanghai.
Vladas Sidoravicius	Professor	Former full researcher at the Institute of Pure and Applied Mathematics, Rio de Janeiro, Brazil. Scholar of probability and statistics. Longstanding research partner with colleagues at the Courant Institute of Mathematics. Teaches Probability and Statistics at NYU Shanghai.
Jiawei Zhang	Professor	Also tenured professor at NYU NY. Scholar of data science and business analytics. More than 30 published articles. Teaches Business Analytics at NYU Shanghai.
John Zhang	Co-Director, Computational Chemistry Institute	Also professor at NYU NY. Scholar of protein structure. Former NSF Presidential Faculty fellow and former Sloan fellow. 31 published articles. Teaches Math for Foundations of Science at NYU Shanghai.
Jun Zhang	Professor	Also professor of physics and mathematics at NYU NY. Scholar of biomechanics and biophysics. Research featured in Nature, Physics Today, BBC Radio, ABC television. Teaches Foundations of Science at NYU Shanghai.
Zheng Zhang	Professor	Founded Systems Research Group at Microsoft Research Asia. Scholar of data science, systems analysis, computer architecture. More than 45 publications including several best paper awards, and 18 patents (with 27 pending). Teaches Computer Science at NYU Shanghai.

The complete version of this document can be accessed at:

http://docs.house.gov/meetings/FA/FA16/20150625/103688/HHRG-114-FA16-Wstate-LehmanJ-20150625-SD001.pdf

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

Dr. Dawood Farahi
President, Kean University
Testimony
Foreign Affairs Committee
Subcommittee on Africa, Global Health, Global Human Rights and International Organizations

> "Given the diversity of youth in the United States and the undergraduate population in our colleges and universities, we must find new ways to introduce the world to all students and make comfortable the international exchange of ideas and experiences" (See George Sanchez. "Intensive Study Abroad for First-Generation College Students." *Peer Review* 14. Summer 2012: pp. 14-17)

Thank you, Rep. Smith, and members of the committee for the opportunity to submit this testimony. Kean University is the only public university in the United States to have established a full-scale campus in China. Wenzhou-Kean admitted its first cohort of undergraduate students in 2012, and our first commencement ceremony will take place in June 2016. Wenzhou-Kean academics are fully managed by Kean USA employees under the governance of the Kean USA Board of Trustees. Every student and faculty member at Wenzhou-Kean has free unfettered access to the internet. All principles of academic freedom, free speech and academic integrity apply to Wenzhou-Kean the same as Kean USA. The Wenzhou-Kean students have a democratic student government just as they do in New Jersey, and the students at Wenzhou-Kean create their own student groups as the students do here. In fact, the very first student group formed, was the totally student run newspaper, which continues to flourish today. All instruction is in English, and to date, more than 100 students have spent their summer in New Jersey participating in our English Language and American Culture Immersion program.

This partnership began in 1981, with the signing of a friendship and co-operation agreement between Zhejiang Province and the State of New Jersey, and the establishment of a "Sister Cities" relationship between Wenzhou and Union County in 1998. The relationship with Wenzhou that commenced in 1981, continued with the visit of then Party Secretary Xi Jingping in 2006, and the 2011 celebration at Kean University of the 30th anniversary of the New Jersey and Zhejiang relationship attended by Zhejiang's Secretary Zhao and New Jersey's Governor Christie.

In 2012, longtime friend of New Jersey and supporter of American Higher Education in China, Xi Jinping was elected President of China; Kean University admitted our first cohort class opening in borrowed space in our Partner Wenzhou University; and together we broke ground on the

first public American University Campus in China, Wenzhou-Kean. Today, Wenzhou-Kean is a fully operational, English-speaking campus offering nearly 1,000 students an exceptional academic experience in some of the finest major programs from our New Jersey campus.

With projected yearly growth through to 2020, and guided by a master plan developed by the pre-eminent American architect Michael Graves, the campus is growing quickly, with new buildings for the Global Business School, Michael Graves School of Architecture, a new library and residence halls. The faculty and staff are growing along with it, attracting individuals from the U.S., China and throughout the world. It is a global educational partnership that will equip students with a broader understanding and cultural sensitivities necessary to operate in our global economy.

It is well known that greater exposure to international education and international students increases American students' cultural sensitivities and global understanding and equips them with the skills to interact with people from diverse backgrounds in today's global workplace. (See Carnevale 1999; Chapdelaine and Alexitch 2004.) And while Kean has always sought and achieved leadership in the field of diversity, Kean has been named among the top five most diverse institutions in the nation by Diversity Magazine, we know that preparing our students for the future demands continued evolution. Small steps such as expanding study abroad programs, whilst significant, are no longer enough to prepare our young people for the future, especially when the student body is both highly diverse and challenged by major financial barriers to the traditional semester overseas.

Wenzhou-Kean was developed to maintain and build upon Kean's mission of providing affordable education to a diverse population, and in an environment in which students, faculty and staff gain a broader and more enriching experience as a result of that diversity, and in preparing students to think critically, creatively and globally. Kean's goal is to create globally minded learners and ultimately, globally minded citizens; at Kean USA and Wenzhou-Kean.

As Robert Griffiths, former U.S. Counsel General to Shanghai, stated in a letter to Governor Chris Christie,

> "promoting cooperation and good will among China and the United States of America through education can only benefit both countries. Making our education system and values a reality for Chinese citizens who could not afford such luxury precisely aligns with Kean University's mission and vision of affordable, quality education for all." (Letter from Griffiths to Christie dated March 30, 2012.)

Wenzhou-Kean is a truly American university, founded on the principles of academic freedom we hold sacred, while receiving full and continual support of the Chinese government.

The success of our partnership is predicated on several main principles:

- Kean University has full control over all academic affairs. The curriculum at Wenzhou-Kean is comparable to that of Kean University here in New Jersey. The chief academic officer at Wenzhou-Kean reports directly to the provost at Kean USA.
- Wenzhou-Kean students have free and unfettered, 24/7 access to the Internet and all of the Kean USA online library resources. Wenzhou-Kean students access the internet through a virtual private network that operates via satellite to a portal in nearby Newark and into our VPN on campus. It assures a seamless connection and access to our library, databases and all of the resources attainable online, including traditional and social media sources, search engines, and all other information and entertainment.
- The policies, procedures and code of ethics that govern academic and student affairs on both the China campus and in New Jersey are one and the same.
- How do we maintain this academic freedom? We work closely with our counterparts in China, sending our administrative leaders to Wenzhou nearly every month. Our provost just returned from China, where he conducted workshops with faculty on addressing issues related to academic freedom and integrity. Policy handbooks are made available to faculty and students.
- We work closely with Chinese government officials, establishing strong partnerships with leaders at every level of government. Many of our graduates will go on to serve in the Chinese government, shaping future policy and laws that respect western values. The Chinese government has been openly supportive of Wenzhou-Kean and our insistence on operating on democratic principles.

In a letter to President Farahi from Zhejiang's Foreign Affairs Director-general, Ruan Zhongxun, Director Ruan stated his hopes that

> "Wenzhou Kean University will serve not only as an essential platform of friendly exchange between New Jersey and Zhejiang, but also as a bridge of communication between our two countries." (Letter from Ruan to Farahi dated January 16, 2013).

We look forward to growing our campuses in China and New Jersey and seeing a continual stream of students traveling between the campuses to their own benefit, to the benefit of their families, to their countries and most of all, to our collective future.