

Confucius Institutes at U.S. Institutions of Higher Education

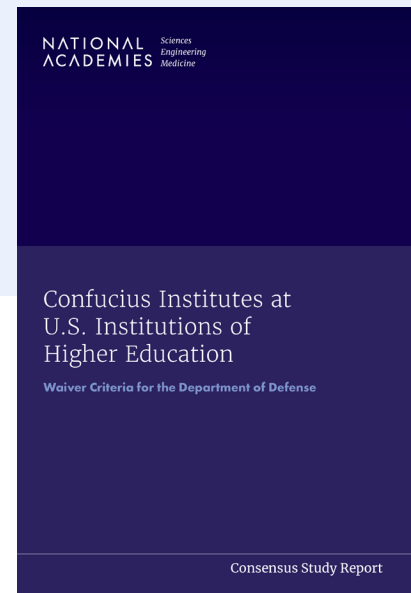
Waiver Criteria for the Department of Defense

The National Academies of Sciences, Engineering, and Medicine convened a committee to recommend conditions that should be in place for the U.S. Department of Defense (DOD) to consider granting a waiver to allow an institution of higher education hosting a Confucius Institute (CI) to continue receiving agency funding. This was in response to a provision in the Fiscal Year 2021 National Defense Authorization Act (NDAA).

CIs are Chinese government–funded language and culture centers that are located worldwide. More than 100 U.S. institutions of higher education hosted CIs on campus during the late 2000s and early 2010s. While CIs provided a source of funding and other resources that enabled U.S. colleges and universities to build capacity, they presented added risk to host institutions with respect to academic freedom, freedom of expression, and national security. Sustained interest by Congress, along with a provision in the Fiscal Year 2019 NDAA, led dozens of CIs on U.S. campuses to close. The committee is aware of seven U.S. institutions with active CIs as of December 2022, two of which receive DOD funding for scientific research.

This first report recommends conditions that should be in place for DOD to consider granting a waiver to an institution of higher education. A second report will explore foreign–funded partnerships on U.S. campuses more broadly and will be released in June 2023.

The committee developed the following set of recommendations focused on waiver criteria that DOD can use to delineate a clear and transparent waiver process in advance of Fiscal Year 2024:



RECOMMENDATION 1.1: GRANTING WAIVERS

In the absence of any applicable adverse information that cannot be addressed or mitigated through the criteria below or other means, DOD should grant a waiver if an applying institution of higher education meets the stated waiver criteria.

RECOMMENDATION 1.2: COMMUNICATING ABOUT WAIVERS

If DOD does not grant any waivers, or decides not to grant a waiver to a specific institution of higher education when others are awarded, it should specify the reason(s) for denial to the extent possible at the unclassified level.

RECOMMENDATION 1.3: ESTABLISHING THE WAIVER**APPLICATION PROCESS**

Outside input is critical to ensure that the waiver application process is free from undue administrative and regulatory burden. In addition to U.S. government input, DOD should solicit external input from key organizations including industry, higher education associations, and universities.

RECOMMENDATION 2: WAIVER CRITERIA

1. U.S. host institutions should demonstrate that the CI is a formally established Center or Institute at the institution, thereby subjecting the CI to all policies and procedures prescribed in faculty, staff, and student codes, as well as in shared governance

documents that ensure that similar units within the university support the key values of American academic institutions, including academic freedom and openness and respectful behavior toward other host institution academic units. If a U.S. host institution is not structured in a way that allows for formal Centers or Institutes, it should develop a structure for oversight and include the details for that structure in the documents governing a CI.

2. U.S. host institutions should demonstrate that they meet and comply with all applicable DOD requirements for information, data, physical, and research security.
3. U.S. host institutions should demonstrate that they possess full managerial control of CI curriculum, instructors, textbooks and teaching materials, programmatic decisions, and research grants.
4. U.S. host institutions should ensure that no contract or other written agreement pertaining to creating or operating the CI calls for the application of foreign law to any aspect of the CI's operation at any U.S. campus of the host institution.
5. U.S. host institutions should demonstrate appropriate fiduciary and financial oversight of the CI.

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FOR MORE INFORMATION

This Consensus Study Report Highlights was prepared by the U.S. Science and Innovation Policy theme, based on the Consensus Study Report *Confucius Institutes at U.S. Institutions of Higher Education: Waiver Criteria for the U.S. Department of Defense* (2023). The study was sponsored by the U.S. Department of Defense.

Any opinions, findings, conclusions, or recommendations expressed in this publication do not necessarily reflect the views of any organization or agency that provided support for the project.

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