



May 7, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-232 The Capitol
Washington D.C. 20515

The Honorable Hakeem Jeffries
House Minority Leader
U.S. House of Representatives
H-204, The Capitol
Washington D.C. 20515

Dear Speaker Johnson and Minority Leader Jeffries,

On behalf of the American Council on Education and the undersigned higher education associations, we write to oppose H.R.881, the “DHS Restrictions on Confucius Institutes and Chinese Entities of Concern Act,” which will be considered this week by the U.S. House of Representatives. While we support the goal of addressing national security concerns related to foreign malign entities, we remain concerned about the broader impacts of this legislation and, indeed, opposed this same legislation when it was considered in the 118th Congress.¹

Our colleges and universities acknowledge the threats posed by foreign malign actors and governments that seek to undermine U.S. national security through economic espionage and malign influence activities. The higher education community has worked closely over the past several years with various federal agencies to address these threats, including improving research security and raising awareness of foreign malign influence and transnational repression of students and faculty.

H.R.881 would prohibit any Department of Homeland Security (DHS) funding from being awarded to U.S. institutions of higher education that have any type of working relationship with the majority of Chinese colleges or universities. Previous restrictions related to Confucius Institutes (CIs) passed by Congress have resulted in the closure of almost every CI in the United States. In fact, a 2023 Government Accountability Office study found that there were fewer than five remaining in the United States. Congress has also already enacted legislation to prohibit participation in foreign malign talent programs for those seeking U.S. research and development funding and has required the Department of Defense to maintain a list of foreign talent programs that pose a threat to national security that universities and researchers can use to evaluate international agreements. H.R.881 is duplicative of multiple existing laws and agency regulations. The bill will also cause compliance confusion, as its definitions do not align with those used by other agencies or established government policies, such as National Security Presidential Memorandum-33, issued during President Trump’s first term and is still the foundation for federal research security policy today.

But beyond CIs, H.R.881 creates a new category of “Chinese Entities of Concern” that is so broadly defined it would likely include the majority of Chinese colleges and universities. The FY 2019 National Defense Authorization Act required the Department of Defense to create and maintain a list of “entities of concern” which is referenced by other agencies regarding funding restrictions. It is unclear why this legislation would establish an entirely new list of entities of concern. This broad ban would also likely end student exchange programs between U.S. and Chinese institutions, study abroad

¹ Sep. 9, 2024, letter from higher education community opposing H.R.1516 “DHS Restrictions on Confucius Institutes and Chinese Entities of Concern Act”: <https://www.acenet.edu/Documents/Letter-House-China-Legislation-090924.pdf>

programs for U.S. students in China, and important research and development work on issues of national importance—all of which are already in compliance with existing research security provisions created to protect U.S. research.

Given that the bill would ban any DHS funding to institutions that have a relationship with an “entity of concern,” it would restrict FEMA funds that U.S. institutions of higher education rely on to respond to natural disasters. Moreover, it would effectively create a broad ban on any collaboration with Chinese universities, something that has previously been carefully considered and avoided in the development of research security provisions, including the existing “entities of concerns” lists maintained by the Department of Defense.

While the Committee included amended language that would allow the Secretary of Homeland Security to issue a waiver to an institution of higher education under certain circumstances, we do not think that the bill language is likely workable. Waivers have never been issued under similar restrictions by the Department of Defense or the National Science Foundation, and this DHS process would not be coordinated with any other federal agency processes or restrictions.

We therefore cannot support this legislation as written, given the broad new definitions of “Chinese entities of concern” included in the bill, which would create a new expansive list. Additionally, the bill’s language applies to all DHS programs—not just science and technology funding at our institutions—which could impact important funding and programs administered by DHS offices such as FEMA.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Mitchell".

Ted Mitchell, President

On behalf of:

American Association of State Colleges and Universities
American Council on Education
Association of American Universities
Association of Public and Land-grant Universities
National Association of Independent Colleges and Universities