

Testimony of Jennifer Zimdahl Galt
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U.S. Department of State Bureau of Educational and Cultural Affairs
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Chairman Portman, Ranking Member Carper, Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss China's interference with U.S. educational activities. I would also like to thank my colleagues who join me here today. My testimony will focus on the State Department's responsibility to regulate and monitor the participation of Chinese nationals in the Exchange Visitor Program, which is the Department's international exchange program that makes it possible each year for over 300,000 exchange visitors from nearly 200 countries and territories to travel to the United States to participate in educational and cultural exchanges.

The Bureau of Educational and Cultural Affairs and the Exchange Visitor Program

As mandated by the Mutual Educational and Cultural Exchange Act of 1961, also known as the Fulbright-Hays Act, the State Department's Bureau of Educational and Cultural Affairs works to advance U.S. foreign policy goals by building friendly, peaceful relations between people of the United States and the people of other countries through academic, cultural, sports, and professional exchanges. The Bureau leads public diplomacy outreach efforts for the Department of State through exchange programs that strengthen the national security of the United States, support U.S. international leadership, and provide a broad range of domestic benefits.

The Fulbright Program and the International Visitor Leadership Program are the U.S. government's flagship exchange programs funded through annual Congressional appropriations. In addition to these, the Bureau of Educational and Cultural Affairs also oversees the fee-funded programs of the Exchange Visitor Program, which are carried out by nearly 1,500 public and private entities that the State Department designates as sponsors; no appropriated funds are spent on these programs.

The Office of Private Sector Exchange

The Office of Private Sector Exchange in the Bureau of Educational and Cultural Affairs is charged with promulgating, implementing, and enforcing federal regulations that govern all aspects of the Exchange Visitor Program. General regulations cover the designation, monitoring, and reporting requirements of sponsors. Sponsors are obligated, for example, to report the physical whereabouts of exchange visitors through the Student and Exchange Visitor Information System (SEVIS), a national security database operated by the Department of Homeland Security. Category-specific regulations establish participant eligibility requirements, program duration limits, and category-appropriate safety precautions. Entities seeking designation status must apply separately for authority to conduct programs in one or more of the 13 private sector categories of exchange: Alien Physician, Au Pair, Camp Counselor, College and University Student (including the Student Intern subcategory), Intern, Professor, Research

Scholar, Secondary School Student, Short-Term Scholar, Specialist, Summer Work Travel, Teacher, and Trainee.

The Office of Private Sector Exchange is staffed by nearly 100 full-time employees who oversee the numerous functions necessary to ensure that sponsors properly conduct their programs. They develop federal regulations and provide interpretive policy guidance to relevant stakeholders. They designate U.S. public and private entities as Exchange Visitor Program sponsors by evaluating their initial and continued eligibility under the regulations and assist sponsors with day-to-day regulatory guidance. They respond to incidents and complaints from exchange visitors and interested third parties and monitor and evaluate sponsors' regulatory compliance and program administration. Sponsors who are unwilling or unable to improve their regulatory compliance or who display patterns of non-compliance are referred for possible sanctions, including separation from the Exchange Visitor Program.

Chinese Participation in the Exchange Visitor Program and Confucius Institutes

Exchange visitors from China comprise approximately 11 percent of the more than 300,000 Exchange Visitor Program participants from around the world. In 2018, there were 36,254 Chinese exchange visitors in all 13 categories; nearly 90 percent of those participated in four categories: Research Scholar (16,156), College and University Student (7,104), Summer Work Travel (5,982), and Short-Term Scholar (3,860).

Chinese exchange visitors associated with U.S. colleges and universities are one element of Chinese participation in the Exchange Visitor Program. Confucius Institutes are typically set up as collaborations between a U.S. public or private and a Chinese government-run university, facilitated by the Chinese government agency Han Ban, and hosted on the campus of the U.S. university partner. The State Department does not have a role in the creation or funding of Confucius Institutes. Our responsibility begins when a U.S. college or university that is a designated Exchange Visitor Program sponsor places an exchange visitor in a role that is related to a Confucius Institute. In 2018, there were approximately 100 Confucius Institutes in the United States, of which 92 were affiliated with Department-designated sponsors of the Exchange Visitor Program. These sponsors typically bring foreign nationals to the United States under one of five academic categories identified in the Exchange Visitor Program regulations: College and University Student (of which Student Intern is a subcategory), Professor, Research Scholar, Short-Term Scholar, and Specialist.

The State Department is responsible for regulating and monitoring sponsors' – in this case U.S. academic institutions' – compliance with all relevant Exchange Visitor Program regulations. The State Department does not have the authority to monitor the activities of Confucius Institutes more broadly as they themselves are not designated sponsors of the Exchange Visitor Program.

The Exchange Visitor Program also authorizes entities, usually schools, school districts, or State-level Departments of Education, to be sponsors in the Teacher category. Although the Department does not designate colleges or universities as sponsors in the Teacher category, the regulations would allow Confucius Institutes to work with other authorized U.S. sponsors designated in the Teacher category to place Chinese exchange visitors as teachers in K-12

schools. Seven of the current 63 Department-designated Teacher sponsors have clearly indicated ongoing cooperation with Confucius Institutes.

As part of its routine sponsor monitoring, the Office of Private Sector Exchange learned in 2012 that a number of Chinese exchange visitors participating in the Research Scholar category were inappropriately placed at K-12 schools as Chinese language teachers. Accordingly, the Department issued a Guidance Directive to potentially affected sponsors providing procedures for regularizing the program status of exchange visitors in the United States under the incorrect Exchange Visitor Program category. The Guidance Directive clarified that exchange visitors in one of the academic categories cannot serve as primary teachers in pre-schools, primary and secondary schools, school systems, summer camps, or other local community activities for K-12 students – activities that more appropriately belong in the Teacher category.

I should note that there may be a few circumstances in which exchange visitors in non-Teacher categories might be placed in K-12 schools and still be in compliance with the regulations. For example, U.S. university sponsors may place College and University Student Interns at K-12 schools under the supervision of U.S. full-time lead teachers to learn hands-on the fundamentals of day-to-day pedagogy and classroom management.

Follow-up reviews since 2012 have revealed that in some instances Chinese exchange visitors who came to the United States under one of the five academic categories continued to teach at K-12 schools. As a result, the Office of Private Sector Exchange, which has expanded its oversight capacity since 2012, has further focused its monitoring efforts of such placements.

Based on SEVIS and other data that indicated which university sponsor-based Confucius Institutes were collaborating with K-12 schools potentially in violation of the regulations regarding exchange visitor categories, the Office of Private Sector Exchange has taken further steps to improve compliance. On November 13, 2017, the Office of Private Sector Exchange wrote to the nearly 1,000 college and university sponsors reminding them of the 2012 Guidance Directive and referring them to the Teacher category regulations with respect to placing teachers in K-12 schools. We have conducted “meet and greets” with 25 academic program sponsors affiliated with Confucius Institutes and five field site or electronic site reviews. With the support of the Bureau of East Asian and Pacific Affairs, we have scheduled four field site reviews for 2019. This effort has prioritized institutions where the potential for category confusion appears to be the greatest.

Two of the previous field site reviews and two of the electronic reviews resulted in the issuance of Letters of Concern to the sponsors, documenting areas of regulatory vulnerability and encouraging the sponsors to modify their programs to achieve and maintain regulatory compliance. Where K-12 teaching associated with Confucius Institutes was problematic, these university sponsors have since ceased those activities based on our outreach to them. In two cases, the Office of Private Sector Exchange worked closely with the Bureau of Consular Affairs which revoked, where appropriate, the visas of exchange visitors who had entered the United States to teach, but not through a sponsor properly designated in the Teacher category of the Exchange Visitor Program.

The Department of State takes seriously its oversight responsibility for the Exchange Visitor Program and its obligation to monitor designated sponsors and exchange visitors for possible violations of Exchange Visitor Program regulations. We continue to refine our processes to improve regulatory compliance of all designated sponsors, including those who work with Confucius Institutes. We have increased staffing and refined monitoring protocols that evaluate regulatory compliance and participant safety on an ongoing basis for exchange visitors from all countries participating in the 13 program categories.

Mr. Chairman, I thank you for your attention to the critical issue of Chinese interference in U.S. education. The Bureau of Educational and Cultural Affairs stands ready to cooperate with your ongoing review of this matter.

I am happy to answer any questions you might have. Thank you.

