CHAPTER ONE

Congress

During past presidential administrations, the US Congress has generally served as a brake on executive initiatives to "engage" China at the expense of other US interests that members have historically valued, such as maintaining good relations with Taiwan, interacting with the Tibetan government in exile, and expressing support for human rights. When President Donald Trump assumed office in 2017 and actively began courting Chinese President Xi Jinping, first at Mar-a-Lago and then at the Beijing summit, Congress took a wait-and-see posture. But as his own ardor for a partnership with Xi cooled and his administration became disenchanted with the idea of finding an easy new "engagement" policy, momentum began to shift. Soon Congress was working toward one of the most significant reevaluations of US policy toward China since the start of normalization fifty years ago. And with the White House increasingly skeptical about the prospects of winning President Xi's cooperation, a series of new initiatives began issuing forth from both the administration and Congress, suggesting a rapidly changing landscape for US-China relations.

What was telling was that this tidal shift now emanated not from Congress alone—where it had strong bipartisan support—but also from the White House and National Security Council, the Pentagon, the Office of the US Trade Representative, the Department of the Treasury, and even the Department of State. As sentiment shifted away from hopes of finding common ways to collaborate, a spate of new US policy initiatives

began appearing that suggested a sea change. Congress passed the 2019 National Defense Authorization Act, which sought to bolster US defenses against both Chinese military threats and China's influence-seeking operations inside the United States. Congress also passed the Foreign Investment Risk Review Modernization Act of 2018, which empowered CFIUS (the Committee on Foreign Investment in the United States) to expand its oversight of foreign direct investment from China. At the same time, members of Congress also began expressing ever more strenuous opposition to Chinese nonreciprocal practices in trade and investment, such as putting whole sectors of the Chinese economy out-of-bounds to American investors; using Chinese companies to buy into sensitive high-tech areas of the US economy through mergers and acquisitions; and making the transfer of American advanced technology to Chinese partners the price of American companies being given access to Chinese markets. Congressional concern rose over Beijing's continued expansion into and militarization of the South China Sea; the predatory lending practices that can be involved in President Xi Jinping's signature Belt and Road Initiative; and Beijing's continued persecution of Taiwan and opposition to US support for the island.

This chapter reviews highlights of the Chinese government's efforts to influence the US Congress since the start of the normalization process in 1972. As suggested above, because it has viewed such "engagement" as too often taking place at the expense of more important interests, Congress has usually been more wary than the White House of allowing hopes for more positive US-China relations to determine our policy. At times, such as during the passage of the Taiwan Relations Act in 1979 and in reaction to the Chinese crackdown around Tiananmen Square in 1989, Congress has actively resisted the White House and sought to turn American policy in directions both the Chinese leadership and the US administration have opposed. However, often Congress has played a somewhat passive role, especially in recent years. Still, the control it formally exercises over US government budget outlays, legislation, and the approval of appointments of senior administration officials makes Congress not only important in the formation of US-China policy but also a prime target for Chinese influence efforts.

The review that follows provides historical background to the contemporary US concerns about Chinese government efforts to influence American leaders and public opinion. The record over the past four decades shows some success in Chinese efforts to win influence over congressional opinion. However, more often than not, whatever positive results they have won have not lasted in the face of enduring differences between the two countries.

Congressional Visits to China, 1972–1977

President Nixon's second term featured the Watergate scandal, which forced his resignation in 1974 and resulted in a lull in high-level communication with China. This circumstance gave more prominence to the reports issued by the approximately eighty members of Congress who traveled to China in the period between President Nixon's visit in 1972 and the start of the Carter administration in January 1977. The visits of these congressional delegations—including (repeatedly) top leaders from both parties—were by far the most active channel of high-level communications between the United States and the PRC during this time. And most of the members who went to China wrote reports that were published as official documents. At the time, these congressional reports, as well as the media's coverage of their visits, became important vehicles through which American congressional leaders voiced their views and opinions on domestic Chinese politics and on Sino-American relations, both of which were having an increasingly important impact on American interests in Asia and the world.

By and large, these American visitors were pleased by the post-1972 developments in US-China relations, seeing them as likely to be both a source of strategic leverage against the Soviet Union and a stabilizing influence in Asian affairs. The government in Beijing was seen as preoccupied with domestic affairs, no longer opposed to the presence of American forces in East Asia, and anxious to work with the United States and other noncommunist countries to offset Soviet pressure against China. The Americans saw the Taiwan question as the main impediment to improved bilateral relations, but they differed on how the United States

should deal with the problem. Although most members of Congress accepted the Ford administration's cautious approach to China as wise, many were circumspect about the merits of China's political, economic, social, and value systems, then experiencing the last turmoil of the Cultural Revolution and the decline and death of Mao Zedong in 1976.

These congressional visits to China seemed to help the Chinese government improve its standing with Congress and favorably influence American public opinion. The resulting reports show how granting these delegations access to China's leaders and elements of Chinese society that Beijing wished to highlight proved an effective strategy of calming tensions. And the costs for Beijing were limited to modest in-country expenses, since the members usually traveled as official congressional delegations on US government aircraft.

One notable feature of this historical episode was the remarkable role played by Senate Majority Leader Mike Mansfield (D-MT). Senator Mansfield was widely consulted in Washington as an Asian affairs expert, meaning his observations arguably had more influence than those of other members. He visited China three times during this period, publishing separate reports with detailed assessments of various issues of concern to Americans at the time. In the main, his reports conveyed information and opinions that conformed with Chinese interests. The convergence with Chinese interests was not surprising given the senator's long-standing determination to develop constructive US relations with China going back to his service in China as a marine in the 1920s and during World War II, and reinforced by his strong opposition to the US war in Vietnam. The details in the reports offering strongly positive views of developments in Maoist China meshed well with the recollections of Mansfield's senior aide and secretary of the Senate, Frank Valeo, an Asian affairs specialist, who also recounted the senator's repeated private efforts to make contact with Chinese premier Zhou Enlai to enable Mansfield's visiting China in the period prior to Henry Kissinger's breakthrough in a secret visit to China in July 1971.

Unlike many other members favoring a more cautious pace of normalization with China and sustained ties with Taiwan, Senator Mansfield urged the United States to promptly end ties with Taiwan and

accept Beijing's conditions for normal diplomatic relations, warning that to do otherwise would lead to dangerous friction in Sino-American relations and instability in Asia. Senator Mansfield portrayed China as a power with fundamentally peaceful motives in international affairs and placed much of the blame on the United States for past Sino-American conflicts in Asia. He also contradicted those members who worried that China's leadership change could lead to internal struggles affecting China's international and domestic policies. He insisted that such skepticism was unwarranted, because what he called the Maoist system had been effectively inculcated among the Chinese people. Some members complained that the limited itinerary for congressional visits that was furnished by the Chinese hosts did not provide a basis for any meaningful assessment of conditions there. Despite the fact that many congressional visitors questioned how durable China's Maoist regime was and how lasting China's cooperation with the United States would actually prove to be, Mansfield countered that he had had enough opportunity during his three visits to the PRC to move about and obtain enough information through on-the-spot observation and talks with PRC leaders to conclude that it was no passing phenomenon. So, while many members thought the PRC's system of indoctrination and control to be repressive politically, economically, and socially—an affront to the human rights and dignity of its people—voices like Mansfield's served to mute the criticism, maintaining that the country's political, economic, and social system was uniquely well suited to the Chinese people.

Influence Efforts after Establishing Official Relations, 1979–1988

As the Carter administration began moving toward full diplomatic recognition of the PRC, it withheld many of the details about its plans from Congress. One of the largest unresolved issues was the fate of Taiwan, in which Congress took a special interest. The United States had already dropped recognition of Taiwan at the United Nations, and now many in Congress worried that the United States would move to completely

abandon the island. In response, Congress passed the Taiwan Relations Act in 1979, which underlined the importance of the United States keeping an ongoing relationship with Taiwan and continuing to provide weapons for its defense.

After formal diplomatic relations were reestablished, China responded in the 1980s by expanding the size and capacity of its Washington embassy staff dedicated to dealing with Congress. Chinese officials lobbying Congress viewed with dismay the rise of pro-Taiwan independence groups among Taiwanese Americans, such as the Formosan Association for Public Affairs, which demonstrated an ability to promote their agenda despite the fact that the United States had broken ties with Taiwan. Beijing would go on to borrow a page from the Nationalist government's playbook by beefing up a diplomatic arm capable of building closer relations with important congressional members and staffers.[1] Since then, the Chinese government has welcomed numerous US delegations composed of both congressional members and staffers. The main host in China for such delegations has been the Chinese People's Institute of Foreign Affairs (CPIFA).[2] Founded in December 1949, this organization focuses on international issues and foreign policy research and on conducting international exchanges of officials and expanding people-to-people diplomatic activities. This institute also works to establish contacts with foreign political activists, diplomats, and other distinguished individuals while organizing public lectures and symposia on academic subjects and international policy affairs.

CPIFA is a so-called united front organization, similar to those found in the former Soviet Union and other Leninist states that seek to opportunistically build alliances wherever they can. Such organizations, or GONGOs ("government-organized nongovernmental organizations"), carry out government-directed policies and cooperative initiatives with influential foreigners without being perceived as a formal part of the Chinese government. CPIFA's experience in dealing with foreign visitors is broad. Between 1972 and 2002, it hosted more than four thousand leading Americans in China. Being well connected with the Chinese government's State Council and the Ministry of Foreign Affairs, it is positioned to organize meetings with high-level officials when the party deems it in

its interest to do so. The funding arrangements for congressional staff delegations visiting China usually provide for their travel to be paid by the US side, so as to avoid falling victim to ethics committees and overseers or violating rules regarding conflicts of interest and foreign lobbying. CPIFA often assumed in-country expenses.

The staff delegation trips to China were welcomed and sought after by congressional staff and congressional support agency personnel, mainly from the Congressional Research Service of the Library of Congress, which had a growing interest in China and the issues it posed for US policy. The trips generally came twice per year and involved meetings with Chinese government officials and others responsible for key foreign affairs and domestic issues of interest to Congress. The exchanges in these meetings were generally cordial and substantive, although the trips also included sightseeing and visits to parts of China of interest.

In the United States, there have been a number of counterpart groups that have facilitated congressional exchanges. Among them are the Washington, DC–based US-Asia Institute (USAI), which has played a leading role in managing the congressional staff delegations side since 1985.[3] The National Committee on US-China Relations undertook a pilot congressional staff delegation visit to China in 1976 and resumed involvement with such exchanges again during the past decade.[4] In the 1980s, the Asia-Pacific Exchange Foundation (also known as the Far East Studies Institute) also managed a number of congressional staff delegations to China, while the US-Asia Institute has, since 1985, coordinated over 120 such delegations and exchanges to China. These visits have been carried out in cooperation with the Chinese People's Institute of Foreign Affairs (CPIFA) and the Better Hong Kong Foundation (BHKF). But the National People's Congress (NPC) has perhaps hosted the most trips, taking more than a thousand congressional staff members to China. Over these trips, members have traveled to nearly every corner of China, including Xinjiang and Tibet. In their discussions, they have covered a wide range of themes important to the US-China relationship. Staffers participating in such trips have clearly advanced their understanding of Chinese developments.

Congress and Turmoil in US-China Relations, 1989–2001

The number of the congressional staff delegations to China slowed following the collapse of congressional support for engagement with China after the Tiananmen crackdown in 1989. Congressional anger and the impulse to punish the Chinese government overrode past interest in constructive engagement. As a result, Beijing began relying more heavily on the US business community and its organizations, notably the Emergency Committee for American Trade, to persuade Congress not to end the most-favored-nation tariff treatment for Chinese imports. The Chinese embassy and various lobbyists who were, or at least claimed to be, supported by the Chinese government also tried to limit the damage by seeking to convince congressional members that conditions in China were much better than those depicted in American media at the time.[5]

Based on the reputation of its past efforts, the US-Asia Institute, presumably with the encouragement of its Chinese counterparts, strove to resume the staff dialogues and attracted a wide range of senior staff and support personnel, including some of those working for the harshest congressional critics of China's crackdown. One trip in December 1989 featured very heated debates with Chinese officials, especially after it was announced that national security advisor Brent Scowcroft and deputy secretary of state Lawrence Eagleburger were also in Beijing for talks with Chinese leaders and that the two had made an earlier secret trip in July, soon after the crackdown. As the Bush administration had publicly promised Congress that all such contacts would end, the staff delegates' anger at and criticism of China's repression was compounded by their harsh reaction to the Bush administration's actions.

As US-China relations continued during a tumultuous post-Tiananmen crackdown period, Congress played important roles on such key issues as the debate over most-favored-nation tariff treatment, the visit of Taiwan's president to the United States in 1995, and the decision to approve China's entry into the World Trade Organization. The Chinese government endeavored to build influence with and gain access to Congress by encouraging US businesses to lobby Congress on China's

behalf and by continuing to receive member and staff delegations in China.

Other entities in the Chinese official structure, including the Chinese Communist Party and the Chinese military, at times attempted to gain access to Congress. The International Department of the Chinese Communist Party engaged in growing exchanges with the major American political parties on a party-to-party basis. A Chinese united front organization, the Chinese Association for International Understanding (CAFIU), managed some of these ensuing trips. Also involved was the China Association for International Friendly Contact (CAIFC). This united front organization's link to the Chinese government was not then well known, though in recent years it has been publicly linked to the People's Liberation Army's Political Warfare Department, which has intelligence responsibilities.[6] Meanwhile, other exchanges with US congressional specialists on China were promoted by a mysterious united front operative with excellent official contacts in China named Jimmy Wong. In this troubled decade, Wong made himself known to a wide range of Americans playing a role in China policy as having the ability to set up visits to China and meetings with key officials very quickly. He occasionally even opened his spacious Beijing home to congressional staffers. His precise affiliation with the Chinese authorities remains obscure.[7]

The approaches of the Chinese government to gain influence and gather information abroad differ from the tradecraft of Russia and the former Soviet Union.[8] Notably, the Chinese focus more on individuals rather than effects, and on shaping the personal context rather than operational tricks. It is person-to-person relationships that carry the weight of Chinese information operations. Working on these personal ties, the Chinese authorities focus on facilitating meetings and contacts that may or may not result in opportunities to influence foreign targets. Still, because Chinese influence seeking is largely a governmental undertaking, it is hardly surprising that the Chinese mix influence operations with espionage. In one instance, after a visit to China supported by CAIFC, an American congressional official was asked by two employees at CAIFC who facilitated his trip to host them during a return visit to Washington.

He obliged, and they were seemingly satisfied, having shopped extensively during their stay. Subsequently, the Chinese embassy officers who had arranged the congressional official's visit to China with CAIFC were arrested and expelled for trying to steal US weapons technology, causing the US official to end all contact with CAIFC.

Current Era

Tensions in US-China relations subsided after the terrorist attack on America in September 2001 and subsequent wars in Afghanistan and Iraq preoccupied the Bush administration and Congress. Chinese and American leaders also proved to be sufficiently pragmatic to reach common ground on advancing relations in mutually agreeable ways and managing differences through a wide range of dialogues. Such exchanges only catalyzed visits by more congressional members and staff delegations to China. At this time, members often traveled to China in US government-funded trips as guests of the US embassy. Some member trips and very frequent staff delegation visits were authorized under provisions of the Mutual Education and Cultural Exchange Act (MECEA) that were in line with the guidance of congressional ethics committees.[9] In addition to the work of the US-Asia Institute, those organizing and facilitating staff delegations grew to include the Aspen Institute, the National Committee on US-China Relations, and the US-China Policy Foundation.[10]

China also increased its own capacity to engage Congress beyond trips. Having moved into a new embassy in Washington in 2009, the Chinese embassy increased its congressional affairs staff to twelve (as of 2011), while also retaining the lobbying services of the firm Patton Boggs.[11] During his time as ambassador, Zhou Wenzhong boasted that he had visited some one hundred members of Congress in their home districts. When certain measures, such as a bill that would have penalized China for being a "currency manipulator," came before Congress, the embassy's in-house team's efforts reflected what some US officials called a much more "nuanced" and "sophisticated" understanding of the body. Whether or not Chinese officials or lobbyists interacting with

congressional offices endeavored to exert influence by means beyond persuasion—such as by offering material benefits or threatening to withdraw Chinese investments or other tangible benefits to the congressional district—remained hard to discern given the very limited public reporting on such matters.[12]

Congress, for its part, had already formalized efforts to better understand China through a variety of working groups. By 2006, both the House and the Senate had formed a US-China Inter-Parliamentary Exchange Group, which conducted periodic exchanges with China's National People's Congress. Also showing stronger American interest in China at that time were the Congressional China Caucus (led by members tending to be critical of China); the China Working Group (led by members supportive of closer engagement with China); and the Senate China Working Group (led by members supportive of closer relations). Earlier legislation had established the Congressional-Executive Commission on China, focused on human rights conditions in China (a perennial negative aspect in US-China relations), and the US-China Economic and Security Review Commission, which was known for its annual report listing a variety of developments in China seen as adverse to US interests and values. While the latter two commissions continue to be active, are robust, and have growing impact, many of the other exchange mechanisms have proven less than durable. Once the leading members who founded such groups leave Congress, interest usually wanes. The National People's Congress became even more active in supporting the growing number of congressional staff delegations to China during this period. In 2018, the House China Working Group remained active, but the House Congressional China Caucus and the Senate China Working Group were inactive.

Most recently, the 115th Congress has actively embraced the Trump administration's view that China has benefited more from the bilateral relationship than has the United States. In fact, amidst all the partisan warfare currently dividing Republicans and Democrats in Washington, a skepticism about China's intentions and reliability and a willingness to push back in a bipartisan manner against its un-reciprocal, and sometimes even predatory, policies, is one of the most surprising phenomena.

In 2018, for example, Congress unanimously passed the Taiwan Travel Act, which encourages the Trump administration to host more high-ranking officials from Taiwan, a move that angered Beijing. Still, Congress is hardly united, even on trade. Some members have objected to the adverse impacts punitive tariffs are having on their constituencies, or they have opposed imposing tariffs on allies at the same time tariffs are imposed on China. And some members criticized President Trump's decision in May 2018 to ease harsh sanctions against the prominent Chinese high-technology firm ZTE, in response to a personal plea from the Chinese president. Nevertheless, President Trump's dominance in the Republican Party means that few in the Republican ranks controlling Congress are inclined to oppose him, especially on China. Indeed, Congress is generally endorsing the most significant reevaluation of American-China policy since the start of normalization fifty years ago. As such, it can be said that Chinese influence on Capitol Hill has reached a low point.

Conclusion and Recommendations

Congress is in the midst of a major reevaluation of the very assumptions underlying the decades-old American policy of "engagement" with China. Because of this increasingly competitive, even adversarial, new climate, Chinese influence and information operations are widely coming to be seen as expressions of a political system whose values are antithetical to those of the United States and as a threat to the integrity of Congress and our democracy. Arguing, as many have done as far back as Majority Leader Mike Mansfield, that Congress should move forward with positive engagement with China while seeking to pragmatically manage our differences now seems, in the current environment, both naïve and quixotic.

Promote Transparency

Follow-on congressional oversight will go far toward educating Congress, the media, and the public about these important topics. The issues are complicated and have no simple solutions. Various specialists within and

outside the US government should be consulted in determining the full scope of the problem and what should be done.

Promote Integrity

Congress needs also to distinguish between issues that present a real threat to the United States, such as Chinese espionage and Chinese-directed monitoring of Chinese students on US campuses, and institutions such as Confucius Institutes, which, as we have noted elsewhere in this report, can be better regulated by universities themselves.

Promote Reciprocity

In coming up with remedial steps, Congress must consider the broader bilateral relationship. It is asked to weigh carefully the continued important positive elements in the US-China relationship, the negative consequences that might arise from a confrontational approach to China, and America's need to protect and foster its strengths and interests.