## March 23, 2023 Erin Baggott Carter Assistant Professor, University of Southern California Hoover Fellow, Stanford University Hoover Institution Statement for the Record before the U.S.-China Economic and Security Review Commission<sup>1</sup> China's Global Influence and Interference Activities

#### Chinese Government Lobbying in US Politics 1

Lobbying has become crucial to China's grand strategy in an era of more hostile US-China relations. Throughout history, states have intervened in each other's politics.<sup>2</sup> The open nature of modern democratic institutions, however, allows them to go much further. After US-China relations began to sour in the late 2000s, China developed a new grand strategy of blunting US containment. Beyond developing new international institutions and remaking existing ones to better suit its aims, a key element of this strategy is lobbying Congress to limit the hostility of American foreign policy toward China.

In American politics, lobbying by domestic interest groups is widely regarded as successful.<sup>3</sup> The general consensus, as You (2017, 1162) put it, is that "lobbying is the most important interest group activity that influences government policies." Under current US law, foreign governments may freely contract lobbyists, subject only to semi-annual disclosure requirements about their lobbying activities. They have widely adopted this legal and effective method to advance their interests in Washington. Increasingly, Chinese scholars call for the Chinese Communist Party (CCP) to use lobbying to build "grand legislative alliances" in democratic parliaments that blunt hostile legislation and facilitate China's rise.<sup>4</sup>

This report draws on the public records of the Foreign Agents Registration Act (FARA). Passed in 1938 due to congressional concern about Nazi public relations initiatives in the United States, FARA was designed to monitor US entities representing foreign governments or companies. It requires agents who represent foreign principals to file detailed activity reports every six months. These reports, referred to as Supplemental Statements, are made available on a website maintained by the Department of Justice. They include a wealth of information: every penny that foreign governments pay to Washington lobbyists, every contact that lobbyists make on the foreign government's behalf, every media campaign that lobbyists initiate, every campaign to which lobbyists contribute while under contract, and more. My research team coded all 70 supplemental statements for China between 2003 and 2018. These statements recorded the details of over 10,000 individual lobbying activities.

<sup>&</sup>lt;sup>1</sup>This statement draws on my book manuscript in progress, Changing Each Other: US-China Relations in the Shadow of Domestic Politics, as well as Propaganda in Autocracies: Institutions, Information, and the Politics of Belief (coauthored with Brett Carter), and joint work with Brett Carter, Larry Diamond, and Eva Sky Isakovic.

 $<sup>^{2}</sup>$ Levin (2020).

<sup>&</sup>lt;sup>3</sup>Baumgartner et al. (2009); Blanes i Vidal, Draca and Fons-Rosen (2012); de Figueiredo and Richter (2014); Grose et al. (2022); Hall and Wayman (1990); Milyo (2002); Powell and Grimmer (2016); Schlozman, Verba and Brady (2012); Schnakenberg (2017); Verba, Schlozman and Brady (1995); Wright (1985); You (2017).

<sup>&</sup>lt;sup>4</sup>Cheng Xuefeng 成雪峰 (2001), Zhao Hao-sheng 赵浩生 (2001), Zhao Kejin 赵可金 (2005).

Figure 1 visualizes the record of Chinese lobbying during this period.<sup>5</sup> The left panel focuses on the number of lobbying activities, like campaign contributions, emails, media outreach, meetings, and phone calls. The right panel focuses on lobbying expenditures, like monthly retainers and invoices from lobbying firms. Prior to Xi Jinping, Chinese lobbying focused primarily on trade issues like securing World Trade Organization membership and Permanent Normal Trade Relations status.<sup>6</sup> Under Xi, Chinese lobbying doubled from five to ten million dollars a year. It pivoted from a typical focus on trade issues to "soft lobbying" that seeks to build goodwill towards China in government, the media, and academia. By 2017 these targets accounted for over half of all Chinese lobbying activities and 90% of expenditures. Chinese lobbyist BLJ Worldwide described this goal succinctly: to "develop and foster a community of likeminded experts on U.S.-China relations."<sup>7</sup>

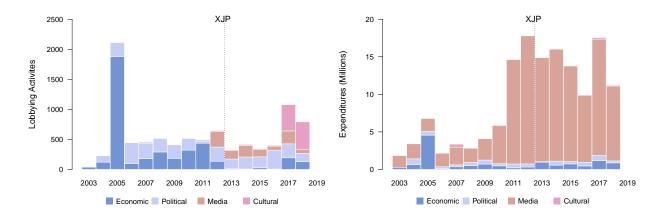


Figure 1: Chinese lobbying disclosed under FARA, by year and topic area. The left panel gives the total number of lobbying activities each year. The right panel gives total expenditures each year.

The Chinese government and its affiliates hired some of K Street's most prominent firms to lobby on their behalf. Figure 2 visualizes these firms, scaled by the extent of their lobbying for China. They include Capitol Counsel; Public Strategies; Akin, Gump, Strauss, Hauer, and Feld; Squire Patton Boggs; and BLJ Worldwide. Many of the lobbyists at these firms are former Members of Congress. After leading the effort to grant China most favored nation trading status in the 1990s, John Boehner joined Squire Patton Boggs and formally represented the Chinese Embassy.<sup>8</sup> After losing a congressional race in 2016, former Louisiana representative and chair of the House US-China Working Group Charles Boustany became a lobbyist for Capitol Counsel, which represents the Chinese government. In 2018, to avoid US sanctions, Hikvision — a state-owned surveillance equipment firm that makes the surveillance cameras used in Uyghur detention camps in Western China — recruited senator-turned-lobbyist David Vitter, who called himself a "proud member of

<sup>&</sup>lt;sup>5</sup>The leading registrants in this period were the China National Offshore Oil Corporation, a large state-owned enterprise; the US-China Transpacific Foundation, which arranges trips to China for US lawmakers and their staff; the PRC Embassy; and the China-US Exchange Foundation, which arranges similar trips for journalists, academics, and retired lawmakers.

<sup>&</sup>lt;sup>6</sup>Wagreich (2013).

<sup>&</sup>lt;sup>7</sup>BLJ Worldwide LTD, 5875-Amendment-20111219-18, 5875-Amendment-20110729-6, Supplemental Statement filed December 31, 2010.

 $<sup>^{8}</sup>$ Allen-Ebrahimian (2018).

the Hikvision team."<sup>9</sup> In 2019, former Connecticut senator Joe Lieberman became a lobbyist for telecommunications company ZTE as it grappled with US concerns about its threat to national security. An investigation by the *LA Times* in 2003 revealed that in addition to hiring former lawmakers, lobbying firms often hire relatives of current lawmakers. Attorney J. Randolph Evans, who advises House Republicans on government ethics, estimated that at a minimum, 70 relatives of lawmakers are federal or state lobbyists. He said: "It's not an exaggeration to say I get a call once a week with a question about a relative who's a lobbyist."<sup>10</sup>

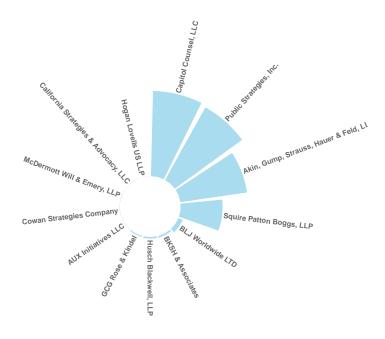


Figure 2: Firms registered as lobbyists for China under FARA.

Between 2003 and 2018, 643 members of Congress were lobbied by the Chinese government and its affiliates. Figure 3 gives the top targets among these. China's lobbying strategy targets the powerful: committee chairs, speakers, and power brokers. It crosses party lines. Susan Collins is the most lobbied Senator, with 42 contacts from the Chinese government and its affiliates. Ed Royce, chair of the House Committee on Foreign Affairs, and Jim Risch, chair of the Senate Committee on Foreign Relations, each had over 30 contacts.

In my book manuscript in progress, *Changing Each Other: US-China Relations in the Shadow of Domestic Politics*, I use a variety of statistical models to measure the effect of Chinese government lobbying in US politics. To do so, I combined FARA records with data on congressional legislation on China. I catalogued all bills before Congress between 1973 and 2020 that somehow implicated

<sup>&</sup>lt;sup>9</sup>Honovich (2019).

<sup>&</sup>lt;sup>10</sup>Neubauer, Pasternak and Cooper (2003).

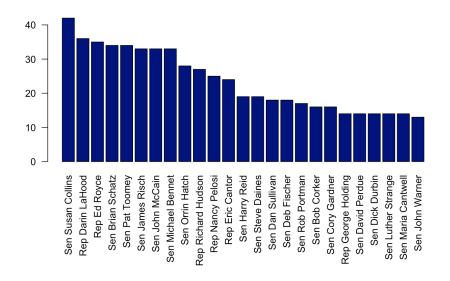


Figure 3: Top congressional targets of Chinese government lobbying.

China's national interest. I identified 600 such bills, most of which are about national security, trade, and human rights. Then, I recorded whether a bill was favorable to China's national interests, contrary to them, or neutral. I also recorded each bill's congressional sponsors, co-sponsors, and votes. The evidence suggests that Chinese government lobbying makes legislators more likely to vote for legislation that is favorable to Chinese interests and less likely to vote for legislation that is hostile to Chinese interests.

The price of access is cheap, and from a grand strategic standpoint, lobbying has very few drawbacks. In the American politics literature, it is widely documented that interest group lobbying influences domestic policy outcomes. The ability of foreign governments to exert similar influence raises urgent questions about democratic integrity.

# 2 Chinese Government Propaganda

Figure 1 makes clear that under Xi Jinping, media outreach became the centerpiece of China's lobbying strategy in the United States. This is part of a broader global effort. As of 2015, Beijing allocated more than \$10 billion annually to its global propaganda operations. In *Foreign Affairs*, Brett Carter, Larry Diamond, and I argue that "Beijing and Moscow invest heavily in propaganda for foreign audiences because they need friendly governments abroad if they are to buttress their political positions at home and ultimately reshape the post-Cold War international order. This is why the disinformation war has gone global: to make the world safe for autocracy."<sup>11</sup>

The Chinese government attempts to influence US media in a variety of ways. It sends informational materials about China to US newspapers, hoping to shape their coverage. It buys advertising spreads in US newspapers, where it places pro-CCP "China Watch" inserts that look like genuine news content. It organizes lavish parties for journalists at lobbyists' homes. It maintains the CGTN news network, which reaches 30 million American households and describes the CCP's forced labor

<sup>&</sup>lt;sup>11</sup>Carter, Carter and Diamond (2023).

camps for ethnic Uyghurs as "successful vocational training centers."<sup>12</sup> It operates *China Daily*, which circulates widely in Washington — so widely, in fact, that a Senate staffer for Jim Risch, then Chairman of the Senate Foreign Relations Committee, told me it was one of five newspapers the senator read every day.<sup>13</sup> This outlet and others like it engage in a strategy of "honest propaganda"<sup>14</sup>: reporting mostly credible information so they may occasionally convince readers to believe a claim like "Tiananmen massacre a myth," as one *China Daily* headline stated on July 14, 2011.<sup>15</sup> Chinese government affiliates like the China-US Exchange Foundation sponsor press trips to China at sensitive moments like the week before June 4, when international press coverage is typically most negative. These trips shape American coverage of China in profound ways that are consistent with China's national interests. US media outlets that participated subsequently covered China as less threatening and focused on economic cooperation rather than military competition or human rights issues.<sup>16</sup>

A growing body of research documents that autocrats' outward-facing propaganda shapes the views of its consumers in powerful ways. A survey fielded in 19 countries across six continents shows that CCP messaging triples the number of people who regard the "China model" as superior to American-style liberal democracy.<sup>17</sup> In Brazil, India, and South Africa, CCP propaganda reduces support for democracy.<sup>18</sup> CCP outlets are developing new tools to engage with global social media.<sup>19</sup> More broadly, autocrats have discovered how to use search engine optimization to ensure that "different parts of the world inhabit different information pools, encoding distinct visions of international life."<sup>20</sup> The effects of CCP propaganda are not unique. Exposure to Russian propaganda outlet RT leads Americans to support withdrawing from a position of global leader-ship.<sup>21</sup> In short, autocratic propaganda is widely disseminated in democracies and has substantively important effects upon its consumers.

# 3 Systematic Underdisclosure

While FARA requires that lobbyists who represent foreign governments disclose all of the activities they undertake on behalf of those governments, it is poorly enforced. This means that we have the least information about the lobbying patterns of the foreign governments with national interests most opposed to those of the United States. To show this, I draw on joint work with Brett Carter and Eva Sky Isakovic, with whom I have coded the lobbying activities of a broader set of autocracies.<sup>22</sup> We measured underdisclosure as follows. First, we used optical character recognition (OCR) technology to count the number of words in each Supplemental Statement filed by each Chinese agent. We then standardized that amount by financial transfers from the Chinese government to its agents. This yields a measure of influence activities disclosed per dollar received. We did the

 $<sup>^{12}</sup>$ Mozur (2019).

<sup>&</sup>lt;sup>13</sup>Interview, March 8, 2019.

 $<sup>^{14}</sup>$ Carter and Carter (2023).

 $<sup>^{15}</sup> https://www.chinadaily.com.cn/opinion/2011-07/14/content\_12898720.htm$ 

 $<sup>^{16}</sup>$ Carter (2023).

 $<sup>^{17}</sup>$ Mattingly et al. (2023).

 $<sup>^{18}</sup>$ Wong and Alkon (2022).

<sup>&</sup>lt;sup>19</sup>Yingjie Fan, Jennifer Pan, and Jaymee Sheng, http://jenpan.com/jen\_pan/cgtn.pdf.

<sup>&</sup>lt;sup>20</sup>Rochelle Terman and Pete Cuppernell, http://rochelleterman.com/research/.

 $<sup>^{21}\</sup>mathrm{Carter}$  and Carter (2021).

 $<sup>^{22}\</sup>mathrm{Carter},$  Carter and Isakovic (2023).

same thing for Supplemental Statements filed by agents for a sample of other countries — in this case, Russia, Saudi Arabia, Republic of Congo, Colombia, Equatorial Guinea, Rwanda, Zimbabwe, and Ukraine. For each of those countries, this yields measures of influence activities disclosed per dollar received.

The results appear in Figure 4. Agents for the Chinese government disclose very little compared to agents for other governments in our sample. Indeed, Russia is the only country that discloses less than China. In many cases, the differences are large. Agents for the Chinese government disclosed just 15%, 5%, and 2% as much as agents for the governments of Congo, Rwanda, and Zimbabwe, respectively. Chinese agents disclose 2% as much as Ukraine. Strikingly, the disclosure rate for China's foreign agents is most similar to the disclosure rate for agents of the Russian and Saudi governments. China's foreign agents disclose about 30% more than agents for Russia and about 30% less than agents for Saudi Arabia. Differences in disclosure rates are not driven by other clients represented by lobbying firms, democracy, or GDP per capita.<sup>23</sup>

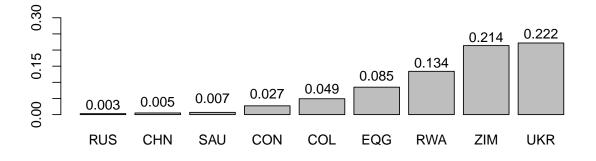


Figure 4: Disclosure rates across countries

# 4 Legislative Recommendations

Passed in 1938, FARA is not suited to the demands of the 21st century and must be reformed in several key ways.

#### 4.1 Close LDA Loophole

First, Congress must close a loophole that lets agents for foreign governments register under the Lobbyist Disclosure Act (LDA), which has far less onerous disclosure requirements. Since many foreign corporations are subject to political pressure from foreign governments, this "LDA loophole" makes tracking foreign influence campaigns – and measuring their effects – virtually impossible. This loophole appears to be widely exploited. Between 2016 and 2018, for instance, Courtney and Lee (2020) show that the third largest LDA registrant is a Cayman Island-based company

<sup>&</sup>lt;sup>23</sup>Carter, Carter and Isakovic (2023).

that, in fact, is Alibaba. The CCP government appears to be among the most common violators. "China-based clients increased their [LDA loophole] spending," Courtney and Lee (2020) write, "from a low of \$587,000 in 2016 to over \$4.5 million in 2018." Russia's agents exploit this loophole as well. Between 2014 and 2017, Squire Patton Boggs represented Gazprombank, a financial arm of Gazprom, in a \$1.5 million influence campaign against the financial sanctions that were imposed following the Ukraine invasion. Between 2003 and 2009, Oleg Deripaska paid Alston & Bird – in which Bob Dole was a principal – some \$560,000, in part to help him secure a visa. Since both firms registered under LDA, we know virtually nothing about their activities. Senator Chuck Grassley's Disclosing Foreign Influence in Lobbying Act, recently re-introduced with bipartisan support, is a good step in the direction of closing the LDA loophole.

## 4.2 Require Broader Disclosure from FARA Registrants

FARA should require registered foreign agents to disclose *all* the activities they undertake on behalf of foreign principals, not simply those that are explicitly political. As it stands, foreign agents can get away with disclosing few activities and receiving exorbitant payments, in part, because they can claim that their activities were nonpolitical. Requiring a blanket disclosure would enable the American public and DOJ to ascertain whether a foreign agent's payments are inconsistent with their disclosed activities. In turn, this blanket disclosure would help identify violations. It would also help elucidate connections between foreign governments and strategically important American firms. In 2017, the Paradise Papers revealed that VTB Bank funded a \$191 million investment in Twitter and Gazprom financed an offshore company that held \$1 billion worth of Facebook shares.<sup>24</sup> The world's autocrats and their affiliates, this suggests, may finance strategically important American companies, which, in turn, may condition their behavior. This may constitute another powerful form of influence.

## 4.3 Slow Revolving Door between Congress and Lobbying Firms

Congress should impose a longer "cooling off period" before retired members of Congress can lobby on behalf of foreign political entities. Currently, Representatives can lobby Congress a year after retirement and Senators can lobby Congress two years after retirement. However, they can immediately become strategic consultants to lobbyists, which largely circumvents the spirit of the cooling off period.<sup>25</sup> The revolving door between Congress and lucrative positions at K Street firms representing foreign political interests does not serve the interests of the American people. The bipartisan Fighting Foreign Influence Act introduced last year aimed to impose a lifetime ban on senior government officials from lobbying for foreign interests. A lifetime ban may be an undue restriction on speech, but a more meaningful cooling off period is warranted.

## 4.4 Require Disclosure from Domestic Lobbying Associations

Congress should require domestic lobbying associations to disclose their foreign members and donations. For example, Tencent is a member of the Entertainment Software Association. Saudi Aramco is a member of the American Petroleum Institute. It is unclear to what extent the membership or financial contributions of foreign entities drives the lobbying behavior of these organizations.

 $<sup>^{24}</sup>$ Swaine and Harding (2017).

 $<sup>^{25}</sup>$ Zibel (2019).

This is an important policy area because research shows that lobbying by US subsidiaries of foreign companies exceeds that of American multinationals.<sup>26</sup> Domestic lobbying associations that exceed a certain threshold of foreign political membership or funding should be required to register under FARA.

### 4.5 Disclose Financial Conflicts of Interest

For many good reasons, members of Congress are not required to relinquish their pre-existing business ties while in government. However, this creates the possibility for foreign governments to cultivate influence by developing ties with those businesses. For instance, FARA-registered entities frequently paid for Trump Hotel rooms. The Saudi government alone spent hundreds of thousands of dollars at the Trump International Hotel.<sup>27</sup> That was disclosed, but much more of this likely flies under the radar. Congress should study the issue of members' foreign economic relationships while in office with the aim of developing binding ethical regulations. In so doing, it should pay close attention to the Council of Europe's Group of States against Corruption (GRECO), which has proposed that senior officials disclose conflicts of interest between their private business interests and their official responsibilities.<sup>28</sup>

### 4.6 Facilitate Multilateral Policy Diffusion

Congress should work with other legislatures around the world to share best practices in responding to foreign political influence. For example, legislators can meet to discuss common challenges and share template legislation like Magnitsky laws to combat human rights abuses or even FARA itself, since many democracies lack a similar capacity to monitor foreign political lobbying. One forum for doing so is the Inter-Parliamentary Alliance on China (IPAC), founded in 2020 with bipartisan representation from the United States through Senators Marco Rubio and Bob Menendez.

## 4.7 Fund Objective Global Media through Multilateral Forums

Congress should work to fund the expansion of credible, independent media worldwide. Unilateral attempts to refute autocratic propaganda are often themselves labeled propaganda and rarely rival the production value or persuasiveness of private media. A more effective strategy would be to foster a "pluralistic and decentralized web of quality media" worldwide.<sup>29</sup> Local journalists in autocracies are better poised to point out the problems of autocratic governance than the US Government. Therefore, Congress should generously fund public interest media around the world, including media in exile. Several multilateral forums to do so are available; one promising option is the nongovernmental International Fund for Public Interest Media, which is funded by multiple governments and other sources.

#### 4.8 Model American Values

A final policy recommendation should guide the others. As a first order principle in responding to the CCP's global influence efforts, it is crucial to recognize that what the US Government says, and

 $<sup>^{26}</sup>$ Lee (2022).

 $<sup>^{27}</sup>$ Rajan (2017).

<sup>&</sup>lt;sup>28</sup>Group of States Against Corruption (GRECO) (2021).

<sup>&</sup>lt;sup>29</sup>Carter, Carter and Diamond (2023).

does, matters. At the bare minimum, the US Government must assiduously distinguish between the CCP and the Chinese people. Legislators in Texas and Ohio recently introduced bills to prohibit Chinese nationals from buying property in those states. Texas would further ban Chinese students from studying at state universities. These proposals are antithetical to American values and are fodder for CCP propaganda, which is quick to point out the flaws of American democracy.<sup>30</sup> Such measures are also deeply counterproductive, because they make Chinese students studying abroad in the United States less supportive of democracy.<sup>31</sup> Instead, Congress should welcome these individuals with its statements and policies. Troubled by increasing CCP repression, emigration is increasingly appealing for China's best and brightest. Consequently, more so than in any past geopolitical competition, the United States stands to gain from open immigration policies. Around 60% of America's most valuable tech firms were founded by immigrants or their children, including eBay, Intel, and Google, while half of American Fields Medals for excellence in math and many American Nobel prizes have been won by immigrants.<sup>32</sup> The stakes are high. Research shows that over-zealous and ethnically motivated investigations under the China Initiative decreased American scientific innovation.<sup>33</sup> While closing the door to influence from foreign governments in its domestic political institutions, Congress should underscore its commitment to the American principles of tolerance and transparency and open the door to talented individuals from China whose expertise America needs to compete at the highest level.

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 $<sup>^{30}</sup>$ Carter and Carter (2023).

 $<sup>^{31}\</sup>mathrm{Pan}$  and Xu (2020).

 $<sup>^{32}</sup>$ Hass (2021, 118).

 $<sup>^{33}</sup>$ Jia et al. (2022).

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