



Foreign Malign Influence and Higher Education

HIGHLIGHTS

- ▶ Foreign Malign Influence
- ▶ Misappropriation of Research
- ▶ Transnational Repression

This background briefing serves to inform institutions of higher education (IHE) on the threats, tactics, and terminology associated with Foreign Malign Influence, as well as highlight the detrimental impact the malign activity has on efforts to partner with foreign universities, create a welcoming environment for international students, and foster freedom of expression and the advancement of human knowledge through research. The document also briefly defines misappropriation of research and transnational repression as distinct issues of concern for IHEs.

Foreign malign influence (FMI) is a broad term, which encompasses a range of threats that include subversive, undeclared, coercive, or criminal activities by malign foreign governments, nonstate actors, or their proxies, individuals who act, wittingly or unwittingly, to further the interests of the foreign government, with an intent to undermine democratic processes and institutions for the purpose of shaping policy, regulatory decisions, public opinion, or discourse in their favor.¹ In contrast, **foreign influence** includes activity in which the foreign actor is declared or clearly identified, including diplomacy, commerce, and registered lobbying. FMI distinguishes itself through its deceptive or hostile nature, fueled by intent to undermine another country's sovereignty, democratic processes, free speech or other important values.

Certain governments have sought to target the U.S. education system—and higher education in particular—to advance their FMI objectives. These activities, detailed below, threaten the principles, values, integrity, and independence of academic institutions, and the rights and safety of IHE leadership, faculty, staff, and students.

At the same time, it is important to recognize that foreign governments pursue legitimate activities to affect their country's relationships with the United States and with institutions of higher education. Not all foreign government activities constitute foreign malign influence. Many such activities may align with, support, and complement the mission and goals of U.S. institutions of higher education and pose no threat to the security interests of the United States.

This background briefing is intended to increase awareness of and assist institutions in better understanding and identifying foreign malign influence, and is not intended to discourage international collaborative projects. Further, it recognizes the bedrock American freedoms of speech and association and is in no way intended to undercut the exercise of those freedoms by institutions, faculty, staff, or students.

FOREIGN MALIGN INFLUENCE

FMI includes foreign actors' efforts to shape the behavior of institutions and their staff and students on a range of issues in furtherance of a foreign government's goals and in a manner that may not be transparent and is detrimental to U.S. national security interests, national values, or economic interests. FMI poses a risk to the principles, values, and integrity of institutions, faculty, staff, and students. Foreign actors exert their malign influence on individuals through co-opting proxies within the United States with incentives, awards, or other quid-pro-quo relationships or through coercion by threats of harm to the proxy, or the proxy's friends or family.

FMI can manifest in seemingly harmless ways but, in the aggregate, may enable a foreign actor to sway an institution or department's policies or procedures, shape university, college or departmental academic decisions, impact the willingness of schools to invite or welcome

¹ The U.S. Intelligence Community definition is included in the National Intelligence Council 2023 product, which can be found at <https://www.dni.gov/files/ODNI/documents/assessments/NIC-Declassified-ICA-Foreign-Threats-to-the-2022-US-Elections-Dec2023.pdf>.

speakers with certain perspectives or views, or steer the content of syllabi away from issues sensitive to a foreign government. Just as damaging, FMI can have a passive, chilling effect on free speech and other fundamental rights by, for example, reducing the willingness of certain students to freely and openly voice their views in classes and other academic settings. This effect can extend far beyond the intended target, particularly among foreign students and scholars who plan to return to their countries of origin.

Examples of foreign malign influence on campus may include:

- Coercively recruiting faculty, students, or staff to undertake influence activities on the foreign government's behalf or to shape the opinions of influential individuals;
- Using foreign funding to acquire inappropriate access to research methods and results or coerce an institution or individual to behave in a manner that is detrimental to its academic interests or the national interests of the United States;
- Compelling journals to implement editorial policies that are designed to limit or silence criticism of the foreign government;
- Creating or amplifying speakers or events with foreign government support that praise or support a foreign government's specific narrative in a non-transparent way;
- Pressuring institutions to censor speakers or events that are critical of foreign governments' narratives;
- Inappropriately infiltrating, supporting in a non-transparent way, or coercing student organizations or academic associations to modify their activities and agendas in a manner that is detrimental to U.S. national interests.

Importantly, activities that constitute foreign malign influence must necessarily involve subversive, undeclared, coercive, or criminal methods and tactics. Academic freedom and well-established rights of freedom of speech and association protect institutions and individuals in their expression of support or criticism of particular policies, political and religious viewpoints, and international activities of the United States and other governments.

Further Issues of Concern for IHEs

MISAPPROPRIATION OF RESEARCH

IHEs are likely familiar with some foreign governments' vigorous efforts to acquire research and intellectual capital from the United States and our allies through both licit and illicit means. This includes the transfer of intellectual property in violation of U.S. export controls, and the misappropriation of research data and know-how infringing upon higher education's values and commitment to openness, transparency, honesty, and fairness. *National Security Presidential Memorandum-33* (NSPM-33) defines research security as:

*"Safeguarding the research enterprise against the misappropriation of research and development to the detriment of national or economic security, related violations of research integrity, and foreign government interference."*²

For the past several years, the U.S. higher education community, in partnership with the federal research agencies and national security agencies, have taken great steps to address research security concerns. This is an important national security priority that is distinct from the foreign malign influence threat posed by foreign governments to U.S. higher education discussed in this background briefing.

2 Page 24, NSPM-33 Implementation Guidance, <https://www.whitehouse.gov/wp-content/uploads/2022/01/010422-NSPM-33-Implementation-Guidance.pdf>

TRANSNATIONAL REPRESSION

Transnational repression (TNR) refers to a foreign government's use of repressive tactics to intimidate perceived opponents and critics outside its national borders, including those living, studying, and conducting research in the United States. This activity violates international norms, U.S. law, and individual rights and freedoms. Through their use of TNR tactics, foreign governments seek to silence dissent and compel compliance of individuals and groups, including visiting faculty and students.

Foreign governments use a range of tactics to conduct TNR which include:

- Physical violence or threats of physical violence against TNR targets;
- Attempts to forcibly return TNR targets to their countries of origin or heritage;
- Comprehensive surveillance, both physical and online, where victims are subjected to monitoring, harassment, and intrusion into their private and academic lives;
- Intimidation and harassment of family members residing in the target's country of origin, often used as leverage to exert control and silence dissent;
- Restrictions on freedom of movement, such as travel bans or denial of passport renewal or retention of passport, effectively trapping individuals within or outside their home countries, impeding their ability to freely pursue education, research, or academic collaborations;
- Denial or rescission of financial aid or support for studies from home country, freezing local assets, or impeding access to their assets while abroad.
- Use of hard-to-detect cyber spyware tools;
- Recruitment of faculty and students to conduct surveillance on a foreign government's behalf, which has contributed to an underreporting of TNR on campuses.

While foreign governments primarily use FMI to shape policy, regulatory decisions, public opinion, and discourse to serve their national interests, they use TNR to silence dissent and compel compliance of diasporic dissidents, communities, and their advocates. While both FMI and TNR undermine democratic processes and institutions, the targets, tactics, and motivations of each threat can differ substantially.

