

**OPEN HEARING:
ON COUNTERING CHINA'S MALIGN INFLUENCE
OPERATIONS IN THE UNITED STATES**

HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
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**OPEN HEARING:
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WEDNESDAY, SEPTEMBER 27, 2023

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:30 p.m., in Room SH-216 in the Hart Senate Office Building, in open session, the Honorable Mark R. Warner, Chairman of the Committee, presiding.

Present: Senators Warner (presiding), Rubio, Wyden, Heinrich, King, Bennet, Casey, Gillibrand, Ossoff, Cotton, Cornyn, Moran, Lankford, and Rounds.

**OPENING STATEMENT OF HON. MARK R. WARNER, A U.S.
SENATOR FROM VIRGINIA**

Chairman WARNER. Good afternoon. I want to call this hearing to order, and I want to welcome our witnesses: Glenn Tiffert, Distinguished Research Fellow at the Hoover Institute. Sarah Cook, Senior Advisor for China, Hong Kong, and Taiwan, at Freedom House. And Alan Kohler, who is president of Pamir Consulting and former Assistant Director of the FBI's Counterintelligence Division. Alan, this is the first time you have appeared before the Committee not in an FBI capacity. We welcome all, but a particular welcome back for Alan.

Let me also say, while I'm grateful for Senator Heinrich being here on time, Senator King almost on time, you know, as usual when it is an open hearing, we go by seniority. So, if Ron Wyden slides in a couple of minutes before, don't take it out on me personally.

The purpose of today's hearing is to better understand the PRC's malign influence strategy targeting the United States. This builds on longstanding efforts by this Committee to track and expose malign activity where our Nation's foreign adversaries—we try in this Committee to help educate the public; warn social media platforms and news media; and enhance, frankly, interagency cooperation. Because the truth is we need that not just whole-of-government but whole-of-society to be able to recognize, acknowledge, and counter the PRC. The PRC's influence efforts are so widespread.

This hearing will focus on two important vectors.

One, the PRC's efforts to influence U.S. policy, particularly by targeting local and state levels, something that Senator Rubio was

probably the first Member on the Committee to bring to our attention.

The second is the PRC's tactics to shape U.S. political discourse and the media environment in their favor. In addition, the witnesses will discuss an area of increasing concern, what the U.S. government refers to as transnational repression: how the PRC is targeting U.S. nationals whom they perceived to be threatening to their narrative or to their interests. While the PRC has engaged in global influence operations for years, they have supercharged their efforts recently at the state and local level, using foreign investment and business opportunities as points of leverage, to impact the U.S. political process and to reduce United States criticism of China. And again, when I say China, my beef is with the PRC and Xi Jinping and their authoritarian leadership, but it's not with the Chinese people. Confronting this behavior is especially challenging, because frequently some of these activities don't fall into a classic illegal category. Lobbying, people-to-people exchanges, overt propaganda, trade deals—all governments engage in these activities.

But what makes this different is, frankly, the scale of their efforts and the resources, methods, and organization they employ to advance these objectives, and the frequent obfuscation that covers the links between these efforts and the PRC's intelligence agencies. In both its influence and coercion activities, the PRC has focused attention on those perceived who shape U.S. policy, and that goes from business elites to mayors to journalists—even folks at think tanks.

In addressing this challenge, the United States must not make, as I mentioned earlier, the mistake of linking Chinese-Americans, Asian-Americans, or the people of China with the Chinese Communist Party's efforts. Frequently, it is these individuals, particularly the Chinese diaspora, who are victims of the CCP's efforts, as we've seen, most recently with specific targeting by the CCP of a Chinese-American candidate for office in Congress.

As Vice Chair and Chairman of the Committee, one area that has been alarming to me has been the ability of foreign adversaries to harness U.S.-developed communications technologies. In addition, a recent report from Mandiant, the great cyber firm, has shown that the PRC is successfully adopting the Russian playbook; for instance, using Western gig economy platforms to hire Americans to draft newswire content, stage protests, and artificially amplify political content on social media. In the case of the PRC, we've seen not only extensive efforts to manipulate American social media platforms, but also to extend its reach through homegrown communication projects. We've seen public research, for instance, documenting how WeChat, owned by PRC-based Tencent, has facilitated surveillance and censorship of users in the United States and Canada, again, targeting the Chinese diaspora as their main goal. An area where the Vice Chairman and I have shared concern, maybe different ideas on how to deal with it—but the growth of TikTok as a globally-competitive social media platform heightens these concerns. With TikTok achieving a level of U.S. adoption—150 million Americans, 90 minutes a day—and cultural prominence and profitability, this is an enormous challenge.

Senator Rubio and I were remarking in the comments leading up—to see the amount of advertising and sponsorship. Frankly, there is not a morning political cheat sheet or tip sheet that has not been sponsored by TikTok and ByteDance over the last few months. That’s all fair and legal. But it does question what kind of influence they’re able to bring to bear.

On top of that, we recently saw reports that even TikTok employees are starting to leave in droves as more and more people from their parent, ByteDance, come down into the TikTok operation, I believe, to try to further some of the CCP’s goals. Again, much to the complete difference of what was the TikTok—Mr. Shou’s—presentation when he talked before the House in terms of trying to deny that linkage between ByteDance and TikTok. And again, I point to a recent “Wall Street Journal” article that points some of this out.

And we think about all this. And that’s even before we think about the the enormous advent of how AI tools can literally take what we saw in past misinformation/disinformation tactics, and really amplify and expound that at virtually unlimited levels. So we’ve got to figure out what to do. I believe we need an overarching legal framework, which will give any foreign-based technology a day in court, and rights protected, but particularly from nation-states like China, Iran, North Korea, Russia, Cuba, Venezuela. I think we still need a framework on how we deal with those technologies that come in, rather than the whack-a-mole approach that we’ve taken on companies like the Russian software company, Kaspersky. And the fact that we’re still using taxpayer money to rip and replace Huawei equipment because we couldn’t send an organized-enough signal ahead of time.

How we get there? We’ve still got some legislating to do. I know the Commerce Committee—and appreciate Chair Cantwell, some of her efforts there. You know, I think this problem has not gone away. And we need to make sure that we continue to educate the American public, and frankly, all of our colleagues on this challenge.

This has been something this Committee started working on in 2017. Together, we’ve hosted a series of what we call classified road shows where we briefed industry sectors. That’s important. But we also need to continue to do as much of this as possible in the open, in the public, to make sure that folks are aware of this challenge and threat.

So again, I welcome you all. And with that, I’ll turn it over to the Vice Chairman.

**OPENING STATEMENT OF HON. MARCO RUBIO, A U.S.
SENATOR FROM FLORIDA**

Vice Chairman RUBIO. Thank you for holding this open hearing. Thank you all for being here.

Many countries, both friends and adversaries, try to influence and shape American public opinion and, ultimately, our political process—often through their embassies, which is what they’re here for. And many other cases by getting others to echo points because they want us to fund something or support something.

But what we're facing now from China goes far beyond anything the Nation has ever confronted, because we've never had a competitor adversary with these resources at their disposal, and with the complexity of reach. This is not simply a pure governmental—we're all set up to think about governmental efforts—this is not just governmental. This is a whole-of-society, whole-of-economy approach to how they try to influence our policies in the United States.

Simply put, I think it's, first, important to define what it is we're talking about. There is traditional espionage from China happening at an extraordinary rate, both against our government and against our private sector. And that's not what we're here to talk about today, although we acknowledge it exists at levels that are equally disturbing.

What we're talking about here is the effort of the Chinese Communist Party to basically subdue us without fighting—to get us to a point where we are doing the things they want us to do, because it's coming from within. And to do that they've employed tactics that we've never seen before from an adversary, because the Russians do this. They're pretty good at it. They did it during the Cold War, but they look like children next to what the Chinese are able to employ, and who they are able to deputize.

Let's start with Wall Street investment firms and corporations, all of whom have been deputized for decades into arguing the Chinese viewpoint of economic policy, of trade, because they're making a lot of money in China. Now, they they may realize that one day they'll be put out of business once their Chinese competitors have been given all their intellectual property. But for the next few years, there's a lot of money invested. And they understand that in order to have access to that market, they have to make the people that give that access happy. And so they have come here to the Capitol for decades, marching to the White House, and basically say: we argue what the Chinese Communist Party wanted them to argue on their behalf. It's happening to this very day.

We've all heard it in media; and what I mean by media is these newsletters, these print pieces. But in many cases, whether they're compromising or they're trading access, you know, somebody wants to have access to China, and they don't want their visa yanked. And so they've got to be careful how they report about China or what issues they focus on, out of fear, in that regard, in many cases, flat out buying media outlets or even injecting within normal media content, paid material that can be tracked back to Chinese Communist Party efforts here in the United States.

We talk about academia; they knew how to play that really well. First of all, their students that they send here pay full rate and more. In many cases, universities have partnerships. You're dealing with researchers, in many cases who are used to this belief in open collaboration, even though with the Chinese, it's usually a one-way street. And then organizations on campus that they help fund that oftentimes are the first ones out there leading efforts to shut down any efforts to talk about Hong Kong or Tibet or you name it.

You think about local governments, because I think they've now figured out, okay, at the federal level, there's strong bipartisan consensus. It's not fertile ground anymore. What is fertile ground to

city halls and state capitals, where the issue is not talked about every day. And that's just easy picking. Imagine someone comes and says we're going to make a major investment in your state. Or likewise, we're going to yank a major investment in your state unless you do what we want you to do on these policy issues. They've learned how to use that against us.

Think about the NBA for a second, okay? There was a time a few years ago, where you could literally show up with signs that said anything you wanted negative about America, and I mean anything, but you would be expelled from the arena if you had a shirt on that referenced Hong Kong. They would kick you out, they would literally—security guard would come and get you and tell you, you have to leave, especially if you're in camera shot, if this is something negative towards Hong Kong. That happened in the United States of America.

Think about Hollywood; you will not find a major motion picture studio in America that will produce a film that has a Chinese government villain or even a Chinese villain. Why? Because the movie won't be distributed over there. And that's a big market for movies. So the list goes on and on. We could be here talking about it all day. It's a big deal and it's happening right underneath our nose. There's not enough attention being paid to it.

And as the Chairman pointed to it, you know, it's difficult because, at the end of day, people have First Amendment rights in this country to speak and advocate for positions, including those that are against our national interests. You know, that's just the way it is.

But this is a dedicated effort that, at minimum, the light has to come on so people can see these roaches, so people can see what's happening, what's really happening here, right underneath our nose, and the impact that that has potentially on our society and on our willingness in the future to act.

I'll close with this. Everybody worries about Taiwan, and rightfully so. There's a lot of reasons—we're not going to get into all that today—as to why we should be worried. But in particular what it can mean not just to the world order and how people view our country, but to our national security.

But envision a time when, if they have enough legwork they put into it, this is the narrative they're creating and they're setting up, and they're using it at our schools and our broad society. And that is when the day comes that there is a Taiwan conflict, the first thing some people are going to ask is, why should Americans die defending some small island halfway around the world just off the coast of China? I get it. It's bad, we should condemn it. But should we really go fight for that? Is it worth the sacrifice, that treasure and blood to do it? That's the narrative they're already setting the groundwork for. And they're not doing it among the people sitting up here. They're doing it among the people that one day will be sitting up here, or the people that will one day be working for us. And the people who will be writing about it. The experts that will be commenting on it.

So these are the kinds of things that I think that deserve a lot more attention. I'm glad we're having an open hearing on it.

Thank you.

Chairman WARNER. Thank you, Senator Rubio. I'm not sure if you guys agreed on order. The floor is yours.

STATEMENT OF GLENN TIFFERT, PhD, DISTINGUISHED RESEARCH FELLOW; CO-CHAIR, PROJECT ON CHINA'S GLOBAL SHARP POWER, HOOVER INSTITUTION, STANFORD UNIVERSITY

Dr. TIFFERT. Thank you very much Chairman Warner, Vice Chairman Rubio, Distinguished Members of the Committee.

I'm honored to be here today to talk about China's malign foreign influence operations in the United States. At the Hoover Institution, I co-chair our project on China's Global Sharp Power, which analyzes the myriad ways in which China asserts itself around the world. And we have three main lines of effort, malign foreign influence being one of them.

China's malign influence operations in the United States sprang from a conspiratorial tradition within the Chinese Communist Party that goes by the label of the United Front. Within China, the United Front seeks to mobilize, infiltrate, co-opt, or neutralize every individual or organization in society of any significance, so that they either contribute to the party's goals or are eliminated as a potential source of opposition or a threat. The party recognizes no autonomous zone of civil society. In principle, it reserves the right to supervise and control everything, and under Xi Jinping, it is exercising that right evermore intrusively. The conspiratorial logic of the United Front drives the party's behavior abroad as well, where it seeks to, as Senator Rubio pointed out, win without fighting to make the foreign serve China.

If a society cannot be freed and someone has to manage it, there is a colossal bureaucracy within the PRC party state that administers United Front, most notably the United Front Work Department of the Party Central Committee, which employs many tens of thousands of workers at every level of administration in China. But it's more than that. Every CCP member is obliged to promote the United Front, and other organs of the party and state play important roles in advancing the United Front's goals, particularly the party's Propaganda Department, which supervises PRC traditional and online media and pushes online disinformation into our spaces; the Ministry of State Security, which is China's principal foreign intelligence agency; and the Party's International Liaison Department, which cultivates relationships with foreign political parties and leaders at the national and sub-national levels, especially rising political stars from around the world.

These organs act directly, but they also act indirectly through a web of thousands of nongovernmental organizations that operate on academic, charitable, commercial, cultural, ethnic, and religious affairs, many of which engage in work with foreign partners, or who have international footprints, and are obliged to carry out party agendas within their spheres of work. The United Front provides a cover for espionage, transnational repression, and even abductions abroad, and we have, fortunately, law enforcement tools for dealing with those.

In my remaining time, I would like very much to focus on something else. By American standards, as has been pointed out, a lot

of United Front activity is lawful and falls within spheres of protected speech and association. It aims to win hearts and minds, harness the idealism and the self-interest of foreign elites—American elites—to contribute to CCP goals, create local constituencies in our societies that echo CCP talking points of their own volition, and alter incentive structures so that the costs for us of de-risking are prohibitively high. As an example of how that plays out in real life, consider the current debate over renewing our STA, the agreement between the U.S. and China on science and technology. This activity qualifies as malign if it obfuscates the origins, sources of funding and agendas behind it; if it trades in disinformation or misdirection; or advocates violations of law, fundamental rights, or democratic principles. Lawful but malign influence operations are among the most vexing for democratic societies to combat without infringing on our constitutional rights and liberties.

The United Front contributes to a host of party goals, such as rebutting foreign criticism of China and playing up flaws in American democracy, technology transfer, co-opting the Chinese diaspora, and neutralizing dissent within it. In the United States, when it comes to malign foreign influence, U.S. states and localities are America's soft underbelly. Federalism focuses them on different priorities, local job creation, and investment, for example, not geopolitical competition. The CCP is highly aware of that difference and capitalizes on it, bypassing Washington to work directly with localities where consciousness of risk and institutional capacity to manage it are far lower than at the federal level.

We need to change that, not necessarily by reflexively decoupling—because realistically, most of the world will not follow us down that road, and we'd only be isolating ourselves—but rather by developing the infrastructure and capacity to make better, more informed decisions about risk and manage our engagements with China more intelligently and safely.

I have four recommendations with regard to that, which I discuss in greater detail in my written statement.

Number one, increase funding for open source research and publication on malign foreign influence operations in the United States. We have a host of nongovernmental organizations and research centers that have capacity in this area and would love to do more.

Provide integrated federal support to subnational governments and businesses, single interagency touchpoints distributed around the U.S., perhaps through the DHS fusion centers or Commerce's U.S. Commercial Service Offices.

And then, number three, we need to look beyond espionage and law enforcement. We need to think of strategies for staying safe, drawn from public health as well as counterintelligence and prosecutions. In particular, we need to ensure that we protect the multi-ethnic Chinese diaspora that bears the brunt of CCP malign influence operations, to ensure that they have access to the same rights, liberties, and freedoms guaranteed to all Americans and can practice them safely.

And then finally, we need to address systemic as well as acute risk. Headline grabbing incidents are important, but they should not distract us from the slow rolling climate change that the

United Front activity tries to create. The most successful influence operations are those that run under the radar.

Thank you very much for your time.

[The prepared statement of the witness follows:]

Statement for the Record
Senate Select Committee on Intelligence

“Countering China’s Malign Influence Operations in the United States”

Dr. Glenn Tiffert
Distinguished Research Fellow
Co-Chair, Project on China’s Global Sharp Power
Hoover Institution, Stanford University

September 27, 2023

Chairman Warner, Vice Chairman Rubio, and distinguished members of the committee, it is a pleasure to appear before you today. In 2018, the Hoover Institution and the Asia Society jointly released a seminal study, *China’s Influence and American Interests: Promoting Constructive Vigilance*, which for many was an eye opener into China’s influence operations across the United States.¹ Building on that foundation, in 2020 Hoover launched its project on China’s Global Sharp Power (CGSP), which I co-chair. CGSP produces data-driven analysis and policy recommendations on China with an emphasis on research security, critical technologies, and malign foreign influence. Influence operations at the subnational level are a special focus.

Since its origins as a hunted revolutionary insurgency, the Chinese Communist Party (CCP) has consistently sought to render the world outside of itself more tractable and compliant. Influence operations have been integral to its dominion over China’s complex society, and today they loom especially large outside of the country, where the CCP’s capacity to project violence is constrained. These operations encounter few obstacles in the permissive, lightly policed societies characteristic of liberal democracies, where they aim to coopt, corrupt, and coerce local actors into advancing party objectives. Frequently, their targets are unaware or comparatively unconcerned that they are participating in a grand design orchestrated by the CCP because they are focused instead on the short-term transactional logic of their relationship with a Chinese partner.

CCP influence operations employ a mixture of carrots and sticks, alternately covert, subtle, and brazen to capitalize on the idealism, avarice, and instincts for self-preservation of their quarry. While those that violate law are subject to existing enforcement actions, a great many CCP influence operations in the US inhabit lawful zones of protected speech and association that can be difficult for legal tools to reach, particularly when US citizens are involved in their execution. Some unfold slowly or diffusely to create good will and dependency relationships ripe for later

¹ Larry Diamond and Orville Schell eds., *China’s Influence & American Interests: Promoting Constructive Vigilance* (Stanford: Hoover Institution Press, 2018), https://www.hoover.org/sites/default/files/research/docs/diamond-schell_chineseinfluence_oct2020rev.pdf.

exploitation. Influence operations qualify as malign if they obfuscate their origins, funding sources, and agenda; trade in disinformation or misdirection that degrades discourse; or advocate violations of law, fundamental rights, or democratic principles.² Lawful but malign operations are among the most challenging to combat in democratic societies because they test our liberties and commitments to due process and nondiscrimination.

The CCP explicitly rejects the liberal democratic conception that civil society should be autonomous from the state.³ In principle, it reserves the right to insinuate itself in a supervisory or leadership capacity everywhere in China to ensure that all play their part in its projects and remain aligned with its priorities, and none develop the independent resources, prestige, and organizational capacity to challenge its supremacy. The CCP aims, in the words of the PRC Constitution, to “unite all forces that can be united” while neutralizing active and potential sources of resistance.⁴ Its foreign influence operations originate in the logic of this “united front” and the domestic institutions and practices that support it.

The United Front Work Department (UFWD), an organ of the party’s central committee, holds the lion’s share of the influence operation portfolio. UFWD personnel are found at every major level of party administration in China and, more importantly, all party members are bound to support the mission of the united front no matter where they serve. Under Xi, the UFWD has experienced a renaissance, greatly expanding its workforce, budget, and responsibilities. While most of its effort reflects domestic priorities, it oversees thousands of organizations that operate in academic, charitable, commercial, cultural, ethnic, and religious affairs, many of which also engage with foreign partners or have an international footprint. Regulations adopted in 2020 require these organizations to observe party leadership in their united front work and many have party cells embedded in their governance.⁵ Examples include nominally independent chambers of commerce and federations of industry and commerce, which court international business, and the Chinese People’s Association for Friendship with Foreign Countries (中国人民对外友好协会), which promotes people-to-people diplomacy and manages sister city relations.⁶ The zeal with which these organizations execute party mandates varies to be sure,

² Kamya Yadav et al., *What Makes an Influence Operation Malign*, Carnegie Endowment for International Peace, August 7, 2023, available at

https://carnegieendowment.org/files/What_Makes_An_Influence_Operation_Malign.pdf.

³ “Document 9: A ChinaFile Translation,” *ChinaFile*, November 8, 2013, <https://www.chinafile.com/document-9-chinafile-translation>.

⁴ Preamble, Constitution of the People’s Republic of China, amended March 11, 2018.

http://english.www.gov.cn/archive/lawsregulations/201911/20/content_WS5ed8856ec6d0b3f0e9499913.html

⁵ Regulations on the Work of the CCP United Front Work Department 中国共产党统一战线工作条例, promulgated December 21, 2020, https://www.gov.cn/zhengce/2021-01/05/content_5577289.htm.

⁶ Gerry Groot, Understanding the Role of Chambers of Commerce and Industry Associations in United Front Work,” *China Brief*, 18(11), June 19, 2018, <https://jamestown.org/program/understanding-the-role-of-chambers-of-commerce-and-industry-associations-in-united-front-work/>.

but the principle that the party leads all remains, and under Xi Jinping it is exercising that option ever more intrusively.⁷

Much of the foreign-facing work of the UFWD concerns Taiwan and the multi-ethnic Chinese diaspora, which the CCP treats as emanations of its domestic polity. For instance, associations for the promotion of peaceful unification (和平统一促进会) are found throughout the world, where they amplify PRC policy on Taiwan and Tibet and seek to limit international engagements with the island to the PRC's terms. In 2020, the US State Department designated the National Association for China's Peaceful Unification as a foreign mission, calling it a front organization for the UFWD. The Western Returned Scholars Association (欧美同学会/中国留学人员联谊会) ties together ethnic Chinese businesspeople and scholars working abroad. In addition to conventional networking activities, it has supported talent program recruitment and illicit technology transfer.⁸ The Chinese Overseas Friendship Association (中华海外联谊会) monitors and purports to speak for Chinese abroad. In January 2022, one of its leaders in London triggered a MI5 security service interference alert to the UK Parliament based on intelligence that she was using UFWD money to cultivate rising politicians.⁹ In August of the same year, Beijing mobilized overseas friendship associations from twenty-two countries to issue coordinated protests against US House Speaker Nancy Pelosi's visit to Taiwan.¹⁰

Evidence suggests that the tightening political climate in China is fueling transnational repression, ostracism, and intimidation of diaspora communities abroad. Reports of cross-border harassment, surveillance, assault, and even abduction against activists and students are rising.¹¹ The indirect cases are the hardest to combat. In 2023, a pro-Beijing newspaper in Hong Kong vituperatively labeled a local professor an "agent of the West" for accepting a fellowship in the US funded by the "invisible hand" of the US Congress.¹² She was openly watched in the US

⁷ Matthew Johnson, *The CCP Absorbs China's Private Sector: Capitalism with Party Characteristics* (Stanford: Hoover Institution Press, 2023), https://www.hoover.org/sites/default/files/research/docs/Hvr_JohnsonEssay_CPP_web.pdf.

⁸ Toshi Yoshihara and Jack Bianchi, *Uncovering China's Influence in Europe: How Friendship Groups Coopt European Elites*, Center for Strategic and Budgetary Assessments, 2020, [https://csbaonline.org/uploads/documents/CSBA8225_\(Uncovering_Chinas_Influence_Report\)_FINAL.pdf](https://csbaonline.org/uploads/documents/CSBA8225_(Uncovering_Chinas_Influence_Report)_FINAL.pdf); Takashi Suzuki, "China's United Front Work in the Xi Jinping Era – Institutional Developments and Activities," *Journal of Contemporary East Asia Studies*, 8:1 (2019), 83-98.

⁹ Gordon Corera, "Why Did MI5 Name Christine Lee as an 'Agent of Influence'?" *BBC*, July 19, 2022, <https://www.bbc.com/news/uk-62179004>.

¹⁰ "Friendship organizations and people from many countries condemn Pelosi's visit to China's Taiwan region and express firm support for the one-China principle 多国友好组织和人士谴责佩洛西窜访中国台湾地区 表示坚定支持一个中国原则," *People's Daily* 人民日报, August 9, 2022, p. 3

¹¹ "Silenced Voices, Hidden Struggles: PRC Transnational Repression on Overseas Human Rights Activists," DoubleThink Labs, 2023, <https://drive.google.com/file/d/1olZOWYiHniv3TQ6pJgLKpTKrSAqNkVj/view>; Serena Roy, "The Threat of Transnational Repression from China and the U.S. Response," *Testimony to the Congressional-Executive Commission on China*, June 15, 2022, https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/DHS%20Testimony_Chinese%20Repression%20-%20CECC%20JUN15%20-FINAL%20Transmitted%20to%20CECC_0.pdf.

¹² "China Must Remove 'Academic Villains' Who Oppose China and Disrupt Hong Kong 文汇报-中国须清除反中乱港'学棍'," *Wen Wei Po* 文汇报, February 28, 2023, A12.

to frighten her, but in ways that preserved plausible deniability, and did not return to Hong Kong for her own safety. PRC authorities or their proxies also arrange phone calls between their targets and family members still in China who under duress urge their loved ones to abandon their activities in the US and return home. Social and professional organizations and Chinese-language media in overseas markets channel such pressure with a potency that few outside of the affected communities appreciate.¹³ In Canada, at least a half-dozen former or current politicians, some of them ethnic Chinese, have reportedly been attacked in influence operations orchestrated by Beijing.¹⁴ But because these operations typically present as ordinary politicking or transpire in private social media groups voiced by surrogates, establishing violations of law or clear attribution to the CCP can be difficult.

In 2015, Xi Jinping re-established an interagency leading small group to guide implementation of united front work across the party and state bureaucracies, and the UFWD by no means monopolizes the field.¹⁵ Many other organs play vital roles in malign foreign influence operations, such as the propaganda department of the central committee, which oversees China's state media and publishing outlets. These outlets disseminate state narratives in multiple language around the globe through official channels and a network of proxy sites. They have been central to the information war over the COVID pandemic, state repression in Xinjiang, and the Russian invasion of Ukraine. Moreover, Chinese state media employees are inauthentically posing as trusted, independent social media influencers on major Western social media platforms, where they promote slickly produced party propaganda and lifestyle content that rebut foreign criticisms of China and portray it positively.¹⁶ The US anti-war group Code Pink, which disrupted a February 2023 hearing of the House Select Committee on the CCP, has taken up the same mission, launching a "China is Not Our Enemy" campaign that traces back to a global web of shell companies and the wealthy husband of the group's founder, who collaborates closely with the CCP propaganda department.¹⁷

PRC influence operations on Western social media are growing bolder. They are promoting a litany of Chinese government reports that document flaws in American democracy as part of a global campaign to showcase China's political system as superior and have started using generative AI to create appealing visual content that results in higher social media engagement. These developments portend concerted interference in the 2024 US elections and as a

¹³ "Sophistication, Scope, and Scale: Digital Threats from East Asia Increase in Breadth and Effectiveness," *Microsoft Threat Intelligence*, September 2023, <https://query.prod.cms.rt.microsoft.com/cms/api/am/binary/RW1aFyW>.

¹⁴ Norimitsu Onishi, "Canadian Politicians Who Criticize China Become Its Targets," *New York Times*, July 15, 2023, <https://www.nytimes.com/2023/07/15/world/americas/canada-china-election-interference.html>.

¹⁵ "China's Influence Operations Bureaucracy," in Diamond and Schell, *China's Influence & American Interests*, 2018, 151-162, https://www.hoover.org/sites/default/files/research/docs/16_diamond-schell-chinas-influence-and-american-interests_appendix-1-_chinese-influence-operations-bureaucracy.pdf.

¹⁶ "Chinese State Media's Global Influencer Operation," *Digital Threat Analysis Center*, January 31, 2022, <https://miburo.substack.com/p/csm-influencer-ops-1>; "Chinese State Media's Global Influencer Operation: Why It Matters," *Digital Threat Analysis Center*, February 10, 2022, <https://miburo.substack.com/p/chinese-state-medias-global-influencer>.

¹⁷ Alexander Reid Ross and Courtney Dobson, "The Big Business of Uyghur Genocide Denial," *New Lines Magazine*, January 18, 2022, <https://newlinesmag.com/reportage/the-big-business-of-uyghur-genocide-denial/>.

preparatory step, in the runup to the preceding midterm election, the campaigns began impersonating American voters.¹⁸

The Ministry of State Security (国家安全部) and the International Liaison Department of the CCP central committee (中国共产党中央委员会对外联络部) run obfuscated influence operations directed at US elites at the national and subnational levels and seek to identify and cultivate rising stars.¹⁹ The MSS has long fed operatives posing as academic or policy insiders to American media, scholars, and government analysts to influence how China is understood and spoken about in the US, most notoriously through the China Reform Forum, a research institution under the central party school, and the China Institutes of Contemporary International Relations (CICIR, 中国现代化国际联系研究院), a leading think tank.²⁰

Experienced China watchers engage with these institutions knowing them for what they are, but danger lurks when the untamed credulously soak up their talking points. Particularly in Xi Jinping's China, where critical, independent voices have grown circumspect or silent, the pundits who still speak volubly and the institutions that host them must be assessed with care.

The Center for China and Globalization (CCG), another leading Beijing think tank, is a case in point. Wang Huiyao (王辉耀), its globe-trotting founder, is a fixture on the US and international conference circuits. In 2019, Senator Rubio drew attention to the fact that a prominent Washington think tank did not list Wang's high-level affiliations with the UFWD when it invited him to speak.²¹ But this airing of his ties has hardly slowed Wang down. In 2021, Wang and CCG president Mabel Miao (苗绿) published a book, *I Talk to the World About China* (我向世界说中国), that distills lessons from a litany of international media and track two engagements, such as the Munich Security Conference, the Davos Forum, and the Mink Debate on "how to create new narrative methods and models" about China.²² In the months since China's COVID lockdown ended, Wang has capitalized on the hunger to restore in-person lines of communication by resuming his role interpreting China for audiences around the world and hosting a parade of Americans visiting Beijing.

¹⁸ "Sophistication, Scope, and Scale: Digital Threats from East Asia Increase in Breadth and Effectiveness," *Microsoft Threat Intelligence*, September 2023, <https://query.prod.cms.rt.microsoft.com/cms/api/am/binary/RW1aFyW>.

¹⁹ Alex Joske, "The Party Speaks for You: Foreign Interference and the Chinese Communist Party's United Front System," *Australian Strategic Policy Institute*, Report 32/2020 (2020), https://ad-aspi.s3.ap-southeast-2.amazonaws.com/2020-06/The%20party%20speaks%20for%20you_0.pdf?VersionId=gFHuXyYMR0XuDQOs.6JSmrDyk7MralcN; David Shambaugh, "China's 'Quiet Diplomacy': The International Department of the Chinese Communist Party," *China: An International Journal*, 5:1 (2007), 26-54; "China's Influence Operations Bureaucracy," 161-162.

²⁰ David Shambaugh, "China's International Relations Think Tanks: Evolving Structure and Process," *The China Quarterly*, no. 171 (2002), 575-596; "Profile of MSS-Affiliated PRC Foreign Policy Think Tank CICIR," *Open Source Center*, August 25, 2011, <https://irp.fas.org/dni/osc/cicir.pdf>.

²¹ "Letter of Marco Rubio to Congresswoman Jane Harman, President and CEO of Woodrow Wilson International Center for Scholars," May 4, 2018, <https://ia903106.us.archive.org/0/items/5776350-Rubioletter/5776350-Rubioletter.pdf>.

²² "I Speak China to the World 我向世界说中国," *Center for China and Globalization*, July 2021, <http://www.ccg.org.cn/archives/64531>.

Figures like Wang offer foreign journalists, scholars, and analysts another sought after commodity: the trophy of access. Access to the party's anointed unofficial spokespeople is a currency that affirms self-esteem, burnishes one's standing among peers, and indicates that one has professionally arrived. One earns and maintains access by picking one's words and projects carefully to steer clear of the party's red lines. United front work encourages this cult of access as a form of invisible social control; access rewards and reinforces positive behavior just as visa denial disincentivizes the negative. Losing it can interrupt research, knock one off the fast track, and set back a career.

In July 2022, the National Counterintelligence and Security Center issued an unclassified bulletin that helpfully summarizes PRC influence operations targeting government and business leaders at the US subnational level.²³ Elected officials at the state and local levels typically lack the expertise on China's political system and its malign influence operations to meet prospective partners from the PRC on a level playing field. They are understandably more attentive to the immediate concerns of their constituents rather than matters of geostrategic competition and are stretched thin. Only four states have full time legislatures with large, well-paid staffs.²⁴ Consequently, they present a far softer environment for malign influence operations than their counterparts at the federal level, and they are utterly outgunned by the resources the PRC devotes to studying and cultivating them.

A 2019 report issued by D&C Think, a Beijing-based think tank, and the Tsinghua University Globalization Research Center surveyed the attitude of US governors towards China and determined: "17 governors are friendly to China, 14 governors have an ambiguous attitude towards China, 6 governors are tough on China, and 14 governors have no obvious and open stance on China." Noting opportunities to forge connections free of Washington's gaze, the report provided a detailed breakdown of state per capita GDP and trade statistics and asserted that the "constitution prohibits the (US) president from interfering in the affairs of the governors of each state. The governor does not need to worry about the affairs of the federal government."²⁵

The mismatch in capacity was evident in a 2006 memorandum to the sister city agreement between Irvine, California and Xuhui district in Shanghai, in which Irvine promised in language that was surely supplied by the Chinese side not to send official delegations to Taiwan, not to fly the Taiwanese flag and not to play the Taiwanese national anthem or attend Taiwan National Day celebrations. It also stipulated that Irvine recognizes "that there is only one China." After news of the memorandum provoked an uproar in the local Taiwanese community, it was

²³ "Safeguarding Our Future: Protecting Government and Business Leaders at the U.S. State and Local Level from People's Republic of China (PRC) Influence Operations," *National Counterintelligence and Security Center*, July 2022, https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/PRC_Subnational_Influence-06-July-2022.pdf.

²⁴ "Part and Full-time Legislatures," National Conference of State Legislatures, July 28, 2021, <https://www.ncsl.org/about-state-legislatures/full-and-part-time-legislatures>.

²⁵ "Panoramic View of the US Attitude Towards China: Governors 美国对华态度全景 - 州长篇," *Minzhi Research Institute*, June 22, 2019, reposted at https://chinatechthreat.com/wp-content/uploads/2020/05/CTT-Mandarin-Comparison_final.pdf.

rescinded.²⁶ Similarly, in 2019, staff from the PRC embassy in Washington pressured the city of Rockville, Maryland to abandon plans to sign a sister city relationship with Yilan, Taiwan, in part citing a 2009 agreement between Rockville and the PRC city of Jiaxing as adverse precedent.²⁷ In this instance, the city stood firm.

The Chinese People's Association for Friendship with Foreign Countries (CPAFFC, 中国人民对外友好协会), a UFWD-affiliated organ, stood behind both cases. The CPAFFC promotes people-to-people diplomacy and manages sister city relations in coordination with PRC diplomats and party policy. Since 2011, it has also sponsored the China-US Governors Forum. In 2020, the US State Department withdrew from the formal agreement supporting this forum after the previous year's iteration was billed undisguisedly as a deal-making opportunity rather than as a setting for intergovernmental dialogue.

Economics figures prominently in the debate over China's influence operations in the US. For instance, in 2021, the PRC embassy in Washington caused a stir by lobbying US executives and business groups to oppose draft legislation before Congress on trade and human rights.²⁸ But such overt displays are unnecessary in sectors where the commercial interests of US firms already overlap with the PRC's strategic objectives, as perhaps in banking and semiconductors, and the firms themselves echo CCP talking points on their own initiative. This is the state that united front work aims to create.

At the same time, conditions are changing. This year, investment into the US from China has fallen to the lowest level since 2009 owing to the collapse in travel between the two nations, rising tensions, stricter regulatory reviews, and China's slowing economy.²⁹ In certain areas, such as battery technology and land sales, this retrenchment may be going too far.

Chinese battery companies lead the world and are inking deals to supply top international automakers. But political opposition to using Chinese technology in the US for fear of foreign interference and supply chain dependence threatens to undermine the competitiveness of major American automakers on the global market, hold back their transition to new energy vehicles, and make catching up and leaping ahead harder to do. The US should humbly take a page from the united front playbook by turning China's strengths in this area to our advantage. US states and localities should also renounce blanket, discriminatory restrictions on residential

²⁶ "Sister-City Pact puts Irvine in Bad Spot," *Los Angeles Daily News*, June 21, 2006, <https://www.dailynews.com/2006/06/21/sister-city-pact-puts-irvine-in-bad-spot/>.

²⁷ Sarah Newland, "Paradiplomacy as a Response to International Isolation: The Case of Taiwan," *The Pacific Review*, 36:4 (2023), 784-812, <https://doi.org/10.1080/09512748.2022.2025889>.

²⁸ Michael Martina, "Chinese Embassy Lobbies U.S. Business to Oppose China Bills – Sources," *Reuters*, November 21, 2021, <https://www.reuters.com/business/exclusive-chinese-embassy-lobbies-us-business-oppose-china-bills-sources-2021-11-12/>.

²⁹ "China Shows Signs of Decoupling from US as FDI, Trade Falls," Rhodium Group, September 7, 2023, <https://www.bloomberg.com/news/articles/2023-09-07/china-fdi-into-us-plunges-to-more-than-decade-low-rhodium-says>.

land purchases that infringe on constitutional rights, stoke xenophobic sentiments, and derogate the democracy we seek to protect.

Recommendations:

A century ago, Sun Yat-sen famously compared the Chinese people to a sheet of loose sand, but today that metaphor may more aptly describe the United States. The CCP is disciplined and purposeful. It sees the openness, decentralization, and pluralism that make American democracy vibrant as vulnerabilities to exploit, and we face daunting coordination problems and tradeoffs in forging responses. Parochial interests dissipate our resolve, and federalism fractures governmental capacity, leaving a house divided. Legislative fixes will inevitably impose costs, and these must be weighed carefully and kept proportionate. They must not compromise cherished liberties or harm those who bear the brunt of CCP repression most, the multi-ethnic Chinese diaspora. With those points in mind, I urge the committee to consider the following recommendations.

1. Increase funding for open-source research and publication on malign foreign influence operations. Although US law enforcement and the intelligence community track PRC influence operations, they have significant resource constraints and restrictions on their authorities, and their ability to release information into the public record is limited by the need to protect investigations, sources, and methods. Important segments of American society may also lack trust in their statements. Non-governmental organizations, think tanks, and academic researchers are well-positioned to overcome these obstacles and must expand their roles in raising awareness of malign foreign influence operations, exposing their evolving goals and mechanics, and mobilizing resistance.
2. Provide integrated federal support to subnational governments and business. Hardening US society against malign foreign influence and empowering subnational actors to safeguard the integrity of their domains requires unifying disparate federal resources. Create integrated client-facing touch points that can provide interagency guidance in domains such as paradiplomacy and commercial activity. These could be housed in DHS fusion centers and Commerce's commercial service offices around the United States. Produce fact sheets for commonly encountered situations, such as controversies over sister-city relationships and PRC attempts to muddle the distinctions between official US policy towards Taiwan and China's one China principle.
3. Look beyond espionage and law enforcement. Malign foreign influence operations run the gamut of lawful and illicit activities, and many of the most impactful may lie within zones of protected speech and association where government authority is constrained. Combatting these requires strategies that borrow from public health as much as from law and counterintelligence. Government can break through collective action problems in civil society by creating public infrastructure for trainings, transparency initiatives,

information sharing, and best practices. It should facilitate and enable desirable conduct rather than simply proscribe the undesirable.

4. Address systemic as well as acute risk. Incident reports and case studies provide data for characterizing the threat posed by malign foreign influence operations and concrete reference points for tailoring solutions. But one must remain mindful of the forest as well as the trees. Discrete influence operations that seem trivial by themselves may in the aggregate yield profound effects over time, shifting the environmental conditions and incentive structures that shape how actors think and act. Efforts to combat malign foreign influence must respond to acute events and slow-rolling processes that generate climate change. The most successful influence operations are those that run under the radar.

**STATEMENT OF SARAH COOK, SENIOR ADVISOR FOR CHINA,
HONG KONG, AND TAIWAN, FREEDOM HOUSE**

Ms. COOK. Chairman Warner, Vice Chairman Rubio and Distinguished Members of the Committee. Thank you for the opportunity to testify today.

My remarks focus on the media dimensions of the Chinese Communist Party or CCP's influence operations targeting the United States. They draw on the U.S. chapter of Freedom House's Beijing's Global Media Influence Study, which covered 30 countries across six regions.

The CCP and its proxies influence media and information abroad in complex and multifaceted ways. These extend beyond simple propaganda or overt public diplomacy. Rather they involve elements that are covert, coercive, or corrupting. In particular, we identified five categories of tactics: propaganda, disinformation, censorship and intimidation, control over content distribution infrastructure, and attempts to export the CCP's model of information control.

Our research found that the United States faces a very high degree of media influence efforts from Beijing; in fact, second after only Taiwan, reflecting the large arsenal of tactics being deployed. Thankfully, the United States also displayed a very high degree of local response and resilience, earning it an overall status of resilient.

In my time today, I'd like to focus on five aspects of this phenomenon.

One, Beijing-backed content is appearing in mainstream U.S. media.

This is the most significant avenue through which Chinese state-produced content reaches large American audiences, typically through content-sharing agreements, partnerships with local mainstream media comm or op eds, and television appearances by Chinese diplomats. For example, FARA filings show that from 2019 to 2020, one state-run "China Daily" paid print and online publications at least \$7 million to insert their content alongside other news items. The clarity of labeling attached to such content is inconsistent, and in some cases entirely absent.

Two, covert tactics and disinformation campaigns are being deployed on social media.

China-linked actors have attempted to pay otherwise unaffiliated social media influencers in the United States to broadcast pro-Beijing content on topics ranging from conditions in Xinjiang to quote, saying good things about U.S.-China relations, to claims that COVID-19 originated in the U.S. deer population. Moreover, coordinated disinformation campaigns linked to China and targeting U.S. audiences are becoming more frequent and sophisticated.

PRC linked actors are experimenting with new strategies across dozens of platforms, not only regarding rights violations in China, but also domestic politics in the United States. New tactics include use of generative artificial intelligence to create images of fake news anchors, recruiting unwitting Americans to produce content, and deploying multiple layers of content-laundering to obscure the CCP-linked origins. Evidence suggests these campaigns are increasing and reach engagement and effectiveness in some cases.

Three, the use of coercive tactics is growing.

Since 2019, Chinese officials and other pro-Beijing actors have aggressively restricted foreign correspondents in China, retaliated against families of U.S.-based journalists, and launched intrusive cyber-attacks against major news outlets. Pro-CCP trolls have viciously attacked ethnic Chinese journalists working for U.S. media, especially women. More indirectly, there have been isolated instances of corporate pressure on journalists that induce censorship coming from executives, as media companies fear that certain reporting could damage their ability to reach audiences in China.

Four, CCP proxies are attempting to co-opt U.S. elites to spread Beijing's messages.

One especially active proxy is the innocuously named China-U.S. Exchange Foundation or CUSEF. CUSEF is widely viewed as belonging to the CCP's United Front Work targeting the United States. It has taken at least 127 U.S. journalists from 40 outlets to China since 2009. Another CUSEF-funded initiative since 2017 has targeted quote, key opinion leaders in African American communities. Pro-Beijing narratives also enter the U.S. media landscape through friendly local commentators, politicians, and former officials, especially at the subnational level, in some cases, also in collaboration with CUSEF or with its funding.

And five, Beijing's influence over Chinese diaspora media is greater than many appreciate.

This is especially true in the television sector and via the WeChat app owned by Chinese tech giant Tencent. WeChat is used by millions of Americans to maintain contact with people in China, yet clear evidence exists of Beijing aligned censorship or surveillance of these users. American news outlets and civic groups critical of the CCP, such as Radio Free Asia or Freedom House, for that matter, are excluded from opening official accounts to reach WeChat audiences with their content in Chinese. Some Chinese-Americans, both political dissidents and average users, have been censored for sharing content that is critical of the CCP.

To conclude, the CCP's activities to influence U.S. media are likely to increase in the coming years, including in the form of social media manipulation campaigns surrounding the 2024 elections. The good news is that momentum is on democracy's side, but there is still much work to be done.

Thank you.

[The prepared statement of the witness follows:]



Countering China's Malign Influence Operations in the United States

Written testimony by Sarah Cook
Senior Advisor for China, Hong Kong, and Taiwan at Freedom House

Testimony before the US Senate, Select Committee on Intelligence
 September 27, 2023

Chairman Warner, Vice Chairman Rubio, and distinguished members of the committee, thank you for the opportunity to testify today. This testimony focuses on how the Chinese Communist Party (CCP) and related actors are attempting to influence media, news, and information flows in the United States as well as the state of our country's local response and resilience, addressing topics including:

- The CCP's objectives in targeting the US media environment
- The state of Beijing's current media influence efforts, including key tactics and emerging trends
- Influence efforts specifically targeting the Chinese diaspora and the role of the WeChat social media application
- Important sources of resilience in the United States
- Ongoing vulnerabilities and the impact of Beijing's media influence efforts
- Recommendations to Congress and executive branch agencies

This testimony draws on a recent country case study published by Freedom House in May 2023, the United States chapter from our global report *Beijing's Global Media Influence: Authoritarian Expansion and Power of Democratic Resilience*.¹ That 50-page case study, which I co-authored with Yuichiro Kakutani, provides a comprehensive analysis, from which I will highlight key points here.² I ask that this testimony be submitted into the record.

I. Introduction

The starting point for any discussion of Beijing's global influence **begins within China**, where the CCP exerts tight political and social control. Over the past decade, repression has intensified against a widening set of targets from an already high level.³ This change has also been reflected in the regime's more aggressive activities abroad, including a global campaign of transnational repression.⁴ Today, the world is facing the unprecedented situation of the second largest economy being ruled by one of the world's most authoritarian regimes.

It is in this context that Freedom House embarked on the Beijing's Global Media Influence (BGMI) project, the most comprehensive assessment to date examining actions taken by the

Chinese government and its affiliates to influence news and information flows abroad, as well as the democratic response in 30 countries around the world. I will be drawing on that report, focused on the period of 2019 to 2021, as well as more recent developments in my testimony.

Research methodology

The ways in which the CCP and its proxies influence media and information flows in other countries are complex and multi-faceted. They extend far beyond simple propaganda. Freedom House identified five categories of tactics that were used to assess each country: **propaganda, disinformation, censorship and intimidation, control over content-distribution infrastructure, and trainings** for media workers and officials who attempt to export the CCP's model of information control.

The graphic in *Figure 1 in the Appendix* outlines some of the activities and tactics that fall under each category. Freedom House's research found that Beijing's media influence efforts extend far beyond what is typical of overt public diplomacy. They involve elements that are covert, coercive, or corrupting, and they are becoming more sophisticated. While activities related to propaganda, disinformation, and censorship are already affecting the media space in many countries, tactics like trainings for officials and investments in communications infrastructure are building up potential avenues for control and influence in the future.

The BGMI project was global in scope, focused on 30 countries across six regions.⁵ Each country assessment includes both a scoring component, as well as an in-depth country narrative report that addresses qualitative and analytical dimensions.

In consultation with external experts, Freedom House created a new index methodology that includes a numerical score and status for each of the countries, appraising the scale and scope of CCP media influence efforts and a separate score assessing the strength of the local response and underlying media resilience. Based on the intersection between these dimensions, countries were classified as either Resilient or Vulnerable.⁶

II. United States' scores and status in the BGMI index

- The United States was rated as facing a **Very High** degree of **Beijing's media influence efforts**, notable for the wide range of tactics across the different methodology questions and categories being deployed by various CCP-linked actors. The United States received a score of **53 out of 85** (0 being the lowest, 85 being the highest), only second after Taiwan among the BGMI countries studied.
- Importantly, the United States also displayed a **Very High** degree of **local response and resilience**, receiving a score of 72 out of a possible 85 points for that category and again, placing second after Taiwan.
- Thanks to this strong performance, the **United States was found to be Resilient** overall, despite Beijing's wide-ranging avenues of attempted influence and some evident vulnerabilities.

III. What are the CCP's objectives in trying to influence media and information flows in the United States and globally?

The CCP's global media influence campaigns target both overseas Chinese and non-Chinese audiences. They have traditionally been designed to accomplish three primary aims, which are evident from official statements, analysis of state media content, and particular incidents involving CCP critics:

- 1) to promote a positive—or at least benign—view of China and of the CCP's authoritarian regime;
- 2) to encourage foreign investment in China and openness to Chinese investment and strategic engagement abroad;
- 3) and to marginalize, demonize, or entirely suppress anti-CCP voices, incisive political commentary, and exposés that present the Chinese government, its leaders, or prominent Chinese companies in a negative light.

For overseas Chinese audiences, programming and news coverage have the additional goal of promoting nationalistic sentiment and Taiwan's reunification with China .

Some of these goals can be identified in Xi Jinping's own instructions regarding foreign propaganda, which have emphasized trying to “tell a good Chinese story.”⁷ Such messaging omits the negative dimensions of China's authoritarian political system and rapid economic development, ranging from environmental pollution to lack of rule of law and egregious human rights violations against ethnic and religious minorities. It also avoids the dark side of China's foreign engagement, which includes corrupt deal-making, elite capture, transnational repression, and the opaque accumulation of public debt.

Since 2019, analysis of Chinese state-backed narratives and the reality of how certain tactics are implemented, as outlined below, point to additional objectives, which include:

- Laying the blame on the US government for deteriorating bilateral ties, rather than the regime's actions of economic espionage, increasing repression, or disregard for international law, including in regions like Xinjiang and Hong Kong;
- Deflecting blame for the start of the COVID-19 pandemic in Wuhan and actively spreading proven falsehoods that it originated elsewhere, including in the United States;
- And, a desire to amplify partisan divisions in the United States on contentious political and social issues and to sow distrust in the US government, including by masquerading as Americans across the political spectrum.

IV. What is Beijing's media influence toolbox targeting the United States and how is it evolving?

Beijing maintains an arsenal of tactics and channels to influence the US information landscape. These methods have evolved since 2019, with Chinese state or pro-CCP actors displaying **increased use of covert and coercive tactics**. Disinformation campaigns, the use of paid social

media influencers, cyberattacks on news outlets, and cyberbullying of journalists have occurred with greater frequency as Chinese state media outlets struggle to gain a mainstream audience in the United States, and US public opinion toward Beijing has become more negative.

Below is a more **in-depth examination of five notable ways in which Beijing’s media influence efforts are present in the United States** and how they are evolving.

It is worth noting that a diverse range of China-linked entities and individuals are engaging in these activities on behalf of the CCP or in ways that serve its purposes. These include the various Chinese state media outlets, the Ministry of Foreign Affairs, the Ministry of Public Security, the Ministry of State Security, the People's Liberation Army, and the Hong Kong government. Private companies and proxy entities with ties to the CCP or state media are also playing a role in propaganda and content manipulation, while cyberbullying may come from unaffiliated netizens responding independently to CCP propaganda or state media calls to action. These actors do not necessarily operate under a single unified bureaucratic apparatus, but all are responding to guidance from top officials or to the CCP's incentive structure and some information operations are clearly coordinated campaigns.

That being said, even as Chinese state-media, diplomats, and other CCP-linked actors use various approaches to influence—and in some cases manipulate—public opinion in the United States, often the actions that reach the widest English-speaking audiences and have the greatest potential impact are those that involve collaboration with a US-based entity, be it a media outlet, public relations (PR) firm, local politician, or social media influencer, at times in exchange for generous payments from CCP-linked entities.

1. Beijing-backed content in mainstream media⁸

Although Chinese state media outlets have channels for reaching US audiences directly—be it *China Daily* newsstands or China Global Television Network (CGTN) on cable packages—the most significant avenue through which Chinese state-produced content reaches large American audiences is via writings and appearances by Chinese diplomats, content-sharing agreements, and other partnerships with local mainstream media, a tactic that Chinese officials have referred to in the past as “borrowing the boat to reach the sea.” Unfortunately, the clarity and frequency of labeling attached to this Chinese state content for US news consumers—especially on broadcast versus print media—is inconsistent and in some cases, absent entirely.

On one end of the spectrum, where the speaker’s ties to the Chinese government are clear, but the audience reached is nevertheless massive, are PRC diplomats’ interviews or op-eds in major news outlets. Since 2019, a Chinese ambassador has appeared in at least 10 high-profile interviews on television or radio with prominent hosts from channels like CNN,⁹ NPR, or NBC’s *Face the Nation*,¹⁰ collectively garnering millions of viewers and listeners.¹¹ The interviewers often challenged the ambassador to address sensitive topics like abuses in Xinjiang, the initial COVID-19 cover-up in Wuhan, or the CCP’s authoritarian rule, but PRC representatives dodged such questions and as a result, were effectively granted access to a large, national audience to voice key Beijing talking points. Former ambassador to the US Cui Tiankai (serving from 2013 to June 2021) was also an especially prolific author of op-eds in diverse outlets.¹² This format allows for less immediate opportunity to challenge false or distorted claims.

Chinese state media content also reaches news consumers in the United States through **offline and online paid inserts** from *China Daily* or the Xinhua news agency in national and regional news outlets, such as Time magazine, the *Los Angeles Times*, *USA Today*, CNN, and *Foreign Policy*. Filings with the Department of Justice indicate that from January 2019 to October 2021, *China Daily* paid print and online publications at least \$7 million to carry such material. During the coverage period, several major news outlets—notably the *New York Times* and the *Washington Post*—discontinued previous agreements on paid inserts, but other publications continue to run them periodically. Separately, at least two radio stations in the Washington, DC, and New York City areas broadcast China Radio International (CRI) programming. During audio broadcasts, the radio hosts do not typically identify themselves as having ties to CRI, instead introducing themselves as a local radio station.

In the **television sector**, no US channels regularly broadcast programming coproduced with Chinese entities, but several partnerships exist that enable CCTV footage to potentially reach US news consumers without labeling and at least one coproduced documentary aired on PBS during the coverage period.¹³ CGTN’s FARA disclosures note that the outlet’s US subsidiary has “commercial arrangements with a number of news services, including NBC News, CNN, Reuters, the AP [Associated Press], and Agence France-Presse.”¹⁴ Although no further details are provided, the image licensing collection of AP and Reuters list CCTV+ as one of nine “featured partners”¹⁵ and one of 81 “news partners,”¹⁶ respectively. The partnerships allow subscribers to the AP and Reuters collection to access images and videos produced by CCTV+ as well. AP’s notes that “stories are clean (logo free).” Neither of the database’s descriptions of CCTV offered any indication of the station being a state-run, CCP-controlled broadcaster.¹⁷ Despite the potential for large-scale reach, however, a Freedom House search for the coverage period found only five videos, all related to the CCP’s July 2021 centennial celebration.

PRC-based tech companies are also present in the US information landscape, oftentimes disseminating messages that align with their and the Chinese government’s interests with greater efficacy than official state outlets. Huawei has actively reached out to journalists to try and shape the US narrative about the company, retaining a public relations firm to schedule interviews, set up virtual town halls, organize podcast interviews, and facilitate television appearances for Huawei executives. On one occasion, Huawei ghostwrote a 2019 article in *Fast Company* titled “Don’t Ban Huawei,” attributed to an MIT scholar, which did not disclose the link to the company.¹⁸ Alibaba, another Chinese tech giant, whose founder Jack Ma is a CCP member, has also provided funds for US media content, including a 2019 advertorial in *Politico* and nearly two dozen of the *Hill’s* Morning Report newsletter. There is no indication, however, that the company shaped its content and it was clearly labeled with the sponsor’s name.¹⁹

This phenomenon is not unique to the United States. Freedom House counted such partnerships with at least 130 media outlets across the 30 countries studied, including new or upgraded agreements reached with local media since 2019 in 16 countries.²⁰

2. Covert tactics and disinformation campaigns on social media²¹

Campaigns to **recruit social media influencers** to share Beijing-backed content and to manipulate social media posts using fake accounts are also emerging areas of activity. China-linked actors

have attempted to pay otherwise unaffiliated vloggers to produce or broadcast pro-Beijing content, obscuring the Chinese party-state connection for viewers.²²

Several such examples came to light in 2021. In June, American YouTuber Matthew Galat traveled across Xinjiang and recorded vlogs about his experiences in the region. Galat published nine such videos, many of which pushed pro-Beijing viewpoints.²³ In December 2020, Galat also published a video suggesting that “Maybe it was America first to infect the world with coronavirus,” which alone garnered nearly 120,000 views.²⁴ In comments to the *New York Times*, Galat acknowledged that he had received payments from Chinese state media for some of his travels in China and that the trip to Xinjiang had been planned by CGTN.²⁵

In September 2021, a purportedly Hong Kong-based company offered two American YouTubers who had been previously based in China to be paid \$2,000.²⁶ In exchange, they would publish a client-prepared video clip claiming that the coronavirus originated in the US deer population. The pair refused to publish the disinformation and exposed the attempt, including the fact that the initial outreach was sent to at least 100 English-speaking YouTubers. In another example, in November 2021, the Chinese Consulate in New York signed a \$300,000 contract with Vippi Media Inc. to contract at least eight influencers active on Twitch, Instagram, or Tiktok to promote the Beijing Olympics and Paralympics games, news from the consulate, and “good things in US-China relations.”²⁷

Multiple disinformation campaigns targeting US audiences were documented during the coverage period, a relatively new tactic as no such campaigns were exposed prior to 2019. The level of activity over the past three years from suspected PRC-linked campaigns points to experimentation with new tactics and attempts to refine media influence strategies, not only on topics related to human rights violations in China but also domestic politics in the United States.

Tens of thousands of fake accounts on Twitter, Facebook, and YouTube have been detected and shuttered for inauthentic behavior, including manipulation of the discourse about events within China (such as prodemocracy protests in Hong Kong and rights abuses in Xinjiang), US relations with Taiwan, the reputation of US-based critics of the Chinese Communist Party, and domestic issues like COVID-19 or US political divisions. This year, similar networks have been reported on a much wider range of platforms, including Reddit, Medium, and Tiktok, among others.²⁸

Genuine user engagement with the accounts and their impact on public debate appears limited in most cases, but isolated examples reached mainstream audiences. Investigations published over the past year point to increasing sophistication on the part of China-linked networks—including the use of generative artificial intelligence (AI) to create images²⁹ or fake news anchors,³⁰ recruiting unwitting Americans to produce or share content, and deploying multiple layers of content “laundering” to obscure the CCP-linked origins of content. There is evidence suggesting that these campaigns—including a recent one related to wildfires in Hawaii—are increasing the reach, engagement, and effectiveness of the manipulation efforts, at least in some cases.³¹

In one notable campaign revealed by the cybersecurity firm Mandiant in July 2023, a Chinese public relations firm known to have ties to the government piggybacked on recruitment websites for freelancers and newswire services in the United States.³² This enabled them to enlist unwitting

Americans to create content that aligned with CCP narratives or criticized U.S. policies.³³ The firm published the resulting material on legitimate news website domains via newswire services. In one case from mid-2022, the public relations firm successfully recruited a musician and actor to organize small real-world protests in Washington, D.C., images of which were then circulated as part of an influence campaign to discredit that year's International Religious Freedom Summit and U.S. lawmakers' efforts to ban the importation of products made by Uyghur forced labor.

Again, this phenomenon is not limited to the United States. In nine countries, Freedom House found at least one targeted disinformation campaign that was documented to have used fake social media accounts to spread falsehoods or sow confusion, not only regarding China-related news. Like in the United States, recent campaigns in Taiwan, Australia, and the Philippines reflect not only attempts to manipulate news and information about in China, but also to meddle in the domestic politics of the target country.

3. Rise in coercive tactics³⁴

Chinese officials, other CCP-linked entities, and local actors sympathetic to Beijing engage in various forms of intimidation and censorship to suppress reporting or viewpoints critical of the Chinese government or corporations. In the United States, Chinese state-linked actors have deployed a relatively wide range of such tactics in an attempt to restrict coverage opportunities for US correspondents in China, inhibit the operations of news outlets, and induce self-censorship.

These include obstructing the movement of **foreign correspondents in China**, restricting their visas and expelling them from the country, blocking websites and apps in China, retaliating against the families of US-based journalists in China, and engaging in cyberattacks against major news outlets. **Pro-CCP trolls have verbally attacked** or harassed ethnic Chinese journalists working for US media, especially women, a phenomenon that has increased in intensity and frequency since 2019.³⁵ These activities have inhibited certain reporting and had an economic impact on US news outlets, though they continue to carry critical coverage.

The United States is not alone, in **24 out of the 30 countries assessed, at least one such incident of intimidation or censorship occurred**. In at least 15 countries, Chinese diplomats or other government representatives took actions to intimidate, harass, or pressure journalists or commentators in response to their coverage. A newer phenomenon evident during the coverage period was how the Hong Kong authorities and companies with close CCP ties like Huawei also joined the fray, issuing legal threats related to Hong Kong's National Security Law in Israel and the United Kingdom or filing defamation suits against a critical scholar and local television station in France. Similar actions could potentially be deployed against US media and technology companies in the future.

4. Co-opting elites or other local influential actors to spread Beijing's messages or suppress unwanted coverage

One of the most potent and effective avenues of influence is when the CCP or its proxies are able to recruit influential local actors into promoting their preferred narratives—knowingly or

unknowingly—or guiding coverage to avoid topics disfavored by Beijing. In the United States, such targeting of elites has taken several forms and involved a variety of different proxies.

One notable and especially active proxy is the **China-US Exchange Foundation (CUSEF)**. CUSEF is widely viewed as belonging to the CCP's United Front work targeting the United States, having been founded and chaired by Tung Chee-Hwa, former Hong Kong chief executive and vice-chair of the Chinese People's Political Consultative Conference (CPPCC), and which includes various CPPCC members on its board.³⁶ The foundation is registered under FARA as a foreign principle in connection to various public relations, lobbying, and other firms it has hired. According to one expert's count, **CUSEF has taken at least 127 US journalists from 40 outlets to China** since 2009.³⁷ US journalists from Bloomberg, NPR, Quartz and possibly other outlets traveled to China in 2019 under its sponsorship, with several subsequently publishing articles that arguably align with CCP narratives on Huawei, US trade policies, or Chinese history.³⁸ Notably, none of the journalists known to have attended the 2019 trip were veteran China reporters.

Documentation in FARA filings points to other outreach CUSEF and its proxies conducted in the media space during the coverage period. For example, a contract with Wilson Global Communications USA for 2019-2020 cites public relations services worth over \$300,000 to assist CUSEF in “building, enhancing, and retaining positive relationships with **key opinion leaders in African American communities**, students from underserved communities, and African American media outlets.”³⁹ The contract explicitly cites the goal being to enable targeted individuals to “formulate personalized perspectives that can be articulated as balanced opinions when presented with Sino-US relationship issues.”⁴⁰ The filings include details of various delegations of Black university students and presidents of historically Black colleges and universities (HBCUs) sponsored by CUSEF to visit China. The contract was a renewal of a similar agreement covering 2017–18 that focused on “African American leaders.”⁴¹

Pro-Beijing narratives have also entered the US media landscape through **friendly local commentators, politicians, and former officials, especially at the subnational level**. Beijing has invested significant efforts in nurturing ties to governors, state legislators, and local officials—especially as bilateral ties at the federal level have worsened.⁴² The US Heartland-China Association, for example, has partnered with CUSEF to bring local and state officials to China and cultivate friendly ties with Chinese counterparts, including a 2019 trip for mayors from Indiana, Ohio, and South Dakota.⁴³ These efforts have in some cases translated into local and state officials deliberately or unknowingly promoting CCP narratives, such as by portraying the benefits of closer trade and other ties as unconditionally positive and “win-win,” while discounting legitimate national security risks.⁴⁴ One 2019 study by a Chinese thinktank evaluated US governors as being “Friendly,” “Hardline” or “Ambiguous.” On key indicator informing the assessment was public statements officials had made regarding China and their state's ties to the country or Chinese government.⁴⁵ Though not an objective assessment, the thinktank concluded that 17 governors were “Friendly” and 6 “Hardliners” with remaining ones having a mixed or “unclear” record.⁴⁶

In other cases, individual commentators, former officials, or business executives with ties to pro-Beijing entities like CUSEF have made **statements or published op-eds in US outlets echoing CCP narratives**. One example is the George H.W. Bush Foundation for US-China Relations in Texas, founded by Neil Bush. He made comments in 2019 that democracy “would not work for

China,” downplayed the threat posed to US national security by Beijing, and claimed that prodemocracy protesters in Hong Kong were motivated by “outside influence.”⁴⁷ Bush and other individuals affiliated with the foundation have regularly been interviewed or cited by Chinese state media like CGTN⁴⁸ and *China Daily*,⁴⁹ and have published articles in national media outlets like *Foreign Affairs* and in local newspapers like Missouri’s *Springfield News Leader*.⁵⁰ Such articles during the coverage period called for a renewed “engagement consensus” on China, warned of the dangers of a “new Cold War,” and called for revived trade cooperation. In June 2021, an Axios investigation revealed that the foundation had received a \$5 million grant from CUSEF—\$1 million a year over five years ending in 2023—which per tax filings would entail a large proportion of the organization’s revenue.⁵¹

In another example, a few organizations and **publications on the far left of the US political spectrum** have downplayed or denied documented human rights violations committed by the Chinese government against Uyghurs and other Turkic Muslim minorities. In some of these cases, financial ties to Chinese party-state entities were evident. A detailed 2022 investigation by *New Lines* magazine—and a more recent article in the *New York Times*⁵²—traced a network of far-left entities and found that over the past five years, many had received funds from individuals or charities with current or prior ties to Huawei, Chinese government agencies or the CCP.⁵³ In other cases, links to Beijing were unclear and repetition of CCP preferred talking points may have been the result of authentic anti-imperialist, Marxist, nationalist, or other ideological alignment—but nevertheless served to amplify and add credibility to CCP narratives for the organization’s readership. One report by Coda found that denial of CCP abuses in Xinjiang on discredited fringe websites like Grayzone had nevertheless trickled out to a wider range of progressive or left websites and outlets.⁵⁴

Echoing of certain CCP narratives was also evident in **right-wing media**, as commentators found certain Chinese official viewpoints aligning with their own perspectives, not necessarily because there was any direct influence being exerted from CCP-linked actors. In several monologues in 2020–21, former Fox News television commentator Tucker Carlson referred approvingly to authoritarian actions of Chinese leaders, including placing restrictions on gaming and discussions of celebrity fandom, to support critiques of the Democratic Party or progressive policies.⁵⁵ Prominent authors and publications on the New Right, part of the conservative movement, have also published pieces admiring the Chinese government’s authoritarian practices, such as population transfers used in poverty alleviation, including in Xinjiang, as necessary for the common good.⁵⁶

Although difficult to document, there have also been isolated instances of **corporate pressure on journalists** apparently inducing self-censorship or otherwise influencing coverage. Many US media or technology corporations have diverse business and content portfolios, including entertainment and financial reporting reaching audiences in China. In some cases, this has created pressures from high-level executives on journalists or commentators to restrict content that may endanger such operations, as occurred in a widely publicized incident at Bloomberg in 2012.⁵⁷ A more recent example reportedly took place at the sports network ESPN, but more may have occurred behind the scenes. In late 2019, news reports described a leaked memorandum from a senior news director at ESPN that explicitly discouraged political discussion about China and Hong Kong, after general manager Daryl Morey of the National Basketball Association’s Houston

Rockets publicly expressed support for prodemocracy protests in the territory.⁵⁸ Some of the station's coverage appeared to comply with the memo instructions.⁵⁹ At the time, the station was facing broadcast bans and other backlash in China over Morey's tweet, with the potential for significant financial losses.⁶⁰

Effective co-optation of elites is not limited to the United States and in some countries, is even more prevalent. In Freedom House's BGMI project, **local officials or media executives** in 17 of the 30 countries studied attempted to suppress critical reporting, either because they received a call from the Chinese embassy or pre-emptively encouraged self-censorship to protect other business interests from potential reprisals.

V. Beijing's influence over the China diaspora media landscape in the United States

The Chinese-language media sector in the United States is a space where Beijing's footprint is especially evident, particularly in the television sector and via the WeChat app. Nevertheless, compared to other countries, Chinese-speaking news consumers in the United States seeking independent news about topics of interest to them have multiple options, with some garnering a notable audience.

The regime's influence is exercised in various ways and at different stages of the news production and dissemination process. The CCP's influence on diaspora media in the United States is especially strong in the **television sector**. A review of Chinese-language offerings for major cable providers in the United States (Verizon,⁶¹ Comcast,⁶² and Spectrum⁶³) shows that the main packages for both Mandarin and Cantonese are monopolized by stations either owned or heavily influenced by the Chinese government or CCP. These include Chinese state broadcaster CCTV-4; the partly state-owned, Hong Kong-based Phoenix television; a Taiwan-based media company known for its pro-Beijing editorial line; and a Hong Kong television firm providing Cantonese programming that has been accused of a pro-Beijing bias. Taiwan-based outlets or US stations known to be more critical of the Chinese government, such as New Tang Dynasty Television, are absent from cable packages in most parts of the United States.

The United States is also home to a wide range of **print publications** in Chinese, both national and local, with varying degrees of pro-Beijing alignment.⁶⁴ On one end of the spectrum are publications like *Xinmin Evening Newspaper*, which the US State Department designated as part of the PRC foreign mission in October 2020.⁶⁵ Another publication, *China Press*, based in New York, closely follows the CCP's editorial line and prints large amounts of Chinese state media content.⁶⁶ Many diaspora outlets have also been purchased over the past three decades by tycoons friendly to Beijing, including ones from Hong Kong, Malaysia, or Taiwan. *Singtao*, a subsidiary of the Hong Kong newspaper by the same name, was required in 2021 by the Department of Justice to register under FARA after a change in ownership that brought it closer to the Chinese government,⁶⁷ although in filings the company claimed that its US subsidiary is editorially independent from the Hong Kong parent company.⁶⁸ The *World Journal* is another leading national paper tied to the Taiwan-based *United Daily Newspaper*, which within Taiwan is known to be relatively friendly to China in its coverage but that does report occasionally on topics like human rights violations in the PRC.

Joining these are various local newspapers and in some cases small-scale radio stations, many of which maintain ties to the Chinese government and CCP. The regime also uses global fora—like an October 2019 World Chinese Media Forum gathering of over 420 media representatives held in Hebei—to bring Chinese-language outlets from around the world into the CCP’s orbit.⁶⁹ In a list of participants to the 2019 forum, a total of 64 news outlets from the United States were listed, one of the largest delegations. These included US representatives for Chinese state media but also from local outlets in San Diego, Seattle, Chicago, and Dallas, among others.⁷⁰

The **Hong Kong government’s** crackdown on media in the territory since adoption of the National Security Law in 2020—prompting the closure of prominent outlets liked *Apple Daily* and *Stand News* and reduced editorial independence of the public broadcaster Radio Television Hong Kong—has also diminished the quality and quantity of investigative or other reporting related to Hong Kong that is available to Chinese speakers and others in the United States.

Alongside enticements and support from the regime, implicit or explicit **reprisals** face those who dare to criticize the CCP or challenge its grip on Chinese-language media. Individual journalists, media owners, and editors who depart from the Party line risk dismissal by pro-Beijing media bosses or retaliation from PRC state security agents, including harassment of journalists’ family members in China, or detention and even imprisonment of sources and relatives of journalists.⁷¹ US-based Chinese diaspora outlets or news aggregators critical of the Chinese government also report pressure applied on advertisers and being targeted regularly with distributed denial-of-service (DDoS) attacks or phishing attempts apparently linked to or originating in China.⁷²

The popular **WeChat application**, owned by Chinese tech giant Tencent, **is a crucial vector of control and influence**. The app is heavily used among Chinese-speaking Americans and others wishing to maintain personal, professional, or business contacts with individuals in China. Tencent retains close ties to the CCP and as of early 2023, a government stake purchased in the company.⁷³ Estimates vary as to the number of WeChat users in the United States, but there have reportedly been 22 million downloads of the app in the United States since 2014 and approximately 2 to 3 million monthly active users.⁷⁴ Notably, clear evidence exists of censorship or monitoring of US-based users of the app.

Chinese diaspora news outlets or politicians who wish to broadcast posts to Chinese speakers outside China via the platform’s “**official account**” **feature** are subject to the same politicized censorship that is applied to accounts inside China, forcing administrators to screen the shared content.⁷⁵ American news outlets and civil society groups critical of the CCP—such as Radio Free Asia, Citizen Power Initiatives for China, or Freedom House for that matter—are excluded from opening such accounts or reaching large audiences on the platform.⁷⁶ A Freedom House survey of US-based Chinese language reporters and commentators found that respondents from a range of outlets (including US-funded broadcasters, individual commentators, and privately owned Chinese media or news aggregators) reported that either they personally or their news outlet had experienced politically motivated censorship, had a WeChat account shuttered, or was unable to open an account.

More broadly, some Chinese Americans—political dissidents and average users—have reported facing censorship on the platform for sharing content that is critical of the party, Xi Jinping, or Chinese government policies. Penalties include having posts deleted, groups shut down, being shadow banned (meaning messages appear to be posted but other users in a group or private conversation are unable to view them), or having accounts being temporarily or permanently shuttered. Such incidents appear to have increased in recent years amid a tightening of information controls within China and a sensitivity to a broader range of topics, including the COVID-19 pandemic.

In January 2020, the prodemocracy group Citizen Power Initiatives for China (CPIFC) filed a lawsuit in California against Tencent on behalf of the organization, its founder, and six plaintiffs.⁷⁷ The complaint documents various forms of censorship and their consequences for plaintiffs' free speech, privacy, mental health, and livelihoods, as well as apparent evidence of surveillance when Chinese security agents interrogated friends or family based on contact made over the app. According to the complaint:

*CPIFC's ongoing investigation has uncovered hundreds of examples of...harms, all flowing from WeChat users in the United States, including in California, making comments perceived as critical of the Party-state... [WeChat users] describe living in fear that they or their loved ones will be punished for their postings critical of the party-state, and who describe having to suppress the human urge to voice their thoughts and feelings to their social networks out of such fear—that is, to engage in extreme self-censorship.*⁷⁸

Such restrictions also apply to US policymakers and election candidates who might wish to use WeChat to reach Chinese-speaking constituents, while retaining a critical stance toward the CCP and not endangering a Chinese national or business who would take responsibility for the account.⁷⁹ Academic research, news reports, and civic activists have also expressed concern over the sensationalist nature of news content on the platform, limited fact-checking of false information, and the vulnerability of large chat groups to the spread of political misinformation and conspiracy theories.⁸⁰

Beijing's influence is not complete, however. **Alternative sources of information** have gained ground among Chinese-language audiences in the United States. These include Chinese-language versions of mainstream international outlets, editorially independent public broadcasters, news aggregators, independent outlets founded by members of the mainland Chinese, Hong Kong, Taiwan, Tibetan, or Uyghur diasporas, and political commentary by YouTube influencers, with some posing real competition to pro-Beijing media.⁸¹ The above array of alternative sources offer viewpoints and information to Chinese speakers such as writings by CCP critics, rights activists, or victims of persecution; live talk shows and debates on Chinese political and social issues; investigative reporting on rights abuses or other topics heavily censored in China; objective coverage of US government statements regarding China; unfiltered simultaneous translations into Chinese of major speeches by US officials or election debates; and cultural programming independent of CCP influence.

VI. Key sources of US resilience and remaining vulnerabilities

As noted above, the US has proved relatively resilient to Beijing's media influence efforts, compared to many other democracies. **Underlying media resilience and press freedom protections** form a vital cornerstone in democratic resilience to foreign influence efforts from Beijing or other authoritarian actors. Freedom House's research found that certain types of laws present in many democracies—such as freedom of information laws, media ownership transparency rules, or investment screening mechanisms—were also activated to enhance transparency or scrutiny surrounding influence activities from CCP-linked entities. The United States has some of the strongest constitutional protections for free speech in the world, with courts consistently upholding journalist and internet users' rights to free speech under the First Amendment. The Freedom of Information Act is widely used by journalists to obtain information from government offices and other public entities.⁸² Strong legal protections against defamation—including anti-SLAPP legislation in at least 31 of 50 states—support investigative reporting, including related to China and Chinese companies.⁸³

The United States also has in place **laws governing foreign-agent registration and investment screening**, which have been applied to Chinese media influence efforts. The level of transparency provided to the public under Foreign Agents Registration Act (FARA)—especially regarding expenditures and the money trail tying Chinese party-state entities or Beijing aligned individuals with local news outlets and media outreach—is rare globally, even unique. There are legitimate concerns about the law's vague and outdated wording and sometimes inconsistent application, and general consensus that FARA should be updated, but stronger enforcement with regard to Chinese state news outlets has enhanced transparency on the financing of content placements in mainstream media and social media, within and outside of the United States.

Political leaders across the political spectrum and government agencies under two administrations have shown increasing awareness of the potential security challenges posed by CCP media influence, holding congressional hearings such as this one and creating new bureaucratic initiatives and government policies to address the problem. For example, since February 2020, the US government has treated Chinese state media operations as extensions of China's diplomatic missions in the country. Several **interagency mechanisms** exist or have come into fruition in recent years, with mandates that include foreign influence efforts from the PRC. These include the Committee for Foreign Investment in the United States (CFIUS) for investment screenings (including in the social media application sector), formalization of Team Telecom's role in licensing by the Federal Communications Commission and its renaming in 2020 as the Committee for the Assessment of Foreign Participation in the United States,⁸⁴ and a new Foreign Malign Influence Center (FMIC) under the Office of the Director of National Intelligence (ODNI) that began functioning in September 2022.⁸⁵

A high level of expertise on China and the CCP itself in academic, national media, and thinktank circles contributes to the United States' high degree of resilience in the face of CCP's influence efforts. News reporters, civil society groups, and technology firms have taken steps to monitor media influence and disinformation, uncovering networks of fake accounts and amplifying filings on paid inserts. Some of these experts have been recruited into government, enhancing in-house policy expertise. The United States is an outlier in this regard, compared to other countries, where

gaps in China expertise and few resources for investigative and non-profit reporting on these topics is a major challenge.

Despite these concerted efforts, **vulnerabilities** remain. Enforcement of laws like FARA, which enhance transparency surrounding Chinese state media activities, remains incomplete, and interagency coordination on how to respond to the CCP's efforts to influence US politics is nascent.⁸⁶ The United States' lack of comprehensive federal data-protection legislation that would limit how private companies can use personal information and share it with government authorities, including foreign governments, contributes to concerns and vulnerabilities surround surveillance by China-based apps like WeChat and TikTok.

Political polarization and growing distrust in news outlets that are seen as aligned with specific political parties create a fertile environment for disinformation campaigns aimed at enhancing societal divisions and for domestic actors to repeat talking points from Beijing, even if inaccurate, in pursuit of perceived political gain over their rivals.

At the same time, **lack of awareness of CCP influence efforts, especially at the subnational level**, renders many Americans potentially vulnerable to unknowingly being influenced or used to amplify Beijing's messages. As federal policymakers and agencies have become less friendly towards certain overtures, state-level elected representatives, local officials, university administrators, and journalists without background on China or the CCP foreign influence apparatus appear to be growing as targets for sponsored travel to China, interviews by Chinese state media, or opportunities for collaboration with entities whose links to the CCP may not be immediately evident to nonexperts.⁸⁷

The strong presence of Chinese state-run or pro-Beijing news outlets in the **Chinese-language media environment**, especially on television, creates a fertile environment for mis- and disinformation regarding not only China-relevant topics, but also US government policies, electoral candidates, and events occurring in the United States. The exclusion of independent news outlets and critical voices from WeChat, due to the platform's account registration and politicized moderation policies, further skews the diversity of perspectives and information sources available to Chinese-speakers in the United States. Given the demographics of Chinese speakers in the United States, many WeChat users are concentrated in particular geographic areas, such as California, New York and New Jersey, and Texas. This pattern increases the potential impact of any election-related manipulation on WeChat in local races with high concentrations of Chinese-speaking voters, even if the total number of such voters is proportionally small in the overall electorate. Despite the creation of credible news content by US-funded broadcasters such as Radio Free Asia and Voice of America, rules prohibiting dissemination to Chinese-speaking audiences in the United States limit their reach, except for access on global social media platforms like YouTube.

Lastly, certain actions and policies adopted by the US government to respond to Beijing's aggressive influence efforts have themselves been a form of **problematic pushback**. Executive orders and legislation enacting wholesale bans on WeChat or TikTok have encountered legal challenges for imposing excessive restrictions on free expression or concerns from Chinese Americans of discriminatory targeting. Physical attacks on people of Chinese and East Asian

descent have increased in the United States since the beginning of the COVID-19 pandemic.⁸⁸ When voicing legitimate concerns about China's regime, some politicians and prominent media commentators have used inflammatory or racist language about Chinese people in general. Even those not seeking to offend often conflate China, the Chinese people, and the CCP, using sweeping terms like "Chinese influence" when referring to CCP political interference efforts rather than narrower depictions. Other officials, however—including secretaries of state Mike Pompeo and Antony Blinken and FBI director Christopher Wray—have in speeches and government websites explicitly made the distinction between the CCP and Chinese people or people of Chinese descent.⁸⁹

VII. **How effective have Beijing's media influence efforts been at achieving the regime's goals?**

The answer to this question is mixed. At first glance, the impact of Beijing's efforts targeting the United States would thankfully appear to be limited. Mainstream media coverage is broadly independent and critical of the CCP. Outlets commonly feature reporting on rights abuses, alternative perspectives from China, including accounts by victims of persecution, and investigations of Chinese companies and CCP political or media influence in the country. For the most part, public opinion across the political spectrum is broadly unfavorable toward the Chinese regime, and aggressive messaging from Chinese officials on social media tends to backfire.

But measurements of public opinion do not tell the full story. Other dimensions of Beijing's media influence campaign have born fruit, specifically:

- Chinese officials and their proxies have scored **periodic successes at quashing critical news stories**, silencing commentators, and reducing the information available globally about events in China by imposing limitations on foreign correspondents. Corporate financial incentives and partisan loyalties can also result in gaps in coverage or self-censorship. For example, travel for foreign correspondents to rural China has become increasingly difficult, thereby limiting Americans' understanding of events outside major cities, while investigative reporting on the finances of China's leaders remains rare, as access to relevant corporate data has also become more difficult. Reporting on the Falun Gong human rights crisis in China is glaringly missing and detailed reporting on events in Tibet is infrequent, even as outlets and academics have effectively documented and raised the alarm about systematic abuses in Xinjiang.
- Media influence builds upon other forms of political influence. **Co-optation of elites** to help amplify propaganda and suppress unwanted coverage is very potent, but also hard to detect. As outlined above, narratives preferred by Beijing have gained some traction and repetition on the extremes of the political spectrum (both left and right) and among some state and local political and business leaders.
- Beijing's direct or indirect influence on the news consumed by **Chinese-speaking Americans** remains relatively strong, including via Tencent's WeChat platform. Risks to family in China reduce the attractiveness of a career in journalism for Americans of Chinese, Uyghur, or Tibetan descent, and make some members of these communities reluctant to speak out publicly about rights violations in China or cases of transnational repression in the United States.

- Wide dissemination of blatant falsehoods and **disinformation**, even if only believed by a small proportion of news consumers can have real-world implications. In a June 2020 speech, for example, then National Security Adviser Robert O'Brien noted that conspiracy theories promoted by Beijing of the US military bringing COVID-19 to Wuhan resulted in a "soldier and her family need[ing] a personal security detail to protect them from death threats" in Maryland.⁹⁰
- Lastly, there is also a foundation being laid for **future manipulation**. Beijing is indirectly gaining influence over crucial parts of many countries' information infrastructure, as Chinese technology firms with close ties to the CCP build or acquire content-distribution platforms used by tens of millions of foreign news consumers. This too is true in the United States. Besides WeChat, **Tiktok** is of course a widely used app owned by China-based company ByteDance. Within China, and in isolated cases outside China, ByteDance has complied with Beijing's censorship guidelines and its chief executive publicly apologized in 2018 for failing "to live up to the guidance and expectations supervisory organs have demanded" with regard to content on a China-based app.⁹¹ It is difficult to assess the extent—or even existence—of political censorship or manipulation on the platform due a relative lack of transparency. Moreover, Tiktok has repeatedly been exposed as having employees who took actions counter to the company's public statements, calling into question the trustworthiness of other claims.⁹² Regardless, the app's widespread use—and the potential pressure or legal reprisals that its executives and their families in China could face if they do not comply with future CCP demands to manipulate public discourse in the United States—remains a serious risk. This risk is amplified as American elected officials, candidates, and media outlets have also opened accounts to communicate with voters and news consumers.⁹³

VIII. Conclusion and Recommendations

The economic, cultural, and technological contributions that China, its companies, and its people have to offer provide real benefits to people in countries around the world, including the United States. But even as these ties grow, being open-eyed about the regime that rules China is vital and putting in place safeguards against actions that violate democratic norms, breach local laws, or undermine the rights and freedoms of citizens (including members of Chinese diaspora and exile communities)—in ways that themselves respect human rights—is essential.

Anyone engaged in the US media space must acknowledge the influence exerted by China's authoritarian regime on the news and information circulating in American publications and social media feeds. They need to be prepared for how to respond when pressure to adjust content in Beijing's favor inevitably emerges.

Indeed, Beijing's outreach to media and pressures from diplomats are likely to continue to increase in the coming years. Moreover, given the findings of recent investigations related to disinformation campaigns targeting the United States, as well as examples from countries like Canada, Australia, and Taiwan, it is almost certain that some part of the party-state apparatus will seek to influence US voters in the run-up to **crucial elections in 2024**. They may not necessarily favor one presidential candidate over another, but rather try to amplify existing partisan discord or undermine

faith in election candidates across the political spectrum. Influence campaigns targeting local, state, or Congressional contests—including in districts with large numbers of WeChat users—are a real possibility and could potentially be more fruitful given the lower level of safeguards and narrower margins of victory.

Given the tight competition between political parties in US legislative elections, an effective targeted campaign from Beijing—if it so desires—could have wide-reaching consequences, even if it only affects one seat. This may be an extreme scenario, and it is far from clear that the CCP even holds such ambitions. Nevertheless, in the current information landscape and given the resources the regime and its proxies have devoted thus far to influence operations, it is not outside the realm of possibility that they could succeed if attempted. Even as relevant US agencies and electoral authorities prepare for other threats to election integrity or public trust in results, they should also be aware of and on guard for such a campaign emanating from Beijing.

The good news is that momentum is on democracies' side—and the United States is in many ways more resilient today to Beijing's influence efforts than it was even five years ago. Still, as the CCP adapts and expends more human and financial resources to achieve its goals, it will be the individual choices of those in the media, government, civil society, and tech sectors that will determine whether in the coming years Beijing gains more influence over the US information space or whether press freedom and fact-based reporting win out.

Recommendations

- **Maintain strong funding for media development generally and for documenting Beijing's foreign media influence activities and strengthening local resilience specifically:** These areas have seen increased and strategic support from various US government funders in recent years, helping to raise awareness and enhance resilience to Beijing's authoritarian influence and other threats to free expression. Congress should ensure continued bureaucratic and funding support for such programming globally. Private philanthropists should expand support for civil society research, advocacy, training, and media literacy programs that enhance the United States' own resilience in the face of CCP influence efforts, including among Chinese speakers. Private resources for these activities are especially important given the limited availability of public funding.
- **Improve reporting on China through training, networking opportunities, and funding for journalists, while incorporating China-related topics into broader programming.** Given the global role that Chinese state-linked actors are playing in the media and information space, professional training programs for journalists and other media workers should include background material on China and its regime as well as case studies on CCP propaganda and censorship tactics around the world. To counteract the factually incorrect or incomplete information provided to journalists at Beijing-backed junkets and training programs, democratic donors should sponsor journalist travel and networking opportunities, including engagement with Chinese human rights defenders and representatives of ethnic and religious groups that face persecution in China. Programs tailored to improve expertise on China could provide background information on the different Chinese state media outlets and

their ties to the CCP, examples of past disinformation campaigns, and China-based apps' track record of surveillance and censorship within China.

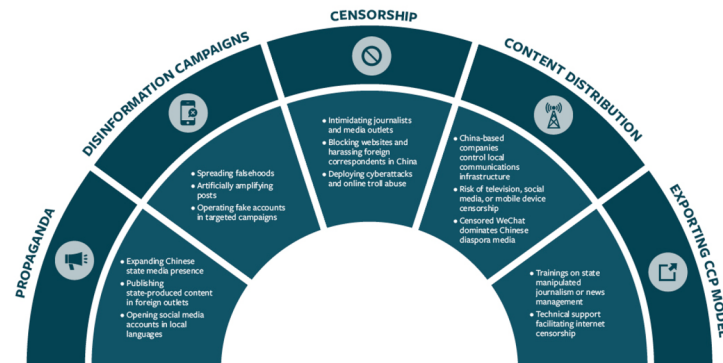
- **Include Chinese-language media and speakers in funding opportunities and media literacy programs.** Media literacy initiatives should include components that serve Chinese-language news consumers and equip them to identify problematic content on WeChat and other CCP-influenced information sources. Donors should support investigative journalism initiatives among diaspora and exile media serving Chinese-speaking communities. They should also finance research dedicated to tracking self-censorship and other subtle pressures on media outlets. Any projects focused on supporting Chinese-language media should include those serving diaspora, immigrant, and exile communities, providing dedicated funding for the latter.
- **Impose penalties for transgressions by Chinese officials.** When CCP representatives—including Chinese diplomats in the United States—engage in bullying, intimidation, or other pressure aimed at local journalists and commentators, the US government should respond promptly, for instance by issuing public statements of concern or diplomatic rebukes. In especially serious cases involving threats against journalists and their families, the government should consider declaring the perpetrators persona non grata, and, if necessary, prosecute in accordance with the law. The US government should also deploy targeted sanctions against Chinese officials for the use of transnational repression and screen Chinese diplomats for a history of harassing diaspora members in their postings. US officials—at the highest levels—should publicly condemn assaults on or obstruction of correspondents from US media in China, including the delay or denial of visas, and continue to pursue the matter until a satisfactory resolution is reached.
- **Enhance interagency and multistakeholder coordination.** The federal government should expand recent efforts to improve interagency coordination related to China's foreign media influence and targeted disinformation campaigns, particularly in advance of national and local elections. Congress should ensure that such agencies and activities are sufficiently funded. Civil society, technology firms, and media outlets should be routinely consulted on emerging trends and to coordinate effective responses.
- **Align US government designations of Chinese state media, enhance transparency mechanisms.** The Department of Justice should examine each of the Chinese state media outlets that have been designated as foreign missions by the Department of State since 2020 to determine whether those outlets should also be registered under FARA. For newly registered Chinese state outlets such as China Global Television Network and Xinhua, the Department of Justice should enforce FARA filing requirements, including submission of details on content partnerships with US media and payments to social media influencers, to the extent possible under current law.
- **Take action against transnational repression.** This should include codifying a definition of transnational repression and providing training for government officials, including law enforcement, who may encounter transnational repression cases. Several agencies including the FBI, Department of State, and Department of Homeland Security have begun instituting

trainings, but they vary in consistency and content. Coordinated, mandated requirements across agencies could help ensure officials are equipped with matching and sufficient information to help protect those at risk and not unwittingly become a player in an authoritarian regime's campaign of transnational repression. US government agencies should also conduct strategic, consistent, and culturally sensitive outreach to communities that are at risk of experiencing transnational repression from the CCP in order to equip them with the resources to report these activities. From this perspective, Freedom House supports adoption of the Transnational Repression Policy Act, which includes a number of important provisions around sanctions, support for victims, reporting, and training for officials.

- **Increase Chinese-language capacity in federal agencies.** As we have engaged with federal agencies over the years, it has become clear that there is a need for Mandarin language skills, including in key offices handling China-related issues. The federal government, with new funding from Congress, if necessary, should employ additional Chinese speakers at key US agencies that deal with CCP media influence.
- **Increase Congressional scrutiny of WeChat censorship and surveillance in the United States.** Tencent's WeChat application and the company's politicized moderation and monitoring actions pose a serious threat to the privacy and free expression of millions of U.S. residents and citizens, particularly Chinese speakers. Yet, information available to the public and to U.S. policymakers about the full extent of this phenomenon is lacking. Congress should hold a hearing to shed greater light on the challenges experienced by users in the United States and include among witnesses Chinese activists and ordinary users who have encountered censorship on the platform in the United States, as well as executives from Tencent. Members of Congress should also write formal letters to Tencent asking explicit questions regarding its data protection, moderation, and official account policies as they relate to users in the United States.
- **Explore a diverse set of responses other than blanket bans when seeking to reduce the vulnerabilities to manipulation and surveillance posed by some apps:** Recognizing both the potential threat posed by PRC-based applications like WeChat or ByteDance's TikTok, but also the disproportionate restriction on freedom of expression that a blanket ban would entail, the US government should first explore other options for addressing the concerns raised by these applications, including: holding hearings, introducing third-party risk assessment audits, restricting usage on government or military devices, and adopting laws that require more transparency on company policies and practices, including their content moderation, recommendation and algorithmic systems, collection and use of personal data, and targeted advertising practices. Congress should also adopt stronger data privacy laws that limit what information can be collected and how it can be stored, used, and shared. In the current absence of a federal data privacy law, regulatory bodies like the Federal Trade Commission should explore what options exist for improving protections for Americans data under existing authority.

Beijing's Tactics for Global Media Influence

The Chinese Communist Party (CCP) and its proxies influence news and information flows around the world through a range of activities. These were the most notable tactics observed in the 30 countries under study from 2019 to 2021.



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<https://freedomhouse.org/report/beijing-global-media-influence/2022/authoritarian-expansion-power-democratic-resilience/country-reports>

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STATEMENT OF ALAN KOHLER, PRESIDENT, PAMIR CONSULTING; FORMER ASSISTANT DIRECTOR, COUNTER-INTELLIGENCE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. KOHLER. Chairman Warner, Vice Chair Rubio, and Members of the Committee. Thank you for inviting me to testify today to discuss the malign foreign influence and transnational repression of the People's Republic of China.

I appeared before this Committee many times when I was an executive in the FBI, and I always respected your efforts to both enlighten the American people and arm the government and private sector with the information and tools they need to make the sound decisions and protect their most valuable assets, ideas, and people. That was a priority for me as well when I worked at the FBI. And now, providing clarity and confidence to American businesses is a critical goal in my new role at Pamir.

References to China throughout my remarks today referred to the Chinese government, which is controlled by the Chinese Communist Party. I do not believe, nor does the FBI, that the Chinese people are our adversary.

And we certainly do not believe that Chinese-Americans are a risk. To the contrary, they are at risk. Chinese-Americans are often the targets of the Chinese government's harassment, and they deserve all the protections the U.S. Constitution affords them.

The Chinese government, run by the Chinese Communist Party, is a threat to the American way of life. The Chinese Communist Party pursues every possible avenue to destroy our free and fair society—challenging international norms, stealing our innovation and jobs, and is skewing transparency, fairness, and reciprocity in its attempts to undermine the United States. China is engaged in a broad, diverse campaign to influence U.S. society and our leaders, to force alignment with Chinese economic and policy interests, and ensure the stability of its own political system.

When those influence efforts are subversive, undeclared, coercive, or criminal, they fall into the category of malign foreign influence. And when the PRC government uses threats to achieve their influence goals, they are engaging in transnational repression, a term used to describe actions by foreign governments to silence, intimidate, harass, and even kidnap or murder, dissidents who dare to criticize them. China's approach to influence in the United States is to target broadly and use multiple vectors to achieve their goals. Their efforts to influence are directed not only at the federal government.

The Chinese government has found subnational level influence to be a successful tool in their effort to manipulate the environment to their advantage. Subnational leaders are often more focused on things such as job creation, capital investment, and cultural exchanges; and are less attuned to the methods of Chinese political influence operations.

Countering malign foreign influence and transnational repression are among the highest priorities of the FBI and the United States government, and the FBI leads the effort in three ways.

First, through active and innovative investigations and robust intelligence collection, the FBI neutralizes threats and imposes consequences on those who would do us harm. China-related investiga-

tions now make up approximately 50 percent of all counterintelligence work, well over 2,000 active investigations, which is equal to the threat from all other countries combined.

Second, partnerships are a hallmark of the FBI's work, and counterintelligence is no different. The United States' government agencies must collaborate and coordinate efforts to achieve a whole-of-government response to the whole-of-government attack from the government of China.

Next week, the National Counterintelligence Task Force will celebrate its fourth anniversary; and the Foreign Influence Task Force, its sixth anniversary. Those multi-agency teams use the capabilities, authorities, and resources of nearly 50 agencies to achieve strategic objectives. These collaborative efforts must continue to be supported and expanded if we are to be successful.

And third, the FBI has increased intelligence sharing and its engagement with the public and private sectors. The American public needs to know how they can be targeted and manipulated so they can recognize influence efforts and insist on transparency and reciprocity in their interactions with China. If a silver lining is to be found in the Chinese spy balloon episode from earlier this year, it is that the American public could look up in the sky and see for themselves that the Chinese government is spying on them.

And while a spy balloon is visible evidence, the threats from malign foreign influence, transnational repression, and economic espionage are often hidden. This hearing is one important way to enlighten the American people and make them more resilient to all the threats posed by China.

Thank you again for having me. I look forward to your questions.
[The prepared statement of the witness follows:]

**Testimony Before the Senate Select Committee on Intelligence Hearing on
“Countering China’s Malign Influence Operations in the United States”**

**Alan E. Kohler, Jr.
President, Pamir Consulting, LLC
Assistant Director for Counterintelligence (retired)
Federal Bureau of Investigation
September 27, 2023**

Chairman Warner, Vice Chairman Rubio, and members of the Committee, thank you for inviting me to testify at today’s hearing to discuss the foreign malign influence and transnational repression activities carried out by the government of the People’s Republic of China (PRC). I appeared before this Committee many times while I was an executive in the FBI and always respected your efforts to both enlighten the American people and arm the government and private sector with the information and tools they need to make sound decisions and protect their most valuable assets, ideas, and people. That was also priority for me when I worked at the FBI, and the importance of providing clarity and confidence to American businesses remains a critical goal of mine in my new role at Pamir.

China’s Malign Influence Efforts

The Chinese government, run by the Chinese Communist Party (CCP), is a threat to the American way of life. The CCP pursues every possible avenue to destroy our free and fair society, challenging international norms, stealing our innovation and jobs, and eschewing transparency, fairness, and reciprocity in its attempts to undermine the U.S., our people, our economy, and our freedoms. China is engaged in a broad, diverse campaign to influence U.S. society, our institutions, our corporations, and our leaders to force the U.S. government (USG) into alignment with Chinese policy, promote Chinese economic interests, and ensure the stability of its own political system. When those influence efforts are subversive, undeclared, coercive, or criminal, they fall into the category of malign foreign influence, or MFI. In extreme cases, when individuals are threatened or harassed, it is often referred to as transnational repression, or TNR. Countering MFI and TNR are among the highest priorities of the FBI and the USG.

It is worth noting that references to China throughout my written statement and verbal remarks refer to the PRC government, which is controlled by the CCP. I do not believe, nor does the FBI, that the Chinese people are our adversary, and we certainly do not believe that Chinese Americans are our adversaries; in fact, Chinese Americans are often the targets of the PRC government’s harassment as part of its campaign to repress free speech around the world. In the course of conducting its counterintelligence work, the FBI seeks to protect those things in our society that we value the most and prioritizes that which our adversaries may attempt to target. Many things in the United States fall into both categories, including Chinese Americans. They are not a risk; they are *at risk*. More importantly, they are Americans and deserve all of the protections the U.S. Constitution affords them, and that the FBI exists to uphold and safeguard.

A hallmark of China's approach to influence in the U.S. is to target broadly and use multiple vectors to achieve their goals. China's efforts to influence are not directed only at the federal government; the Chinese government has found subnational-level influence to be a successful tool in their effort to manipulate the environment to their advantage. Subnational leaders — governors, mayors, economic development specialists, and corporate leaders, among others — are often more focused on job creation, capital investment, business expansion into the Chinese market, and cultural or educational exchanges and less attuned to the methods of Chinese political influence operations in their areas of responsibility. As FBI Director Christopher Wray noted in his January 2022 speech at the Reagan Library, "The Chinese government understands that politicians in smaller roles today may rise to become more influential over time. So they look to cultivate talent early — often state and local officials — to ensure that politicians at all levels of government will be ready to take a call and advocate on behalf of Beijing's agenda."ⁱ

There is no single Chinese organization responsible for influence activity in the United States. Chinese influence can come from many quarters, as both the Chinese government and the CCP oversee multiple organizations responsible for different aspects of China's influence activities. For example, the United Front Work Department (UFWD) is the Chinese Communist Party's official agency to propagate Chinese soft power with the goals of influencing domestic and international dialogue toward CCP interests. Outside of the PRC, the UFWD works largely by proxy, through a number of subordinate organizations. The individuals associated with these organizations commonly conduct influence on behalf of the CCP in the academic, business, cultural, and political spheres in ways that obscure the hand of the Chinese government or CCP in influencing the United States. The Ministry of State Security (MSS), Ministry of Public Security (MPS), and Ministry of Foreign Affairs are all also active in united front and influence campaigns inside the United States.ⁱⁱ My co-panelists, Sarah Cook from Freedom House and Glenn Tiffert of the Hoover Institution, will cover this in more detail.

China's Transnational Repression

When the PRC government uses threats and intimidation to achieve their influence goals, they are engaging in transnational repression, a term used to describe actions by foreign governments to silence, intimidate, harass, and even kidnap or murder dissidents who dare to criticize them.

Emboldened by the lack of significant consequences, and in support of their desire to control overseas populations and silence critics, the PRC government and its proxies engage in repressive activity around the world. China is not the only country to do this: The scope and scale of foreign government-backed TNR in the United States and around the world is increasing. In its 2023 update to its reporting, Freedom House identified 854 TNR cases between 2014 and 2022, with China accounting for nearly 30 percent of those instances.ⁱⁱⁱ In the course of its review, Freedom House determined TNR is becoming "a normal phenomenon" through which an increasing number of governments are using digital, administrative, and physical tactics to repress, silence, and co-opt targets abroad.^{iv}

U.S.-based TNR targets include diaspora members, dissidents, political opponents, journalists, and human rights and pro-democracy advocates. TNR tactics include online harassment, coercion by proxy (including threats to family and friends overseas), mobility controls, freezing

of assets, cyberattacks, use of spyware, online disinformation campaigns, surveillance, physical intimidation, assault, and forced repatriation.

FBI and USG Response to China's Malign Foreign Influence and Transnational Repression

The FBI is the lead investigative agency charged with combating malign foreign influence, and the responsibility for those investigations falls to its Foreign Influence Task Force (FITF), a multi-agency component managed by the FBI's Counterintelligence Division. The FITF manages MFI cases around the country, in close coordination with other divisions in the FBI and multiple federal and private sector partners. TNR cases are managed by the Counterintelligence Division. It is important to note that the FBI does not open cases based on First Amendment-protected activities; it focuses only on those influence activities that are subversive, undeclared, criminal, or coercive and carried out by foreign powers or their proxies.

The USG has made great strides in its effort to combat foreign influence, especially since the 2016 presidential election. In addition to creating the FITF, the FBI partners with entities in the U.S. Departments of State and Homeland Security, among other agencies, to address the threat of MFI. Together with those partners, the FBI conducts investigations, shares intelligence extensively with state election officials and others, provides defensive briefings to targeted individuals, and strives to educate the public about the threats. One highlight of the FBI's outreach effort is its *Threat Intimidation Guide*, which details the types of threats a person could face and provides guidance on how to respond. The guide is available on the FBI's website and has been translated into dozens of languages.^v Importantly, the USG's work to combat MFI is also enhanced through strategic engagement and extensive sharing with private sector technology and social media companies.

Another example of particularly effective partnerships is the Counterintelligence Task Forces located in all 56 FBI field offices. These field task forces are managed by the National Counterintelligence Task Force (NCITF), established by the FBI in 2019 to coordinate USG counterintelligence activities. The NCITF is effectively the action arm of the President's Counterintelligence Strategy, developed by the Office of the Director of National Intelligence's National Counterintelligence and Security Center. It uses the capabilities, authorities, and resources of nearly 50 agencies to achieve strategic objectives that are then executed by task force members in FBI field offices around the country. For example, NCITF teams focus on protecting key technologies, such as quantum and hypersonics; rallied to protect critical COVID-19 vaccine research from foreign spies; and address other challenging problems that require a coordinated solution. It is the USG's whole-of-government response to the PRC's whole-of-government attack.

Examples of Alleged MFI and TNR Activity

Since 2020, the Department of Justice has charged dozens of individuals for activity related to MFI or TNR. For example:

- In May 2023, the FBI arrested Liang Litang for acting as an undeclared agent of the PRC. Between 2018 and at least 2022, Liang allegedly provided UFWD and MPS officials with information on Boston-area individuals and organizations, including photographs of and information about PRC dissidents; organized a counter-protest against pro-democracy dissidents; and provided names of individuals to the MPS so they could be recruited.
- On April 10, 2023, the U.S. Attorney's Office for the Eastern District of New York charged 44 Chinese nationals for conducting online disinformation campaigns that promoted PRC propaganda and for attempting to intimidate and silence PRC critics. One complaint charged 34 members of the MPS's 912 Special Project Working Group with conspiring to commit interstate harassment and transmitting foreign threats as part of a PRC influence operation seeking to shape U.S. public opinion on social media platforms and target anti-PRC dissidents. The 34 MPS members allegedly masqueraded as Americans on U.S. social media platforms and received taskings to sow division and undermine democracy by spreading anti-democratic narratives targeting both major U.S. political parties. In addition, from 2020 to 2021, MPS 912 accounts posted politically divisive content about police-involved shootings in the U.S., the January 6 insurrection, healthcare, COVID-19, abortion, and immigration.^{vi}
- A second complaint charged 10 Chinese nationals, including MPS and Cyberspace Administration of China officers, as well as a former employee of a U.S. videoconferencing company, for manipulating a U.S. company's video systems to censor the political and religious speech of individuals located in the U.S. Chinese nationals conspired to intimidate and harass attendees of a series of video meetings in 2020 commemorating the 31st anniversary of the Tiananmen Square Massacre.^{vii}
- In 2022, the FBI and Department of Justice announced charges in three TNR cases involving Chinese government officials: In the first, a former MPS officer hired a private investigator to attempt to derail the Congressional campaign of a former Tiananmen Square protester running for the First Congressional District of New York. The former MPS officer instructed the private investigator to manufacture derogatory information by setting the victim up with an escort and then advocated using violence if that did not work.^{viii}
- In the second case, the FBI charged four MSS intelligence officers and a U.S. person with allegedly surveilling pro-democracy dissidents in New York. The MSS tasked the U.S. person to run a pro-democracy association so that he could keep track of dissidents and report back to the Chinese government. Some of these dissidents were arrested when they traveled to Hong Kong.^{ix}
- Finally, in the third case, the FBI charged a businessman and two private investigators tasked by the Chinese government to harass and surveil multiple dissidents on U.S. soil. One of these dissidents was a former Tiananmen Square protester whose daughter was an Olympic skater competing in the Beijing Olympics. The Chinese government targeted him in an attempt to ascertain whether he would travel with his daughter so they could arrest him.^x

- And in the most brazen violation of all, in April 2023, the USG charged two individuals for allegedly running an undeclared police station on U.S. soil on behalf of the MPS. One of the individuals is also accused of targeting the campaign manager of the former Tiananmen Square protester running for Congress in New York as part of the Chinese government's campaign to suppress his freedom of speech.^{xi}

Recommendations

I respectfully submit the following list of recommendations for the Committee's consideration:

- **Increase efforts to educate and inform the populations most at risk.** The American public, at all levels, needs to be made aware of the CCP's intentions and tactics. Armed with insight about how they can be targeted and manipulated, Americans can recognize influence efforts when they encounter them and insist on transparency and equality in their interactions with China. If a silver lining is to be found in the Chinese spy balloon episode from earlier this year, it is that the American public could look in the sky and see for themselves what many of us already knew: The Chinese government is spying on us. While a spy balloon is a self-evident threat, the threats of malign foreign influence, transnational repression, and economic espionage are often hidden. Hearings such as this one are one important way to enlighten the American public and make them more resilient to the threats posed by China, but a much broader, more comprehensive education campaign is needed.
- **Increase partnerships across the spectrum.** China's whole-of-government approach demands a whole-of-government and whole-of-society response. China will succeed in its efforts if the American public, as well as the nation's corporations, universities, and government, are not in synch. This is not a problem the U.S. government can solve alone.
- **Adopt a new law or amend an existing one to criminalize TNR activity.** Currently, individuals charged as a result of their TNR behavior can only be charged under more general statutes because the U.S. lacks TNR-specific legal tools. These include stalking, wire fraud, lying to federal law enforcement, obstruction of justice, and acting on behalf of a foreign power. In some instances, the FBI and Department of Justice have been unable to pursue criminal charges, despite possessing clear evidence that subjects have targeted U.S.-based individuals and U.S. persons overseas. Many countries perpetrating TNR have become adept at using proxies such as private investigators. Currently, it is not illegal for a private investigator to conduct surveillance for a foreign government. A TNR statute specifically criminalizing TNR activity such as surveillance of a dissident would allow the U.S. government to more effectively deter TNR activity and communicate its efforts to the public.
- **Support funding and staffing of the USG counterintelligence workforce.** The collective USG counterintelligence team is more effective and efficient than ever, partnering and sharing information with each other in new ways and executing innovative and strategic operations against hostile nation-states. Still, our personnel are vastly outnumbered by our ever-adapting adversaries. A strong, capable, well-resourced counterintelligence workforce can serve as the nation's guardians against current and future threats.

Thank you again for inviting me to speak with you today. I look forward to your questions.

ⁱ Remarks by Christopher Wray, FBI Director, “Countering Threats Posed by the Chinese Government Inside the U.S.,” Ronald Reagan Presidential Library and Museum, January 31, 2022. <https://www.fbi.gov/news/speeches/countering-threats-posed-by-the-chinese-government-inside-the-us-wray-013122>

ⁱⁱ Alex Joske, Australian Strategic Policy Institute, “The party speaks for you, Foreign interference and the Chinese Communist Party’s united front system,” Policy brief, Report No. 32/2020. <https://www.aspi.org.au/report/party-speaks-you>

ⁱⁱⁱ Yana Gorokhovskaia, Nate Schenkkan, Grady Vaughan, *Still Not Safe: Transnational Repression in 2022*, (Washington, DC: Freedom House, April 2023). https://freedomhouse.org/sites/default/files/2023-04/FH_TransnationalRepression2023_0.pdf

^{iv} Nate Schenkkan and Isabel Linzer, *Out of Sight, Not Out of Reach*, (Washington, DC: Freedom House, 2021). https://freedomhouse.org/sites/default/files/2021-02/Complete_FH_TransnationalRepressionReport2021_rev020221.pdf

^v <https://www.fbi.gov/investigate/counterintelligence/threat-intimidation-guide#What-is-a-threat?>

^{vi} <https://www.justice.gov/usao-edny/pr/34-officers-peoples-republic-china-national-police-charged-perpetrating-transnational>

^{vii} <https://www.justice.gov/opa/pr/40-officers-china-s-national-police-charged-transnational-repression-schemes-targeting-us>

^{viii} <https://www.justice.gov/usao-edny/pr/five-individuals-charged-variously-stalking-harassing-and-spying-us-residents-behalf>

^{ix} <https://www.justice.gov/usao-edny/pr/us-citizen-and-four-chinese-intelligence-officers-charged-spying-prominent-pro>

^x <https://www.justice.gov/opa/pr/massachusetts-man-indicted-acting-illegal-agent-people-s-republic-china>

^{xi} <https://www.justice.gov/usao-edny/pr/two-individuals-arrested-operating-undeclared-police-station-chinese-government>

Chairman WARNER. Well, thank you all for your testimony and I think brought up some very important points.

Alan, I actually want to start with you, and Dr. Tiffert made mention of this as well. And I think Ms. Cook did, at least in passing. Coming out of the FBI, you had to monitor a lot of the efforts against hate crimes and other things that took place in recent years against Asian-Americans, in particular Chinese-Americans.

Can you give us a little more flavor of that? Of how the diaspora community, in many ways, not simply through unfounded discriminatory actions, but, frankly, by the MSS and the established Chinese spy networks that prey upon that diaspora. I'd love to hear from all of you on that.

Mr. KOHLER. Sure, thank you, Senator.

Maybe I'll start with a quick story.

After a recent arrest of a transnational repression actor, the FBI goes out and we do our normal interviews of coworkers and people in the community. And the response we got was essentially, what took you so long? And that was a heartbreaking thing to hear for an agency that prides itself on protecting the American people.

And really what that meant was one of three things to us. One, either the community didn't know who to call. Two, they were afraid to call us because they were intimidated by the FBI. Or three, they were intimidated by what the Chinese government's reaction would be. And all three of those have to be efforts that the FBI redoubles its efforts to engage and make better.

And it's also an effort—that the entire U.S. government needs to support what the Bureau is doing, but also find ways to reach out to these most effective communities to make them feel safe to identify and report these problems and realize that they're not going to feel retribution from the United States government or the Chinese government.

Chairman WARNER. Do you want to add to that?

Dr. TIFFERT. Right. Let me begin my answer with that. Talking about U.S. campuses, universities in particular. Protecting ethnic Chinese students of all origins, not just those from China but from the Chinese diaspora around the world who happen to be on our campuses, is critical to allowing us to deliver exactly the same education that we aspire to deliver to American students, to everyone.

There's an incident from 2019 that comes to mind. You'll recall at this moment in time, many American hotel chains and airlines were under pressure from the Chinese government to remove Taiwan's designation as a country from their websites, and to refer to it as a territory of China. This played out on U.S. campuses, where offices of international students would often break down the number of international students that were present on their campuses from countries around the world by jurisdiction. And at one campus I have in mind, Taiwan was listed as a country along with China. There was an organized effort by Chinese students on that campus from the PRC to petition that university to remove Taiwan's designation as a country and to list under China. Taiwanese students on campus did not share that perspective.

And within Chinese-language private social media channels, an extremely vituperative and unpleasant situation unfolded in which Taiwanese students on campus felt threatened and unsafe. This

was raised with local university administration who—because their due process procedures on campus required an open hearing in which the Taiwanese students would have confronted the PRC students implicated with saying some extremely threatening things to them—they felt they couldn't do that and pursue it, and so the matter was dropped. They didn't have the cover necessary. So that's one instance in which Taiwanese students felt marginalized and threatened by PRC students over the larger political environment. Same thing affects disruptions in the classroom.

But within the Chinese diaspora, especially in the business community, the effect of United Front activity is felt acutely in that firms, businesspeople who are pro-CCP are rewarded with business. If you run a newspaper, for example—and Chinese-language media in the United States has felt this acutely—expressing positions that vary in any way from the PRC's talking points, you'll get punishment. Your advertisers will dry up. You'll lose business opportunities in China. They use the economic lever as a form of social control. And this has changed the landscape of Chinese-language media in the US.

Chairman WARNER. Ms. Cook, do you want to add something?

Ms. COOK. One thing I would say is if you look at the different really, to the credit of the FBI's work looking at these transnational repression cases, you see the gamut of the parts of the diaspora community that are targeted. One will be about Hong Kong. One will be about practitioners of Falun Gong. Another will be the same person and they're running a police station that's affecting this group. Another is somebody who's a political dissident related to Tiananmen. Another is somebody trying to run as a candidate in Congress who's critical of the CCP. So I think there really is. There's diversity within the community, but there's also the broad targeting of all of these different parts, sometimes different parts, of the Chinese apparatus.

The other thing I would say is that a group of Chinese-Americans got together and actually filed a lawsuit in California against Tencent regarding the WeChat app. And honestly, looking at the report stories of the plaintiffs is just really heartbreaking, because people's livelihoods were ruined. They would be using this app to have, you know, a business and people would come, and they share some cartoon about Xi Jinping. And one of the things I'll just read briefly from, that is that the people filing it talked about how WeChat users describe living in fear. That they and their loved ones will be punished for their postings, critical of the party state, and who describe having to suppress the human urge to voice their thoughts and feelings to their social networks out of such fear. That is to engage in extreme self-censorship.

And I think Dr. Tiffert mentioned this in terms of how we really have so much to do to just allow Chinese-Americans to be able to express themselves in Chinese in the United States. And some of the people were censored talking about Asian-American issues with other Chinese-Americans but ended up getting shadow-banned by WeChat.

Chairman WARNER. Okay, thank you.

I'm going to move to Senator Rubio, but I do think, you know, the stories and the extensiveness of which the diaspora community

not only in United States but around the world follows WeChat. And sometimes any occasion where we don't make clear our differences with the CCP and Xi Jinping, you know, plays out manyfold.

Senator Rubio.

Vice Chairman RUBIO. Well, there's there's a lot to cover. Some of my colleagues have covered one of the ones I wanted to focus on, which I think has been reported on, but I want to bring it all together.

February of 2020 an individual was charged with acting as an agent of the Chinese government. They worked with the private investigator and local law enforcement to target an individual to forcibly repatriate individuals to China. Basically go to them and say we know who you are. We know your family is in China. You need to come back with us or they're going to pay the price. Then, in April '23, individuals connected to Chinese intelligence, Chinese efforts, were harassing Chinese nationals in the U.S. They use fake social media accounts to harass and intimidate dissidents.

In another similar case, two were charged with opening and operating an illegal overseas police station, basically, in order to monitor and intimidate dissidents and those people who are critical of the government of the Communist Party of China. In May of '23, the FBI arrested a man for acting as an agent, because between 2018 and 2022, he provided Chinese intelligence officials with information on Boston-area individuals and organizations that included photographs of and information about these folks, and so forth. From all this, and these are the ones we know of those, there's obviously ongoing investigations and the ones we still don't know about. It's fair to say that the Chinese Communist Party has an active effort inside of the United States to target and harass people to either silence them, or to get them to go back to the country by threatening, by using whatever leverage they can, including threatening their families back in China. That's happening in the United States. It's not happening in Australia or Canada. We're talking about here. That's correct?

Mr. KOHLER. Senator, yes. You just read off many of the recent examples of transnational repression activity that the FBI has investigated in the last three or four years.

Vice Chairman RUBIO. So then, let's pivot now to the business community—the tactics they use there. So I'm just going to go through a couple here, which I mentioned the NBA one, obviously. You know this general manager for an NBA team put out a statement in support of Hong Kong. Chinese companies immediately suspended ties with the team. And the Chinese Basketball Association and the NBA's partnership, you know, terminated for a while. I'm sure that cost them a bunch of money and they were upset about that.

We have the Department of Justice charged the China-based Zoom executive because they were disrupting video meetings that were being hosted by users that were commemorating the '89 Tiananmen Square massacre.

And this is the one I think is most interesting, because it was out in the open. In 2021, PRC officials told U.S. business leaders who had business interests in China to speak up and speak out

and push the U.S. government to pursue a rational and pragmatic policy towards China. The interpretation there is push what China wants in our policy. But this is the line that really got me, adding: The business community cannot make a fortune in silence. So that's our business community.

And then, this is the one that I really want to ask you about, because I don't think enough attention has been paid to this. The National Counterintelligence Security Center noted in their report. It states this, I'm just going to quote: Leaders in the U.S. at the state, local, tribal, and territorial levels risk being manipulated to support hidden PRC agendas. Can you cite a specific case or perhaps you can describe a hypothetical that rings true? What does that mean? So people watching or who will watch this video clip will understand? Because I think a lot of people on a city council somewhere are, like, the Chinese are not going to be targeting me. But they do.

Why, and how?

Dr. TIFFERT. So, we have examples at the state and local level, for example, of legislatures being approached by individuals who ask them to include statements of support for PRC policy in local and state legislation. We have multiple instances of sister city relationships in which the agreements between an American city and a Chinese sister city were written in such a way to endorse PRC policy on Taiwan in distinction from actual U.S. policy.

There's an example, for example, from 2019. The city of Rockville, Maryland, had a preexisting relationship with a sister city in China and was contemplating signing a similar arrangement with Taiwan. Diplomats from the PRC Embassy here in Washington went to Rockville and said you can't do that because you've agreed to certain principles in your original agreement with us. And they dangled investment opportunities in front of Rockville and tried to get them not to sign that sister city agreement with Taiwan. Fortunately, the city stood firm and that agreement went forward.

So we have multiple examples of them trying to sneak language into documents that are signed or authored by local governments and legislatures that support and endorse PRC policy.

Ms. COOK. I spoke a little bit about CUSEF. Part of what happens is that the CCP works through multiple different levels of proxies. So, I was going through FARA filings for some of our research. And you see this foundation that has this innocuous name, but actually has a bunch of people who are linked to the United Front and the former Hong Kong government heading it. They work through a local PR firm and those are the contracts that are filed. That local PR firm will reach out to individuals from various different communities to invite them on trips to China. And so, you're getting an invitation. You don't necessarily—people might not necessarily think. And one of the ways they actually phrase the contract with the goal of creating, building, enhancing, and retaining positive relationships with key opinion leaders. In this case, it was African-American communities, students from underserved communities, and African-American media outlets. But they specifically say that the goal is to have those individuals formulate personalized perspectives that can be articulated as quote balanced opinions when presented with Sino-U.S. relationship issues.

So you have a situation where there's this cultivation of relationships of people who are non-experts and may reasonably go on this type of trip. But really the purpose behind that is for them to come back and, as Senator Rubio said, to be articulating points of view regarding U.S.-China relations that align with the CCP's goals.

Chairman WARNER. Senator Heinrich.

Senator HEINRICH. Thank you, Chairman. The National Counterintelligence and Security Center noted that as part of PRC efforts focused on state and local governments, the PRC collects personal information about current officials to target them for future exploitation.

Mr. Kohler, how broad are those kinds of efforts?

And can you cite any specific examples of how the PRC is collecting and exploiting personal information of either state or local officials?

Mr. KOHLER. Thank you, Senator.

A couple of examples I can give. So, the PRC has embraced technology in a way that other intelligence services and other countries have not. So, in other hearings, I'm sure you've heard about their massive intelligence collection capabilities, their cyber capabilities, and all the hacks that we've experienced over the last couple of years where most likely, if you're an adult in the United States, the Chinese government has collected your information.

They can then use that information—overlay artificial intelligence on it, for example—and they can identify who your friends are, who your contacts are, who your business dealings are. And then, they can exert pressure on those individuals to then try and influence you in a decision that you're making. It's not a perfect system that they've created. We see them making mistakes. It's sort of overemphasizing who they think may have influence on somebody. But their intent is clear. They are trying to influence the decision-makers indirectly through people in their sphere. And they're identifying that sphere through the collection of information on all of us, every day.

Senator HEINRICH. Anyone want to add anything to that? Dr. Tiffert.

Dr. TIFFERT. Yes. There are Chinese firms and proxies who are harvesting data from the data providers that collect all of our personal information data in the United States and offer it for sale for marketing purposes, advertising purposes. Chinese proxies are acquiring that information, too, because it is for sale in the United States. And the safeguards are not in place. More than that, we have a really unequal, unlevel playing field in their engagements with the subnational level, simply because they have a vast apparatus whose job it is to collect information on every elected official at the state and local level that they plan to engage with.

And we are completely outgunned. When they meet with our local elected officials and our business leaders, they have fully-briefed dossiers on all of them. And frankly, our side has very little.

Senator HEINRICH. Ms. Cook.

Ms. COOK. I would just add to that, that even on the open source side, you know, they're looking at what different officials at the local level or who might be what their positions might be. And

there was one 2019 study by a Chinese think tank that actually categorized U.S. governors as being either quote “friendly” or quote “hard line” or quote “ambiguous.” And you can take that for what it is, in terms of the assessment, but clearly that you know, that’s how they’re approaching and navigating and processing some of this data and information.

Senator HEINRICH. I know Microsoft recently reported that PRC influence campaigns on social media are increasingly leveraging generative AI technologies to create content for those operations, which allows them to create deceptive content much more quickly, much more effectively, and to spread that content. For any of you, talk about what you’re seeing on this front from your perspective?

Dr. Tiffert.

Dr. TIFFERT. So, up until recently, PRC online influence campaigns were characterized by very, very high quantitative volume, but relatively little genuine engagement from real audiences. The generative AI is changing that. It’s simply more appealing content visually, and it’s generating higher numbers. And this is extremely alarming because in the last midterm elections, there was evidence that PRC online disinformation campaigns were beginning to create and misrepresent themselves as U.S. voters for the first time. And when you put those pieces together, I think it portends very poorly for the next election. That they’re honing their techniques to create straw U.S. voters and generative AI content. It’s something we need to watch very, very, very closely.

Senator HEINRICH. Ms. Cook.

Ms. COOK. I would second that, and I would add that sometimes what you’re seeing is that there isn’t necessarily a favoring of one side of the political spectrum or another. It’s much more to sow discord, to sow distrust. And when you go through all of the different disinformation reports and the Google/YouTube takedowns, this isn’t just one isolated incident. I think we see certain things getting headlines. This has been happening again and again over the last two or three years. This element of masquerading as U.S. voters across political spectrum is trying to get people to reshare content, particularly on divisive political and social issues in the United States. It’s not just about Taiwan or Hong Kong or Xinjiang. They do that, too.

Senator HEINRICH. And I would just point out, having looked at the ads that were paid for in Rubles in the election just a few years ago, that is what I see the targeted ads in my state again and again. That was obviously not China, but it was the same thing. It was sow discord, sow discord, sow discord. The more divided we are, obviously, the more relatively powerful they become. So, I think there’s a good lesson for all of us in that.

Thank you, Mr. Chairman.

Chairman WARNER. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

This is a question for all three of you and that is following up on the questions of my colleagues. Do you assess that the Chinese government has been successful in changing a policy outcome? If I could have each of you respond. We’ll start with you, doctor.

Dr. TIFFERT. So, I think if you approach that question from the perspective of—has it been successful at changing the incentive

structures by which American actors operate in their calculations of self-interest then I would say absolutely, yes. Consider, for example, the rulemaking around the CHIPS and Science Act and the export restrictions with regard to semiconductors, and how American firms have lobbied very strongly to maintain market access to China because it's extremely important for them.

China does not need to insert itself directly into those consultations, because the American firms' interests themselves point in that direction. Likewise, I think the effort to harness local business associations to affect legislation before Congress on trade and human rights in 2019 that Senator Rubio alluded to, I think is also significant in that regard.

Senator COLLINS. Thank you. Ms. Cook.

Ms. COOK. I don't know of a specific example or policy that was altered, but sometimes it will affect whether something even gets voted on. There was an incident a few years ago at the California Legislature where there was a Representative who introduced a bill about human rights in China and religious freedom, I think specifically related to the persecution of Falun Gong. And a letter was sent from the embassy to all of the legislatures, essentially implying harmed economic relations if this were to go through. And it got killed in one of the Committees and didn't come up for a vote. And the Representative who sponsored it was posting videos on social media, livid that this had happened, that there had been that type of interference.

But I think the question of whether they're having an impact, a real world impact, it goes beyond that. In one case, in a June 2020 speech, National Security Advisor Robert O'Brien talked about how some of these conspiracy theories about how COVID originated in the U.S. actually meant that there was a soldier in her family in Maryland who needed security protection because people thought that she was the person who had brought COVID to China, because that was some of the conspiracy theory.

So I think you see other ways in which this creates dangers and real world implications.

Senator COLLINS. Thank you. Mr. Kohler.

Mr. KOHLER. Thank you. Senator, I think my co-panelists are probably more expert on this topic than I am. But I will point out, though, I think in terms of if you see China's pivot away from focusing on the federal government into the subnational level, it may indicate that they feel like they haven't had as much impact at the federal level. But they do feel like the softer targets are at the state and local level, so that's where we see them moving now.

Senator COLLINS. Thank you.

Dr. Tiffert, I noticed that you serve on the Executive Committee of the University Research Security Professionals Association, and I congratulate you for that. Two years ago, I encouraged the University of Southern Maine to terminate its Confucius Institute, and the FBI was helpful in providing a briefing on that. And the testimony of CIA Director Burns was also extremely helpful. However, we keep receiving briefs that Chinese influence within our universities has only increased through direct grants, sponsorships, fellowships, exchanges. All of which sound wonderful and sound like it builds great relationships, etc. Commenting in regard to our uni-

versities' research programs, I want to ask you how much of a national security threat does China pose with its presence in our schools?

Dr. TIFFERT. So, I think I can answer that in a couple of ways. Number one, it's about changing narratives. Increasingly, at the Hoover Institution, we have dialogs in China that are frank and open within closed doors. Because there are individuals who are American experts on China who feel like it's no longer possible for them to preserve their access to China by speaking freely, and so they would prefer not to go on the record on camera. And that's how they preserve their freedom within a safe space to speak. This would not have been true 10 or 15 years ago to the same degree. So, China is affecting the discourse in America about China in ways that favor its policies.

Secondly, with regard to science and technology, I would say there is real risk there. And we at the Hoover Institution have documented it in ways that show how universities and researchers linked to China's military for many years had free access to U.S. universities, because no one was doing the basic due diligence to understand who they were partnering with. This was something that Senators Warner and Rubio have spent a lot of time also helping raise consciousness about.

That problem still exists significantly, and unfortunately, we don't have a really good grasp on it, because there's not been the data collection yet to understand the scale of it and exactly where it exists. It's an area that we at the Hoover Institution are putting a lot of effort into.

Senator COLLINS. Thank you.

Chairman WARNER. Senator Wyden wondered if he'd wandered into the Arctic Caucus Room considering the temperature in this place. [Laughter.]

But I'm going to go to Senator Wyden next.

Senator WYDEN. Thank you, Mr. Chairman. And my apologies. Pretty hectic as we try to work on these issues related to keeping the government open.

I want to follow up on your testimony; and if each of you can give me a short answer, that'd be great. Your testimony indicated that the Chinese government uses purchased Americans' data to target Americans. So my question—and we'll start with you Dr. Tiffert and go down the row—would data privacy laws like those that many other countries have, help protect us from the PRC's influence efforts? Dr. Tiffert.

Dr. TIFFERT. I think the answer would be, yes. Many of the problems that we experience with regard to malign Chinese influence are—in some ways you can understand them as subsets of broader problems. And I think with regard to data privacy, that is clearly one. Senator Warner spoke about how we don't want to adopt whack-a-mole approaches. And I think up to this point, the whack-a-mole approach has been dominant. Having a strategic approach to data privacy—a strategic approach also to campaign finance—is critical, I think, to really getting a grasp on the larger malign foreign influence problem.

Senator WYDEN. Very good. Ms. Cook.

Ms. COOK. I would second what Dr. Tiffert said. And I think Freedom House would really encourage some kind of comprehensive data protection legislation, and that would serve to also protect Americans' data vis-à-vis, for example, what an app like TikTok or what Tencent is doing in terms of this type of privacy data collection.

Senator WYDEN. Very good. Mr. Kohler.

Mr. KOHLER. Senator, I think anything that makes it harder for the Chinese Communist Party to get our data is a good thing. I will say, though, that they still have probably the best or one of the best cyber capabilities. So they're going to find a way to get to it one way or the other. But having a law that's going to prevent our own people from selling it outside our borders.

Senator WYDEN. Very good.

Let me go to you, Ms. Cook, on the next issue with respect to what I consider—Senator Warner and I serve on the Senate Finance Committee—and I consider censorship in effect to be a trade barrier. And the same laws that crush free speech in China also prevent American companies from competing fairly there unless they censor themselves.

Ms. Cook, I think it would be helpful if you could discuss how China's censorship policies not only curtail freedom of speech, but also act as this economic and trade barrier preventing American companies from competing in this extraordinarily large Chinese market, unless they comply with CCP rules.

Ms. COOK. Absolutely. I think we think of the Great Firewall in China as blocking Chinese users from being able to access the uncensored Internet. But honestly, one of the most productive uses the CCP has made has been to block out international social media platforms. And that was, you know, 15 years ago. And created this whole ecosystem of domestic alternatives. And honestly, not only for U.S. tech companies or social media platforms, but for a wide range of other companies, it costs many, many millions of dollars.

And just one example in the media space: back in 2012, when the "New York Times" ran an article that was an investigative report about the finances of then Premier Wen Jiabao, their new Chinese-language website was blocked. And overnight their stock dropped by like 20 percent. And I think you see it took time because they basically lost all of the advertising they'd been planning. This had been a huge investment for the company. And of course, that creates both costs, but as Dr. Tiffert was saying, it creates leverage as well, right? It affects the incentives of how executives in particular at certain companies may think about.

Senator WYDEN. Let me see if I can get a couple more in really quickly.

Last year in response to direction from the Congress, the ODNI put out a report on protecting the privacy, civil liberties, and civil rights of Americans of Chinese descent in the context of IC activities. As the IC addresses the real threat from the PRC, our intelligence had recommended greater efforts to identify and actively seek to protect bias against Chinese-Americans. Is it the view of all of you that the ODNI is right that it's critical if we're going to protect the rights of Americans? Anybody disagree?

Mr. KOHLER. I agree, Senator.

Senator WYDEN. Okay. Let's record that everyone agrees with the ODNI on that.

Last point, and it's going to be for you Mr. Kohler, with respect to cyber-attacks. Your testimony mentions the PRC's use of cyber-attacks and spyware against U.S.-based political opponents, journalists, human rights advocates, and others. Can you elaborate for a moment on these operations and what recommendations you would have for additional measures that our government should be taking to protect these at-risk individuals from getting hacked by the Chinese government?

Mr. KOHLER. Thank you, Senator. While my expertise is more in counterintelligence versus cyber, I can tell you that the FBI is very focused on countering what China and Russia and others are doing in the cyber front. The best advice is executing proper cyber-hygiene on your devices. Not clicking links, it's that simple.

But the effort that a nation-state can put into targeting individuals to get their information is daunting. And it's almost impossible for a civilian to counter that if they wanted to, which makes it all the more important that the U.S. government does all they can do to stop these threats where they start, so do everything they can to neutralize what China, for example, is using. And the infrastructure that they use, and the U.S. compromised computers that they use inside the United States. From an FBI perspective, that's the best tool.

Senator WYDEN. Okay. Thank you, Mr. Chairman.

Chairman WARNER. Senator Cotton.

Senator COTTON. Thank you all for coming on this important topic. You know, we have a hearing like this in public on this Committee in part to inform the public of the scale of the threat, and sometimes when we do that, people are kind of shocked to learn about it for the first time. But there's nothing new here, right? This subterfuge, deception, influence, espionage has been a part of Chinese statecraft going back at least to Sun Tzu. Is that correct?

Dr. Tiffert.

Dr. TIFFERT. The United Front has been present for—it's been actually—Lenin is the one who gave the first name to it. And it was a strategy by which the Bolsheviks were this tiny minority party that suddenly were in a position to rule the entire Soviet Union. It worked. The Chinese said, Wow, okay, let's copy that. Let's improve upon it.

What has changed, I think, is the scale, the intensity, and also the levers that China has more recently—simply because it's a more powerful country that has many more resources that it can devote to this. And so, the United States is—what might have worked 15 years ago to resist Chinese influence is no longer working.

Senator COTTON. And I'm glad you mentioned Russia, because whether in its Soviet form or Czarist form or now—and it's Putinist forum—they've used the same tools always, whether it's trying to influence how the West perceives Vladimir Putin's unprovoked war in Ukraine or the nuclear freeze movement in 1982 or 1983 or the origins of the World Wars or so on and so forth.

The difference with China, especially relative to Russia, is those levers you talk about, right? It has an almost unlimited number of

levers because of its deep entanglement in American society and economy where Soviet Russia was more or less sealed off from the West. As you're all nodding your head, that's great.

Let me just give you one example of how this could happen. Let's say you have a boarding school. And 30 or 40 years ago the boarding school was populated mostly by students, say seventh through twelfth grade, from within a 300 to 500 mile drive. And now today, it's predominantly populated by Chinese nationals, students who are here on visas. That boarding school, and its local government, and its local Chamber of Commerce, and its local Economic Development Commission has in some ways become a de facto tool of Chinese influence. Has it not?

Dr. Tiffert.

Dr. TIFFERT. I think we need to deal with this extremely carefully. We need to be attentive to where the risk is and develop the capacity to detect it. But at the same time, particularly under Xi Jinping, there's a very large segment of Chinese society that is unhappy with the direction their country is moving in. That really sees the United—this is an opportunity for the United States to reach out to them, not only because it's the right thing to do, but if you're thinking in geopolitical, competitive terms, these are individuals who have a tremendous amount to contribute to American society. And we need to remain open to that.

Senator COTTON. I agree with that. And I'm very sympathetic to the fact that the Chinese people are the first and the worst victims of Chinese communism. I also have my doubts that many people who are allowed to leave China are not somehow either an arm of the PLA or the CCP or, for that matter, still under the influence of them because their family members stay there.

But it's one thing—to go back to my analogy—for that headmaster or the board or the local Chamber of Commerce to come up here and lobby Senator Collins, Senator Cotton, and Senator Cornyn on student visas, something that's directly influencing them. But we also get people in those settings to come up here and lobby on things that have nothing to do with their immediate interests, like asking us to quiet down about the genocide of Uyghurs or their oppression of Hong Kong.

It's kind of like the example Senator Rubio raised, right, with Daryl Morey, the former GM of the Houston Rockets? They weren't talking about market access for NBA television rights in China. They were talking about China's oppression of Hong Kong. So it's this secondary leverage that the Chinese Communist Party gets because of our economic entanglement.

Ms. Cook, you're nodding your head vigorously.

Ms. COOK. Yes, I think that's one side of it. I would just add to what Dr. Tiffert was saying is, I think, part of it is there's an opportunity, but there is just a changing circumstance where we—our schools—we haven't taken as much advantage of the fact that you have young Chinese people coming here. And I've had conversations with students. And we've had—that are very upset at the Chinese Communist Party. And in some cases, have the family who have experienced persecution in China. And that's one reason why they wanted to come and flee to the United States. And I think some of what happens at that local level is this lack of prepared-

ness, both in terms of responding—if you get a request; or how do you deal with this, now you’re asked to do this geopolitical thing? But also, how do we best prepare and protect and inform these Chinese students? What are their rights under U.S. law when they’re here? If they get a call from the consulate, who can they turn to if they’re being intimidated or things like that? Because a lot of times they don’t have that knowledge or resources, as well.

Senator COTTON. I just wanted to use that one example. There are many other examples, like, it could be a small, privately-held manufacturer who gets a key input from China. It’s one thing for someone like that to come lobby all of us or Members of the House of Representatives on tariff rates and trying to get an exemption for their critical input from China. It’s another thing for them to come up here and lobby us on the genocide of the Uyghurs or the persecution of Christians. My point is that there are almost innumerable points of leverage that China has created that we need to educate the public about. And when they come up here and act as de facto arms of the Chinese Communist Party.

Chairman WARNER. Senator King.

Senator KING. Thank you, Mr. Chairman.

We’ve spent practically all of this hearing talking about the problem, and I’m interested in some of the solutions. I believe that one of the great failures of American policy, going back at least three, maybe four Administrations is the lack of deterrence. We have been a free lunch for China in terms cyber, the OPM hack, the egregious stealing of intellectual property. Nothing ever happens as a result. We talk about—Presidents talk about we will respond in some way at some time of our choosing. It never happens.

Dr. Tiffert, don’t you think we need to develop a stronger deterrent, declaratory policy that if you interfere in this country in illegal and malevolent ways, you’re going to pay a price?

Dr. TIFFERT. I would agree with that, absolutely. And developing tools of economic statecraft, I think, is something we need to devote significant attention to. Because obviously, we want tools that fall short of war with regard to deterrence. So, yes, for too long, we’ve indulged asymmetry throughout our relationship with China, everything from journalist visas to students to the way businesses operate, who can do business in China. There’s a fundamental mismatch between a closed society, a one party dictatorship like China and an open multi-party democracy like the United States. This is something that I think a lot of countries are waking up to around the world.

Senator KING. If they want to compete, that’s fine. We can compete. And I believe we can compete successfully. But if they are taking advantage of the openness of this society vis-à-vis the closed nature of their society, there should be some response. In 2016, the Russians were involved in our elections in a big way as this Committee knows. In 2018, not as much, because General Nakasone and the NSA took some active measures with regard to what was going on in Russia. And it appeared to have an effect.

To change the subject slightly, you mentioned FARA, the Foreign Agent Registration. Is that something that should be strengthened, particularly as it deals with state and local officials?

Thoughts?

Ms. COOK. I think there's a lot more in terms of the current, how far is worded that could be enforced more as a transparency tool to uncover what's actually being done and how various CCP-linked actors are influencing or attempting to influence. As I had mentioned, that's where this comes in.

Senator KING. We broadened the definition, because clearly, they're using people that are not—

Ms. COOK. Yes, I think the tricky thing with FARA is that it already—it's worded very vaguely, and there needs to be more of an update that perhaps focuses it more clearly on the type of foreign influence we're talking about. Because right now, it could be interpreted quite vaguely to be someone's grandmother in Canada. But I think being able to update it to better shed light on the modern forms that this type of influence takes.

Senator KING. Also specifically take note of the efforts to influence state and local officials.

Ms. COOK. Yes, but I think—

Senator KING. Because this Congress or—

Ms. COOK. Well, that's already—when it comes to who is the foreign principal and who are some of the American proxies that are engaging in this when they're reaching out to local officials? Those are some of the things that are already appearing. Or local media already appear in the FARA filings. But there seems like there's probably a lot more going on that isn't being reported or enforced.

Senator KING. So I would appreciate it if members of the panel would give our Committee suggestions for strengthening FARA. And it may be just greater enforcement, or it may be substantive content.

Do we expect a higher level of intervention in the 2024 elections?

Dr. Tiffert.

Ms. COOK. Yes.

Dr. TIFFERT. I would say absolutely, yes.

Senator KING. And their data. They are massive collectors of data. And using that data, they could target individual Americans with messages designed to appeal to that. If it's a fisherman or a gun owner or a racing enthusiast, they can use that data to target. Is that not correct?

Dr. TIFFERT. That's absolutely correct. And I think we've seen evidence of that for quite some time, particularly people who have a profile because they're active in issues that touch on China. They've already reached out to them. They're already blanketing them with information. And they're reaching out to other groups, too.

You know, there was a very interesting article that I think brought to light Code Pink in the United States, and the very tight ties that the sources of funding that are connected to that organization have with China's propaganda apparatus. This was not always true, but China has pursued them.

Senator KING. Well, one another question. We talked about TikTok, which is a very widely used app. By the way, I'm not sure the Chinese fully control TikTok. I think cats control TikTok. [Laughter.]

Dr. TIFFERT. And the Internet.

Senator KING. But is there any evidence? I mean, what a powerful ideological tool it can be to spread subtly or not so subtly the point of view of the Chinese Communist Party. Is there any evidence that it's being used in that way? There are two issues with TikTok: data mining and ideology or persuasion. Are they using TikTok in that way, yet?

Dr. TIFFERT. Absolutely, they are. And in fact, you can see evidence of that with regard to amplification of narratives that coincide with China's interests with regard to the war in Ukraine. China—and this is relatively new—is taking talking points from Russian media and simply replicating them because they align with China's interests in trying to change the way we think about a potential engagement over Taiwan.

Ms. COOK. I would say, I think in a lot of ways WeChat is even as much of a vulnerability. And of course, it's tricky because this is particularly Chinese-Americans using it. But many WeChat users are concentrated in certain districts or certain Congressional districts where there may be a large proportion of the voters. And we've seen in Canada already how the influence operation campaigns, including related to elections, have happened on WeChat. We've seen that in Australia. If I was the CCP, I honestly think targeting a campaign on WeChat would actually be lower-hanging fruit in a local race than trying to use TikTok. So I just wanted to mention that.

Senator KING. Well, I appreciate it, but I hope we can emphasize this principle of deterrence. That's been the fundamental policy of the United States in defense for 75 years. And we're not applying it in this case.

Thank you, Mr. Chairman.

Chairman WARNER. Senator Cornyn.

Senator CORNYN. A few years ago, Senator Warner and Senator Richard Burr at the time and I were in Austin, Texas, and talking to a bunch of technology firms there about the counterintelligence issues relative to not just this CCP, but all other sorts of intelligence efforts targeting the United States. And I know we talked about the Cold War model spy-versus-spy, but now it seems like there's no end to the creativity of the Chinese Communist Party when it comes to collecting information, whether it's coercing students who are studying here, the creation of Confucius Institutes. You name it.

But I want to follow up on Senator King's questions about the Foreign Agent Registration Act. A few years ago, when we passed a bill called JASTA, the Justice Against Sponsors of Terrorism Act, I became aware of the fact that lobbyists hired by foreign countries don't necessarily have to register under FARA, the Foreign Agents Registration Act. That's, of course, designed to put everybody on notice that this is a person hired by a foreign country that then is lobbying the United States, maybe not in the best interest of the American people, but at least we know who's paying the bills and who they're working for.

But because of the commercial and lobbying loopholes in that, it became commonplace for people to lobby Congress. And Members of Congress have no idea who they're actually working for. In the case of the JASTA legislation, which we literally passed over the

President's veto, I even had a group of veterans show up in my office and claiming to be opposed to the legislation. They were essentially financed and misled in terms of what they were actually there to talk to, on whose behalf they were there, but to lobby against this bill by a foreign government.

So it's just insidious and it's pervasive and it seems like it's relentless.

But I know Ms. Cook, you mentioned the updating of that a bill. We actually have a bill that I'd invite you to take a look at. We'll share it with you, called the Paid Off Act, which several of my colleagues, including Vice Chairman Rubio, Senator Grassley, and others, have been trying to get passed for some time now. But we'd invite you to work with us to see if we're getting this right. We know that, again, our adversaries can be very creative and relentless and certainly willing to use any tool in the toolbox to try to get access to us and to lobbyists in favor of laws, or against laws, that they've deemed to be against their interest.

Mr. Kohler, you're a veteran of the FBI. Have you come across instances where foreign governments have hired lobbyists here in Washington, D.C., to come here and lobby for or against laws without disclosing the fact that they were actually working for a foreign government?

Mr. KOHLER. Senator, thank you for the question—and Senator King, as well—on the question about FARA.

Absolutely, Senator. There's a concern that the Lobbying Disclosure Act has a loophole that allows some to influence Members of Congress and others and hide the hand of a foreign government. For example, companies may come and lobby you, but they may have a Chinese Communist Party cell in their Chinese parent company or maybe even in their United-States-based subsidiary. And they don't have to disclose that to you, because they're coming in as lobbyists. And they don't have to register as agents of a foreign power, because they're not necessarily representing a foreign government. One additional statute I'll recommend is, well, two other points is the 951 charge, acting as an unregistered agent, which is more of a criminal charge. That does come with significant penalties for folks to do if they conduct illegal activity against the United States.

And then one, I'd be remiss if I didn't take this opportunity, Senator, to talk about the need for a transnational repression law in the United States. There is activity that China is doing right now that we cannot, we, the FBI—keep saying we, I'm retired—but the FBI cannot prosecute because it is just not illegal. And three aspects of that law that I think would be important is one, enhanced penalties for people doing criminal acts on behalf of foreign nations. Two, is making illegal certain of those behaviors. For example, it's not illegal right now for a private investigator or anybody to do a surveillance of a U.S. person on behalf of a foreign country. In some states, you can even put a tracking device on somebody's car on behalf of China and it's not illegal. We need to fix that part of it. And then lastly, sanctions would be a great aspect of that law. We need to inflict some of the consequences on the Chinese officials that are actually directing and controlling these operations. We can

only do that through our sanctions. And so, teeing up a new law, my recommendation would be it would include those three aspects.

Senator CORNYN. Thank you.

Chairman WARNER. It did seem when you mentioned the fact that lobbyists were not necessarily always fully forthcoming on who they're working for, I kind of thought back to "Casablanca" when there was a charge of gambling in the casino. You have to be of a certain age frame. Luckily, Angus laughed at that.

Kirsten, my apologies for doing this by seniority. Michael. Senator Bennet.

Senator BENNET. I apologize.

Senator GILLIBRAND. That's okay. You've dumped me twice today.

Senator BENNET. If the Senator from New York is the only person to go ahead of me, I'd be happy to yield.

Senator GILLIBRAND. I'm yielding to my senior senator, Senator Bennet. [Laughter.]

Senator BENNET. Okay, I'll go ahead. I don't even know what movie you're talking about.

No, I'm just kidding. I know. I grew up watching it too. [Laughter.]

Ms. Cook, thank you very much for your testimony. Everybody else's.

You know, when the Maui wildfires killed almost a hundred people and destroyed thousands of homes and buildings, we saw Chinese operatives, probably run by Beijing—we don't know—spread lies across the Internet claiming that the fires resulted from a secret, quote, weather weapon being tested by U.S. intelligence agencies and our military. This wasn't a mistake. It wasn't some random thing happening on the Internet. This was an act of sabotage, at least, or sabotage on behalf of Beijing. We saw these posts accompanied by AI-generated photographs proliferate on a variety of social media sites, including Facebook, Pinterest, Tumblr, Reddit, and TikTok in over 30 different languages. And there's been a lot of discussion. I heard some today here about lobbyists. And then, some talk about TikTok. I mean, it has been absolutely fascinating to me to watch a company that's wholly owned by Beijing, that's subject to the data privacy laws of Beijing, advertise on our national television about how they're the greatest friend that small businesses ever had, and Congress better not shut us down. We're the greatest friend that any veteran in America had. We better not have Congress shut us down.

This is not about lobbyists, you know, pretending to be somebody else. This is literally on television. These poor people that are the staff here who don't get to go home to Colorado—all of you are welcome—over the weekend. They're stuck here instead. They have to watch an endless loop of TikTok telling everybody who's watching it in Washington, how great they are for small business, how great they are for our military community to drive economic growth, job creation.

America, this is a wholly-owned subsidiary of a Beijing company. They are saying they, quote-unquote, spark good. I don't have any idea what that means, but that's their tagline. And you know, I'm worried about the fact that—and I think others here are as well—

that there are 150 million monthly American users on this platform, most of whom have no idea that it's owned by Beijing. That kids are spending in our country—I say this as a former heart-broken school superintendent—90 minutes a day, more than three weeks a year, on this platform. Just this one platform that's owned by Beijing, that's running all this false advertising, you know, about how great they are for America. That's an amazing position we're in, by the way, Mr. Chairman. I mean, just imagine the world of AI where we're dealing with fake you and fake me. And we've got ads coming in. This is—seriously—this is stuff that could end our democracy. And certainly, it's stuff that is undermining our democracy.

And it's particularly, I think, irritating to me, since I know that Beijing calls this stuff in their own country, digital heroin. Digital opium, I think they refer to it. And you can't, you know—I don't care how enterprising you are as a kid. In China, if you want to watch cat dance videos, that's not what you're going to watch, you know. You're going to watch physics experiments and you're going to watch math stuff. And there's a reason why the Chinese kids are saying they want to be teachers and astronauts and our kids are saying that they want to be social influencers.

And I'm not saying that's all TikTok or all social media or that that's the most important problem America faces. But it is a problem that America faces. And I know that you've mentioned a different Chinese social media app in your testimony, WeChat, which is owned by a Chinese company, by Tencent, and also subject to national security laws in China. You said that clear evidence exists of censorship and monitoring U.S.-backed users of the app.

So how do we deal with this level of foreign influence in our media? How do we deal with a foreign country that doesn't allow us to, obviously, use their social media platforms? How do we allow them to undermine our institutions, understanding, of course, that we—unlike their government—are committed to civil rights and to the First Amendment and our values?

Ms. COOK. I think that having a hearing like this, just for more of the TikTok users out there who might be watching, to realize that it's owned by ByteDance, which is a China-based company. And that there are at least on the Chinese side especially ties there, elements of the CCP that are forced to be in Chinese companies.

But I think a lot of it comes down also to a wide range of safeguards. Because, honestly, this isn't going to be the last app. This isn't the only app globally that's owned by a China-based company. ByteDance owns a news aggregator that Indonesia found to be manipulating content. There's another competitor that owns a very similar app to TikTok that's in Brazil and is very popular. So I think creating this kind of a more strategic and systematic ecosystem, where you have levels of different auditing and transparency requirements, reporting requirements, privacy and data protection, because ultimately, honestly, and to TikTok's credit, when they've been caught, they've been fairly responsive.

So after Meta came out with, oh, there were these networks of disinformation, and they were also operating on TikTok. You did see then TikTok say, well, we took down these accounts. Are they

proactively doing it? No. They're also stuck between a rock and a hard place. Anything we can do that makes them have to report these things, that creates third-party audits and assessments to help identify and nip these things in the bud and incentivize against bad behavior would be helpful, short of a blanket ban which could raise Constitutional questions.

Senator BENNET. I know I'm out of time, Mr. Chairman. But I'll just say again, the point on other countries is a really important one. And second, a reminder again why I think what we need is a separate agency to actually do this stuff. These things are going to change. Every single day, they're changing. Congress is never going to figure this out. We've got to figure out how to create a body of experts that can actually deal with this stuff.

Thank you, Mr. Chairman. I thank the Senator from New York for her indulgence.

Chairman WARNER. And the Senator from Idaho is going ahead. I just would add that I think on the TikTok case, there's about a dozen-plus governments now that have banned its governmental use. BBC has warned any of its reporters to get off because of their ability to have their data manipulated. And for those who are watching, that was the real Michael Bennet, not a deep fake.

Senator Risch.

Senator RISCH. Are you sure of that? [Laughter.]

Senator BENNET. Exactly. Senator who?

Senator RISCH. Well, thank you, Mr. Chairman. Look, I want to get you guys' take on this. I don't have, certainly, answers for these things, but I think there are some facts out there that we should talk about. I've got two items I want to talk about.

One is the incredible influence that China has on our colleges and universities. I think most Americans have no idea that there are hundreds, hundreds of thousands of Chinese nationals studying at U.S. universities. We have about 12,000 studying in China where there's 1.5 billion people. And the amount of money that flows into those colleges and universities from China, whether it's as tuition for the students or contracts or just plain donations, is absolutely staggering to me. And we've tried on the Foreign Relations Committee, we've actually tried to do some things with legislation shining a brighter light on this. I mean, most Americans have no idea the hundreds of millions of dollars of Chinese money that's flowing into our colleges and universities. We don't allow foreign nationals to contribute to any of our campaigns for one reason, and that is we don't want foreign nationals or foreign governments to be having influence on policymakers, on people who run the government. Why, oh why, would we allow this kind of flow of money into our colleges and universities to influence the policies of those colleges and universities, which are so important to our society?

The second question I've got is, Idaho is home to the Idaho National Lab. Most people have never heard of it. It is the flagship laboratory for nuclear energy in the world. The first use of nuclear energy was done right there at the lab. We've we've still got the first few light bulbs that were lit with nuclear energy in 1951. It is also becoming a flagship for cybersecurity issues.

So as a result of that, I'm over there relatively frequently. And I've always been struck by the number of international people who

visit there. More than 8,500 Chinese nationals have visited our national laboratories this year with, from what I can tell, zero reciprocity. These are people that came to collaborate on fundamental science initiatives. And the door does not swing both ways. It only swings one way. So again, this is something that a light needs to be shined on that there is all of this influence and it's just not being reciprocated.

I'd like to get your thoughts on—that's the problem. I need smart people like you to tell us how we can do something about this.

Dr. TIFFERT. Well, fortunately, this is a problem that this institution actually has the levers to help solve.

Senator RISCH. So you're saying it is our problem, not your problem. [Laughter.]

Dr. TIFFERT. So, if you look at the statistics and the trends in the number of Chinese students who have arrived in the United States, they were growing gradually. And then the global financial crisis of 2008 was really where there was an inflection point. And this was a moment in which American states were disinvesting from their higher education systems because they were under enormous fiscal pressure. And for a number of years, the money simply dried up in our state university systems and they turned to whoever was writing checks. And China stepped into that gap. Tuition rates went way up. Chinese are paying full freight. They're paying out-of-state tuition. So it was a very easy source of money and incredible talent to draw upon.

So that was a moment, I think, that really changed the narrative there. Likewise, federal support for basic fundamental research in America has not kept pace with inflation. So again, China is writing the checks, and universities are turning to those sources as well, to stay competitive. We have an opportunity to raise the resources to say, you know, look inward. Look domestically. Work on training kids who are coming out of our high schools instead of turning to ready-made supplies from abroad in order to solve those problems.

And I think this gets to something I was thinking about when Senator Bennet spoke, and that is with regard to the things we're talking about today, so much of the solution lies in making America better, not simply being proscriptive—proscribing activities of the PRC and the CCP—but restoring faith in our institutions, making them stronger.

I think every member of this Committee shares my belief in the promise of America. You know, if we can avoid undercutting America before our own people, they will be less receptive to the propaganda that comes from the CCP.

Senator RISCH. Yeah, and I think that's a really good analysis. It may be a little over-optimistic, but I think it is certainly something we should strive for. The Chinese that come here—look, a lot of them would like to stay here. But we all know they can't stay here for obvious reasons. They leave family behind that would be badly affected. But our culture certainly rubs off on them to some degree. My time is up.

Thank you.

Mr. KOHLER. Senator, just one thing to add. I have heard of Idaho National Lab. My previous job in the FBI was the Assistant

Director for Counterintelligence. And a little known fact is, of all the agencies that the FBI has detailed people out to, the Department of Energy has the most and it's just to protect the national labs. So we have agents working side by side with DOE counterintelligence professionals just to protect the people and innovation at those labs, and to screen the visitors as they come in.

Chairman WARNER. And we're very aware that what may be the first SMR in America, maybe happening at the Idaho National Lab.

Senator Ossoff, and with apologies to Senator Gillibrand, who I think finally gave up the ghost.

Senator OSSOFF. Thank you, Mr. Chairman. Thank you to the panel.

I'd like to hear a little bit more from each of you on threats to defense research. Across the country, of course, in Georgia with Georgia Tech, UGA, Georgia State, Augusta University. Many institutions of higher education, conducting defense-related research. Sensitive research.

Please characterize the nature of the information security threat posed by PRC, PRC-affiliated actors, to defense research.

Beginning with you, Dr. Tiffert, please.

Dr. TIFFERT. Thank you.

I think we're at a moment in time where the old categories that we inherited from the Cold War, dual-use technologies. The way of talking about them—small yards, high fences—no longer captures the nature of the way fundamental research connects with research that could be applied towards military applications. Look, the war in the Ukraine has showed us that commercialized drone technology, off the shelf, suddenly can be turned into a kamikaze weapon in a way that I don't think anyone might have appreciated beforehand. So those old concepts are starting to break down and we're not really coming up with anything new to replace them with.

There are areas of fundamental research, for example, in generative AI and machine learning, in quantum technology, in chemical engineering that could be deployed to energetics in AI models that are being used for drug discovery to improve public health, but that can be weaponized to produce better chemical weapons that are not covered by our traditional categories. And they're occurring within the domain of fundamental research right now that is being published and is being harvested by countries of concern, like North Korea, by Iran, by Russia and China. And so, I'm engaged in regular consultations with those in the research enterprise and those in the funding agencies to devise a new strategy with regard to managing this fundamental research.

But the challenge here is that many of those in our research enterprise profit by the old system. In some ways, they rose through the ranks in it. And it has required very little of them within the domain of fundamental research to do due diligence, to understand who their partners are, to think through the application—the social consequences of the applications of their technology—the military applications. I've documented fundamental research. And for example, AI models in acoustics, they are directly being applied by military universities in the PRC. And under existing U.S. rules, this is okay. That needs to change.

Senator OSSOFF. Ms. Cook.

Ms. COOK. I will say this is pretty much outside my area of expertise, but I think to Dr. Tiffert's last point, is that you do see, I think, more efforts to make more awareness about this and to try to give researchers who might be looking into this the tools to understand that. And I think particularly there's a think tank in Australia that actually created a database of the different military universities in China. So if you're looking at something, you could actually—even if you didn't speak Chinese—you could actually look up and see who your partner is. So I think there's that element of how do we create resources so that if someone is more conscientious, even if it's maybe not required as part of the application process, might be actually able to find that information.

Senator OSSOFF. Mr. Kohler.

Mr. KOHLER. Senator, I think some of the changes instituted through the CHIPS and Science Act, NSPM-33, and the NDAA have all been a really good start to trying to force or encourage universities to protect critical research. I think universities have a lot more to do in terms of applying those and having a true robust research apparatus. And I think the engagement with the U.S. government with the military and the private sector to help them do that is going to be a good thing in the future.

One other concept that—and it sort of echoes what Dr. Tiffert said—the information at risk is not necessarily strictly military research or classified government secrets. And the example I have given audiences before is just with brain science. We all have researchers here in the United States that may be trying to come up with ways for amputees to control artificial limbs using brain science. Well, that information and that technology is being stolen by China. And they are using it now, trying to adapt it so soldiers can launch weapons using their minds. It sounds farfetched, but that is absolutely how China views it through their strategy of military-civil fusion.

Senator OSSOFF. Thank you all.

Chairman WARNER. Senator King.

Senator KING. Brief question. Back to TikTok.

It seems to me there may be an alternative. I think a lot of what we've been talking about today is, do the consumers know what's going on and who may be trying to manipulate them? What about something short of a ban, but a requirement if an app is foreign owned or owned in a foreign country that there be a little tagline when you open the app? This app is owned by a company that's based in Beijing, China, or Frankfurt, Germany. I mean, again, disclosure, it seems to me, is a sort of middle ground here.

Doctor, what do you think?

Dr. TIFFERT. Anything that increases transparency is good.

Senator KING. That's exactly what I'm suggesting.

Dr. TIFFERT. On the other hand, there's been good research, particularly on the requirements, for example, that YouTube videos list that they're funded by a state-owned media, for example. That indicates that even knowing that when viewers look at it, it doesn't materially affect the impact it has on them. The psychology still plays out in similar ways.

So while I would support that, I would also say that we need to, I think, be humble about what we expect from it.

Senator KING. Sure. Thank you. Thank you very much.

Mr. KOHLER. And Senator, just one last comment. This may be outside of the FBI's lane, but I think the answer to this starts in our classrooms with our children.

Senator KING. Of course.

Mr. KOHLER. We need to teach the next generation to be critical consumers of the information they take in. And understand that information, regardless of the source, may be sent to them to influence them.

Senator KING. You are absolutely right.

Mr. KOHLER. And I just don't think even as adults who those of us who didn't grow up with devices in our hands as children, we still sometimes need to have that reminder.

Senator KING. We need to be better consumers of information. And digital literacy should be part of every school starting in the first grade.

Thank you.

Ms. COOK. And Senator King, I would just add, I think it goes beyond even, say, a labeling on the app. But for example, if you're talking about labeling, print media of the inserts, print media tend to be better. Broadcast media. It's much harder for a news consumer to know that this is a China Radio International or CCTV footage that they're watching, or things like that.

Senator KING. Yeah, usually, at the bottom—

Ms. COOK. And I think the FCC has been trying to, I think, implement rules.

Senator KING [continuing]. The bottom of the ad. It doesn't help if it says Citizens for Greener Grass or something. [Laughter.]

Chairman WARNER. I would simply add—and I'm going to turn it over to Senator Rubio, and Senator Lankford is going to join us—I also think what's relevant is, you know, when TikTok/ByteDance started to spend enormous amounts of money lobbying against either one of our efforts, and we had different approaches saying, you know, we're trying to cut out creativity. And I think most of us simply thought that creativity is great, but it ought to be maybe on a Brazilian platform or a French platform or—it didn't even have to necessarily be an American. But the debate that's progressed since that time, that we're well over a dozen nations who've come to the same conclusion, that this is a security risk beyond the fact of the data collection, but of the ability to use and diffuse disinformation and misinformation in an extraordinarily provocative way.

And I think this most recent story in the last couple of days where literally a number of the TikTok employees who had been relying on the assurances that—and had been told as TikTok employees—don't ever emphasize their ties to ByteDance. The number of those employees that are now leaving because they're seeing this again, undue influence being imposed by ByteDance, I believe, at least implicitly or indirectly or directly by the CCP, ought to have us all take a second look.

So, with that, I'm going to turn it back over.

My thanks. My apologies to the panel. I've got to head off. I think Senator Lankford is going to join us, but very much appreciate—And my only concern is that we've lost two-thirds of our audience. We may have to figure out a way to pump this up in terms of making sure we keep making the public presentation.

[Now Presiding: Vice Chairman Rubio.]

Vice Chairman RUBIO. Well, I want to, as I wait for Senator Lankford to get here—

I think on the TikTok one, first of all, if you turn on TV now, they're extensively advertising. And it's interesting to watch the advertising. It'll tell some great story. The one I saw today somewhere was, some veteran who was homeless or something along these lines, and how it wouldn't have been possible without TikTok. So the PR push is very extensive.

But I think one of the challenges, and what I wanted to delve into a little bit with TikTok is explaining to people. It's not that the platform has videos, because all these platforms have videos that we would find unproductive at best, offensive and destructive and so forth at worst, and so forth. It is the data and how it flows. So basically, like any other platform, in order for it to work, it has to have an algorithm, a recommender engine. That recommendation engine that basically drives what you see, right? So they need to know about you. What do you like? What are you likelier to watch? In essence, the ultimate goal is to predict what you would want to buy if you knew about it. And even though you don't know you need it, you will determine that you need it once you see it. That's the design of it. And to do that it has to collect massive amounts of data.

Under Chinese law, that algorithm that drives that engine, it is illegal to transfer that outside of China. And without that, there is no TikTok. That's just a platform without that.

So, what people don't understand is it doesn't matter who owns TikTok. What matters is that that algorithm is incredibly powerful and continues to work. That's what matters. And so, you can store the data that drives the algorithm anywhere in the world you want. ByteDance in China has to have access to that data. And it's a massive amount of data. I'll tell you that on a couple of my devices, I have a security feature. And it is constant, I mean, I'm talking about I'm just going on regular news sites and things of this nature. It is constantly popping up: malicious block, malicious block, TikTok blocks. If you open it up, what is the malicious block? So they're collecting data, not just from users, from all these other places.

So my question, really in terms of this malign influence work, how valuable is having that amount of data? Not just on the users of TikTok's but others in the hands of an organism that ultimately, if someone knocks on the door and says we want that data and we want you to use it a certain way, meaning we need you to tweak the recommender engine in the United States to feature this versus that. How valuable would that be primarily in a moment of impending conflict?

So let's say that the Chinese are—Let's use a real world example. This conflict with the Philippines that's going on and is escalating. And they decided that they wanted to turn that data to get people

to pressure public opinion in the United States against support for the Philippines. How valuable is that data? I mean, is there anything comparable in the hands of any government in the world that's able to unleash this social engineering mechanism against a potential adversary?

Dr. TIFFERT. The scenario you describe is the type that we think a lot about. And it's absolutely terrifying, because I think that it is possible. And it's conceivable that in the event of a conflict, an intense conflict with China, they would deploy those algorithms in ways that would seek to undermine our resolve. Absolutely.

I am not aware of any other comparable set of data. And in particular, what is arresting is in the last several years, China has adopted data security legislation that is designed to ingest all of the world's data as much as it can and not leak any of it out. China, and Xi Jinping in particular, is trying to create the largest repository of data in the world so that it is available for whatever purpose the CCP would like to use it for. We need to be alert to that. It's a one-way street.

For those who are talking about older metaphors, maybe "Hotel California." It's a little newer than "Casablanca."

Ms. COOK. What I would just add to that is that I think what you described, Senator Rubio, it's not just about the intelligence law or the data collection law, it's about how the CCP operates. And the CCP operates like a mafia. And so, even if it's not just about the law, but it's about whether they're going to the same type of transnational repression tactics that Mr. Koehler has been talking about, they use against people, including tech executives in China, including their family. So, even if a tech executive in all conscientiousness would feel that for, including for-profit reasons, it wasn't in their interest to activate this type of mechanism, part of the concern is that the CCP would be able to apply a wide range of pressures, legal repercussions, familial repercussions against them in China to essentially potentially force their hand.

I think the flip side is how do we safeguard in terms of audits? How do we catch that this is happening? Because there's just so much opacity right now, particularly on this platform, but on the social media platforms, generally in terms of what is actually happening. What is the algorithm? Is the algorithm changing? Because we've seen how their moderation policies have also changed over time.

Vice Chairman RUBIO. Senator Lankford.

Senator LANKFORD. Senator Rubio, thank you.

Thanks for being here. I appreciate very much your testimony and what you're bringing to the conversation today.

I want to just set a bit of a story of what's happening in Oklahoma. In 2018, my state legalized medical marijuana. In 2019, we had the largest amount of foreign land sales in the country the next year. And what we found are tens of thousands of acres that have been purchased by Chinese nationals in my state that they then have partnered with Mexican cartels to be able to grow marijuana in Oklahoma and then ship it all over the country. We have seen a proliferation of Chinese grow operations that's happened there.

That has been a shock to the system, to a lot of folks in rural Oklahoma, of how many places that they can't drive down a rural road because there are folks standing there with ARs at the edge of a fence saying, hey, you're not allowed down this road anymore. It's been an enormous shift that has occurred.

So saying all that on the criminal side of things on it, I engaged on this and have found several other folks that are watching Chinese purchases of agricultural land around the country and have seen a one-hundred-thousand-plus-acre increase just in the last year of Chinese purchases of agricultural land around the nation.

I have a bill now called the SOIL Act, which just does the CFIUS process for foreign purchases of agricultural land that are currently exempt. You can do any foreign purchases of agricultural land and you don't have to go through the CFIUS process you have to do for technology. We have a ten-mile barrier around our military bases. I'd like to extend that to a 50-mile barrier, knowing that if you're ten-and-a-half miles away from a military base on a high hill, you're still looking right down into a military base, and with the Chinese operation, that's owned. So there's a lot of questions that we have about just the ownership of agricultural land and some of the Chinese criminal activity that's actually happening in the United States, facilitating partnerships with others.

My question to you: have you seen this in other areas of the country? What would you recommend on agricultural land purchases in particular? And also, the Chinese criminal organizations, where it seems the Chinese government is looking away, fully aware of what's actually happening in the engagement of that, but looking away to increase a negative influence on Americans by their activities here?

Dr. TIFFERT. I can address the Chinese agricultural land piece. You know, I would be in favor, in particular, of legislation that increases the capacity of USDA and other agencies to monitor sales. Right now, the reporting mechanisms that are in place have extremely weak enforcement and weak capacity behind them.

Senator LANKFORD. Right.

Dr. TIFFERT. So, we don't actually have an accurate view, as far as I understand, of the picture of foreign land sales. And so for us to understand the scale and scope of any risk that might be there, we need to improve that. So that's one area that needs a lot of attention.

Beyond just the military basing proximity issue, Xi Jinping in the last couple of years has declared food security be of paramount interest to the CCP. Because the CCP is highly dependent on foreign supplies of soybeans, wheat, other commodities, as well. Cooking oils. And you know, this is partly reducing their vulnerability to the ability of the U.S. to impose economic sanctions and cut off trade in the event of a conflict. So, food security is a top-line agenda item for the party. Various investment groups and Chinese conglomerates are responding to the market signal that the Communist Party sent, and saying, okay, this is important to them. We're going to go out to the world, not just the United States, and begin acquiring the technologies and the know-how to enhance our ability to generate more productivity in our domestic agricultural sector.

So it isn't just about SIGINT, you know, with regard to military bases. It's also about developing farms in the United States that will have access to our seeds, to our cultivars, to our animal husbandry, to our techniques that make American agriculture so incredibly productive, so that they can learn all of that and take it back to China in the same way that they've done with other industries.

Senator LANKFORD. Anyone else want to add to that?

Ms. COOK. I was going to say, I'm not familiar with agriculture, but when you speak about organized crime, and when we talk about some of the examples of let's say transnational repression in Taiwan, there are close ties in terms of triads, or organized crime with links to the CCP. We've seen that in Hong Kong.

And years ago, attacks on people like Jimmy Lai that were done by them. And I think more recently, one of these campaigns of disinformation networks that were taken down were also using networks that were run by businesses with organized crime ties in Southeast Asia. So, this phenomenon may not only be limited to the agriculture sector.

Senator LANKFORD. Mr. Chairman, could I ask one more quick question?

It's about the sister cities. I know you've talked about this a little bit as well, but this seems to be an active thing for the Chinese to now pursue cities. What are the real risks to communities if a city says, you know what? China's a growing economy. There's business there. We're engaging with Chinese business individuals. What is the threat to a community in one of these sister cities relationships? And who are the Chinese sending to the United States in that sister city relationship?

Dr. TIFFERT. So, there are a couple of threats. Number one, it undercuts American national foreign policy. A lot of these sister city agreements, the Chinese would like to assert claims and assertions about what U.S. policy is or isn't with regard to Taiwan, perhaps other places beyond that, too. That's the prerogative of the federal government, first of all. So, we shouldn't be dividing America internally that way.

But most importantly, there are members of the multi-ethnic Chinese diaspora who live in these cities who are from Taiwan, who are from Tibet, who are from Xinjiang, who are from a vast array of places. And inserting language that endorses PRC policy on issues with regard to territory and ethnicity in those sister city agreements is an insult to them. And it also makes them feel unsafe. Because their communities suddenly are allying with a government that, in many instances, they've experienced oppression from personally.

Ms. COOK. I would just add to that, about the leverage points, I think, even if there is a sister city government.

One, is to look at the fine print. And this goes to also some of the Confucius Institute agreements. Like part of it is just knowing, at that negotiation stage, what to say no to.

But two, to realize, at some point there may be a member of one of these communities who comes before the town council or the city council and asks for a resolution for the Dalai Lama's birthday or to support something else or to talk about how—and you're going

to get a call from your sister city partner asking you to not support that resolution or the sister city relationship could be endangered.

So I think that would be also being ready for that, being at the beginning to say even if you pursue a sister city relationship, to say we want you to understand that we have members in our community and we care about these causes. And we will continue to speak out. If you can do that at the beginning is less likely they'll even try later on.

Senator LANKFORD. Thank you.

Vice Chairman RUBIO. One last question, Mr. Kohler. I wanted to ask you this. I know the answer, but I want people to hear it.

Let's suppose that someone acting as an agent on behalf of the Chinese Communist Party—but obviously won't declare themselves that way—picked up the phone and called a private investigator in any city in America and said, we are willing to pay you X amount of money to surveil, to collect as much information, create a pattern of life, gather as much information as you can about individual so-and-so, maybe a Chinese-American who has spoken out against Chinese policies or a dissident who actually has been impacted by him and the like.

That private investigator, if they don't know who the person calling on the other line is and just thinks it's an interested local party or what have you would not be violating any federal laws. There's no federal—but yet it sounds like an enormous loophole that can be exploited to hire people here to at least create the portfolio for harassment.

Mr. KOHLER. Senator, you're right. Section 951 only outlaws aiding a foreign power if it's an illegal act. So that example would be a traditional commercial transaction. So, a private investigator would be free to conduct surveillance on behalf of any foreign power that called them.

Vice Chairman RUBIO. Okay. Thank you.

Thank you for coming in today. I think, I hope this was informative. And I'm glad we did it in an open setting like this. And again, thank you for your time.

With that, the meeting's adjourned.

[Whereupon at 4:28 p.m. the hearing was adjourned.]