



August 9, 2023

The Intelligence Community's Foreign Malign Influence Center (FMIC)

Foreign Malign Influence

Congress defines foreign malign influence in 50 U.S.C. §3059(f)(2) as a “hostile effort undertaken by, at the direction of, or on behalf of, or with the substantial support of” specifically Russia, Iran, North Korea, China, or “any other foreign country that the Director of the center determines appropriate,” to influence U.S. public opinion or “political, military, economic, or other policies or activities” of federal, state, or local governments. This includes efforts by such foreign governments to influence “any election within the United States.”

FMIC Background

Congress established the Foreign Malign Influence Center (FMIC) under Section 5322 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (P.L. 116-92, codified as 50 U.S.C. §3059), amending the National Security Act of 1947 (P.L. 80-253).

General concern over the potential for foreign interference in U.S. elections has grown with the recognition that foreign malign actors are able to employ sophisticated tools such as artificial intelligence (AI) to conduct disinformation campaigns. Congress created the center for policymakers to better understand and respond to such threats.

FMIC is one of five mission centers within the Office of the Director of National Intelligence (ODNI). The other centers include the National Counterintelligence Center (NCTC), the National Counterintelligence and Security Center (NCSC), the National Counterproliferation and Biosecurity Center (NCBC), and the Cyber Threats Intelligence Integration Center (CTIIC). The purpose of the ODNI mission centers is to integrate and coordinate the foreign intelligence collection and analysis related to a subject area requiring special emphasis, such as counterterrorism, biosecurity, or—for the FMIC—efforts by foreign malign actors to subvert the U.S. democratic process.

FMIC's establishment follows the intelligence community's collective assessment that

Russian efforts to influence the 2016 U.S. presidential election represent the most recent expression of Moscow's longstanding desire to undermine the U.S.-led liberal democratic order, but these [2016] activities demonstrated a significant escalation in directness, level of activity, and scope of effort ... Russia's goals were to undermine public faith in the U.S. democratic process. (ICA-2017-01D, 6 January 2017, p. ii).

Prior to the establishment of FMIC, an ODNI Election Threats Executive managed the intelligence community's election-related foreign intelligence collection. Legislation to establish the center stated that the intelligence community needed to be invested in

institutionalizing ongoing, robust, independent, and vigorous analysis of data related to foreign threat networks ... [to] help counter ongoing information warfare operations against the United States, its allies, and its partners. (H.Rept. 116-333, emphasis added)

Foreign Malign Influence Center (FMIC)

- Congress establishes FMIC, Dec. 20, 2019, as an ODNI mission center
- DNI activates FMIC, Sept. 23, 2022
- FMIC's mission is to provide indications and warning and strategic assessments of the threat of malign influence campaigns by Russia, Iran, and North Korea, China, etc.
- Reports to Congress annually
- Is to sunset Dec. 31, 2028, at discretion of the DNI
- After FMIC termination, intelligence community would retain responsibility for assessing and providing warning of the threat of foreign efforts to interfere with U.S. elections.

FMIC Functions

In statute, the center's functions are to (1) “serve as the primary organization in the United States Government for analyzing and integrating all intelligence ... pertaining to foreign malign influence;” and (2) provide Members of Congress and policymakers in the federal government “comprehensive assessments, and indications and warnings, of foreign malign influence.” To carry out these functions, the center is to be properly staffed with analysts from across the intelligence community with access to all the intelligence necessary to provide comprehensive assessments and warnings of the threat of foreign malign influence campaigns.

FMIC Organization

The Director of the center, who is appointed by the Director of National Intelligence (DNI), is dual-hatted as the Election Threats Executive. This individual is responsible for the overall effort to coordinate foreign intelligence collection and analysis on malign efforts to influence U.S. elections. The center itself is organized into three units: (1)

Mission Management, (2) Analytic Integration, and (3) Partner Engagement.

Mission Management

The Mission Management unit is responsible for managing intelligence collection requirements on foreign malign influence, and integrating what is collected “across intelligence functions, disciplines, and activities to achieve unity of effort and effect.” (ICD 900, 6 May 2013) The center fuses intelligence from multiple sources as the basis for making threat assessments. The primary intelligence community elements that collect on foreign malign influence include the National Security Agency (NSA), the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and the Department of Homeland Security (DHS). The Mission Management group also works closely with the National Intelligence Management Council (NIM-C), the ODNI entity responsible for advising the DNI on regional and functional issues of importance to U.S. national security.

Analytic Integration

FMIC does not collect raw foreign intelligence, but is staffed with analysts from across the intelligence community, including the Departments of State, Homeland Security, and the FBI, who analyze the foreign intelligence other intelligence agencies collect. The center uses this intelligence to produce Indications & Warning (I&W) reports and assessments for policymakers and Congress.

Partner Engagement

Outside of the intelligence community, FMIC works with other domestic partners. These include, among others: (1) the FBI Foreign Influence Task Force (FBI FITF), the lead federal organization responsible for investigating foreign influence operations; (2) the Cybersecurity and Infrastructure Security Agency (CISA), the lead agency for coordinating efforts to defend U.S. critical infrastructure—including federal elections infrastructure—from malign foreign actors in cyberspace; and (3) the U.S. Election Assistance Commission (EAC). The center also is able to work with international partners on matters of mutual interest related to foreign malign influence campaigns.

Annual Report

Each year the FMIC Director is required to submit a report to the congressional intelligence and foreign affairs/foreign relations committees (50 U.S.C. 5039 (d)). This report must summarize significant foreign malign influence events and provide recommendations to improve FMIC performance. The report should also include any recommendations for navigating the challenges of the intelligence community’s collecting and reporting on foreign efforts to interfere in U.S. elections and the need to protect the privacy and civil liberties of Americans who could be the targets of such campaigns.

Sunset Provision

The DNI has the authority under (50 U.S.C. 5039 (e)) to terminate the center on December 31, 2028, upon notifying the congressional intelligence committees and the committees on appropriations subcommittees on defense in the House and Senate that the intelligence community has

both the capacity and intent for other elements to assume the functions of the center. This notification would need to include a timeline of the actions necessary for an orderly transition.

Issues Facing Congress

In its oversight responsibility, Congress may consider FMIC’s effectiveness, funding, and management of the intelligence community’s collection and analysis of foreign malign influence campaigns. Some questions that may be considered include

- To what degree, if any, has the center improved the capacity of the intelligence community to manage collection, analysis and reporting related to the threat of foreign malign influence campaigns?
- Absent the center, what is the current capacity of the intelligence community to synthesize and report on foreign malign influence campaigns?
- Does the center have adequate resources to carry out its functions in the event that advances in cyber technology, such as AI, contribute to an expanded threat of foreign malign influence campaigns?
- How closely have the intelligence community and the center adhered to statutory protections of the civil liberties of U.S. persons while carrying out their mandate to collect and report on foreign malign influence campaigns?

Relevant Statutes
Title 50 U.S. Code §3059
CRS Products
CRS In Focus IFI2061, <i>Critical Infrastructure Security and Resilience: Countering Russian and Other Nation-State Cyber Threats</i> , by Brian E. Humphreys
CRS In Focus IFI1445, <i>The Election Infrastructure Subsector: Development and Challenges</i> , by Brian E. Humphreys and Karen L. Shanton
Other Resources
IC Assessment, <i>Foreign Threats to the 2020 U.S. Federal Elections</i> , ICA 2020-00078D, 10 March 2021.
IC Assessment, <i>Assessing Russian Activities and Intentions in Recent U.S. Elections</i> , ICA-2017-01D, 6 January 2017.
IC Directive 900, <i>Integrated Mission Management</i> , 6 May 2013.
IC Directive 107, <i>Civil Liberties, Privacy, and Transparency</i> , February 28, 2018.

Michael E. DeVine, Analyst in Intelligence and National Security

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.