

Calendar No. 551

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
114-295 }

COMBAT TERRORIST USE OF SOCIAL MEDIA
ACT OF 2016

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2517

TO REQUIRE A REPORT ON UNITED STATES STRATEGY TO
COMBAT TERRORIST USE OF SOCIAL MEDIA, AND FOR OTHER
PURPOSES



JULY 11, 2016.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

59-010

WASHINGTON : 2016

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RON JOHNSON, Wisconsin *Chairman*

JOHN McCAIN, Arizona	THOMAS R. CARPER, Delaware
ROB PORTMAN, Ohio	CLAIRE McCASKILL, Missouri
RAND PAUL, Kentucky	JON TESTER, Montana
JAMES LANKFORD, Oklahoma	TAMMY BALDWIN, Wisconsin
MICHAEL B. ENZI, Wyoming	HEIDI HEITKAMP, North Dakota
KELLY AYOTTE, New Hampshire	CORY A. BOOKER, New Jersey
JONI ERNST, Iowa	GARY C. PETERS, Michigan
BEN SASSE, Nebraska	

CHRISTOPHER R. HIXON, *Staff Director*
GABRIELLE D'ADAMO SINGER, *Chief Counsel*
ELIZABETH MCWHORTER, *Senior Professional Staff Member*
GABRIELLE A. BATKIN, *Minority Staff Director*
JOHN P. KILVINGTON, *Minority Deputy Staff Director*
MARY BETH SCHULTZ, *Minority Chief Counsel*
HARLAN C. GEER, *Minority Senior Professional Staff Member*
LAURA W. KILBRIDE, *Chief Clerk*

Calendar No. 551

114TH CONGRESS }
2nd Session }

SENATE

{ REPORT
{ 114-295

COMBAT TERRORIST USE OF SOCIAL MEDIA ACT OF 2016

JULY 11, 2016.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2517]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2517) to require a report on United States strategy to combat terrorist use of social media, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	5
IV. Section-by-Section Analysis	6
V. Evaluation of Regulatory Impact	6
VI. Congressional Budget Office Cost Estimate	7
VII. Changes in Existing Law Made by the Bill, as Reported	7

I. PURPOSE AND SUMMARY

The purpose of S. 2517, the Combat Terrorist Use of Social Media Act of 2016, is to require the President to provide Congress with the strategy of the United States to combat terrorists' and terrorist organizations' use of social media. The bill also requires the President to provide Congress with a report and evaluation of the United States' efforts, to date, to combat terrorists' and terrorist organizations' use of social media.

II. BACKGROUND AND THE NEED FOR LEGISLATION

In 2015, President Barack Obama identified the following groups as the preeminent security threat to our country: Al Qaeda, the Islamic State in Iraq and Syria (ISIS), and their affiliates.¹

According to the Federal Bureau of Investigation (FBI), approximately 250 Americans have either traveled, or attempted to travel, to Syria and Iraq.²

Homegrown violent extremists are also increasingly conducting simple, opportunistic attacks at home.³ In the wake of international efforts to deter foreign fighters from joining ISIS in Iraq and Syria, the terrorist group's message is "if you cannot travel, kill where you are."⁴ This makes the approximately 900 ISIS-inspired individuals the FBI was investigating throughout the country in late 2015 especially alarming.⁵ From two or three homegrown violent extremist attacks a year in 2009, the number of these incidents jumped to a dozen just five years later in 2014, and more than doubled in 2015.⁶

Examples of recent incidents include attacks in 2009 in Little Rock, Arkansas and Ft. Hood, Texas; bombings at the Boston Marathon in Boston, Massachusetts and shootings in Chattanooga, Tennessee in 2013; shootings in Garland, Texas and San Bernardino, California in 2015; and the attack in Orlando, Florida in 2016.⁷

Spreading a poisonous ideology via the Internet

In May 2008, Committee staff published a report titled *Violent Islamist Extremism, the Internet, and the Homegrown Terrorist Threat* warning about the increased frequency with which United States-based militants are active online.⁸ The internet allows groups like ISIS to distribute their poisonous ideology unbound by national borders, requiring homeland security efforts to consider countering this ideology online.⁹ The 9/11 Review Commission de-

¹See generally, NATIONAL SECURITY STRATEGY, THE WHITE HOUSE 20 (2015), available at https://www.whitehouse.gov/sites/default/files/docs/2015_national_securitystrategy.pdf.

²E-mail correspondence between HSGAC Comm. staff and FBI Congressional Affairs Liaison, May 23, 2016 (on file with Comm. staff).

³See generally, *Threats to the Homeland: Hearing Before S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2015) (statement of Nicholas Rasmussen, Director, National Counterterrorism Center), available at <http://www.hsgac.senate.gov/download/?id=83C519E9-9310-4587-B00F-07179D39C0AD> [hereinafter *Threats to the Homeland*].

⁴*Threats to the Homeland* (statement of James Comey, Director, The Federal Bureau of Investigation at 1).

⁵Lorenzo Vidino & Seamus Hughes, *ISIS in America: From Retweets to Raqqa*, The George Washington University Program on Extremism (Dec. 2015), https://cchs.gwu.edu/sites/cchs.gwu.edu/files/downloads/ISIS%20in%20America%20-%20Full%20Report_0.pdf. [hereinafter *ISIS in America: From Retweets to Raqqa*].

⁶*Threats to the Homeland* (statement of Nicholas Rasmussen, Director, National Counterterrorism Center at 2).

⁷See generally, *The Ideology of ISIS: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016); *Terrorism Gone Viral: Attack in Garland, Texas and Beyond: Hearing Before H. Homeland Sec. Comm.*, 114th Cong. (2015) (statement of Michael B. Steinbach, Assistant Director, the Federal Bureau of Investigation), available at <http://docs.house.gov/meetings/HM/HM00/20150603/103513/HHRG-114-HM00-Wstate-SteinbachM-20150603.pdf>; see also *ISIS in America: From Retweets to Raqqa* at 3–4, 31.

⁸STAFF OF S. COMM. ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS, 110TH CONG., *VIOLENT ISLAMIST EXTREMISM, THE INTERNET, AND THE HOMEGROWN TERRORIST THREAT* (Comm. Print, May 8, 2008), available at <http://www.hsgac.senate.gov/imo/media/doc/IslamistReport.pdf>.

⁹S. Comm. on Homeland Sec. & Governmental Affairs, 112th Cong., Special Report, *Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack*, 7, 18–9 (Feb. 2011); see also J.M. Berger & Jonathan Morgan, *The ISIS Twitter Census: Defining and Describing the Population of ISIS Supporters on Twitter*, The Brookings Project on U.S. Relations with the Islamic World No. 20 (2015), available at <http://www.brookings.edu/~media/research/files/papers/2015/03/isis-twitter-census-berger-morgan/>

scribed the online radicalization efforts of these groups as “an unprecedented challenge” that “transcends geographic boundaries and demographics.”¹⁰

Department of Homeland Security Secretary Jeh Johnson has testified before this Committee that terrorist groups use the internet to “inspire individuals to conduct attacks within their own homelands.”¹¹ Between 2014 and June 2016, homegrown violent jihadists plotted 76 total plots in the United States.¹²

Groups like ISIS and Al Qaeda value strategic communication as integral to the advancement of their political agendas.¹³ It allows them to establish legitimacy through historical or religious narratives that resonate with target audiences and potential supporters.¹⁴ Al Qaeda’s current leader once stated, “We are in a battle, and more than half of this battle is taking place in the battlefield of the media.”¹⁵ An American citizen who once served as a terrorist group commander, propagandist, and recruiter further elaborated on this stance that “[t]he war of narratives has become even more important than the war of navies, napalm, and knives.”¹⁶

The National Consortium for the Study of Terrorism and Responses to Terrorism (START) notes that “the internet played an increasingly pivotal role” in the radicalization of foreign fighters.¹⁷ In 2002, just 37 percent of Americans attempting to travel to join terrorist groups were influenced by the internet in some way,¹⁸ compared to 83 percent in 2015.¹⁹ Furthermore, as the

isis twitter census berger morgan.pdf; National Consortium for the Study of Terrorism and Responses to Terrorism (START), *Transcending Organization: Individuals and the 'Islamic State'* (2014).

¹⁰9/11 REVIEW COMMISSION, THE FBI: PROTECTING THE HOMELAND IN THE 21ST CENTURY (Mar. 2015), available at <https://www.fbi.gov/stats-services/publications/protecting-the-homeland-in-the-21st-century>.

¹¹*Threats to the Homeland* (statement of Jeh Johnson, Secretary, Dept of Homeland Security).

¹²JEROME P. BJELOPERA, CONG. RESEARCH SERV., R44110, THE ISLAMIC STATE’S ACOLYTES AND THE CHALLENGES THEY POSE TO U.S. LAW ENFORCEMENT (2016).

¹³Naureen Chowdhury Fink & Jack Barclay, *Mastering the Narrative: Counterterrorism Strategic Communication and the United Nations*, Center on Global Counterterrorism Cooperation, 20–21 (Feb. 2013), available at http://globalcenter.org/wp-content/uploads/2013/03/Feb2013_CT_StratComm.pdf; Carsten Bockstette, *Jihadist Terrorist Use of Strategic Communication Management Techniques*, European Center for Security Studies at 5 (Dec. 2008), available at http://www.marshallcenter.org/mcpublicweb/MCDocs/files/College/F_Publications/occPapers/occ-paper_20-en.pdf; Gregory L. Keeney & Detlof von Winterfeldt, *Identifying and Structuring the Objectives of Terrorists*, CREATE Homeland Security Center (Aug. 2009), available at http://research.create.usc.edu/cgi/viewcontent.cgi?article=1142&context=nonpublished_reports.

¹⁴JOANNA NATHAN & ANTONIO GIUSTOZZI, DECODING THE NEW TALIBAN: INSIGHTS FROM THE AFGHAN FIELD 23–42 (2012) (explaining that the extensive efforts undertaken by the Taliban to frame the fight as *jihad* imply that they view the legitimacy conveyed by these words as a critical source of strength in their fight); WILL McCANTS, THE ISIS APOCALYPSE: THE HISTORY, STRATEGY, AND DOOMSDAY VISION OF THE ISLAMIC STATE 56 (1st ed. 2015) (explaining that Osama bin Laden was so frustrated with Western media’s shortening of Al Qaeda’s full name, Qa’idat al-Jihad, to a word that had nothing to do with Islam that he considered changing the group’s name to one that would force the media and United States government to acknowledge the Islamic nature of the group and reinforce his narrative that the West was at war with Islam).

¹⁵Office of the Director of Nat’l Intelligence, *Letter from al-Zawahiri to al-Zarqawi* (Oct. 2005), available at <http://fas.org/irp/news/2005/10/dni101105.html>.

¹⁶U.S. Dep’t of State, Remarks of Alberto Fernandez, Coordinator for the Center for Strategic Counterterrorism Communications, Conference at the Newseum (Dec. 2013), available at <http://www.state.gov/r/csc/releases/218606.htm>.

¹⁷*Overview: Profiles of Individual Radicalization in United States-Foreign Fighters (PIRUS-FF)*, START Consortium (Apr. 2016), available at https://www.start.umd.edu/pubs/START_PIRUS-FF_InfographicSeries_April2016.pdf.

¹⁸*Id.*

¹⁹*Id.*

internet's influence has increased, the average time from initial radicalization to the decision to travel has decreased from approximately 16 months in 2002 to less than 10 months in 2015.²⁰ The window of opportunity for intervention before criminal action is diminishing.

Inadequate Federal response

Despite this accelerating and increasing threat to the homeland, numerous experts have testified before this Committee that the United States currently lacks a comprehensive strategy to combat and counter terrorist narratives online.²¹ It may be the case that no message is powerful enough to neutralize this threat. However, identifying narrative themes that influence homegrown violent extremists can inform an alignment of words and deeds that undercut perceived inconsistencies often exploited by terrorist propaganda.²² A Federal review of terrorist narratives for these themes and a subsequent national strategy to combat and counter those narratives will ensure consistency among United States policies, actions, and words.

Whereas the Center for Global Engagement's Twitter account has only garnered approximately 26,600 followers and sent approximately 12,000 tweets, pro-ISIS accounts (numbering anywhere between 46,000 and 90,000 in over 100 countries) collectively share an average of 133,422 tweets per day to a much larger audience of followers.²³ Despite its rebranding and efforts to identify a successful counter-narrative, the Center for Global Engagement is still trying to develop a narrative as viral as those spread by extremist organizations such as ISIS.²⁴

Requiring a national strategy to counter online radicalization

In the 2011 "Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States," this Administration committed to creating a strategy to

²⁰*Id.*

²¹*Inside the Mind of ISIS: Understanding Its Goals and Ideology to Better Protect the Homeland: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2016) (statement of Jessica Stern, Boston University); see also *Jihad 2.0: Social Media in the Next Evolution of Terrorist Recruitment: Hearing Before the S. Comm. on Homeland Sec. & Governmental Affairs*, 114th Cong. (2015) (statement of Daveed Gartenstein-Ross, Foundation for Defense of Democracies).

²²Cristina Archetti, *Terrorism, Communication and New Media: Explaining Radicalization in the Digital Age*, Terrorism Research Institute (2015), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/401/html>.

²³J.M. Berger & Jonathon Morgan, *The ISIS Twitter Census: Defining and describing the population of ISIS supporters on Twitter*, The Brookings Institute (Mar. 2015), http://www.brookings.edu/~media/research/files/papers/2015/03/isis-twitter-census-berger-morgan/isis_twitter_census_berger_morgan.pdf; see also *Global Engagement*, TWITTER, <https://twitter.com/TheGEC> (approximations as of June 8, 2016).

²⁴William D. Casebeer & James A. Russell, *STORYTELLING AND TERRORISM: TOWARDS A COMPREHENSIVE 'COUNTER-NARRATIVE STRATEGY,' IV*, Strategic Insights, Center for Contemporary Conflict at the Naval Postgraduate School (Mar. 2005), http://www.au.af.mil/au/awc/awcgate/nps/casebeer_mar05.pdf; see also Michael Jacobson, *Learning Counter-Narrative Lessons from Cases of Terrorist Dropouts*, The Washington Institute for Near East Policy (Jan. 2010), <http://www.washingtoninstitute.org/policy-analysis/view/learning-counter-narrative-lessons-from-cases-of-terrorist-dropouts>; Naureen Chowdhury Fink & Jack Barclay, *Mastering the Narrative: Counterterrorism Strategic Communication and the United Nations*, Center on Global Counterterrorism (Feb. 2013), http://globalcenter.org/wp-content/uploads/2013/03/Feb2013_CT_StratComm.pdf; Alberto M. Fernandez, *Here to Stay and Growing: Combating ISIS Propaganda Networks*, The Brookings Institute (Oct. 2015), http://www.brookings.edu/~media/research/files/papers/2015/10/combating-isis-propaganda-fernandez/is-propaganda_web_english.pdf.

counter online radicalization.²⁵ The Administration has not yet provided such a strategy.²⁶

Accordingly, S. 2517, the Combat Terrorist Use of Social Media Act of 2016, requires the Administration to provide Congress with a comprehensive strategy aimed at aligning Federal efforts to disrupt and counter violent extremist messaging online. The bill also requires the Administration to provide a report to Congress that not only details the role social media plays in domestic and foreign radicalization, but also evaluates current government efforts to combat and counter terrorists' use of social media.

The required national strategy to counter online radicalization should be informed by a study of a wide range of terrorists' and terrorist organizations' online recruitment efforts and, if possible, include organizations and individuals that adhere to a range of ideologies. While a national strategy will aim to counter all terrorist online radicalization, it should prioritize preventing violent extremism and terrorism that is inspired by Al Qaeda, ISIS, and their affiliates.²⁷ In addition, in an effort to clarify ambiguous national security related terms of art, S. 2517 notably defines the term "radicalization" for the first time in Federal statute.

Finally, S. 2517 protects the First Amendment rights of Americans engaged in constitutionally-protected behavior while demanding the guidance necessary to build an effective, whole-of-government approach to counter online radicalization. Included in both the report and evaluation is a requirement that the Administration assess the impact that efforts to combat terrorists' use of social media may have on the civil rights and civil liberties of United States persons not engaged in terrorist activities. The national strategy to counter online radicalization should be crafted to ensure the civil rights and civil liberties of United States persons are protected as required by current law.

III. LEGISLATIVE HISTORY

Chairman Ron Johnson and Senator Joni Ernst introduced S. 2517 on February 9, 2016, which was referred to the Committee on Homeland Security and Governmental Affairs. Senator Cory Booker joined as a cosponsor on February 11, 2016.

The Committee considered S. 2517 at a business meeting on February 10, 2016. Chairman Johnson offered one amendment to define ambiguous terms of art and strengthen civil rights and civil liberty protections for United States persons. The Committee adopted the amendment and ordered the bill, as amended, reported favorably, both by voice vote. Senators present for both the vote on the amendment and the vote on the bill were: Johnson, McCain, Portman, Paul, Lankford, Ayotte, Ernst, Sasse, Carper, McCaskill, Tester, Baldwin, Heitkamp, Booker, and Peters.

²⁵THE STRATEGIC IMPLEMENTATION PLAN FOR EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES, THE WHITE HOUSE 20 (2011), <https://www.whitehouse.gov/sites/default/files/sip-final.pdf>.

²⁶See generally *Countering Online Radicalization in America*, BIPARTISAN POLICY CENTER 7 (Dec 2012), available at <http://cdn.bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC%20Online%20Radicalization%20Report.pdf>.

²⁷See generally NATIONAL SECURITY STRATEGY, THE WHITE HOUSE 20 (2015), https://www.whitehouse.gov/sites/default/files/docs/2015_national_security_strategy.pdf.

Similar legislation, H.R. 3654, the Combat Terrorist Use of Social Media Act of 2015, passed the House of Representatives by voice vote and under suspension of the rules on December 16, 2015.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section provides the bill's short title, the "Combat Terrorist Use of Social Media Act of 2016."

Section 2. Definitions

This section defines "appropriate congressional committees," "domestic terrorism," "international terrorism," "radicalization," and "United States person."

Section 3. Report on strategy to combat terrorist use of social media

Section 3 requires the President to transmit to the appropriate Congressional committees a report on terrorists' and terrorist organizations' use of social media and efforts of the United States to combat such use. The report is required to evaluate the role of social media in radicalization and assess the impact that efforts to combat terrorists' use of social media may have on the civil rights and civil liberties of United States persons not engaged in terrorist activities. The report is to be transmitted no later than 90 days after enactment of S. 2517.

Section 3 also requires the President to submit to the appropriate Congressional committees an evaluation of the United States' efforts to combat the use of social media by terrorists and terrorist organizations and recommendations for improvements. This evaluation is required to assess the impact of such efforts on the civil rights and civil liberties of United States persons who are not engaged in terrorism. This evaluation is to be submitted within 180 days of enactment.

The report and evaluation required under this section shall be submitted in an unclassified form, and may include a classified annex to protect intelligence sources and methods.

Section 4. Policy and comprehensive strategy to counter terrorists' and terrorist organizations' use of social media

Section 4 requires the President to submit a comprehensive strategy to counter the use of social media by terrorists and terrorist organizations. This strategy must be submitted within 180 days of enactment, in an unclassified form, and may include a classified annex to protect intelligence sources and methods.

Section 5. Prohibition on New Regulatory Authority

Section 5 makes clear that the bill does not provide the President or any Federal department or agency with authority to promulgate regulations or set standards for non-Federal entities.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The

Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MARCH 18, 2016.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2517, the Combat Terrorist Use of Social Media Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

S. 2517—Combat Terrorist Use of Social Media Act of 2016

S. 2517 would require the President, within 90 days of the bill's enactment, to submit to the Congress a report on terrorists' use of social media and an overview of current efforts to counter those activities. Within 180 days of the bill's enactment, the President would be required to submit to the Congress a comprehensive strategy to counter terrorists' use of social media and an evaluation of current efforts to combat such use of social media. Based on the cost of similar activities, CBO estimates that implementing the bill would cost less than \$500,000 over the 2017–2021 period; such spending would be subject to the availability of appropriated amounts.

Because enacting S. 2517 would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 2517 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On January 13, 2016, CBO transmitted a cost estimate for H.R. 3654, the Combat Terrorist Use of Social Media Act of 2015, as passed by the House of Representatives on December 16, 2015. The two pieces of legislation are similar and CBO's estimate of the budgetary effects are the same.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would make no changes in existing law within the

meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

