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Opening Statement

Ranking Member Congressman Stephen F. Lynch (MA-08)

Subcommittee on National Security

Hearing on “Incorporating Social Media into Federal Background Investigations”

Friday, May 13, 2016

Thank you, Mr. Chairman. I'd like to thank you, Chairman Meadows, and Ranking Member Connolly for holding this hearing to examine the use of social media in federal background investigations. The federal government conducts these investigations to determine whether an individual may receive or retain a security clearance and be eligible to access classified national security information. I'd also like to welcome today's witnesses and thank you for helping this Committee with its work.

In December of 2015, Congress passed, and President Obama signed, bipartisan funding legislation that included a robust directive to enhance the security clearance process. In particular, the recent Omnibus Appropriations Act requires the Director of National Intelligence to direct federal agencies to use social media and other publicly-available, government, and commercial data when conducting periodic reviews of their security clearance holders. The law also provides guidance on the types of information that could be obtained from social media and other sources and prove relevant to a determination of whether an individual should be granted a security clearance at all. This includes information suggesting a change in ideology, ill intent, vulnerability to blackmail, and allegiance to another country.

The main impetus for the integration of social media into the security clearance process has of course been the unprecedented and continued exploitation of Twitter, Facebook, Whatsapp, Telegram, and other online networking services by terrorist groups – most notably, the Islamic State. As reported by the Combating Terrorism Center at West Point, the Islamic State's prolific use of social media is not limited to the dissemination of terrorist propaganda. Rather, it is a primary means through which the terrorist group executes its global recruitment and financing activities and seeks to inspire and facilitate terrorist attacks worldwide.

An appropriate review of a security clearance applicant's social media posts will also contribute valuable information to an investigatory process that has previously failed to pick up additional red flags. In the wake of the tragic 2013 shootings at the Washington Navy Yard perpetrated by Aaron Alexis, a Secret-level clearance holder with a history of gun violence, the President convened an interagency Performance Accountability Council to identify lapses in security clearance reviews. Chief among the Council's recommendations was the need for federal agencies that conduct national security background investigations to have “*access to relevant information from a variety of sources.*” As noted by Kemp Ensor, the National Security Agency's Director of Security, at an intelligence symposium last month, social media is “*where*

we need to be...that's where we need to mine from if we're going to build the trusted workforce of the future." At the same conference, one of today's witnesses, National Counterintelligence Executive William Evanina underscored that social media adds to the "*mosaic of an individual person*" as agencies evaluate their security clearance holders.

Pursuant to the Omnibus Appropriations Act, the Office of the Director of National Intelligence has developed, and now issued, a social media policy authorizing federal agencies to integrate publicly-available social media information into the security clearance process. It is my understanding that this policy reflects meaningful input from intelligence, defense, and Homeland Security agency stakeholders as well as federal civil liberties and privacy officials. It also seeks to incorporate best practices identified through previous social media pilot programs conducted by the Department of Defense – including the U.S. Army in 2011.

This is an important step in the right direction. However, I must also say that national security demands that Congress and the Administration work together to ensure that our national security framework is able to adapt to evolving technologies much faster than the usual pace that is characteristic of the federal government. According to CareerBuilder's most recent annual recruitment survey, over 60% of private sector employers are now using social networking sites to research job candidates. Kaplan Test Prep reports that over 50% of college admissions officers are already reviewing social media profiles to vet applicants.

To this end, I look forward to examining with today's witnesses the specifics and implementation of the social media policy issued in its final form by the Office of the Director of National Intelligence today.

Thank you, Mr. Chairman. I yield the balance of my time.

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