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DOJ OIG Releases Report Examining DOJ Efforts to Coordinate Information Sharing About Foreign Malign Influence Threats to U.S. Elections

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced [today the release of an evaluation](#) of DOJ's efforts to coordinate information sharing about foreign malign influence threats to U.S. elections. The DOJ Office of the Inspector General (OIG) found that the DOJ components tasked with countering foreign malign influence directed at U.S. elections effectively share information with each other. The Federal Bureau of Investigation (FBI), which interacts with outside entities on behalf of DOJ, shares information about this threat with social media companies. However, we found that neither DOJ nor the FBI had a specific policy or guidance applicable to information sharing with social media companies until February 2024.

The OIG's findings included the following:

Lack of Policy. We found that DOJ followed general government-wide policies that guide information sharing in situations involving foreign malign influence. However, neither DOJ nor the FBI had a specific policy or guidance applicable to information sharing with social media companies until February 2024. DOJ and FBI officials told us that the FBI does not monitor social media content on platforms, nor does it investigate specific narratives spread online. Rather than using online content to identify foreign malign influence activity, the FBI told us that it acts based on intelligence developed during its ongoing investigations or received from other federal agencies concerning the activities of specific foreign actors. However, we also found during our document review that the FBI shared "content" information when the FBI had intelligence indicating that a foreign actor planned to promote specific themes or narratives with its social media activity.

First Amendment Implications. Social media companies provide a forum for speech, which is subject to protection under the First Amendment from infringement by the government. While there are no apparent First Amendment implications from the FBI simply sharing information about foreign malign influence threats with social media companies, concerns may arise if that information is communicated in such a way that those communications could reasonably be perceived as constituting coercion or significant encouragement aimed at convincing the companies to act on the shared information in a way that would limit or exclude the speech of those who participate on their platforms. In February 2024, DOJ and the FBI issued a new standard operating procedure (SOP) that acknowledges this risk and takes steps to mitigate it. However, the sensitivity markings on that document render it not suitable for public release. We believe that identifying a way to inform the public about the SOP and how it protects First Amendment rights would strengthen public trust in DOJ and the FBI.

Lack of Strategy. We also found that DOJ does not have a comprehensive strategy guiding its approach to engagement with social media companies on foreign malign influence directed at U.S. elections. Establishing a comprehensive strategy could help DOJ address the challenging threat landscape of foreign malign influence directed at U.S. elections and ensure that DOJ takes a cohesive approach to engagement with social media companies to combat the threat.

Effective Internal Coordination. We found effective coordination within and among the three DOJ components tasked with sharing information regarding foreign malign influence directed at U.S. elections, at both a strategic case management level and a case investigative level.

The OIG made two recommendations to the Department. The Department agreed with both recommendations.

Report: Today's report is available [on the OIG's website](#).

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