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ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

July 22, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

President Biden:

We are concerned that your administration's actions are undermining First Amendment principles by pressuring private companies to censor free speech. On July 15, 2021, your press secretary, Jen Psaki, announced that your administration is "in regular touch with" social media platforms and "flagging problematic posts for Facebook that spread disinformation."¹ The federal government's ongoing efforts to pressure private companies to censor speech that it disagrees with is alarming and an affront to the First Amendment.

The Democrat Party has been attacking the First Amendment since day 1 of your administration. For instance, earlier this year, House Democrats sent letters to 12 Multichannel Video Programming Distributors (MVPDs) pressuring these companies to block certain conservative media outlets.² In response, House Republicans sent a letter to the Acting Chair of the Federal Communications Commission, Jessica Rosenworcel, asking her to stand on the side

¹ White House, Press Briefing by Press Secretary Jen Psaki and Surgeon General Dr. Vivek H. Murthy (July 15, 2021) *available at* <https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/>

² Letters from Rep. Eshoo and Rep. McNerney to Alphabet, Altice, Amazon, Apple, AT&T, Charter, Comcast, Cox, Dish, Hulu, Roku, and Verizon. Sent February 22, 2021. Available at: <https://eshoo.house.gov/sites/eshoo.house.gov/files/Eshoo-McNerney-TV-Misinfo%20Letters-2.22.21.pdf>

of free-speech and denounce the behavior of these House Democrats.³ Unfortunately, the Acting Chair still has not responded to our request.

Your administration's efforts to pressure private entities to promote approved speech and censor disfavored speech undermines fundamental foundation of the First Amendment. It is the type of behavior we would expect from a Cuban dictator, not a President of the United States who is also the former Chairman of the Senate Committee on the Judiciary.

It is also clear from recent history that certain information related to COVID-19 that was once labeled as "misinformation" is now viewed quite differently. For example, until recently, Facebook would not allow any discussion on its platform about the lab leak theory, and for months your chief medical advisor denounced any suggestion that COVID-19 may have escaped the Wuhan lab. Presumably, your administration would have flagged content about the lab leak theory as "disinformation" and demanded social media companies suppress such speech. But you would have been wrong. This is the problem with your censorship mission. Not only are you attacking the First Amendment, but your "truth" might be wrong.

As staunch defenders of the First Amendment and free speech, our position is simple: the answer to speech you disagree with should be *more speech*, not less. As the President of the United States, you have a duty to defend the Constitution. Every American cherishes free speech, but your administration is attacking this fundamental right.

We urge you to abandon your censorship mission and ask that you respond to the following no later than August __, 2021:

1. Please provide a list of every social media company the Biden-Harris administration is working with to censor content your administration deems as "disinformation."
2. Please provide a complete list of the social media posts and content the Biden-Harris administration has flagged for social media companies to censor and identify which company such content was requested to be removed from.
3. Please provide a complete list of social media users the Biden-Harris administration has requested social media companies to suspend or ban and identify which company such requests were made of.
4. Please produce any written policy or plan outlining the Biden-Harris administration's censorship program.

If you have any questions, please contact Bijan (BJ) Koohmaraie at (202) 225-3641. Thank you for your prompt attention to this request.

³ Letter from House Energy and Commerce Republicans to The Honorable Jessica Rosenworcel. Sent February 24, 2021. Available at: <https://republicans-energycommerce.house.gov/wp-content/uploads/2021/02/02.24.21-Letter-to-FCC-Acting-Chairwoman-Rosenworcel.pdf>

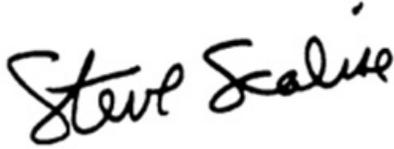
Sincerely,



Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce



Kevin McCarthy
House Republican Leader



Steve Scalise
House Republican Whip



Elise Stefanik
House Conference Chair



Robert Aderholt
Member of Congress



Rick Allen
Member of Congress



Mark Amodei
Member of Congress



Kelly Armstrong
Member of Congress



Jodey Arrington
Member of Congress



Brian Babin
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James Baird
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Troy Balderson
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Jim Banks
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Andy Barr
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Jack Bergman
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Mo Brooks
Member of Congress



Vern Buchanan
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Dan Crenshaw
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Mario Diaz-Balart
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Neal Dunn
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Tom Emmer
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Pat Fallon
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Michelle Fischbach
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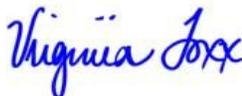
Scott Fitzgerald
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Chuck Fleischmann
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C. Scott Franklin
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Virginia Foxx
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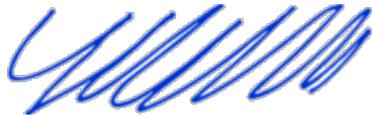
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Marjorie Taylor Greene
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Blaine Luetkemeyer
Member of Congress



Nancy Mace
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Nicole Malliotakis
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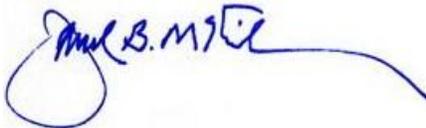
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David McKinley
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Daniel Meuser
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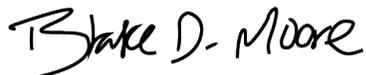
John Moolenaar
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Barry Moore
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Blake D. Moore
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Markwayne Mullin
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Gregory Francis Murphy
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Gary Palmer
Chairman, Republican Policy Committee



Greg Pence
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John Rutherford
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Maria Elvira Salazar
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David Schweikert
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Austin Scott
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Adrian Smith
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Chris Smith
Member of Congress



Jason Smith
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Lloyd Smucker
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Victoria Spartz
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Pete Stauber
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Bryan Steil
Member of Congress



W. Gregory Steube
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Chris Stewart
Member of Congress



Van Taylor
Member of Congress



Claudia Tenney
Member of Congress



Glenn Thompson
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Thomas P. Tiffany
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William Timmons
Member of Congress



Michael Turner
Member of Congress



Fred Upton
Member of Congress



Jefferson Van Drew
Member of Congress



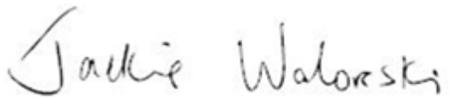
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Jackie Walorski
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Michael Waltz
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Randy Weber
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Steve Womack
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Lee Zeldin