



One Hundred Eighteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

July 2, 2024

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken,

Thank you for the documents the Department provided in response to our September 15, 2023, letter regarding the Global Engagement Center (GEC). It is regrettable that the Department elected to send its May 10, 2024, response letter nearly eight months after we reached out.¹

Absent congressional action, the GEC will terminate on December 23, 2024.² As you know, the GEC “direct[s] and coordinat[es] U.S. efforts to counter foreign propaganda and disinformation.”³ This role is important, but its execution entails risks of potential censorship and other restrictions on freedom of speech.⁴ For that reason, we had hoped the GEC could carry out its responsibilities while unimpeachably observing the First Amendment, which gives Americans the right to receive foreign propaganda.⁵

¹ See Letter from Naz Durakoglu, Assistant Sec’y of State for Legis. Affs., U.S. Dep’t of State, to Michael T. McCaul, Chairman, U.S. House Comm. on Foreign Affs. (May 10, 2024) (on file with committee staff).

² See 22 U.S.C. 2656 note (Global Engagement Center).

³ *The Global Engagement Center: Helping or Hurting U.S. Foreign Policy Before the Subcomm. on Oversight & Accountability of the H. Comm. on Foreign Affs.*, 118th Cong. (2023) (written statement of Daniel Kimmage, Principal Deputy Coordinator, Global Engagement Center, United States Department of State), <https://docs.house.gov/meetings/FA/FA17/20231025/116506/HMTG-118-FA17-Wstate-KimmageD-20231025.pdf>.

⁴ See, e.g., Clay Calvert et al., *Fake News and the First Amendment: Reconciling a Disconnect Between Theory and Doctrine*, 86 U. CIN. L. REV. 99, 137 (2018) (“[There is] ample philosophical fodder for why the First Amendment protects empirically disprovable falsehoods like fake news from government control. Simply put, permitting the government to tell society what is and is not true is treacherous, for it vests officials temporarily in charge of the country with the power to twist narratives to serve their own purposes.”); Joseph Thai, *The Right to Receive Foreign Speech*, 71 OKLA. L. REV. 269, 319–20 (2018) (“[T]he robust right [to receive information] now likely ensures uninhibited marketplace access to speech regardless of the foreign identity or location of the speaker and likely also extends to false political speech from abroad.”).

⁵ See *Lamont v. Postmaster General*, 381 U.S. 301, 303, 307 (1965) (holding that a statute which barred addressees of “communist political propaganda” from receiving it unless they “request[ed] in writing that it be delivered” was

Over the past year, however, through our May 1, 2023, September 15, 2023, October 24, 2023, and March 7, 2024, letters, as well as at our October 25, 2023, hearing, the House Committee on Foreign Affairs has repeatedly expressed its concerns that the GEC is: (1) contributing to the censorship of American voices through grants to, and other collaboration with, private organizations that conduct operations in both the U.S. and foreign countries; and (2) effective perhaps at identifying, but nonetheless ineffective at preventing or stemming, foreign misinformation and disinformation.⁶ Unfortunately, as we will describe, the Department has denied us the information necessary to assess these issues' severity; as such, we have serious reservations about reauthorizing the GEC.

To begin with, the GEC is facing growing scrutiny here in Washington and across the country. Many of these inquiries concern the GEC's relationships with organizations – primarily U.S. technology companies and NGOs – that conduct censorship worldwide.⁷ First Amendment issues

“an unconstitutional abridgement of . . . First Amendment rights”); Thai, *supra* note 4, at 281 (characterizing *Lamont* as finding that “[t]he government could not, consistent with the freedom of speech, ‘control the flow of ideas to the public’ even in th[e] limited and pregnable fashion [at issue], and even with respect to the speech of hostile foreign governments advocating civil riot or violent upheaval”).

⁶ See Letter from Michael T. McCaul, Chairman, U.S. House Comm. on Foreign Affs., et al., to Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (May 1, 2023) (on file with committee staff) [hereinafter May 1 Letter]; Letter from Michael T. McCaul, Chairman, U.S. House Comm. on Foreign Affs., et al., to Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Sept. 15, 2023) (on file with committee staff) [hereinafter Sept. 15 Letter]; Letter from Brian Mast, Chairman, Subcommittee on Oversight & Accountability of the U.S. House Comm. on Foreign Affs., et al., to James P. Rubin, Special Envoy and Coordinator, Glob. Engagement Ctr., U.S. Dep’t of State, and Dan Cederberg, Dir., Reg’l China Officer Program, U.S. Dep’t of State (Oct. 24, 2023) (on file with committee staff) [hereinafter Oct. 24 Letter]; Letter from Brian Mast, Chairman, Subcommittee on Oversight & Accountability of the U.S. House Comm. on Foreign Affs., et al., to James P. Rubin, Special Envoy and Coordinator, Glob. Engagement Ctr., U.S. Dep’t of State, and Dan Cederberg, Dir., Reg’l China Officer Program, U.S. Dep’t of State (Mar. 7, 2024) (on file with committee staff) [hereinafter Mar. 7 Letter]; *The Global Engagement Center: Helping or Hurting U.S. Foreign Policy Before the Subcomm. on Oversight & Accountability of the H. Comm. on Foreign Affs.*, 118th Cong. 16:17–17:00 (2023) (statement of Rep. Brian Mast, Chairman, Subcomm. on Oversight & Accountability), <https://www.youtube.com/watch?v=xPCD0VGmmok>.

⁷ It is important to note that this proposition – that the relevant organizations restrict lawful speech – is not a matter of debate or subjective opinion. Reputable, mainstream news media and academics acknowledge that social media companies exercise content moderation powers which, if exercised by the government, would violate the First Amendment. See, e.g., AJ Willingham and Scottie Andrew, *The First Amendment Doesn’t Guarantee You the Rights You Think It Does*, CNN (Jan. 12, 2021), <https://www.cnn.com/2021/01/12/politics/first-amendment-explainer-2021-trnd/index.html> (“[The First Amendment] doesn’t apply to private organizations, like Twitter and Facebook, so those companies can ban speech the First Amendment would otherwise protect.”); David McCabe, *What to Know About the Supreme Court Arguments on Social Media Laws*, N.Y. TIMES, <https://www.nytimes.com/2024/02/25/technology/free-speech-social-media-laws.html> (Feb. 26, 2024) (“Companies including Meta’s Facebook and Instagram, TikTok, Snap, YouTube and X have long policed themselves, setting their own rules for what users are allowed to say while the government has taken a hands-off approach.”); Rachel Reed, *Rappaport Forum Talks First Amendment Limits of Content Moderation, ‘Lawful but Awful’ Speech on Social Media*, HARVARD L. TODAY (Sept. 27, 2023), <https://hls.harvard.edu/today/rappaport-forum-talks-first-amendment-limits-of-content-moderation-lawful-but-awful-speech-on-social-media/> (reporting that, according to Harvard Law School professor Noah Feldman, were laws to “impos[e] First Amendment standards on private [social media] companies,” those laws “would require the companies to engage in ‘far, far less moderation of things like hate speech and misinformation, and possibly even ordinary everyday offensiveness than [social media companies] practice under current circumstances”). Similarly, the Global Disinformation Index and NewsGuard, two organizations the GEC funds, publicly admit that they maintain products intended to divert advertising revenue from news outlets they determine perpetuate disinformation. See *What We Do*, GLOBAL DISINFORMATION INDEX,

arise when the GEC contributes to those organizations' censorship of *American* viewpoints. For instance, the Department is now subject to at least two GEC-related federal lawsuits claiming First Amendment violations, *Missouri v. Biden*⁸ and *Daily Wire, LLC v. United States Department of State*. In the former suit, the plaintiffs allege that the GEC directly, and indirectly through an organization called the Election Integrity Partnership (EIP), communicated with social media companies to identify American-origin posts as mis- or disinformation and effect their takedown, many during the 2020 election cycle.⁹ In the latter, the plaintiffs highlight the GEC's "funding and promotion" of the Global Disinformation Index (GDI) and NewsGuard, both organizations which work to divert advertising revenue from certain, usually conservative media outlets, ostensibly because such outlets, in those organizations' view, lack credibility.¹⁰ In addition to these lawsuits, three open House of Representatives investigations, conducted by our own Committee, the Committee on the Judiciary, and the Committee on Small Business, center on the GEC.¹¹ Also, a 2022 Inspector General report found that, separate from its problematic external relationships with third parties, the GEC has suffered from serious internal dysfunction.¹²

<https://www.disinformationindex.org/product> (last visited July 1, 2024) ("The core output of the Disinformation Index is our Dynamic Exclusion List (DEL) of global news publications rated high risk for disinformation. . . . Ad tech companies and platforms can license GDI data to make more informed choices about their online ad purchases."); *NewsGuard for Advertising*, NEWSGUARD, <https://www.newsguardtech.com/solutions/newsguard-for-advertising/> (last visited July 1, 2024) ("Powered by NewsGuard's journalist-curated trust ratings for thousands of online news and information sources, NewsGuard for Advertising provides rich data about online news sources that advertisers use to avoid ad placements on misinformation, disinformation, and untrustworthy news sources inconsistent with their brand safety standards."). Thus, our inquiry concerns not whether these organizations conduct censorship (they do), but the extent to which the GEC involves itself in that censorship.

⁸ In *Missouri v. Biden*, the District Court granted the plaintiffs' motion for a preliminary injunction against the Department and a number of additional government defendants; the Fifth Circuit reversed with respect to the Department but affirmed with respect to certain other defendants, and upon appeal by those defendants, the Supreme Court reversed the Fifth Circuit. See 680 F. Supp. 3d 630 (W.D. La. 2023), *aff'd in part, rev'd in part* 83 F.4th 350 (5th Cir. 2023), *rev'd sub nom.* *Murthy v. Missouri*, No. 23-411, 2024 WL 3165801 (June 26, 2024). Importantly, the Supreme Court's reversal was premised on standing and did not reach the merits. See *Murthy*, 2024 WL 3165801 at *6 n.3, *7. And, in any case, the Department was not party to *Murthy*. Because these proceedings took place at the preliminary injunction stage, *Missouri v. Biden* presumably remains ongoing against the Department.

⁹ See Plaintiffs' Supplemental Brief in Support of Motion for Preliminary Injunction at 1–2, 39–40, 42–48, *Missouri v. Biden*, 680 F. Supp. 3d 630 (No. 22-cv-01213).

¹⁰ See Complaint for Declaratory and Injunctive Relief at 8, 22–27, 44–48, *Daily Wire, LLC v. U.S. Dep't of State*, No. 23-cv-609 (E.D. Tex. Dec. 6, 2023); Gabe Kaminsky, *Disinformation Inc.: State Department Bankrolls Group Secretly Blacklisting Conservative Media*, WASH. EXAM'R (Feb. 9, 2023), <https://www.washingtonexaminer.com/policy/finance/2773271/disinformation-inc-state-department-bankrolls-group-secretly-blacklisting-conservative-media/>; Evita Duffy-Alfonso, *Study Finds Taxpayer-Funded NewsGuard Is Outrageously Biased Against Conservatives*, FEDERALIST (Dec. 13, 2023), <https://thefederalist.com/2023/12/13/study-finds-taxpayer-funded-newsguard-is-outrageously-biased-against-conservatives/>; David Bozell, *Time for Conservative Media to Defy NewsGuard, the Left's Fact-Checkers*, WASH. TIMES (June 9, 2022), [https://www.washingtontimes.com/news/2022/jun/9/time-for-conservative-media-to-defy-newsguard-the-/-](https://www.washingtontimes.com/news/2022/jun/9/time-for-conservative-media-to-defy-newsguard-the-/).

¹¹ See, e.g., May 1 Letter, *supra* note 6; Letter from Jim Jordan, Chairman, U.S. House Comm. on the Judiciary, to James P. Rubin, Special Envoy and Coordinator, Glob. Engagement Ctr., U.S. Dep't of State (Apr. 28, 2023) (on file with committee staff); Letter from Roger Williams, Chairman, U.S. House Comm. on Small Bus., and Beth Van Duyne, Chairman, Subcommittee on Oversight, Investigations, & Reguls. of the U.S. House Comm. on Small Bus., to James P. Rubin, Special Envoy and Coordinator, Glob. Engagement Ctr., U.S. Dep't of State (June 7, 2023) (on file with committee staff).

¹² See OFF. OF INSPECTOR GEN., U.S. DEP'T OF STATE, ISP-I-22-15, INSPECTION OF THE GLOBAL ENGAGEMENT CENTER 5, 8, 12 (2022), https://www.stateoig.gov/uploads/report/report_pdf_file/isp-i-22-15.pdf (describing internal

Your Department refuses to acknowledge that these ongoing controversies complicate an objective appraisal of the GEC – in other words, that any value the GEC provides is tempered by genuine concerns that the GEC is at best indifferent to, and at worst complicit in, an orchestrated and systematic effort to stretch the term “disinformation” to encompass viewpoints that, among American progressives, are deemed to be politically disfavored or inconvenient. On May 22, 2024, you testified before this Committee that the GEC was uniformly exemplary – “a critical” and “effective tool[]” without which “we [will be] disarming ourselves in the fight against mis- and disinformation.”¹³ When asked if “there [was] any merit to . . . the allegations that the GEC [was] censoring conservative voices . . . in the United States,” you definitively answered: “[N]o. . . [W]hen concerns w[ere] raised we tried to make sure we provided all of the necessary information. . . . [T]hose questions have been answered.”¹⁴

But “those questions” have *not* been answered, nor has the GEC demonstrated its future existence is vital to the U.S. diplomatic mission, especially at a time when the impact of its controversial grant funding seems unclear and perhaps negligible,¹⁵ its reports mirror what think tanks have said for years,¹⁶ and foreign disinformation is already the topic of intelligence reporting¹⁷ – and intelligence sharing with trusted partners.¹⁸

On the first point, the GEC has refused to disavow its past support of entities, like the GDI, that censor domestic speech. The GDI maintains a “blacklist[]” of news outlets it believes lack

dysfunctions such as “concerns about disparate treatment, including harassing behaviors” among GEC employees, the “GEC’s organizational structure and staffing limit[ing] its effectiveness,” and “GEC leadership . . . not communicat[ing] the center’s strategic priorities to its staff”).

¹³ *The State of American Diplomacy in 2024: Global Instability, Budget Challenges, and Great Power Before the H. Comm. on Foreign Affs.*, 118th Cong. 2:00:08–2:00:33 (2024) (statement of Antony J. Blinken, Secretary of State, United States Department of State) <https://www.youtube.com/watch?v=hApP6X8mcbo&t=7210s>.

¹⁴ *Id.* at 2:00:37–2:00:59 (statements of Rep. Gregory Meeks, Ranking Member, H. Comm. on Foreign Affs., and Antony J. Blinken, Secretary of State, United States Department of State).

¹⁵ *See, e.g.*, Oct. 24 Letter, *supra* note 6; Mar. 7 Letter, *supra* note 6.

¹⁶ *E.g., compare* GLOB. ENGAGEMENT CTR., U.S. DEP’T OF STATE, HOW THE PEOPLE’S REPUBLIC OF CHINA SEEKS TO RESHAPE THE GLOBAL INFORMATION ENVIRONMENT 12 (2023) https://www.state.gov/wp-content/uploads/2023/10/HOW-THE-PEOPLES-REPUBLIC-OF-CHINA-SEEKS-TO-RESHAPE-THE-GLOBAL-INFORMATION-ENVIRONMENT_508.pdf (highlighting, in 2023, that “PRC government representatives in an East African country reached an agreement with a local newspaper to publish articles favorable to the PRC” such “that the paid articles would not have a direct connection to the PRC”) *with* KONRAD ADENAUER STIFTUNG, IT IS ABOUT THEIR STORY: HOW CHINA, TURKEY AND RUSSIA INFLUENCE THE MEDIA IN AFRICA 34–35 (2021), <https://www.kas.de/documents/285576/0/How+China%2C+Turkey+and+Russia+influence+media+in+Africa.pdf/6594fc3e-f240-6aea-342d-92c8f90dbf43?version=1.2&t=1611811364948> (noting, in 2021, that a Chinese news outlet has “content exchange agreements” with certain African news outlets, and that “[i]n some instance[s], . . . stor[ies] from the Chinese outlet] might be [published by the African outlets and] attributed to ‘Agencies,’ or there might not be any mention of [the Chinese outlet] at all”).

¹⁷ *See, e.g.*, OFF OF THE DIR. OF NAT’L INTEL., ANNUAL THREAT ASSESSMENT OF THE U.S. INTELLIGENCE COMMUNITY 6, 12, 20 (2024), <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2024-Unclassified-Report.pdf>.

¹⁸ *See, e.g., Defense Intelligence Posture to Support the Warfighters and Policy Makers Before the Subcomm. on Intel. and Spec. Operations of the H. Comm. on Armed Servs.*, 117th Cong. 38:28-40:20 (2022) (statements of Rep. Ruben Gallego, Chairman, Subcomm. on Intel. and Spec. Operations of the H. Comm. on Armed Servs., Ronald S. Moultrie, Under Secretary of Defense for Intelligence and Security, United States Department of Defense, and Paul M. Nakasone, Director, National Security Agency), <https://www.youtube.com/watch?v=sr54QBU2IBc>.

credibility and encourages advertisers to avoid them; evidence suggests such list, while private, is biased against conservative publications.¹⁹ But when asked directly, the GEC would not admit that funding the GDI was, in hindsight, a mistake.²⁰ So, how can we be sure the GEC will not aid similarly troubling entities in the future? In fact, the GEC appears to still be funding or otherwise supporting Code for Africa,²¹ an organization which the GDI labels as a “[p]ast [or] [p]resent [p]artner” and which administers a product adapting the GDI’s speech suppression “methodology” for use in Africa.²²

The GEC likes to claim its support of the GDI was limited to identifying disinformation efforts *abroad*,²³ but even if that is true (given the fungibility of money, it is hard to say for sure), it still exposes a credibility problem: in short, how can the GEC be taken seriously when it has chosen to fund entities that think all or most domestic conservative media outlets are illegitimate? How can grantees’ work overseas be reputable when their work domestically is anything but?

Even more pertinent, and in some cases contradicting your testimony, the Department has evaded, ignored, or refused to answer our most pressing questions about the GEC, thereby impeding our oversight. The following list constitutes only a fraction of such unanswered questions:

- Regarding the GEC’s censorship:
 - In his responses to our questions for the record (QFRs) submitted following our October 25, 2023, hearing on the GEC, the GEC’s Principal Deputy Coordinator Daniel Kimmage declined or failed to answer the following inquiries (among others):

¹⁹ See Kaminsky, *supra* note 10; Complaint for Declaratory and Injunctive Relief, *supra* note 10, at 23–26.

²⁰ See *The Global Engagement Center*, *supra* note 6, at 52:24–53:31 (statements of Rep. Darrell Issa, Member, Subcomm. on Oversight and Accountability, and Daniel Kimmage, Principal Deputy Coordinator, Global Engagement Center, United States Department of State). In contrast, the National Endowment for Democracy ceased funding the GDI upon learning of its domestic censorship. ADN America Staff, *NED Cuts Ties with Soros-Funded Global Disinformation Index for Targeting Conservatives*, ADN AM. (Feb. 22, 2023), <https://adnamerica.com/en/united-states/ned-cuts-ties-soros-funded-global-disinformation-index-targeting-conservatives>.

²¹ In January 2024, Code for Africa “offer[ed] an intensive six to eight-month [sic] incubation programme for media organisations.” *Call for Applications for Newsrooms to Help Strengthen Their CheckDesks*, CODE FOR AFRICA (Jan. 26, 2024), <https://opportunities.codeforafrica.org/2024/01/26/call-for-applications-for-newsrooms-to-help-strengthen-their-checkdesks/>; accord African Fact Checking Alliance, *Call for Applications for Newsrooms to Help Strengthen Their CheckDesks*, MEDIUM (Jan. 23, 2024), <https://factcheck.africa/call-for-applications-for-newsrooms-to-help-strengthen-their-checkdesks-join-the-afca-incubator-80a90b0c798c>. It disclosed that “[t]he US State Department’s Global Engagement Center (GEC) supports the programme.” CODE FOR AFRICA, *supra*; accord African Fact Checking Alliance, *supra*. Separately, the GEC funded Code for Africa in FY 2021. U.S. DEP’T OF STATE, GEC AWARD RECIPIENTS FY18-FY23 (2024).

²² *Our Story*, GLOBAL DISINFORMATION INDEX, <https://www.disinformationindex.org/about> (last visited July 1, 2024); CIVICSIGNAL @ CODE FOR AFRICA, PROPOSAL – ADSPEND FOR GOOD: DEFUNDING THE DISINFORMATION INDUSTRIAL COMPLEX (2021) (proposing this product, TrustList, as part of the GEC’s U.S.-Africa Tech Challenge and discussing TrustList’s connections to the GDI); TRUSTLIST, <https://www.trustlist.africa/> (last visited July 1, 2024).

²³ See, e.g., *The Global Engagement Center*, *supra* note 6, at 52:24–52:58 (statements of Rep. Darrell Issa, Member, Subcomm. on Oversight and Accountability, and Daniel Kimmage, Principal Deputy Coordinator, Global Engagement Center, United States Department of State).

- “Have any GEC grants ever been canceled or not renewed based on poor performance evaluations? Or on the grounds that the grantee violated the grant by conducting activity directed towards US persons?”²⁴
 - “Can the GEC commit to terminating all partnerships with organizations that target American conservatives?”²⁵
 - “Has the GEC ever intentionally or unintentionally identified U.S. citizens or media organizations as purveyors or conduits of disinformation, misinformation, or malinformation?”²⁶
 - “Please outline . . . what work [the] GEC has done with the Election Integrity Partnership.”²⁷
 - In our May 1, 2023, letter, we requested documents regarding the GEC’s grants to eight censorship-related entities.²⁸ The Department provided no such documents.²⁹ In our September 15, 2023, letter, we requested documents regarding the GEC’s grants to only three such entities, including two already enumerated in our May letter.³⁰ To date, the Department has provided grant documents for only one of those three entities, the GDI, while grant documents for the other two, NewsGuard and the Institute for Strategic Dialogue (ISD), remain outstanding.
 - In our September 15, 2023, letter, we requested documents relating to the GEC’s work with the EIP.³¹ The Department did not provide such documents.
- Regarding the GEC’s efficacy:
 - In our questions for the record, we asked: “What metrics does the GEC use to determine the effectiveness of its work?”³² In response, Mr. Kimmage provided only a brief discussion of “standardized performance indicators” without providing the specific indicators themselves, effectively dodging the question.³³
 - Our March 7, 2024, letter requested “[t]he metrics the Department uses/has used to monitor and evaluate the success or failure of GEC and CPIF capacity-building programs.”³⁴ We have not received such metrics.

²⁴ DANIEL KIMMAGE, U.S. DEP’T OF STATE, QUESTIONS FOR THE RECORD SUBMITTED TO R/GEC PRINCIPAL DEPUTY COORDINATOR DANIEL KIMMAGE BY REP. BRIAN MAST at question no. 15 (2023).

²⁵ DANIEL KIMMAGE, U.S. DEP’T OF STATE, QUESTIONS FOR THE RECORD SUBMITTED TO R/GEC PRINCIPAL DEPUTY COORDINATOR DANIEL KIMMAGE BY REP. DARRELL ISSA at question no. 13 (2023).

²⁶ KIMMAGE, *supra* note 24, at question no. 8.

²⁷ *Id.* at question no. 5.

²⁸ *See* May 1 Letter, *supra* note 6.

²⁹ *See* Sept. 15 Letter, *supra* note 6.

³⁰ *See id.*

³¹ *See id.*

³² *See* KIMMAGE, *supra* note 25, at question no. 1; *cf.* KIMMAGE, *supra* note 24, at question no. 1 (asking “How does the GEC measure success?”).

³³ *See* KIMMAGE, *supra* note 25, at question no. 1; *cf.* KIMMAGE, *supra* note 24, at question no. 1 (providing another vague discussion of “standardized performance indicators”).

³⁴ Mar. 7 Letter, *supra* note 6. Our October 24, 2023, letter noted serious deficiencies in the monitoring plan for the GEC’s “Inoculating African Democracies from Foreign Legal Coercion, or Building Resilient Media Ecosystems in Africa” grant. *See* Oct. 24 Letter, *supra* note 6. While the Department’s January 24, 2024, response offered “to provide a briefing” on these concerns, it did not address them substantively, precipitating our March 7, 2024, request. *See* Letter from Naz Durakoglu, Assistant Sec’y of State for Legis. Affs., U.S. Dep’t of State, to Brian Mast, Chairman, Subcommittee on Oversight & Accountability of the U.S. House Comm. on Foreign Affs. (Jan. 24, 2024) (on file with committee staff).

These non-responses are unacceptable. While we encourage the Department to share *all* information it deems relevant, responses to the following questions and production requests are essential to our reauthorization inquiry. Note that vague, stock answers like the ones the Department has provided before many times, **or offering a brief in lieu of written responses**, will be very unhelpful regarding the desired reauthorization.

1. We are disturbed by allegations, such as those in *Missouri v. Biden*, that the GEC identifies American speech for censorship by social media companies or other entities.³⁵ We are likewise concerned that the GEC's awards to organizations that suppress speech worldwide, like the GDI and NewsGuard, may have contributed to their censorship activities *in America*. Finally, even if the GEC's awards to such organizations do not contribute to their domestic censorship activities, we still find such funding unacceptable. To those ends:
 - a. Has the GEC or any representative thereof *ever*, intentionally or unintentionally, identified U.S. citizens, U.S.-based social media accounts, U.S. media organizations, or other U.S. entities as spreading misinformation or disinformation or as otherwise lacking credibility?
 - i. If so, please produce the communications or documents in which the GEC made such identifications, including documents sufficient to explain their nature and scope, and which include the names of the organizations or individuals who received such communications.
 - b. Please describe in detail the typical circumstances under which the GEC's interactions with social media or other tech companies touch upon specific online post(s) created or shared by American individuals or entities or specific account(s) owned by American individuals or entities.
 - c. To your knowledge, has any entity funded by the GEC, including any recipient of grants, subgrants, cooperative agreements, or other contracts, *ever*, intentionally or unintentionally, used that funding to identify U.S. citizens, U.S.-based social media accounts, U.S. media organizations, or other U.S. entities as spreading misinformation or disinformation or as otherwise lacking credibility?
 - i. If so, please produce documents or communications sufficient to indicate and explain all such identifications, as well as documents or communications sufficient to demonstrate how and when the GEC became aware of such identifications and how it responded.
 - d. Can the GEC commit to terminating and abstaining from all funding of, and other collaboration with, all organizations that label U.S. persons, U.S.-based social media accounts, U.S. media organizations, or other U.S. entities as

³⁵ See Plaintiffs' Supplemental Brief in Support of Motion for Preliminary Injunction, *supra* note 9, at 1–2.

- spreading misinformation or disinformation or as otherwise lacking credibility, even if such funding or collaboration is unrelated to that labeling?
2. Given the importance of political speech and the allegations in *Missouri v. Biden*, we are particularly concerned about the GEC interfering with American speech surrounding U.S. elections, even if the GEC determines that such speech constitutes misinformation, disinformation, or malinformation. Please address the following:
 - a. Please specify in detail the actions the GEC has taken, and the actions the GEC intends to take, regarding foreign misinformation, disinformation, or malinformation surrounding the 2024 U.S. elections or electoral infrastructure. In particular, please explain the ways in which the GEC has communicated or collaborated, or intends to communicate or collaborate, with the Department of Homeland Security's (DHS's) Cybersecurity and Infrastructure Security Agency (CISA),³⁶ social media and tech companies, and organizations like the EIP regarding the 2024 U.S. elections or electoral infrastructure, and please produce documents sufficient to demonstrate the extent to which such interactions include discussion of specific social media posts or accounts.
 - b. According to Mr. Kimmage, the GEC "general[ly] engage[d] with the EIP" during the 2020 election cycle.³⁷ Likewise, according to the EIP, the GEC "reported tickets" to the EIP that "flag[ged] incidents or emerging narratives" related to the 2020 election.³⁸ Please describe the nature of the GEC's engagement with the EIP and produce all documents mentioning or relating to the EIP, including all communications between the GEC or any representative thereof and the EIP or any representative thereof, all tickets the GEC submitted to the EIP,³⁹ and all documents or communications relating to those tickets.

³⁶ Like the GEC, CISA worked with the EIP during the 2020 election cycle. Videotaped Deposition of Brian J. Scully at 64–69, 73–75, *Missouri v. Biden*, No. 22-cv-01213 (W.D. La. Mar. 4, 2023). Further, the GEC has reported disinformation to CISA, which then reported it to social media companies. Videotaped Deposition of Daniel Kimmage at 188–97, *Missouri v. Biden*, No. 22-cv-01213. These actions lead us to wonder whether CISA functions as a proxy through which the GEC conducts election related censorship. *Cf.* Plaintiffs' Supplemental Brief in Support of Motion for Preliminary Injunction, *supra* note 9, at 2 ("CISA 'switchboards' reports of so-called 'misinformation' from state and local governments to platforms for censorship.").

³⁷ Videotaped Deposition of Daniel Kimmage, *supra* note 36, at 214.

³⁸ ELECTION INTEGRITY PARTNERSHIP, *THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION* 12, 42 (2021) <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf>.

³⁹ Stanford University's counsel stated in written correspondence with Representative Jim Jordan that the GEC "initiated . . . tickets . . . during the EIP 2020 project . . . concern[ing] foreign propaganda and disinformation, primarily instigated by Russia." *See* STAFF OF S. COMM. ON THE JUDICIARY AND SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T, 118TH CONG., *THE WEAPONIZATION OF 'DISINFORMATION' PSEUDO-EXPERTS AND BUREAUCRATS: HOW THE FEDERAL GOVERNMENT PARTNERED WITH UNIVERSITIES TO CENSOR AMERICANS' POLITICAL SPEECH* 88–89 (Comm. Print 2023), https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/EIP_Jira-Ticket-Staff-Report-11-7-23-Clean.pdf. Therefore, we expect a production in response to this inquiry.

3. Because NewsGuard, like the GDI, suppresses speech and appears to be biased against conservatives, we would like to know more about the GEC's funding of NewsGuard.⁴⁰ Pursuant to our September 15, 2023, letter, please produce documents sufficient to fully explain the nature and scope of the Department's contracts, grants, awards, subawards, cooperative agreements, or other agreements for assistance with NewsGuard, including the Statement of Work for all such agreements.
4. Returning to our concerns about the GEC's efficacy, please explain the GEC's performance monitoring system in detail. In particular, please iterate all performance indicators the GEC uses to assess itself in general and with respect to capacity-building programs specifically, and please produce documents exemplifying how the GEC has utilized these performance indicators.

We appreciate the importance of countering misinformation and disinformation abroad; however, we must ensure that such efforts are undertaken in the most careful and impactful manner possible. Accordingly, we cannot understate our need for robust answers to these questions. The Department must balance its hesitancy to provide our committee with information that may be at issue in *Missouri v. Biden* and *Daily Wire*⁴¹ with the understanding that such information is essential to our reauthorization inquiry and legislative responsibility. In short, given the GEC's pending termination and our consideration thereof, we are asking for both transparency regarding the GEC's connections to censorship efforts and a cogent demonstration of the GEC's value to America's foreign policy objectives. At present, we find the Department's disclosures inadequate in both respects.

We ask that the Department address our inquiries with the utmost consideration and urgency and provide the requested materials no later than July 19, 2024. We further urge the Department to provide all additional information it believes will aid our reauthorization decision.

Sincerely,

⁴⁰ See Complaint for Declaratory and Injunctive Relief, *supra* note 10, at 26–27; Duffy-Alfonso, *supra* note 10. We thank the Department for its June 14, 2024, email explaining the nature of the GEC's relationship with NewsGuard. E-mail from Staff, U.S. Dep't of State, to Staff, U.S. House Comm. on Foreign Affs. (June 14, 2024, 10:07 AM EST) (on file with committee staff). However, such written explanation is not, in itself, enough and cannot replace primary documents.

⁴¹ Mr. Kimmage declined to answer several of our questions for the record because the information requested was at issue in *Missouri v. Biden*. See, e.g., KIMMAGE, *supra* note 24, at question no. 5.



Michael T. McCaul
Chairman
House Foreign Affairs Committee



Brian Mast
Chairman
Subcommittee on Oversight and Accountability



Darrell Issa
Member
Subcommittee on Oversight and Accountability.

CC:
Rep. Gregory W. Meeks, Ranking Member
House Foreign Affairs Committee