



One Hundred Eighteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

May 10, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security's Subcommittee on Oversight, Investigations, and Accountability (Subcommittee) is investigating the Department of Homeland Security's (Department) actions related to what the Department and other Executive Branch components elaborately categorize as "mis-, dis-, and malinformation" (MDM), particularly for online content posted by or denied to U.S. citizens. News reports emerging from the release of business records by Twitter suggest that the Department, especially through the Cybersecurity and Infrastructure Security Agency (CISA), distorted its mission to protect the nation's critical cyber and physical infrastructure into an Orwellian ministry of information bent on controlling what Americans can say and what speech is accessible online.¹

Official assurances that the Department and CISA take no part in censorship² are repeatedly belied by disturbing anecdotes like the plotting for the Disinformation Governance Board³ or the embrace of terminology like "cognitive infrastructure."⁴ CISA's undertaking a "switchboarding"⁵ function to encourage censorship by social media platforms, and the funding

¹ Joseph A. Wulfsohn, *Twitter Files Part 6 reveals FBI's Ties to Tech Giant: 'As if it Were a Subsidiary'*, FOX NEWS, Dec. 16, 2022, <https://www.foxnews.com/media/twitter-files-part-6-reveals-fbis-ties-tech-giant>

² Ben Weingarten, *Taxpayer Dollars Must Not Fund the Government-Led Censorship Regime*, NEWSWEEK, Apr. 7, 2022, <https://www.newsweek.com/taxpayer-dollars-must-not-fund-government-led-censorship-regime-opinion-1792828>; *Hearing on the FY24 DHS Budget Request: Hearing Before S. Comm. on Homeland Security and Governmental Affairs, 118th Cong.* (Apr. 18, 2023) (testimony of Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec.), <https://www.hsgac.senate.gov/hearings/the-fy24-dhs-budget-resources-and-authorities-requested-to-protect-and-secure-the-homeland/>.

³ Bradford Betz, *Mayorkas Testifies DHS Is Creating 'Disinformation Governance Board'*, FOX NEWS, Apr. 27, 2022, <https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board>. See also Timothy H.J. Nerozzi, *Mayorkas Officially Cancels Homeland Security Disinformation Governance Board*, FOX NEWS, Aug. 25, 2022, <https://www.foxnews.com/politics/mayorkas-officially-cancels-homeland-security-disinformation-governance-board>.

⁴ Tortoise, *Fireside Chat with Jen Easterly* (Oct. 5, 2021), <https://youtu.be/vox8zYvVQjc?t=1090>.

⁵ Matt Taibbi and Susan Schmidt, *Homeland Security Reorganizes, Appearing to Scrap Last Remnants of Ill-Fated 'Disinformation Governance Board'*, RACKET NEWS, Mar. 24, 2023, *Homeland Security Reorganizes, Appearing to Scrap Last Remnants of Ill-Fated "Disinformation Governance Board"*, <https://www.tabletmag.com/sections/news/articles/guide-understanding-hoax-century-thirteen-ways-looking-disinformation>.

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of and interaction with entities like the Center for Internet Security (CIS), the Election Integrity Project (EIP), and their respective affiliates also accomplish indirectly the censorship in which the Department and CISA disclaim involvement.⁶ According to media reports, CISA's Cybersecurity Advisory Committee's (CSAC) Protecting Critical Infrastructure from Misinformation and Disinformation subcommittee also pushes to enlist left-wing entities and individuals to support CISA's counter-MDM efforts.⁷ In addition to the serious questions raised about the infringement on Americans' constitutional rights, CISA's counter-MDM efforts also distract from the agency's core missions. Moreover, a 2022 report from the Inspector General for the Department highlights several other areas where the Department has expanded its counter-MDM efforts.⁸

On March 13, 2023, Chairman Mark Green and I sent you a letter requesting documents and information related to the Department's Overt Human Intelligence Collection Program, which also raises questions about the Department's safeguarding of Americans' fundamental civil liberties.⁹ The seemingly emerging pattern of the Executive Branch's use of taxpayer-funded technology or activity to curtail Americans' rights is very disconcerting.

Additionally, the Subcommittee's previous review of CISA's publicly stated views on MDM and the agency's purported role in addressing foreign influence activities revealed an unsettling focus on "domestic" actors' purported dissemination of MDM. On or about February 26, 2023, however, CISA quietly modified its MDM web page to remove all references to "domestic threat actors."¹⁰ CISA also quietly scrapped the CSAC Protecting Critical Infrastructure from the Misinformation and Disinformation subcommittee.¹¹

CISA's backpedaling offers little comfort because of its previous disingenuous behavior. In 2022, the Department established the Disinformation Governance Board to police alleged disinformation and misinformation.¹² You terminated the Board after significant public outcry,¹³ but trivialized and obfuscated about the seriousness of the threat the Board presented to

⁶ Scully Dep. 59:6-64:14 (Jan. 12, 2023). *See also* Cybersecurity and Infrastructure Security Agency, JOIN THE EI-ISAC, April 25, 2023, <https://www.cisa.gov/resources-tools/groups/join-ei-isac>. Mike Benz, *DHS Censorship Agency Had Strange First Mission: Banning Speech That Casts Doubt On 'Red Mirage, Blue Shift' Election Events*, FOUNDATION FOR FREEDOM ONLINE (Nov. 9, 2022), <https://report.foundationforfreedomonline.com/11-9-22.html>.

⁷ Ailan Evans, *Exclusive: DHS Panel Courted Left-Wing Agents To Aid In 'Misinformation' Crackdown*, DAILY CALLER, Apr. 4, 2023, <https://dailycaller.com/2023/04/04/dhs-cisa-misinformation-left-wing>.

⁸ U.S. DEP'T OF HOMELAND SEC. OFFICE OF THE INSPECTOR GENERAL, OIG-22-59, DHS NEEDS A UNIFIED STRATEGY TO COUNTER DISINFORMATION CAMPAIGNS (Aug. 10, 2022), <https://www.oig.dhs.gov/sites/default/files/assets/2022-08/OIG-22-58-Aug22.pdf>.

⁹ Letter from Rep. Mark E. Green et al., Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Mar. 13, 2023).

¹⁰ Matt Taibbi and Susan Schmidt.

¹¹ *Id.*

¹² Bradford Betz, *Mayorkas Testifies DHS Is Creating 'Disinformation Governance Board'*, FOX NEWS, Apr. 27, 2022, <https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board>.

¹³ Timothy H.J. Nerozzi, *Mayorkas Officially Cancels Homeland Security Disinformation Governance Board*, FOX NEWS, Aug. 25, 2022, <https://www.foxnews.com/politics/mayorkas-officially-cancels-homeland-security-disinformation-governance-board>. Press Release, U.S. Dep't of Homeland Sec., Following HSAC Recommendation, DHS Terminates Disinformation Governance Board (Aug. 24, 2022).

Americans' constitutionally protected speech.¹⁴ A report from the Department's Inspector General also identified the Department's efforts to "counter disinformation" from "both foreign and domestic sources."¹⁵ Abandonment of the Board merely appears as a cosmetic bow to public attention prompting little or no introspection.

Further, despite these public alterations, CISA documents make clear the agency's continuing view that "MDM also may originate from domestic sources."¹⁶ Moreover, according to a recent media report, the Department previously drafted plans to target "inaccurate information" on a wide range of topics including "the origins of the COVID-19 pandemic, the efficacy of the COVID-19 vaccine, racial justice, U.S. withdrawal from Afghanistan, and the nature of U.S. support to Ukraine."¹⁷

CISA documents also suggest the agency is extending its purview to "misinformation" regarding "the financial system."¹⁸ This took on added poignancy when, on March 12, 2023, following Silicon Valley Bank's failure, Biden administration officials briefing members of Congress readily acceded to the idea that the government should manipulate or suppress social media content that could be seen as undermining confidence in banks.¹⁹ Each of these activities suggest a persistent notion that the Department feels justified in defining orthodox ideas — including some that turn out to have been dead wrong — and discouraging the circulation of heterodox ideas.

The Department appears to overreach and surreptitiously take tools and authorities developed to target foreign actors who threaten the homeland and apply them against American citizens whose communications CISA classifies as MDM.

¹⁴ Cristiano Lima, *DHS Tries to Right Controversial Rollout of its 'Disinformation Governance Board'*, WASH. POST, May 2, 2022, <https://www.washingtonpost.com/politics/2022/05/02/dhs-tries-right-controversial-rollout-its-disinformation-governance-board/>.

¹⁵ U.S. DEP'T OF HOMELAND SEC. OFFICE OF THE INSPECTOR GENERAL, *OIG-22-59, DHS NEEDS A UNIFIED STRATEGY TO COUNTER DISINFORMATION CAMPAIGNS* (Aug. 10, 2022), <https://www.oig.dhs.gov/sites/default/files/assets/2022-08/OIG-22-58-Aug22.pdf>.

¹⁶ Cybersecurity and Infrastructure Security Agency, *Mis-, Dis-, and Malinformation: Planning and Incident Response Guide for Election Officials 1*, https://www.cisa.gov/sites/default/files/2022-11/mdm-incident-response-guide_508.pdf. See Infrastructure Security Agency, *We're in This Together, Mis-, Dis-, and Malinformation Stops With You*, https://www.cisa.gov/sites/default/files/publications/SLTTCOVIDToolkit_FINAL_508.pdf.

¹⁷ Aaron Kliegman, *DHS Agency Appears to be 'Burying' Evidence of Involvement with 'Domestic Censorship Activities'*: *Expert*, FOX NEWS, Mar. 7, 2023, <https://www.foxnews.com/politics/dhs-agency-appears-burying-evidence-involvement-domestic-censorship-activities-expert>.

¹⁸ CISA Cybersecurity Advisory Committee, *Report to the CISA Director: Protecting Critical Infrastructure from Misinformation and Disinformation*, June 22, 2022, https://www.cisa.gov/sites/default/files/publications/June%202022%20CSAC%20Recommendations%20%E2%80%93%93%20MDM_0.pdf.

¹⁹ ADI Staff Reporter, *Mark Kelly Asked if Social Media Companies Could Censor Citizens to Prevent Bank Runs*, ARIZONAN DAILY INDEPENDENT, Mar. 13, 2023, <https://arizonadailyindependent.com/2023/03/13/mark-kelly-asked-if-social-media-companies-could-censor-citizens-to-prevent-bank-runs>.

To assist the Subcommittee with its investigation into the Department's counter-MDM efforts, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on May 24, 2023:

1. All documents and communications referring or relating to the modifications to CISA's MDM webpages that occurred on or about February 26, 2023, including, but not limited to, direction or guidance to remove or revise content related to domestic aspects of CISA's counter-MDM efforts, from November 1, 2022 to the present;
2. All documents and communications referring or relating to pending or anticipated future modifications of public content related to domestic aspects of CISA's counter-MDM efforts;
3. Documents sufficient to show how the Department and CISA currently define "malign MDM actor," "MDM," and "counter-MDM;"
4. Documents sufficient to show the Department's and CISA's standard operating procedures or other guidance regarding domestic aspects of the Department's and CISA's counter-MDM efforts;
5. A document sufficient to show the current organization chart of CISA's MDM Team (formerly the Countering Foreign Influence Task Force) to include names and locations of team members;
6. Documents sufficient to show CISA's MDM Team's current mission and active projects;
7. Documents sufficient to show the history of CISA's MDM Team's and the Countering Foreign Influence Task Force's resourcing, including operating costs and any financial support to other government or non-government entities since January 1, 2021.
8. A document sufficient to show the current organization chart of CSAC's Protecting Critical Infrastructure from Misinformation and Disinformation subcommittee, to include names of committee members and how long they have been on the subcommittee;
9. Documents sufficient to show the CSAC's Protecting Critical Infrastructure from Misinformation and Disinformation subcommittee's current status;
10. Documents sufficient to show the history of the CSAC's Protecting Critical Infrastructure from Misinformation and Disinformation subcommittee activities, including minutes from subcommittee meetings, outside groups and individuals the subcommittee has met with, and any findings and recommendations the committee has generated since December 1, 2021;

11. Documents sufficient to show the relationship between CISA and the Center for Internet Security (CIS), the Election Integrity Project (EIP), and their respective affiliates (to include activities involving the Elections Infrastructure Information Sharing & Analysis Center);
12. Documents sufficient to show any funding CISA (or the Department) have provided directly or indirectly to support CIS, EIP, and their respective affiliates and activities since January 1, 2020;
13. All documents and communications referring or related to discussions CISA held regarding the establishment of the Election Integrity Project (EIP), support or direction CISA provided in the standup of EIP, and how CISA intended to work with EIP to address election-related MDM in the 2020 election, from June 1, 2020 through November 3, 2020; and
14. All documents and communications referring or relating to CISA's decision to add delegitimization as criteria for election infrastructure-related MDM, CISA's development of the definition of delegitimization, and CISA's actions to encourage social media platforms to add delegitimization to their content moderation policies, from December 1, 2019 through the present.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



DAN BISHOP
Chairman
Subcommittee on Oversight, Investigations,
and Accountability

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Encl.

cc: The Honorable Ranking Member Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability