



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

June 21, 2023

Ms. Marci Andino
Director
Election Infrastructure Information Sharing and Analysis Center (EI-ISAC)
Center for Internet Security
31 Tech Valley Drive
East Greenbush, NY 12061

Dear Ms. Andino:

The Committee on Homeland Security (Committee) is investigating the federal government's efforts to censor public discourse under the guise of countering misinformation, disinformation, and malinformation. Specifically, the Committee is seeking information on the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency's (CISA) partnership with non-governmental organizations and social media companies that potentially suppressed Americans' speech.

During the 2020 election, the Center for Internet Security (CIS) created a "misinformation reporting system" that "allowed election officials to report a case of election infrastructure misinformation to a single source" ¹ According to its after-action report, CIS employed the Misinformation Reporting Portal (MiRP) to "facilitate[] interaction between election officials and their representatives, CISA, CIS, and social media platforms." ² Specifically, CIS would receive a "misinformation report" from election officials or the Election Integrity Project (EIP) ³ and CIS would forward the reports to CISA's Countering Foreign Interference Task Force, which would then forward those reports to social media companies. ⁴

¹ AARON WILSON, BEN SPEAR & MIKE GARCIA, ELECTION INFRASTRUCTURE MISINFORMATION REPORTING 2020 GENERAL ELECTION 1 (Ctr. for Internet Sec., Feb. 2021).

² *Id.* at 4.

³ The Election Integrity Project was a consortium of four non-governmental organization, the Stanford Internet Observatory, University of Washington's Center for an Informed Public, the Atlantic Council's Digital Forensic Research Lab, and Graphika, to monitor and suppress "misinformation" online. ELECTION INTEGRITY PARTNERSHIP, THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION 2-6 (2021), <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf>. After the 2020 election, the EIP consortium switched gears to target "narratives that questioned the safety, distribution, and effectiveness of the [COVID-19] vaccines." THE VIRALITY PROJECT, MEMES, MAGNETS, AND MICROCHIPS NARRATIVE DYNAMICS AROUND COVID-19 VACCINES 4 (2022), https://stacks.stanford.edu/file/druid:mx395xj8490/Virality_project_final_report.pdf. For this effort the group rebranded as the Virality Project and brought on new partners. *Id.* at 1-2. Based on its final report, it appears the Virality Project continued to use the same business systems and operations as EIP. *Id.* at 28.

⁴ *Supra* note 1 at 4-6.

CIS claimed that 61 percent of cases it “reported” up the chain to social media companies were taken down or labeled as misinformation.⁵

CIS’s after-action report notes that it worked closely with EIP, both receiving from and sending information to EIP.⁶ According to EIP’s report following its work on the 2020 election, EIP tracked its own flagged content through a “ticketing workflow management system” that operated through Jira Service Desk software.⁷ The tickets tracked discussions among EIP analysts and outside stakeholders, including CIS and CISA.⁸

The CIS after-action report makes clear that CISA directly engaged with social media companies to suppress Americans’ social media content.⁹ Alarming, CIS notes that for future projects, when social media companies are reluctant to participate in the suppression scheme, “it will be critical to define the roles of all involved parties and for those entities, especially the social media platforms, to accept their role”¹⁰ and that “[t]here is currently no leverage to compel them to do so.”¹¹ This note begs the question – if there was no legal leverage to compel social media cooperation during the 2020 election, was the federal government, through CISA, used as a strong arm? There appears to be no other reason for CISA’s participation as a middleman between CIS and social media companies.

While both CIS and EIP published final reports describing their work, much of the process, particularly the extent of CIS’s and CISA’s participation in monitoring online speech remains unclear. Additionally, CISA officials repeatedly deny engaging in censorship,¹² but the evidence uncovered so far suggests CISA has, in fact, engaged in proxy censorship through partners like CIP and EIP, circumventing Americans’ First Amendment protections.

The opaque nature and extent of CIS’s and CISA’s involvement in online censorship, including their communications with each other and the EIP necessitate the Committee’s review of CIS records, as the Committee considers potential legislation. To assist the Committee with its investigation, please provide as soon as possible, but no later than June 28, 2023:

⁵ *Id.* at 6.

⁶ *Id.* at 1, 10.

⁷ ELECTION INTEGRITY PARTNERSHIP, *THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION* 12 (2021), <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf>.

⁸ *Id.* at 27, 187-188.

⁹ *Id.* at 4.

¹⁰ *Id.* at 10 (emphasis in original).

¹¹ *Id.*

¹² See *Budget Hearing – Fiscal Year 2024 Request for the Cybersecurity and Infrastructure Security Agency: Hearing Before the H. Comm. on Appropriations*, 118th Cong. (Mar. 28, 2023) (testimony of CISA Director, Jen Easterly) (testifying that “we don’t censor anything . . . we don’t flag anything to social media organizations at all . . . we don’t do any censorship.”); Ryan Lovelace, *Biden Official Disputes Role in Social Media Censorship Amid Court-ordered Deposition*, THE WASHINGTON TIMES, Nov. 1, 2022, <https://www.washingtontimes.com/news/2022/nov/1/biden-official-disputes-role-social-media-censorsh> (quoting CISA Director Jen Easterly’s statements at a Center for Strategic and International Studies event, “[w]e don’t work with the platforms on what they do around content . . . [a]nd I want to be very clear about this: We do not censor information.”).

1. All communications between CIS and the EIP or any of its entities or members from June 1, 2020, to the present;
2. All communications between CIS and the Virality Project or any of its members or entities, from November 1, 2020, to the present;
3. All documents referring or relating to CIS's work with EIP or any related entity on the 2020 election, from June 1, 2020, to the present;
4. All communications between CIS and CISA referring or relating to CIS's 2020 election misinformation reporting system, from January 1, 2020, to the present;
5. All documents and communications between CIS and CISA referring or relating to future plans for any misinformation reporting system, from January 19, 2021, to the present;
6. A copy of the agreement between CISA and CIS mentioned on page 11 of CIS's 2020 after-action report;¹³
7. All EIP "tickets"¹⁴ that tagged or mentioned CIS; and
8. All Virality Project "tickets" that tagged or mentioned CIS.

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 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 matter.

Sincerely,

¹³ Aaron Wilson, Ben Spear & Mike Garcia, *Election Infrastructure Misinformation Reporting 2020 General Election*, CENTER FOR INTERNET SECURITY 11 (Feb. 2021).

¹⁴ The EIP describes its incident tracking system as "tickets." ELECTION INTEGRITY PARTNERSHIP, THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION 8 (2021), <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf>.

Ms. Andino
June 21, 2023
Page 4



MARK E. GREEN, M.D.
Chairman



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability

Encl.

cc: The Honorable Bennie G. Thompson, Ranking Member
Committee on Homeland Security

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