

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

April 9, 2024

Mr. Satya Nadella
Chief Executive Officer
Microsoft
One Microsoft Way
Redmond, WA 98052

Dear Mr. Nadella:

The Committee on the Judiciary is conducting oversight of how and to what extent the Executive Branch has coerced or colluded with companies and other intermediaries to censor lawful speech.¹ As a part of this oversight, on February 15, 2023, after efforts to obtain the voluntary compliance of Microsoft, the Committee issued a subpoena to you for documents related to, among other things, Microsoft's communications with the Executive Branch, including the FBI's Foreign Influence Task Force (FITF) and San Francisco Field Office.² On March 20, 2024, an FBI spokesperson confirmed that the FITF has recently resumed communicating with major social media and technology companies regarding alleged foreign influence campaigns and how they may affect U.S. elections.³ This letter is to inform you that all documents and communications relating to ongoing discussions between the FBI and Microsoft fall within the scope of the Committee's subpoena.

Given the FITF's improper role in communicating with social media and technology companies during the 2020 presidential election, the resumption of meetings between the FITF and Big Tech before the 2024 presidential election is deeply troubling.⁴ These meetings stopped after the U.S. District Court for the Western District of Louisiana issued a preliminary injunction against the FBI that prohibited it from coercing or significantly encouraging social media companies to censor content, which was largely affirmed by a unanimous panel of the U.S. Court

¹ See Ryan Tracy, *Facebook Bowed to White House Pressure, Removed Covid Posts*, WALL ST. J. (July 28, 2023).

² Letter from Rep. Jim Jordan to Mr. Satya Nadella, CEO, Microsoft (Feb. 15, 2023) (attaching subpoena).

³ See Kevin Collier and Ken Dilanian, *FBI Resumes Outreach to Social Media Companies Over Foreign Propaganda*, NBC NEWS (Mar. 20, 2024).

⁴ See Brief for Jim Jordan, et. al, as Amicus Curiae, *Murthy v. Missouri*, No. 23-411 (filed Feb. 15, 2024); see also Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 20, 2023).

Mr. Satya Nadella

April 9, 2024

Page 2

of Appeals for the Fifth Circuit.⁵ But following the Supreme Court's recent stay of the injunction,⁶ the FITF "resumed outreach" with social media companies.⁷ According to an FBI spokesperson, the purpose of this outreach is "to facilitate sharing information about foreign malign influence with social media companies."⁸


The communications and documentation pertaining to Microsoft's ongoing communications with the FBI are covered by the February 15, 2023, subpoena. The subpoena is "continuing in nature."⁹ Therefore, all documents and communications relating to the FBI's new outreach efforts to Microsoft and FITF meetings are responsive to the Committee's subpoena as they refer or relate to how the FBI is communicating with Microsoft regarding content moderation.¹⁰

Accordingly, the following categories of documents are responsive to the subpoena:

- All records, notes, and other documents of interactions between or among Microsoft and the FITF or the FBI's San Francisco Field Office.
- All communications and documents between or among Microsoft and the FBI relating to information sharing as it relates to alleged foreign influence or election integrity.
- All internal communications and documents relating to information sharing with the FBI as it relates to alleged foreign influence or election integrity.

Please produce these documents as soon as possible, but no later than two weeks after each meeting between Microsoft and the FBI takes place. You may begin producing documents on a rolling basis to ensure the Committee can consider this information as promptly as possible. If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Chairman

⁵ Kevin Collier and Ken Dilanian, *FBI Resumes Outreach to Social Media Companies Over Foreign Propaganda*, NBC NEWS (Mar. 20, 2024); *Missouri v. Biden*, 83 F.4th 350 (5th Cir. 2023).

⁶ *See* *Murthy v. Missouri*, No. 23A243 (23-411), 601 U.S. ___, (Oct. 13, 2023) (granting application for stay); *but see* *Murthy v. Missouri* 601 U.S. ___ (Oct. 20, 2023) (Alito, J., dissenting) ("At this time in the history of our country, what the Court has done, I fear, will be seen by some as giving the Government a green light to use heavy-handed tactics to skew the presentation of views on the medium that increasingly dominates the dissemination of news. That is most unfortunate.").

⁷ *See* Kevin Collier and Ken Dilanian, *FBI Resumes Outreach to Social Media Companies Over Foreign Propaganda*, NBC NEWS (Mar. 20, 2024).

⁸ *Id.*

⁹ *See* n.2, Subpoena, *Instructions*, 14.

¹⁰ *See, e.g., id.*, Schedule A, 1(a), (b).

Mr. Satya Nadella
April 9, 2024
Page 3

cc: The Honorable Jerrold L. Nadler, Ranking Member