

ONE HUNDRED NINETEENTH 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

July 29, 2025

Mr. Daniel Ek
President
Spotify USA, Inc.
4 World Trade Center
150 Greenwich Street
62nd Floor
New York, NY 10007

Dear Mr. Ek:

The Committee on the Judiciary is conducting oversight of how and to what extent foreign laws, regulations, and judicial orders compel or coerce companies to censor speech in the United States.¹ In the 118th Congress, the Committee uncovered how the Biden-Harris Administration repeatedly pressured online platforms to censor Americans directly and by proxy.² Following this oversight, Meta admitted that it was wrong to bow to the Administration's demands, publicly committed to restoring free speech on its platforms, and reformed its policies.³ Now, in the 119th Congress, a new threat to Americans' free expression has emerged in the form of foreign laws, regulations, and judicial orders that require American companies to limit what content can be viewed on their platforms in the United States.⁴ To protect Americans' civil

¹ See, e.g., STAFF OF THE H. COMM. ON THE JUDICIARY, 119TH CONG., THE FOREIGN CENSORSHIP THREAT: HOW THE EUROPEAN UNION'S DIGITAL SERVICES ACT COMPELS GLOBAL CENSORSHIP AND INFRINGES ON AMERICAN FREE SPEECH (Comm. Print July 24, 2025). [hereinafter "FOREIGN CENSORSHIP REPORT"]; Press Release, H. Comm. On the Judiciary, Chairman Jordan Subpoenas Big Tech for Information on Foreign Censorship of American Speech (Feb. 26, 2025); Pieter Haeck, *US Presses Brussels for Answers Over EU Social Media Law*, POLITICO (Jan. 31, 2025).

² STAFF OF THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE WEAPONIZATION OF THE FEDERAL GOVERNMENT (Comm. Print Dec. 20, 2024).

³ Letter from Mark Zuckerberg, CEO, Meta, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Aug. 26, 2024) (noting that "senior officials from the Biden Administration, including the White House, repeatedly pressured" Meta "to censor certain COVID-19 content, including humor and satire"); Mark Zuckerberg, *More Speech and Fewer Mistakes*, META (Jan. 7, 2025) (noting that "it's been so difficult" to counter global censorship abroad when the Biden-Harris Administration "has pushed for censorship" and gone after Meta "and other American companies" at home, "embolden[ing] other governments to go even further").

⁴ See, e.g., FOREIGN CENSORSHIP REPORT, *supra* note 1; Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Thierry Breton, Comm'r for Internal Mkt., European Comm'n (Aug. 15, 2024); Steven Lee Myers, *E.U. Law Sets the Stage for a Clash Over Disinformation*, N.Y. TIMES (Sept. 27, 2023) ("The law, the Digital Services Act, is intended to force social media giants to adopt new policies and practices If the measure is

liberties, the Committee must investigate the extent and nature of these foreign censorship efforts and their effect on constitutionally protected speech at home.

In recent years, foreign governments have taken increasingly aggressive actions to suppress disfavored views on social media by regulating content. For example, new laws in the European Union (EU) and the United Kingdom (UK) require social media companies to censor so-called “disinformation” and “harmful content,” as defined by unelected regulators, or else face enormous fines.⁵ In the EU, the Committee has seen such regulation lead to regulators targeting political speech, humor, parody, and satire.⁶ In Brazil, Supreme Court Justice Alexandre de Moraes has issued secret, lawless orders forcing American companies to remove large amounts of content or face fines and be banned from the country.⁷ Unfortunately, some American public figures have expressed support for these new foreign censorship laws.⁸

These foreign laws, regulations, and judicial orders may limit or restrict Americans’ access to constitutionally protected speech in the United States.⁹ Indeed, that appears to be their very purpose.¹⁰ For example, then-EU Internal Market Commissioner Thierry Breton, the official

successful, as officials and experts hope, its effects could extend far beyond Europe, changing company policies in the United States and elsewhere.”).

⁵ See Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and Amending Directive 2000/31/EC (Digital Services Act), 2022 O.J. (L 277) 9 [hereinafter “Digital Services Act”]; Online Safety Act 2023, c. 50 (UK).

⁶ See, FOREIGN CENSORSHIP REPORT, *supra* note 1.

⁷ See STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE ATTACK ON FREE SPEECH ABROAD AND THE BIDEN ADMINISTRATION’S SILENCE: THE CASE OF BRAZIL (Comm. Print Apr. 17, 2024) [hereinafter “BRAZIL STAFF REPORT I”]; STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE ATTACK ON FREE SPEECH ABROAD AND THE BIDEN ADMINISTRATION’S SILENCE: THE CASE OF BRAZIL, PART II (Comm. Print May 7, 2024) [hereinafter “BRAZIL STAFF REPORT II”].

⁸ See, e.g., Hillary Clinton (@HillaryClinton), X (Apr. 21, 2022, 5:02 PM), <https://x.com/HillaryClinton/status/1517247388716613634> (“I urge our transatlantic allies to push the Digital Services Act across the finish line”); Lindsay Kornick, *John Kerry Calls the First Amendment a ‘Major Block’ to Stopping ‘Disinformation’*, FOX NEWS (Sept. 29, 2024) (“John Kerry called the First Amendment a ‘major block’ to combating misinformation and fighting climate change.”); Jonathan Turley, *Opinion: Vance is Right. Harris and Walz are a Threat to Americans’ Free Speech*, USA TODAY (Oct. 3, 2024) (noting Tim Walz’s comment that “there’s no guarantee to free speech on misinformation or hate speech”); see also STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., CENSORSHIP’S NEXT FRONTIER: THE FEDERAL GOVERNMENT’S ATTEMPT TO CONTROL ARTIFICIAL INTELLIGENCE TO SUPPRESS FREE SPEECH (Comm. Print Dec. 18, 2024) (noting close working relationships between the Biden-Harris Administration and the EU on censorious AI regulations).

⁹ See, e.g., STAFF OF THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE WEAPONIZATION OF THE FEDERAL GOVERNMENT (Comm. Print Dec. 20, 2024) 1988-2618; BRAZIL STAFF REPORT I, *supra* note 7; BRAZIL STAFF REPORT II, *supra* note 7; Steven Lee Myers, *supra* note 4 (Sept. 27, 2023) (“The law, the Digital Services Act, is intended to force social media giants to adopt new policies and practices If the measure is successful, as officials and experts hope, its effects could extend far beyond Europe, changing company policies in the United States and elsewhere.”).

¹⁰ *Id.*; see also Thierry Breton (@ThierryBreton), X (Aug. 12, 2024, 12:25 PM), <https://x.com/ThierryBreton/status/1823033048109367549> (Letter from then-Internal Market Commissioner Thierry Breton to Elon Musk, owner of X, that under the DSA, EU regulators are empowered to stop “spillovers” of U.S. speech into the EU); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Uzra Zeya, Under

at the time responsible for enforcing the EU's censorship law applicable to Spotify, publicly threatened X Corp. that it may need to censor American content to prevent "potential spillovers in the EU."¹¹ Because many social media platforms generally maintain one set of content moderation policies that they apply globally, the most restrictive censorship laws may set *de facto* global censorship standards, even without these specific threats from foreign officials.¹² In other words, there may be a global race to the bottom where free speech is concerned.

To ensure compliance, these foreign laws authorize immense penalties on companies that refuse to censor disfavored content. The EU's Digital Services Act (DSA), for example, authorizes the European Commission to impose punitive fines up to six percent of a platform's *global* revenue for failing to comply with the demands of European bureaucrats.¹³ For many companies, these threatened fines would amount to billions of dollars.¹⁴ In nonpublic documents obtained by the Committee, the State Department noted that the EU's enforcement of the DSA already "appears to be influencing affected businesses."¹⁵

American companies are sounding the alarm about how foreign censorship harms American civil liberties. X has pushed back against lawless judicial orders in Brazil and Australia mandating global content takedowns.¹⁶ Likewise, Meta, the parent company of Facebook and Instagram, recently emphasized the need to "push back on governments around the world, going after American companies and pushing to censor more," something it acknowledged requires "the support of the U.S. government."¹⁷

This impulse to censor speech, however, is not confined to foreign governments. The Committee's prior investigative efforts showed that the Biden-Harris Administration repeatedly pressured Big Tech to censor Americans' protected speech.¹⁸ For example, Biden-Harris

Sec'y for Civilian Security, Democracy, and Human Rights & Hon. Eileen Donahoe, Special Envoy and Coordinator for Digital Freedom, Dep't of State (Nov. 21, 2024) (detailing concerns regarding a proposed Australian social media regulation bill that would "disproportionately target[] American companies and . . . harm free speech worldwide, including in the United States").

¹¹ See Thierry Breton (@ThierryBreton), X (Aug. 12, 2024, 12:25 PM), <https://x.com/ThierryBreton/status/1823033048109367549>.

¹² See, e.g., Dawn Carla Nunziato, *The Digital Services Act and the Brussels Effect on Platform Content Moderation*, 24 CHIC. J. INT. LAW 115 (2023) ("In short, the DSA's substantive content moderation and notice and take down provisions will likely incentivize the platforms to remove large swaths of content And the platforms will likely alter their globally applicable terms of service and content moderation guidelines in response to the DSA's mandates in ways that will be speech-restrictive worldwide.").

¹³ Digital Services Act, *supra* note 5, Art. 52 §3; see also The Editorial Board, *European Censorship, Elon Musk and the Telegram Arrest*, WALL ST. J. (Aug. 27, 2024).

¹⁴ Jillian Deutsch, *Tech Giants Could Face Billions in Fines Under EU's New Content Rules*, INS. J. (April 25, 2022).

¹⁵ Internal State Department Briefing Sheet on EU Digital Issues (on file with the Comm.).

¹⁶ See, e.g., X Global Government Affairs (@GlobalAffairs), X (Aug. 29, 2024, 7:14 PM), <https://x.com/GlobalAffairs/status/1829296715989414281>; X Global Government Affairs (@GlobalAffairs), X (Apr. 19, 2024, 11:20 AM), <https://x.com/GlobalAffairs/status/1781342060668174707>.

¹⁷ Mark Zuckerberg, *More Speech and Fewer Mistakes*, META (Jan. 7, 2025).

¹⁸ See, e.g., STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., *THE CENSORSHIP-INDUSTRIAL COMPLEX: HOW*

Administration officials criticized Spotify for spreading alleged misinformation and called on Spotify to do more to censor Americans who opposed or even questioned the administration's COVID-19 policies, including Joe Rogan.¹⁹ This raises serious concerns about how and why tech companies suppress, silence, or reduce the reach of certain speech.²⁰

Congress has an important interest in protecting and advancing fundamental free speech principles. To develop effective legislation, including new laws protecting American speech from the effect of foreign governments' censorship laws and judicial orders, the Committee must first understand how and to what extent foreign laws, regulations, and judicial orders have limited Americans' access to lawful speech in the United States, as well as the extent to which the Biden-Harris Administration aided or abetted these efforts. To assist the Committee in its oversight, we ask that you please provide the following:

1. All documents and communications from January 1, 2020, to present, including any judicial orders or opinions, between or among Spotify and the following government(s), referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content:
 - a. The European Union,
 - b. Any member state of the European Union,
 - c. The United Kingdom of Great Britain and Northern Ireland,
 - d. The Federative Republic of Brazil,
 - e. Canada,
 - f. The Commonwealth of Australia, or
 - g. New Zealand
2. All documents and communications from January 1, 2020, to present, referring or relating to any documents or communications, including any judicial orders or opinions, with, from, or among the following government(s), whether public or non-public, referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content:
 - a. The European Union,
 - b. Any member state of the European Union,
 - c. The United Kingdom of Great Britain and Northern Ireland,
 - d. The Federative Republic of Brazil,
 - e. Canada,

TOP BIDEN WHITE HOUSE OFFICIALS COERCED BIG TECH TO CENSOR AMERICANS, TRUE INFORMATION, AND CRITICS OF THE BIDEN ADMINISTRATION (Comm. Print May. 1, 2024).

¹⁹ See Timothy Nerozzi, *White House Pushes Spotify, Big Tech to Continue Crackdown on 'Misinformation' Amid Joe Rogan Controversy*, FOX BUSINESS (Feb. 1, 2022) ("Our hope is that all major tech platforms — and all major news sources for that matter — be responsible and be vigilant to ensure the American people have access to accurate information on something as significant as COVID-19. That certainly includes Spotify.").

²⁰ See, e.g., Letter from Mark Zuckerberg, CEO, Meta, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Aug. 26, 2024).

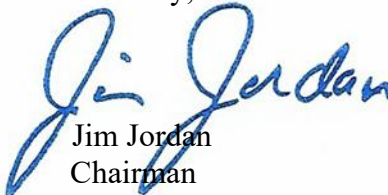
- f. The Commonwealth of Australia, or
 - g. New Zealand.
3. All documents and communications from January 1, 2020, to present, between or among Spotify and any European Union, or European Union member state, officials referring or relating to Spotify's classification or potential classification as a Very Large Online Platform under the DSA.
 4. All documents and communications from January 20, 2021, to January 20, 2025, between or among any Spotify employee or contractor and any individual affiliated with the Executive Branch of the United States Government referring or relating to the moderation, deletion, suppression, restricting, or reduced circulation of content.

Please produce all documents and information as soon as possible, but no later than 10:00 am on August 12, 2025.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Pursuant to the Rule of the House of Representatives, the Committee on the Judiciary has jurisdiction to conduct oversight of matters concerning "civil liberties" to inform potential legislative reforms.²¹ If you have any questions about this matter, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jamie Raskin, Ranking Member

²¹ Rules of the House of Representatives, R. X, 119th Cong. (2025).