

AMY KLOBUCHAR, MINNESOTA  
BRIAN SCHATZ, HAWAII  
EDWARD MARKEY, MASSACHUSETTS  
GARY PETERS, MICHIGAN  
TAMMY BALDWIN, WISCONSIN  
TAMMY DUCKWORTH, ILLINOIS  
JON TESTER, MONTANA  
KYRSTEN SINEMA, ARIZONA  
JACKY ROSEN, NEVADA  
BEN RAY LUJÁN, NEW MEXICO  
JOHN HICKENLOOPER, COLORADO  
RAPHAEL WARNOCK, GEORGIA  
PETER WELCH, VERMONT

TED CRUZ, TEXAS  
JOHN THUNE, SOUTH DAKOTA  
ROGER WICKER, MISSISSIPPI  
DEB FISCHER, NEBRASKA  
JERRY MORAN, KANSAS  
DAN SULLIVAN, ALASKA  
MARSHA BLACKBURN, TENNESSEE  
TODD YOUNG, INDIANA  
TED BUDD, NORTH CAROLINA  
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J.D. VANCE, OHIO  
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CYNTHIA LUMMIS, WYOMING

LILA HELMS, MAJORITY STAFF DIRECTOR  
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

October 20, 2023

Ms. Linda Yaccarino  
Chief Executive Officer  
X  
1355 Market Street  
San Francisco, CA 94103

Dear Ms. Yaccarino:

On October 7th, the world witnessed the largest mass murder of Jews in a single day since the Holocaust. Israelis and nationals from more than thirty countries, including the United States, have been kidnapped, tortured, and brutally executed by the Iranian-backed terrorist group Hamas and its affiliated militant groups.

Many of the horrors perpetrated by Hamas have been documented in real time on social media platforms, including by victims, the media, the Israeli government, and the terrorists themselves. While steps should be taken to curb attempts by Hamas to weaponize social media for its own ends, it is indisputable that social media platforms have already played a critical role in exposing the international community to the genocidal atrocities committed against Israel. Much of this content is graphic and violent, and under normal circumstances it might be removed under your company's content policies.

I believe it is imperative that we preserve a full documentary history of Hamas's atrocities. Ordinarily policies limiting the distribution of disturbing content might make sense, but videos and images uploaded by soldiers, law enforcement, citizens, journalists, and those with real time access to acts of terrorism need to be preserved to aid in prosecuting war crimes, intelligence gathering, media reporting, and the historical record. The role of social media in documenting war crimes and chronicling what happens in times of war is relatively new but highly consequential. X has a responsibility not to permanently delete any of this content but to preserve it in such a way that the public record and historical record can accurately document the horrific atrocities being carried out.

It is important for Congress to understand your platform's approach to moderating content from the Israel-Hamas war, including acts of terrorism carried out by Hamas. The Standing Rules of the Senate provide the Committee on Commerce, Science, and Transportation jurisdiction over technology including to "review and study" technology "on a continuing basis."<sup>1</sup> Therefore,

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<sup>1</sup> S. Rules XXV(1)(f), XXVI(8)(a)(2).

please provide the documents requested below and written responses to the questions below no later than November 3, 2023 and in accordance with the attached instructions, noting the preservation instructions in particular.

### ***Content Policies***

1. Provide copies of all content policies<sup>2</sup> relevant to the dissemination of content from the Israel-Hamas War as of October 7, 2023, including but not limited to policies addressing graphic violence, terrorism, hate speech, and manipulated media.
2. Describe all updates, if any, you have made to your content policies relevant to the Israel-Hamas War since October 7, 2023.
3. Describe all public interest exceptions you have made, or are considering making, to your content policies to permit content, entities, and accounts on your platform(s) that would otherwise normally be removed, filtered, or subject to reduced distribution. Explain how you plan to scale these policies to ensure they are evenly applied.
4. Describe any steps you have taken to protect the identity of victims, minors, and other potentially vulnerable individuals who have been depicted in content on your platform(s) from the Israel-Hamas War.

### ***Preservation of Documentary Evidence of Terrorism***

5. Describe how automated content moderation on your platform(s) has affected content from the Israel-Hamas War since October 7, 2023.
  - a. How many pieces of content from the Israel-Hamas War have been removed automatically by your systems (*i.e.*, without any human review)?
  - b. For the content described in Question 5(a), provide a breakdown of the reasons for the content's removal.
  - c. How many of the removals described in Question 5(a) were appealed?
  - d. How many of the appeals described in Question 5(c) have been reviewed?
  - e. How many of the appeals described in Question 5(c) have been granted?
  - f. For the content described in Question 5(a), do you plan to conduct a policy review of the content to ensure that content in the public interest was not erroneously removed from your platform(s)?

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<sup>2</sup> For the purposes of this request, "content policies" means any policies, guidance, or product logic designed to remove, filter, reduce distribution of, boost distribution of, or append third party information to content, entities, or accounts.

6. Describe your policies and procedures for preserving content, even if that content is ultimately removed from your platform(s), from the Israel-Hamas War, particularly with respect to content that documents criminal activity, such as terrorism, or that could be integral to identifying victims and hostages.
7. Will you allow investigators to view preserved content pursuant to a lawfully executed warrant or other lawful demand related to the investigation of acts of terrorism?

***Legal Obligations***

8. Describe how international laws requiring certain content moderation, such as the European Union's Digital Services Act, have affected your decisions about what content from the Israel-Hamas War to allow or remove from your platform(s).
  - a. What specific rules and regulations have required you to take down or moderate more content than you may have otherwise if it were not for these laws?
  - b. How would your decisions to remove content pursuant to international laws differ if you faced a legal obligation in the United States to not remove content protected by the First Amendment?
9. Describe how you are complying with current sanctions programs that require the blocking of any property, or interests in the property of, Hamas in the United States. Specifically, describe how you prevent your advertising, monetization, and fundraising tools from being used to provide material support to Hamas.

Thank you for your attention to this matter.

Sincerely,



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Ted Cruz  
United States Senator



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Marsha Blackburn  
United States Senator



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John Thune  
United States Senator



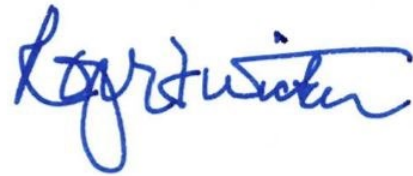
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J.D. Vance  
United States Senator



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Shelley Moore Capito  
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Roger Wicker  
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Deb Fischer  
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Todd Young  
United States Senator



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Dan Sullivan  
United States Senator



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Ted Budd  
United States Senator



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Cynthia Lummis  
United States Senator

## **Instructions for Responding to a Committee Request**

Committee on Commerce, Science, & Transportation  
United States Senate  
118<sup>th</sup> Congress

### **A. Responding to a Request for Documents**

1. In complying with the Committee's request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. This request extends to any personal devices utilized for official business. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. To ensure the integrity of the Committee's investigation, preserve all documents, communications, and other data whether physical documents or electronically stored information ("ESI") that can reasonably be anticipated to be subject to a request for production by the Committee in this investigation, regardless of production pursuant to paragraph (1). "Documents, communications, and other data" should be construed broadly. For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of ESI, as well as negligent or intentional handling that would make such records, communications, or data incomplete or inaccessible. Further, we request that you:
  - a. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors, and consultants who may have access to such documents, communications, and other data that it is to be preserved;
  - b. Exercise reasonable efforts to identify, recover, and preserve any documents, communications, and other data which has been deleted, partially destroyed, or marked for deletion or destruction but is still recoverable; and
  - c. If it is the routine practice of any employee or contractor to destroy or otherwise alter such documents, communications, and other data, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such documents, communications, and other data, suitable for production, if requested.
3. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should be read also to include the alternative identification.
4. Documents should be produced in electronic form, *i.e.*, email, cloud-based production (such as the Committee's Large File Transfer Service or other Senate-approved mechanism) memory stick, or thumb drive, in lieu of paper productions.

## **Instructions for Responding to a Committee Request**

5. Documents produced in electronic form should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image Files (“.tif”), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and .tif file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced should include the following fields of metadata specific to each document: BEGDOC, ENDDOC, TEXT PATH, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION.
  - e. Alternatively, if the production cannot be made in .tif format, all documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced as in their native format. In such circumstances, consult with Committee staff prior to production of the requested documents.
  - f. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one tranche of files is produced, each tranche should contain an index describing its contents.
8. Documents produced in response to the request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
9. When producing documents, identify the paragraph in the Committee’s schedule to which the documents respond.

## **Instructions for Responding to a Committee Request**

10. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents or on the basis that although the documents are in your custody or control they did not originate with you or are not owned by you.
11. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
12. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
13. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.
14. In the event that any document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date, name, title, or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents which would be responsive as if the date, name, title, or other descriptive detail was correct.
18. In the event a complete response requires the production of classified information, provide all as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this request is from January 1, 2013 to the present.

## **Instructions for Responding to a Committee Request**

20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **B. Responding to Interrogatories or a Request for Information**

1. In complying with the Committee's request, answer truthfully and completely. Persons that knowingly provide false testimony could be subject to criminal prosecution for perjury (when under oath) or for making false statements. Persons that knowingly withhold subpoenaed information could be subject to proceedings for contempt of Congress. If you are unable to answer an interrogatory or information request fully, provide as much information as possible and explain why your answer is incomplete.
2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should also be read to include the alternative identification.
3. Your response to the Committee's interrogatories or information requests should be made in writing and should be signed by you, your counsel, or a duly authorized designee.
4. When responding to interrogatories or information requests, respond to each paragraph in the Committee's schedule separately. Clearly identify the paragraph in the Committee's schedule to which the information responds.
5. Where knowledge, information, or facts are requested, the request encompasses knowledge, information or facts in your possession, custody, or control, or in the possession, custody, or control of your staff, agents, employees, representatives, and any other person who has possession, custody, or control of your proprietary knowledge, information, or facts.
6. Do not refuse to provide knowledge, information, or facts on the basis that any other person or entity also possesses the same knowledge, information, or facts or on the basis that although the documents are in your custody or control they did not originate with you or are not owned by you.
7. The request is continuing in nature and applies to any newly discovered knowledge, information, or facts. Any knowledge, information, or facts not provided because it was not known by the return date, should be provided immediately upon subsequent discovery.
8. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date



## **Instructions for Responding to a Committee Request**

specified in the request, and provide an explanation for why full compliance is not possible by that date.

9. In the event that knowledge, information, or facts are withheld on the basis of privilege, provide a privilege log containing the following information: (a) the privilege asserted; (b) the general subject matter of the knowledge, information, or facts withheld; (c) the source of the knowledge, information, or facts withheld; (d) the paragraph in the Committee's request to which the knowledge, information, or facts are responsive; and (e) each individual to whom the knowledge, information, or facts have been disclosed.
10. If a date, name, title, or other descriptive detail set forth in this request is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, provide the information that would be responsive as if the date, name, title, or other descriptive detail was correct.
11. In the event a complete response requires the transmission of classified information, provide as much information in unclassified form as possible in your response directly to the Committee offices and send only the classified information under separate cover via the Office of Senate Security.
12. Unless otherwise specified, the period covered by this request is from January 1, 2013 to the present.

### **C. Definitions**

1. The term "document" in the request or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

## **Instructions for Responding to a Committee Request**

2. The term “communication” in the request or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, iMessage, MMS, RCS, or SMS message, WhatsApp, Signal, any other encrypted message, regular mail, discussions, releases, delivery, or otherwise. This includes communications on encrypted phones and personal devices and personal accounts utilized for official business.
3. The terms “and” and “or” in the request or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” in the request or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify” in the request or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address, email address, and phone number.
6. The terms “referring” or “relating” in the request or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” in the request or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint venturer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.
8. The terms “you” and “your” in the request or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

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# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

October 20, 2023

Mr. Shou Zi Chew  
Chief Executive Officer  
TikTok  
5800 Bristol Parkway Suite 100  
Culver City, CA 90230

Dear Mr. Chew:

On October 7th, the world witnessed the largest mass murder of Jews in a single day since the Holocaust. Israelis and nationals from more than thirty countries, including the United States, have been kidnapped, tortured, and brutally executed by the Iranian-backed terrorist group Hamas and its affiliated militant groups.

Many of the horrors perpetrated by Hamas have been documented in real time on social media platforms, including by victims, the media, the Israeli government, and the terrorists themselves. While steps should be taken to curb attempts by Hamas to weaponize social media for its own ends, it is indisputable that social media platforms have already played a critical role in exposing the international community to the genocidal atrocities committed against Israel. Much of this content is graphic and violent, and under normal circumstances it might be removed under your company's content policies.

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Thank you for your attention to this matter.

Sincerely,



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Committee on Commerce, Science, & Transportation  
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  - a. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors, and consultants who may have access to such documents, communications, and other data that it is to be preserved;
  - b. Exercise reasonable efforts to identify, recover, and preserve any documents, communications, and other data which has been deleted, partially destroyed, or marked for deletion or destruction but is still recoverable; and
  - c. If it is the routine practice of any employee or contractor to destroy or otherwise alter such documents, communications, and other data, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such documents, communications, and other data, suitable for production, if requested.
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## **Instructions for Responding to a Committee Request**

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6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image Files (“.tif”), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and .tif file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced should include the following fields of metadata specific to each document: BEGDOC, ENDDOC, TEXT PATH, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION.
  - e. Alternatively, if the production cannot be made in .tif format, all documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced as in their native format. In such circumstances, consult with Committee staff prior to production of the requested documents.
  - f. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one tranche of files is produced, each tranche should contain an index describing its contents.
8. Documents produced in response to the request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
9. When producing documents, identify the paragraph in the Committee’s schedule to which the documents respond.



## **Instructions for Responding to a Committee Request**

10. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents or on the basis that although the documents are in your custody or control they did not originate with you or are not owned by you.
11. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
12. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
13. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.
14. In the event that any document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date, name, title, or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents which would be responsive as if the date, name, title, or other descriptive detail was correct.
18. In the event a complete response requires the production of classified information, provide all as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this request is from January 1, 2013 to the present.

## **Instructions for Responding to a Committee Request**

20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **B. Responding to Interrogatories or a Request for Information**

1. In complying with the Committee's request, answer truthfully and completely. Persons that knowingly provide false testimony could be subject to criminal prosecution for perjury (when under oath) or for making false statements. Persons that knowingly withhold subpoenaed information could be subject to proceedings for contempt of Congress. If you are unable to answer an interrogatory or information request fully, provide as much information as possible and explain why your answer is incomplete.
2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should also be read to include the alternative identification.
3. Your response to the Committee's interrogatories or information requests should be made in writing and should be signed by you, your counsel, or a duly authorized designee.
4. When responding to interrogatories or information requests, respond to each paragraph in the Committee's schedule separately. Clearly identify the paragraph in the Committee's schedule to which the information responds.
5. Where knowledge, information, or facts are requested, the request encompasses knowledge, information or facts in your possession, custody, or control, or in the possession, custody, or control of your staff, agents, employees, representatives, and any other person who has possession, custody, or control of your proprietary knowledge, information, or facts.
6. Do not refuse to provide knowledge, information, or facts on the basis that any other person or entity also possesses the same knowledge, information, or facts or on the basis that although the documents are in your custody or control they did not originate with you or are not owned by you.
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## **Instructions for Responding to a Committee Request**

specified in the request, and provide an explanation for why full compliance is not possible by that date.

9. In the event that knowledge, information, or facts are withheld on the basis of privilege, provide a privilege log containing the following information: (a) the privilege asserted; (b) the general subject matter of the knowledge, information, or facts withheld; (c) the source of the knowledge, information, or facts withheld; (d) the paragraph in the Committee's request to which the knowledge, information, or facts are responsive; and (e) each individual to whom the knowledge, information, or facts have been disclosed.
10. If a date, name, title, or other descriptive detail set forth in this request is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, provide the information that would be responsive as if the date, name, title, or other descriptive detail was correct.
11. In the event a complete response requires the transmission of classified information, provide as much information in unclassified form as possible in your response directly to the Committee offices and send only the classified information under separate cover via the Office of Senate Security.
12. Unless otherwise specified, the period covered by this request is from January 1, 2013 to the present.

### **C. Definitions**

1. The term "document" in the request or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

## **Instructions for Responding to a Committee Request**

2. The term “communication” in the request or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, iMessage, MMS, RCS, or SMS message, WhatsApp, Signal, any other encrypted message, regular mail, discussions, releases, delivery, or otherwise. This includes communications on encrypted phones and personal devices and personal accounts utilized for official business.
3. The terms “and” and “or” in the request or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” in the request or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify” in the request or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address, email address, and phone number.
6. The terms “referring” or “relating” in the request or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” in the request or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint venturer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.
8. The terms “you” and “your” in the request or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

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MARIA CANTWELL, WASHINGTON, CHAIR

AMY KLOBUCHAR, MINNESOTA  
BRIAN SCHATZ, HAWAII  
EDWARD MARKEY, MASSACHUSETTS  
GARY PETERS, MICHIGAN  
TAMMY BALDWIN, WISCONSIN  
TAMMY DUCKWORTH, ILLINOIS  
JON TESTER, MONTANA  
KYRSTEN SINEMA, ARIZONA  
JACKY ROSEN, NEVADA  
BEN RAY LUJÁN, NEW MEXICO  
JOHN HICKENLOOPER, COLORADO  
RAPHAEL WARNOCK, GEORGIA  
PETER WELCH, VERMONT

TED CRUZ, TEXAS  
JOHN THUNE, SOUTH DAKOTA  
ROGER WICKER, MISSISSIPPI  
DEB FISCHER, NEBRASKA  
JERRY MORAN, KANSAS  
DAN SULLIVAN, ALASKA  
MARSHA BLACKBURN, TENNESSEE  
TODD YOUNG, INDIANA  
TED BUDD, NORTH CAROLINA  
ERIC SCHMITT, MISSOURI  
J.D. VANCE, OHIO  
SHELLEY MOORE CAPITO, WEST VIRGINIA  
CYNTHIA LUMMIS, WYOMING

# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

LILA HELMS, MAJORITY STAFF DIRECTOR  
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

October 20, 2023

Mr. Mark Zuckerberg  
Chief Executive Officer  
Meta  
1601 Willow Road  
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

On October 7th, the world witnessed the largest mass murder of Jews in a single day since the Holocaust. Israelis and nationals from more than thirty countries, including the United States, have been kidnapped, tortured, and brutally executed by the Iranian-backed terrorist group Hamas and its affiliated militant groups.

Many of the horrors perpetrated by Hamas have been documented in real time on social media platforms, including by victims, the media, the Israeli government, and the terrorists themselves. While steps should be taken to curb attempts by Hamas to weaponize social media for its own ends, it is indisputable that social media platforms have already played a critical role in exposing the international community to the genocidal atrocities committed against Israel. Much of this content is graphic and violent, and under normal circumstances it might be removed under your company's content policies.

I believe it is imperative that we preserve a full documentary history of Hamas's atrocities. Ordinarily policies limiting the distribution of disturbing content might make sense, but videos and images uploaded by soldiers, law enforcement, citizens, journalists, and those with real time access to acts of terrorism need to be preserved to aid in prosecuting war crimes, intelligence gathering, media reporting, and the historical record. The role of social media in documenting war crimes and chronicling what happens in times of war is relatively new but highly consequential. Meta has a responsibility not to permanently delete any of this content but to preserve it in such a way that the public record and historical record can accurately document the horrific atrocities being carried out.

It is important for Congress to understand your platform's approach to moderating content from the Israel-Hamas war, including acts of terrorism carried out by Hamas. The Standing Rules of the Senate provide the Committee on Commerce, Science, and Transportation jurisdiction over technology including to "review and study" technology "on a continuing basis."<sup>1</sup> Therefore,

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<sup>1</sup> S. Rules XXV(1)(f), XXVI(8)(a)(2).

please provide the documents requested below and written responses to the questions below no later than November 3, 2023 and in accordance with the attached instructions, noting the preservation instructions in particular.

### ***Content Policies***

1. Provide copies of all content policies<sup>2</sup> relevant to the dissemination of content from the Israel-Hamas War as of October 7, 2023, including but not limited to policies addressing graphic violence, terrorism, hate speech, and manipulated media.
2. Describe all updates, if any, you have made to your content policies relevant to the Israel-Hamas War since October 7, 2023.
3. Describe all public interest exceptions you have made, or are considering making, to your content policies to permit content, entities, and accounts on your platform(s) that would otherwise normally be removed, filtered, or subject to reduced distribution. Explain how you plan to scale these policies to ensure they are evenly applied.
4. Describe any steps you have taken to protect the identity of victims, minors, and other potentially vulnerable individuals who have been depicted in content on your platform(s) from the Israel-Hamas War.

### ***Preservation of Documentary Evidence of Terrorism***

5. Describe how automated content moderation on your platform(s) has affected content from the Israel-Hamas War since October 7, 2023.
  - a. How many pieces of content from the Israel-Hamas War have been removed automatically by your systems (*i.e.*, without any human review)?
  - b. For the content described in Question 5(a), provide a breakdown of the reasons for the content's removal.
  - c. How many of the removals described in Question 5(a) were appealed?
  - d. How many of the appeals described in Question 5(c) have been reviewed?
  - e. How many of the appeals described in Question 5(c) have been granted?
  - f. For the content described in Question 5(a), do you plan to conduct a policy review of the content to ensure that content in the public interest was not erroneously removed from your platform(s)?

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<sup>2</sup> For the purposes of this request, "content policies" means any policies, guidance, or product logic designed to remove, filter, reduce distribution of, boost distribution of, or append third party information to content, entities, or accounts.

6. Describe your policies and procedures for preserving content, even if that content is ultimately removed from your platform(s), from the Israel-Hamas War, particularly with respect to content that documents criminal activity, such as terrorism, or that could be integral to identifying victims and hostages.
7. Will you allow investigators to view preserved content pursuant to a lawfully executed warrant or other lawful demand related to the investigation of acts of terrorism?

***Legal Obligations***

8. Describe how international laws requiring certain content moderation, such as the European Union’s Digital Services Act, have affected your decisions about what content from the Israel-Hamas War to allow or remove from your platform(s).
  - a. What specific rules and regulations have required you to take down or moderate more content than you may have otherwise if it were not for these laws?
  - b. How would your decisions to remove content pursuant to international laws differ if you faced a legal obligation in the United States to not remove content protected by the First Amendment?
9. Describe how you are complying with current sanctions programs that require the blocking of any property, or interests in the property of, Hamas in the United States. Specifically, describe how you prevent your advertising, monetization, and fundraising tools from being used to provide material support to Hamas.

Thank you for your attention to this matter.

Sincerely,



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Ted Cruz  
United States Senator



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Marsha Blackburn  
United States Senator



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John Thune  
United States Senator



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J.D. Vance  
United States Senator



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Shelley Moore Capito  
United States Senator



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Roger Wicker  
United States Senator



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Deb Fischer  
United States Senator



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Todd Young  
United States Senator



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Dan Sullivan  
United States Senator



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Ted Budd  
United States Senator



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Cynthia Lummis  
United States Senator



## **Instructions for Responding to a Committee Request**

Committee on Commerce, Science, & Transportation  
United States Senate  
118<sup>th</sup> Congress

### **A. Responding to a Request for Documents**

1. In complying with the Committee's request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. This request extends to any personal devices utilized for official business. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. To ensure the integrity of the Committee's investigation, preserve all documents, communications, and other data whether physical documents or electronically stored information ("ESI") that can reasonably be anticipated to be subject to a request for production by the Committee in this investigation, regardless of production pursuant to paragraph (1). "Documents, communications, and other data" should be construed broadly. For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of ESI, as well as negligent or intentional handling that would make such records, communications, or data incomplete or inaccessible. Further, we request that you:
  - a. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors, and consultants who may have access to such documents, communications, and other data that it is to be preserved;
  - b. Exercise reasonable efforts to identify, recover, and preserve any documents, communications, and other data which has been deleted, partially destroyed, or marked for deletion or destruction but is still recoverable; and
  - c. If it is the routine practice of any employee or contractor to destroy or otherwise alter such documents, communications, and other data, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such documents, communications, and other data, suitable for production, if requested.
3. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should be read also to include the alternative identification.
4. Documents should be produced in electronic form, *i.e.*, email, cloud-based production (such as the Committee's Large File Transfer Service or other Senate-approved mechanism) memory stick, or thumb drive, in lieu of paper productions.

## **Instructions for Responding to a Committee Request**

5. Documents produced in electronic form should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image Files (“.tif”), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
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  - d. All electronic documents produced should include the following fields of metadata specific to each document: BEGDOC, ENDDOC, TEXT PATH, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION.
  - e. Alternatively, if the production cannot be made in .tif format, all documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced as in their native format. In such circumstances, consult with Committee staff prior to production of the requested documents.
  - f. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one tranche of files is produced, each tranche should contain an index describing its contents.
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16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
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## **Instructions for Responding to a Committee Request**

20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

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5. Where knowledge, information, or facts are requested, the request encompasses knowledge, information or facts in your possession, custody, or control, or in the possession, custody, or control of your staff, agents, employees, representatives, and any other person who has possession, custody, or control of your proprietary knowledge, information, or facts.
6. Do not refuse to provide knowledge, information, or facts on the basis that any other person or entity also possesses the same knowledge, information, or facts or on the basis that although the documents are in your custody or control they did not originate with you or are not owned by you.
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## **Instructions for Responding to a Committee Request**

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## **Instructions for Responding to a Committee Request**

2. The term “communication” in the request or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, iMessage, MMS, RCS, or SMS message, WhatsApp, Signal, any other encrypted message, regular mail, discussions, releases, delivery, or otherwise. This includes communications on encrypted phones and personal devices and personal accounts utilized for official business.
3. The terms “and” and “or” in the request or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” in the request or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify” in the request or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address, email address, and phone number.
6. The terms “referring” or “relating” in the request or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” in the request or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint venturer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.
8. The terms “you” and “your” in the request or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

# # #

AMY KLOBUCHAR, MINNESOTA  
BRIAN SCHATZ, HAWAII  
EDWARD MARKEY, MASSACHUSETTS  
GARY PETERS, MICHIGAN  
TAMMY BALDWIN, WISCONSIN  
TAMMY DUCKWORTH, ILLINOIS  
JON TESTER, MONTANA  
KYRSTEN SINEMA, ARIZONA  
JACKY ROSEN, NEVADA  
BEN RAY LUJÁN, NEW MEXICO  
JOHN HICKENLOOPER, COLORADO  
RAPHAEL WARNOCK, GEORGIA  
PETER WELCH, VERMONT

TED CRUZ, TEXAS  
JOHN THUNE, SOUTH DAKOTA  
ROGER WICKER, MISSISSIPPI  
DEB FISCHER, NEBRASKA  
JERRY MORAN, KANSAS  
DAN SULLIVAN, ALASKA  
MARSHA BLACKBURN, TENNESSEE  
TODD YOUNG, INDIANA  
TED BUDD, NORTH CAROLINA  
ERIC SCHMITT, MISSOURI  
J.D. VANCE, OHIO  
SHELLEY MOORE CAPITO, WEST VIRGINIA  
CYNTHIA LUMMIS, WYOMING

LILA HELMS, MAJORITY STAFF DIRECTOR  
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

October 20, 2023

Mr. Sundar Pichai  
Chief Executive Officer  
Google  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Dear Mr. Pichai:

On October 7th, the world witnessed the largest mass murder of Jews in a single day since the Holocaust. Israelis and nationals from more than thirty countries, including the United States, have been kidnapped, tortured, and brutally executed by the Iranian-backed terrorist group Hamas and its affiliated militant groups.

Many of the horrors perpetrated by Hamas have been documented in real time on social media platforms, including by victims, the media, the Israeli government, and the terrorists themselves. While steps should be taken to curb attempts by Hamas to weaponize social media for its own ends, it is indisputable that social media platforms have already played a critical role in exposing the international community to the genocidal atrocities committed against Israel. Much of this content is graphic and violent, and under normal circumstances it might be removed under your company's content policies.

I believe it is imperative that we preserve a full documentary history of Hamas's atrocities. Ordinarily policies limiting the distribution of disturbing content might make sense, but videos and images uploaded by soldiers, law enforcement, citizens, journalists, and those with real time access to acts of terrorism need to be preserved to aid in prosecuting war crimes, intelligence gathering, media reporting, and the historical record. The role of social media in documenting war crimes and chronicling what happens in times of war is relatively new but highly consequential. Google has a responsibility not to permanently delete any of this content but to preserve it in such a way that the public record and historical record can accurately document the horrific atrocities being carried out.

It is important for Congress to understand your platform's approach to moderating content from the Israel-Hamas war, including acts of terrorism carried out by Hamas. The Standing Rules of the Senate provide the Committee on Commerce, Science, and Transportation jurisdiction over technology including to "review and study" technology "on a continuing basis."<sup>1</sup> Therefore,

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<sup>1</sup> S. Rules XXV(1)(f), XXVI(8)(a)(2).

please provide the documents requested below and written responses to the questions below no later than November 3, 2023 and in accordance with the attached instructions, noting the preservation instructions in particular.

### ***Content Policies***

1. Provide copies of all content policies<sup>2</sup> relevant to the dissemination of content from the Israel-Hamas War as of October 7, 2023, including but not limited to policies addressing graphic violence, terrorism, hate speech, and manipulated media.
2. Describe all updates, if any, you have made to your content policies relevant to the Israel-Hamas War since October 7, 2023.
3. Describe all public interest exceptions you have made, or are considering making, to your content policies to permit content, entities, and accounts on your platform(s) that would otherwise normally be removed, filtered, or subject to reduced distribution. Explain how you plan to scale these policies to ensure they are evenly applied.
4. Describe any steps you have taken to protect the identity of victims, minors, and other potentially vulnerable individuals who have been depicted in content on your platform(s) from the Israel-Hamas War.

### ***Preservation of Documentary Evidence of Terrorism***

5. Describe how automated content moderation on your platform(s) has affected content from the Israel-Hamas War since October 7, 2023.
  - a. How many pieces of content from the Israel-Hamas War have been removed automatically by your systems (*i.e.*, without any human review)?
  - b. For the content described in Question 5(a), provide a breakdown of the reasons for the content's removal.
  - c. How many of the removals described in Question 5(a) were appealed?
  - d. How many of the appeals described in Question 5(c) have been reviewed?
  - e. How many of the appeals described in Question 5(c) have been granted?
  - f. For the content described in Question 5(a), do you plan to conduct a policy review of the content to ensure that content in the public interest was not erroneously removed from your platform(s)?

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<sup>2</sup> For the purposes of this request, "content policies" means any policies, guidance, or product logic designed to remove, filter, reduce distribution of, boost distribution of, or append third party information to content, entities, or accounts.



6. Describe your policies and procedures for preserving content, even if that content is ultimately removed from your platform(s), from the Israel-Hamas War, particularly with respect to content that documents criminal activity, such as terrorism, or that could be integral to identifying victims and hostages.
7. Will you allow investigators to view preserved content pursuant to a lawfully executed warrant or other lawful demand related to the investigation of acts of terrorism?

***Legal Obligations***

8. Describe how international laws requiring certain content moderation, such as the European Union’s Digital Services Act, have affected your decisions about what content from the Israel-Hamas War to allow or remove from your platform(s).
  - a. What specific rules and regulations have required you to take down or moderate more content than you may have otherwise if it were not for these laws?
  - b. How would your decisions to remove content pursuant to international laws differ if you faced a legal obligation in the United States to not remove content protected by the First Amendment?
9. Describe how you are complying with current sanctions programs that require the blocking of any property, or interests in the property of, Hamas in the United States. Specifically, describe how you prevent your advertising, monetization, and fundraising tools from being used to provide material support to Hamas.

Thank you for your attention to this matter.

Sincerely,



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Ted Cruz  
United States Senator



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Marsha Blackburn  
United States Senator



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John Thune  
United States Senator



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J.D. Vance  
United States Senator



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Shelley Moore Capito  
United States Senator



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Roger Wicker  
United States Senator



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Deb Fischer  
United States Senator



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Todd Young  
United States Senator



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Dan Sullivan  
United States Senator



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Ted Budd  
United States Senator



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Cynthia Lummis  
United States Senator

## **Instructions for Responding to a Committee Request**

Committee on Commerce, Science, & Transportation  
United States Senate  
118<sup>th</sup> Congress

### **A. Responding to a Request for Documents**

1. In complying with the Committee's request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. This request extends to any personal devices utilized for official business. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. To ensure the integrity of the Committee's investigation, preserve all documents, communications, and other data whether physical documents or electronically stored information ("ESI") that can reasonably be anticipated to be subject to a request for production by the Committee in this investigation, regardless of production pursuant to paragraph (1). "Documents, communications, and other data" should be construed broadly. For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of ESI, as well as negligent or intentional handling that would make such records, communications, or data incomplete or inaccessible. Further, we request that you:
  - a. Exercise reasonable efforts to identify and notify former employees and contractors, subcontractors, and consultants who may have access to such documents, communications, and other data that it is to be preserved;
  - b. Exercise reasonable efforts to identify, recover, and preserve any documents, communications, and other data which has been deleted, partially destroyed, or marked for deletion or destruction but is still recoverable; and
  - c. If it is the routine practice of any employee or contractor to destroy or otherwise alter such documents, communications, and other data, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such documents, communications, and other data, suitable for production, if requested.
3. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should be read also to include the alternative identification.
4. Documents should be produced in electronic form, *i.e.*, email, cloud-based production (such as the Committee's Large File Transfer Service or other Senate-approved mechanism) memory stick, or thumb drive, in lieu of paper productions.

## **Instructions for Responding to a Committee Request**

5. Documents produced in electronic form should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image Files (“.tif”), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and .tif file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced should include the following fields of metadata specific to each document: BEGDOC, ENDDOC, TEXT PATH, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION.
  - e. Alternatively, if the production cannot be made in .tif format, all documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced as in their native format. In such circumstances, consult with Committee staff prior to production of the requested documents.
  - f. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one tranche of files is produced, each tranche should contain an index describing its contents.
8. Documents produced in response to the request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
9. When producing documents, identify the paragraph in the Committee’s schedule to which the documents respond.

## **Instructions for Responding to a Committee Request**

10. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents or on the basis that although the documents are in your custody or control they did not originate with you or are not owned by you.
11. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
12. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
13. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.
14. In the event that any document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date, name, title, or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents which would be responsive as if the date, name, title, or other descriptive detail was correct.
18. In the event a complete response requires the production of classified information, provide all as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this request is from January 1, 2013 to the present.

## **Instructions for Responding to a Committee Request**

20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **B. Responding to Interrogatories or a Request for Information**

1. In complying with the Committee's request, answer truthfully and completely. Persons that knowingly provide false testimony could be subject to criminal prosecution for perjury (when under oath) or for making false statements. Persons that knowingly withhold subpoenaed information could be subject to proceedings for contempt of Congress. If you are unable to answer an interrogatory or information request fully, provide as much information as possible and explain why your answer is incomplete.
2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should also be read to include the alternative identification.
3. Your response to the Committee's interrogatories or information requests should be made in writing and should be signed by you, your counsel, or a duly authorized designee.
4. When responding to interrogatories or information requests, respond to each paragraph in the Committee's schedule separately. Clearly identify the paragraph in the Committee's schedule to which the information responds.
5. Where knowledge, information, or facts are requested, the request encompasses knowledge, information or facts in your possession, custody, or control, or in the possession, custody, or control of your staff, agents, employees, representatives, and any other person who has possession, custody, or control of your proprietary knowledge, information, or facts.
6. Do not refuse to provide knowledge, information, or facts on the basis that any other person or entity also possesses the same knowledge, information, or facts or on the basis that although the documents are in your custody or control they did not originate with you or are not owned by you.
7. The request is continuing in nature and applies to any newly discovered knowledge, information, or facts. Any knowledge, information, or facts not provided because it was not known by the return date, should be provided immediately upon subsequent discovery.
8. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date

## **Instructions for Responding to a Committee Request**

specified in the request, and provide an explanation for why full compliance is not possible by that date.

9. In the event that knowledge, information, or facts are withheld on the basis of privilege, provide a privilege log containing the following information: (a) the privilege asserted; (b) the general subject matter of the knowledge, information, or facts withheld; (c) the source of the knowledge, information, or facts withheld; (d) the paragraph in the Committee's request to which the knowledge, information, or facts are responsive; and (e) each individual to whom the knowledge, information, or facts have been disclosed.
10. If a date, name, title, or other descriptive detail set forth in this request is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, provide the information that would be responsive as if the date, name, title, or other descriptive detail was correct.
11. In the event a complete response requires the transmission of classified information, provide as much information in unclassified form as possible in your response directly to the Committee offices and send only the classified information under separate cover via the Office of Senate Security.
12. Unless otherwise specified, the period covered by this request is from January 1, 2013 to the present.

### **C. Definitions**

1. The term "document" in the request or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

## **Instructions for Responding to a Committee Request**

2. The term “communication” in the request or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, iMessage, MMS, RCS, or SMS message, WhatsApp, Signal, any other encrypted message, regular mail, discussions, releases, delivery, or otherwise. This includes communications on encrypted phones and personal devices and personal accounts utilized for official business.
3. The terms “and” and “or” in the request or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” in the request or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify” in the request or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address, email address, and phone number.
6. The terms “referring” or “relating” in the request or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” in the request or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint venturer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.
8. The terms “you” and “your” in the request or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

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