

From: CARNES, ALEXANDRA (b)(6)
(b)(6)
To: Mayorkas, Alejandro (b)(6)
(b)(6)
Subject: RE: DHS Congressional Plan of the Day for Wednesday, May 11, 2022
Date: 2022/05/11 08:57:24
Priority: Normal
Type: Note

Thank you, sir. Very appreciated.

I hope your daughter is doing better.

From: Mayorkas, Alejandro (b)(6)
Sent: Tuesday, May 10, 2022 7:57 PM
To: CARNES, ALEXANDRA (b)(6)
Cc: CANEGALLO, KRISTIE (b)(6); REZMOVIC, JEFFREY (b)(6); ULLOA, ISABELLA (b)(6); SEIDMAN, RICKI (b)(6); ESPINOSA, MARSHA (b)(6); LUGO, ALICE (b)(6); LYNUM, KARA (b)(6)
Subject: Re: DHS Congressional Plan of the Day for Wednesday, May 11, 2022

Thank you very much, Alex.

I hope you are feeling okay. Please take care.

Ali

Alejandro N. Mayorkas
Secretary

From: CARNES, ALEXANDRA (b)(6)
Sent: Tuesday, May 10, 2022 7:28:53 PM
To: Mayorkas, Alejandro (b)(6)
Cc: CANEGALLO, KRISTIE (b)(6); REZMOVIC, JEFFREY (b)(6); ULLOA, ISABELLA (b)(6); SEIDMAN, RICKI (b)(6); ESPINOSA, MARSHA (b)(6); LUGO, ALICE (b)(6); LYNUM, KARA (b)(6)
Subject: DHS Congressional Plan of the Day for Wednesday, May 11, 2022

Good evening, Secretary.

We hope your meeting with Senator Manchin went well this afternoon.

For awareness, earlier today House Minority Leader McCarthy introduced a bill to prohibit the use of Federal funds to establish or carry out the activities of a Disinformation Governance Board at DHS. Republicans in both the House and Senate have introduced six similar bills in the past few weeks, and similar messaging amendments could be offered during upcoming appropriations markups.

Tomorrow the House is expected to begin consideration of the rule that will govern debate over amendments to H.R. 903, the TSA Title 5 bill. The formal House vote on the amended bill is expected on Thursday afternoon. The Administration issued the attached SAP earlier today. These are positive steps forward, though the Senate's approach to this legislation is still unclear. More updates to come.

Two other major items for tomorrow:

1. • At 10am, the Senate Committee on Commerce, Science, and Technology will vote on Admiral Linda Fagan's nomination to be the next USCG Commandant.
2. • CBP Commissioner Magnus testifies before HAC-HS in the afternoon.

The full congressional plan of the day for tomorrow is below. Please let us know if you have questions.

Hearings

"Fiscal Year 2023 Budget Request for the U.S. Customs and Border Protection"
House Committee on Appropriations, Subcommittee on Homeland Security
Witness: CBP Commissioner Chris Magnus

Markups

Senate Committee on Commerce, Science, and Transportation
Agenda to include: Nomination of Admiral Linda L. Fagan, to be the Coast Guard Commandant

Highlighted engagements did not appear on the May 09 – May 13 DHS Congressional Weekly Outlook

Briefings / Meetings

- • CBP w/ Ranking Member Clay Higgins (R, LA-03), House Committee on Homeland Security, Subcommittee on Border Security, Facilitation and Operations
Subject: Meet and Greet with Air & Marine Operations Executive Assistant Commissioner Stephen Boyer
- • TSA Administrator Pekoske w/ Ranking Member Chuck Fleischmann (R, TN-03), House Committee on Appropriations, Subcommittee on Homeland Security
Subject: FY 2023 budget request for TSA
- • TSA Administrator Pekoske w/ Rep. Lloyd Doggett (D, Texas-35)
Subject: Courtesy meeting
- • USCG Commandant Admiral Schultz w/ Chairwoman Lucille Roybal-Allard (D, CA-40), House Committee on Appropriations, Subcommittee on Homeland Security
Subject: 2021 Commodore Bertholf Award presentation

Legislation Initiatives of Note

Reported Bills

- • [H.R. 6825](#), the *Nonprofit Security Grant Program Improvement Act of 2022*, a bill to amend the Homeland Security Act of 2002 to enhance the funding and administration of the Nonprofit Security Grant Program of the Department of Homeland Security. Reported by the Committee on Homeland Security on Friday, May 6, 2022, with an amendment ([H. Rept. 117-312](#)).

Introduced Bills

- • S. 4164, a bill to prohibit the expenditure of Federal funds for the establishment or operation of the Disinformation Governance Board in the Department of Homeland Security. Introduced by Senator Rand Paul (R-KY) on May 09, 2022 and placed on the Senate Legislative Calendar under read for the first time.

Alexandra Carnes

Deputy Assistant Secretary (House)

Office of Legislative Affairs

Department of Homeland Security

(b)(6)

Sender:	CARNES, ALEXANDRA (b)(6)
Recipient:	Mayorkas, Alejandro (b)(6)
Sent Date:	2022/05/11 08:57:22
Delivered Date:	2022/05/11 08:57:24

From:	Mayorkas, Alejandro (b)(6) (b)(6)
To:	ESPINOSA, MARSHA (b)(6) (b)(6)
CC:	PECK, SARAH (b)(6) (b)(6) SEIDMAN, RICKI (b)(6) (b)(6)
Subject:	RE: OpEd Today
Date:	2022/05/27 10:31:00
Priority:	Normal
Type:	Note

I defer entirely to what you think is best. Thanks.

Alejandro N. Mayorkas
Secretary

From: ESPINOSA, MARSHA (b)(6)
Sent: Friday, May 27, 2022 10:15 AM
To: Mayorkas, Alejandro (b)(6)
Cc: PECK, SARAH (b)(6); SEIDMAN, RICKI (b)(6)
Subject: RE: OpEd Today

Apologies, Sir, we haven't compiled data yet. Do you prefer we have data in hand first, or talk with Lee first?
Thank you

From: Mayorkas, Alejandro (b)(6)
Sent: Friday, May 27, 2022 8:26 AM
To: ESPINOSA, MARSHA (b)(6)
Cc: PECK, SARAH (b)(6); SEIDMAN, RICKI (b)(6)
Subject: Re: OpEd Today

Good morning and thank you, Marsha.

Should we call Lee today?

Thanks again.
Ali

Alejandro N. Mayorkas
Secretary

From: ESPINOSA, MARSHA (b)(6)
Sent: Friday, May 27, 2022 8:25:07 AM
To: Mayorkas, Alejandro (b)(6)
Cc: PECK, SARAH (b)(6); SEIDMAN, RICKI (b)(6)
Subject: RE: OpEd Today

Good morning, Secretary,
George's assistant let me know that George (b)(6) and is out of pocket for the next several days.
He will return to the office on Tuesday, May 31.

His contact info:
Mr. George F. Will

(b)(6)

From: Mayorkas, Alejandro (b)(6)
Sent: Thursday, May 26, 2022 8:58 AM
To: ESPINOSA, MARSHA (b)(6); PECK, SARAH (b)(6)
Subject: OpEd Today

Marsha, Sarah,
Good morning. In this morning's Washington Post, George Will wrote a scathing piece on the Disinformation Governance Board and our efforts. Can you provide me with his telephone number?
Thank you very much. Ali

Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security

Sender:	Mayorkas, Alejandro (b)(6) (b)(6)
Recipient:	ESPINOSA, MARSHA (b)(6) (b)(6) PECK, SARAH (b)(6) (b)(6) SEIDMAN, RICKI (b)(6) (b)(6)
Sent Date:	2022/05/27 10:31:44
Delivered Date:	2022/05/27 10:31:00

From:	Mayorkas, Alejandro (b)(6) (b)(6)
To:	SEIDMAN, RICKI (b)(6) (b)(6) ULLOA, ISABELLA (b)(6) (b)(6)
CC:	ESPINOSA, MARSHA (b)(6) (b)(6) CANEGALLO, KRISTIE (b)(6) (b)(6) DASKAL, JENNIFER (b)(6) (b)(6) SILVERS, ROBERT (b)(6) (b)(6) PECK, SARAH (b)(6) (b)(6) Swartz, Neal (b)(6) (b)(6)
Subject:	Re: Draft statement
Date:	2022/05/17 22:35:26
Priority:	Normal
Type:	Note

I am fine with the statement as originally drafted. It is very good, thank you.

Alejandro N. Mayorkas

Secretary

From: SEIDMAN, RICKI (b)(6)

Sent: Tuesday, May 17, 2022 10:33:28 PM

To: Mayorkas, Alejandro (b)(6) ULLOA, ISABELLA (b)(6)

Cc: ESPINOSA, MARSHA (b)(6) CANEGALLO, KRISTIE

(b)(6) DASKAL, JENNIFER (b)(6) SILVERS, ROBERT

(b)(6); PECK, SARAH (b)(6) Swartz, Neal

Subject: RE: Draft statement

Hi,

(b)(5)

From: Mayorkas, Alejandro (b)(6)
Sent: Tuesday, May 17, 2022 10:28 PM
To: ULLOA, ISABELLA (b)(6)
Cc: SEIDMAN, RICKI (b)(6); ESPINOSA, MARSHA (b)(6); CANEGALLO, KRISTIE (b)(6); DASKAL, JENNIFER (b)(6); SILVERS, ROBERT (b)(6); PECK, SARAH (b)(6); Swartz, Neal (b)(6)
Subject: Re: Draft statement

~~Privileged/Pre-Decisional/Deliberative~~

Thank you all very much. This is a very good statement, thank you.

I have one question: (b)(5)
(b)(5)

Thanks again.
Ali

Alejandro N. Mayorkas
Secretary

From: ULLOA, ISABELLA (b)(6)
Sent: Tuesday, May 17, 2022 10:22 PM
To: Mayorkas, Alejandro (b)(6)
Cc: SEIDMAN, RICKI (b)(6); ESPINOSA, MARSHA (b)(6); CANEGALLO, KRISTIE (b)(6); DASKAL, JENNIFER (b)(6); SILVERS, ROBERT (b)(6); PECK, SARAH (b)(6); Swartz, Neal (b)(6)
Subject: Draft statement

~~Privileged // Pre-Decisional // Draft~~

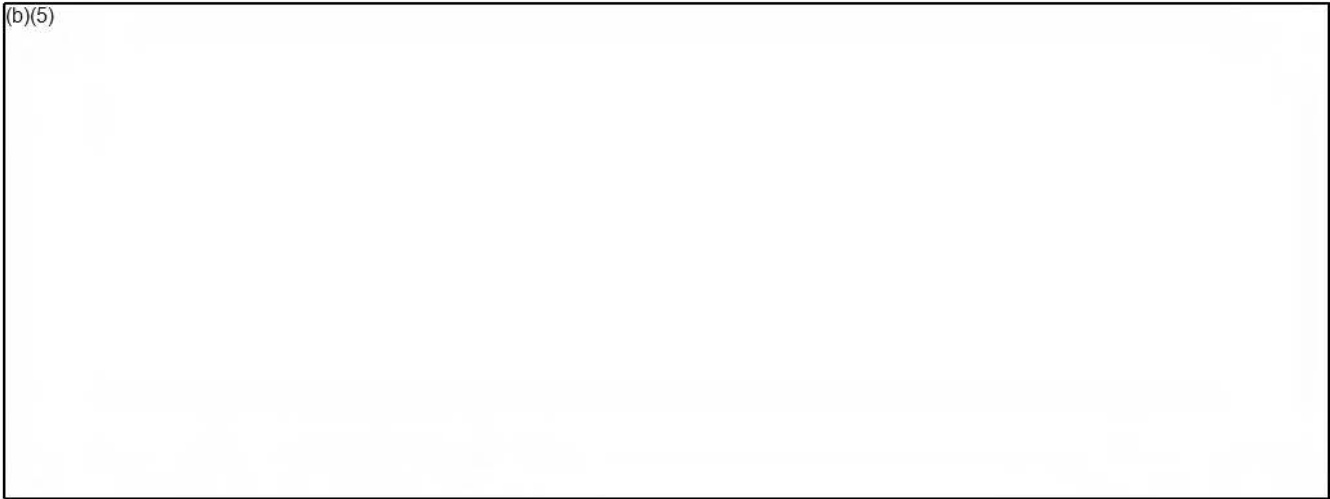
Secretary,

Please see below for your review. We will follow up with the draft HSAC tasking memo. Thank you.

Isa

(b)(5)

(b)(5)



Sender: Mayorkas, Alejandro (b)(6)
(b)(6)

Recipient: SEIDMAN, RICKI (b)(6)
(b)(6)

ULLOA, ISABELLA (b)(6)
(b)(6)

ESPINOSA, MARSHA (b)(6)
(b)(6)

CANEGALLO, KRISTIE (b)(6)
(b)(6)

DASKAL, JENNIFER (b)(6)
(b)(6)

SILVERS, ROBERT (b)(6)
(b)(6)

PECK, SARAH (b)(6)
(b)(6)

Swartz, Neal (b)(6)
(b)(6)

Sent Date: 2022/05/17 22:35:24
Delivered Date: 2022/05/17 22:35:26

Rep. Franklin +174	Writes regarding the newly created DHS "Disinformation Governance Board."	1231921 / 22-2415
Rep. Posey	Writes regarding the DHS Disinformation Governance Board.	1231943 / 22-2426
Protect Democracy	Writes regarding significant concerns about the "Disinformation Governance Board."	1231821 / 22-2404
Rep. Gosar	Writes regarding Disinformation Governance Board.	1231842 / 22-2405
Rep. Turner +1	Write requesting information on the Disinformation Governance Board.	1231690 / 22-2389
Sen. Hagerty	Writes regarding the creation of the Disinformation Governance Board.	1231689 / 22-2388
AG Schmitt	Writes with concerns over the Disinformation Governance Board.	1231695 / 22-2392
Sen. Blackburn	Writes regarding the creation of the Disinformation Governance Board.	1231729 / 22-2402
Rep. Comer +18	Write to conduct oversight over the DHS's newly created "Disinformation Governance Board."	1231641 / 22-2387
Ranking Member Katko +12	Write requesting information on the Disinformation Governance Board.	1231888 / 22-2413
Sen. Johnson	Writes concerning the DHS Disinformation Board.	1231590 / 22-2379
Sen. Hawley	Write requesting information on the Disinformation Governance Board.	1231591 / 22-2380
Jason Miyares AG – Virginia +19	Writes regarding the newly created DHS "Disinformation Governance Board."	1231920 / 22-2414
Lawrence Wasden Idaho AG	Writes regarding the newly created DHS "Disinformation Governance Board."	1231980 / 22-2430
Mark Brnovich AZ AG	Writes regarding the newly created DHS "Disinformation Governance Board."	1231987 / 22-2431
Rep. Garbarino	Writes regarding the newly created DHS "Disinformation Governance Board."	Letter to CISA Director – 1232149 / 22-2445
RM Jordan +11	Writes regarding the newly created DHS "Disinformation Governance Board."	Letter to Nina Jankowicz – ESEC not tracking.
Rep. Perry +2	Writes regarding Disinformation Governance Board.	1232063 / 22-2432
Rep. Van Drew	Writes regarding the newly created DHS "Disinformation Governance Board."	1231980 / 22-2430
Sen. Hawley +4	Write to request immediate access to all records and communications related to DHS's new Disinformation Governance Board.	1232751 / 22-2492

Congress of the United States
Washington, DC 20515

May 5, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Avenue, SE
Washington, DC 20593

RECEIVED

By ESEC at 9:09 am, May 06, 2022

Dear Secretary Mayorkas,

We write to you to express concerns about the newly created “Disinformation Governance Board” within the Department of Homeland Security (DHS), which you announced last week.¹ The creation of this Board is problematic for several reasons.

First, we have ethical concerns about an organization charged with securing the homeland engaging in anything that could have an impact on speech. We believe that the Disinformation Governance Board could be utilized as a political tool under the guise of security. This has the potential to severely undermine the American people’s confidence in the Department, especially as we enter the 2022 election season.

Second, the Department’s primary mission sets are countering terrorism, securing the border, securing cyberspace and infrastructure, upholding economic security, strengthening resilience, and strengthening DHS itself.² Traditionally, combatting misinformation has been a foreign mission relegated to the elements of the intelligence community with equities in foreign operations. As a domestically focused Department, we are concerned that DHS is overstepping its authority with the creation of this Board. DHS has developed a stalwart reputation as a defender of the homeland primarily because it has focused on these mission sets and has remained non-partisan in achieving them. Implementing something as vague as a “Disinformation Governance Board” will distract from these mission sets and potentially tarnish the non-partisan reputation the Department has developed since its founding.

Additionally, during your testimony last week, you claimed the Biden administration has “effectively managed” the border crisis.³ Meanwhile, the policies of the current administration have resulted in over 1.5 million border encounters in the last six months, which is the largest in our nation’s history.⁴ We are concerned that the Disinformation Governance Board will distract from this crisis.

Third, we are concerned with the appointment of Nina Jankowicz as the head of this Board. Ms. Jankowicz has, on several occasions, displayed questionable judgment on matters of

¹ The Washington Post, “Disinformation board to tackle Russia, migrant smugglers,” April 28, 2022.

² The Department of Homeland Security, [Mission Statement](#).

³ Fox News, “Mayorkas claims Biden admin has ‘effectively managed’ border crisis, deflects blame,” April 27, 2022.

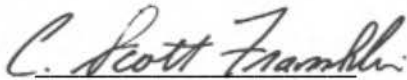
⁴ The Wall Street Journal, “U.S.-Mexico Border Arrests Top One Million in Six Months,” April 18, 2022.

disinformation and freedom of speech.⁵ For example, she has expressed support for Christopher Steele, author of the Steele Dossier. This document has long-since been discredited as one of its main sources was charged with five counts of making false statements to the FBI. Ms. Jankowicz has also cast doubt on the Hunter Biden laptop story, which she falsely claimed was “a Trump campaign product.”⁶

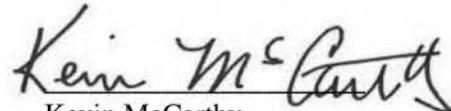
For these reasons, we request that you respond to the following questions thirty days from the date of receipt of this letter.

1. Under what legal authority is DHS creating this Disinformation Governance Board?
2. What is the Board’s specific directive and mission? What authorities will it have under the Department?
3. How does this Board help DHS protect the homeland from threats? Why is DHS putting valuable resources toward a mission that it appears to have no equity in when there is an ongoing crisis at our southern border?
4. Why was Ms. Jankowicz chosen to head this Board? Who were the other candidates considered for this position? What qualifications and vetting procedures did the Department utilize when determining who would head up the Disinformation Governance Board?

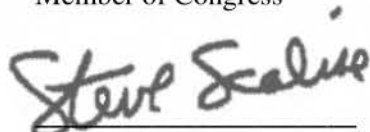
Sincerely,



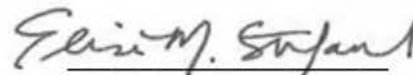
C. Scott Franklin
Member of Congress



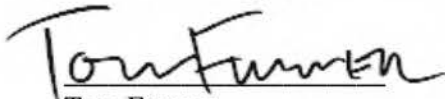
Kevin McCarthy
Member of Congress



Steve Scalise
Member of Congress



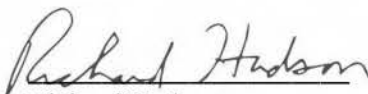
Elise Stefanik
Member of Congress



Tom Emmer
Member of Congress



Mike Johnson
Member of Congress



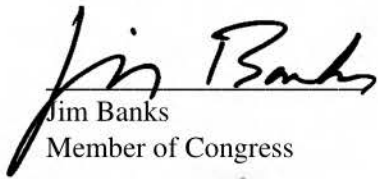
Richard Hudson
Member of Congress



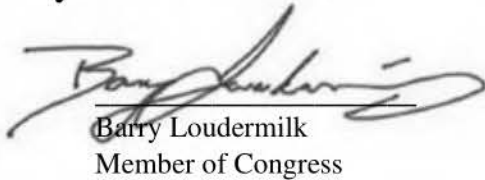
Gary Palmer
Member of Congress

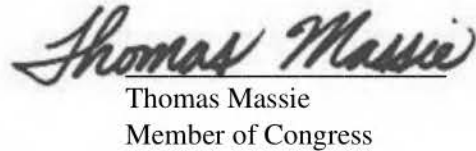
⁵ The Washington Examiner, “Biden ‘disinformation’ chief a Trump dossier, author fan and Hunter Biden laptop doubter,” April 28, 2022.

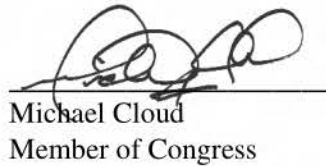
⁶ Fox News, “Biden’s disinformation director referred to Hunter’s laptop as a ‘Trump campaign product,’” April 28, 2022.


Jim Banks
Member of Congress


Yvette Herrell
Member of Congress

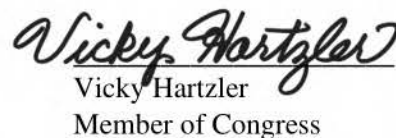

Barry Loudermilk
Member of Congress

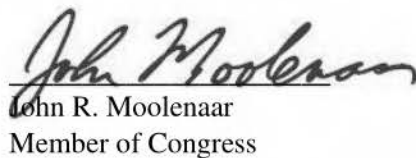

Thomas Massie
Member of Congress


Michael Cloud
Member of Congress

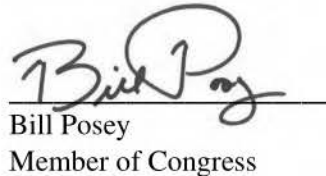

Brett Guthrie
Member of Congress

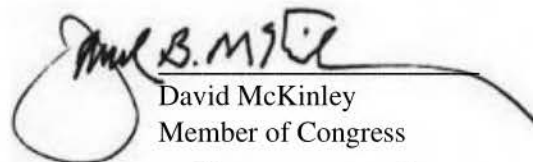

Lauren Boebert
Member of Congress

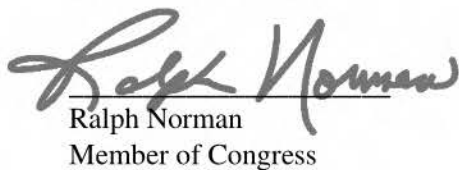

Vicky Hartzler
Member of Congress

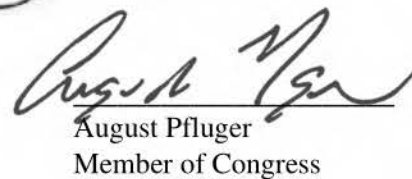

John R. Moolenaar
Member of Congress


Robert J. Wittman
Member of Congress

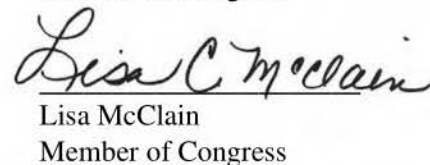

Bill Posey
Member of Congress

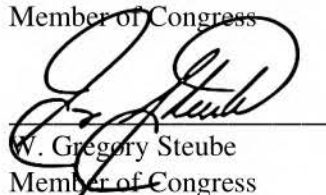

David McKinley
Member of Congress


Ralph Norman
Member of Congress

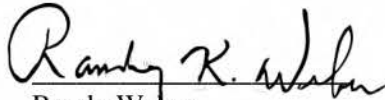

August Pfluger
Member of Congress


Maria Elvira Salazar
Member of Congress


Lisa McClain
Member of Congress


W. Gregory Steube
Member of Congress


Clay Higgins
Member of Congress



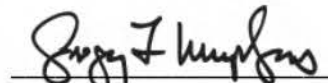
Randy Weber
Member of Congress



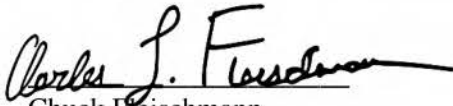
Gus Bilirakis
Member of Congress



Tom McClintock
Member of Congress



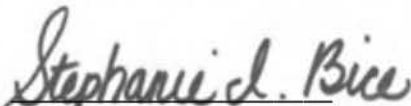
Gregory F. Murphy, M.D.
Member of Congress



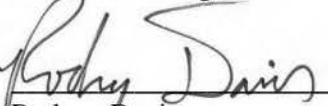
Chuck Fleischmann
Member of Congress



Billy Long
Member of Congress



Stephanie Bice
Member of Congress




Rodney Davis
Member of Congress



Dan Bishop
Member of Congress



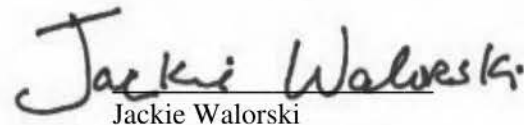
Nancy Mace
Member of Congress



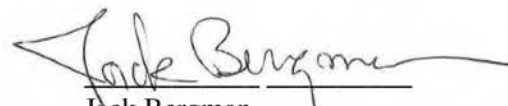
Rick Crawford
Member of Congress



Ted Budd
Member of Congress



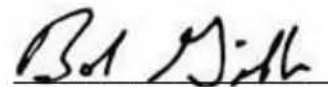
Jackie Walorski
Member of Congress



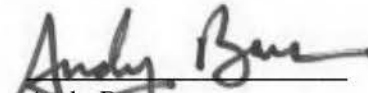
Jack Bergman
Member of Congress



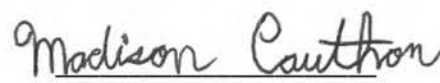
Fred Keller
Member of Congress



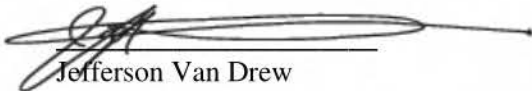
Bob Gibbs
Member of Congress



Andy Barr
Member of Congress



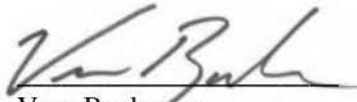
Madison Cawthorn
Member of Congress



Jefferson Van Drew
Member of Congress



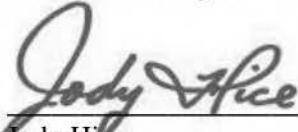
Ron Estes
Member of Congress



Vern Buchanan
Member of Congress



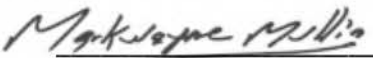
Barry Moore
Member of Congress



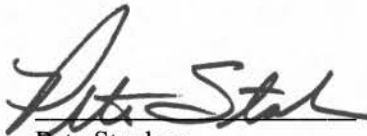
Jody Hice
Member of Congress



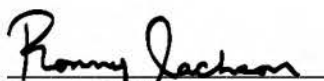
Brad R. Wenstrup, D.P.M.
Member of Congress



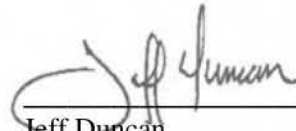
Markwayne Mullin
Member of Congress



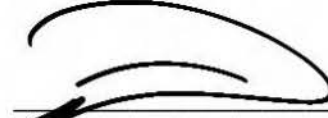
Pete Stauber
Member of Congress



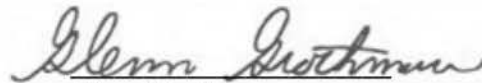
Ronny L. Jackson
Member of Congress



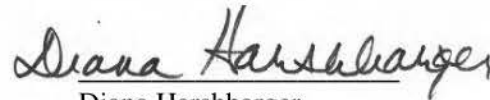
Jeff Duncan
Member of Congress



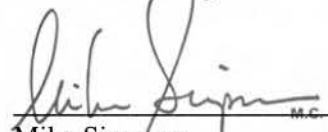
Scott DesJarlais
Member of Congress



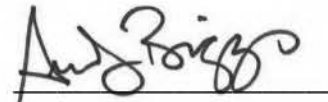
Glenn Grothman
Member of Congress



Diana Harshbarger
Member of Congress



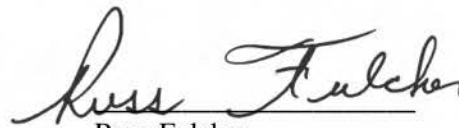
Mike Simpson
Member of Congress



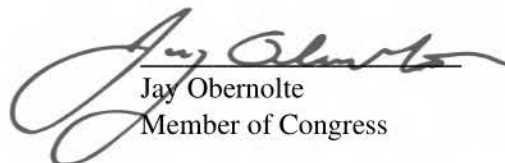
Andy Biggs
Member of Congress



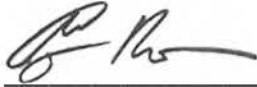
Warren Davidson
Member of Congress



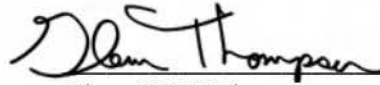
Russ Fulcher
Member of Congress



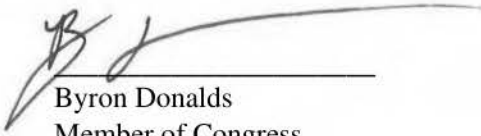
Jay Obernolte
Member of Congress



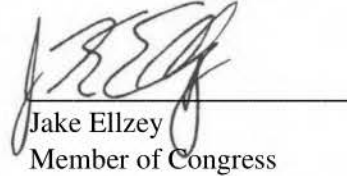
Guy Reschenthaler
Member of Congress



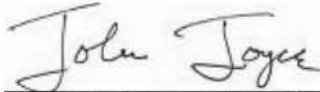
Glenn "GT" Thompson
Member of Congress



Byron Donalds
Member of Congress



Jake Ellzey
Member of Congress



John Joyce
Member of Congress



Brian Fitzpatrick
Member of Congress



Austin Scott
Member of Congress



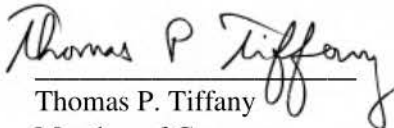
Mary E. Miller
Member of Congress



Tracey Mann
Member of Congress



Earl L. "Buddy" Carter
Member of Congress



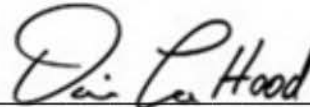
Thomas P. Tiffany
Member of Congress



Michael C. Burgess, M.D.
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Jake LaTurner
Member of Congress



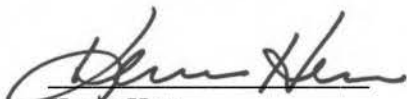
Darin LaHood
Member of Congress



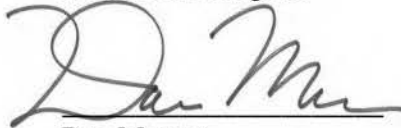
Ken Buck
Member of Congress



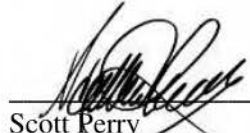
Mike Carey
Member of Congress




Kevin Hern
Member of Congress

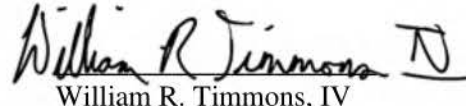



Dan Meuser
Member of Congress


Scott Perry
Member of Congress

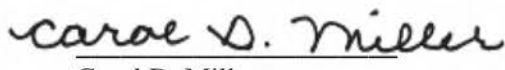

Ben Cline
Member of Congress



Pete Sessions
Member of Congress

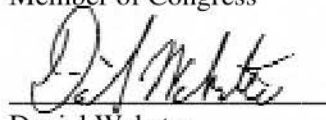

William R. Timmons, IV
Member of Congress

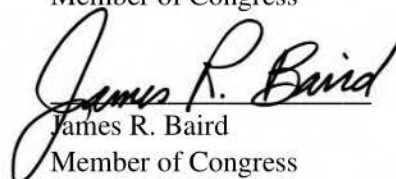

Beth Van Duyne
Member of Congress


Scott Fitzgerald
Member of Congress



Carol D. Miller
Member of Congress

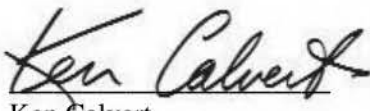

Robert E. Latta
Member of Congress

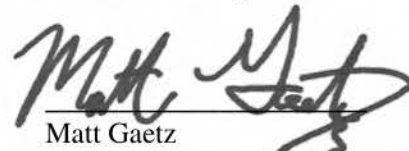

Daniel Webster
Member of Congress

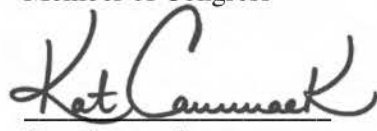

James R. Baird
Member of Congress

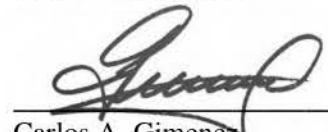

Joe Wilson
Member of Congress


Bill Johnson
Member of Congress


Ken Calvert
Member of Congress

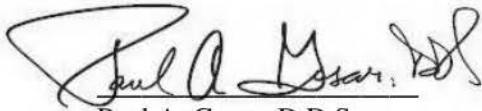

Matt Gaetz
Member of Congress


Kat Cammack
Member of Congress

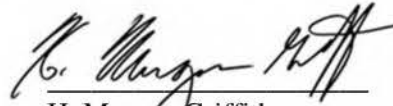

Carlos A. Gimenez
Member of Congress


Mike Bost
Member of Congress

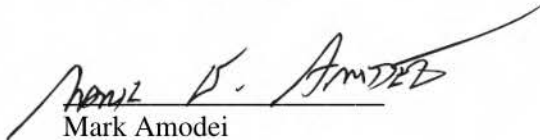

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Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



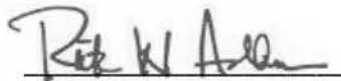
H. Morgan Griffith
Member of Congress



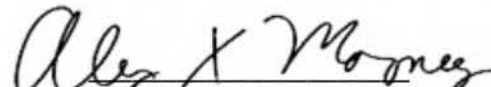
Mark Amodei
Member of Congress



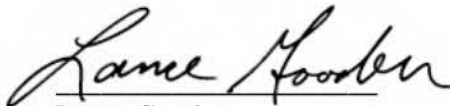
Trent Kelly
Member of Congress



Rick W. Allen
Member of Congress



Alex X. Mooney
Member of Congress



Lance Gooden
Member of Congress



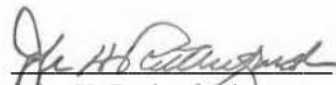
Jodey C. Arrington
Member of Congress



Michelle Fischbach
Member of Congress



Steven M. Palazzo
Member of Congress



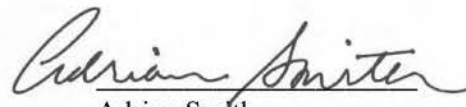
John H. Rutherford
Member of Congress



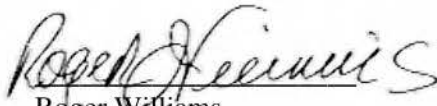
Troy E. Nehls
Member of Congress



Bryan Steil
Member of Congress



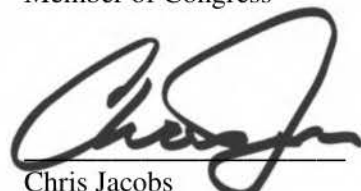
Adrian Smith
Member of Congress



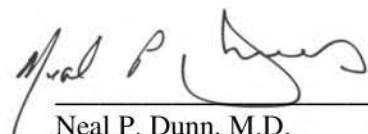
Roger Williams
Member of Congress




Dusty Johnson
Member of Congress




Chris Jacobs
Member of Congress



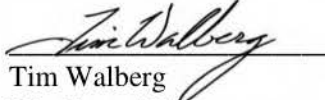
Neal P. Dunn, M.D.
Member of Congress



Michael Waltz
Member of Congress



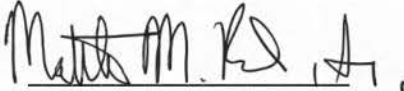
Randy Feenstra
Member of Congress



Tim Walberg
Member of Congress




Mariannette Miller Meeks, M.D.
Member of Congress




Matt Rosendale
Member of Congress



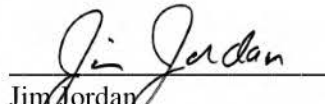
Julia Letlow
Member of Congress



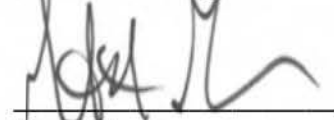
Bob Good
Member of Congress



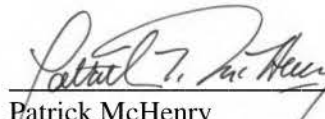
Larry Bucshon, M.D.
Member of Congress




Jim Jordan
Member of Congress



Garret Graves
Member of Congress




Patrick McHenry
Member of Congress



Mo Brooks
Member of Congress



Dan Crenshaw
Member of Congress



Darrell Issa
Member of Congress



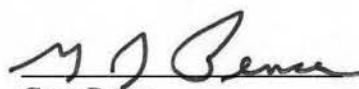
Tim Burchett
Member of Congress



Doug LaMalfa
Member of Congress



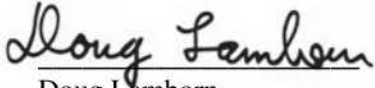
Bill Huizenga
Member of Congress



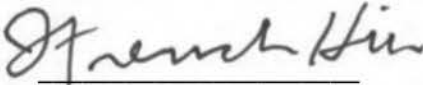
Greg Pence
Member of Congress



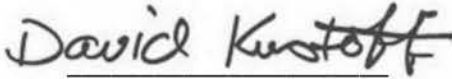
David G. Valadao
Member of Congress



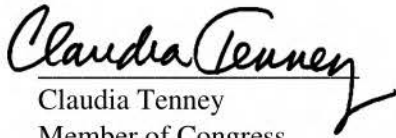
Doug Lamborn
Member of Congress



French Hill
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Member of Congress



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Member of Congress



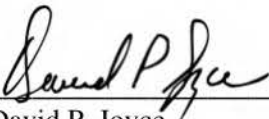
A. Drew Ferguson IV
Member of Congress



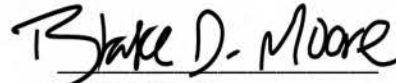
Debbie Lesko
Member of Congress



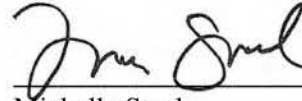
Tony Gonzalez
Member of Congress



David P. Joyce
Member of Congress



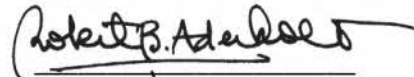
Blake Moore
Member of Congress



Michelle Steel
Member of Congress



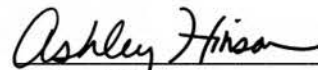
Troy Balderson
Member of Congress



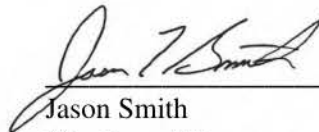
Robert B. Aderholt
Member of Congress



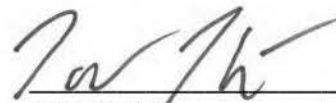
Pat Fallon
Member of Congress



Ashley Hinson
Member of Congress



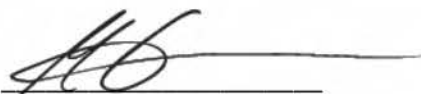
Jason Smith
Member of Congress




John Katko
Member of Congress



Nicole Malliotakis
Member of Congress



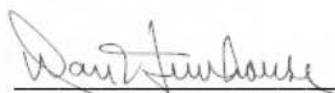
Mike Gallagher
Member of Congress



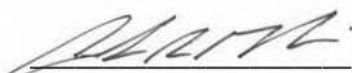
Michael Guest
Member of Congress



David Schweikert
Member of Congress



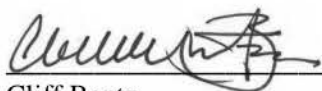
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Member of Congress



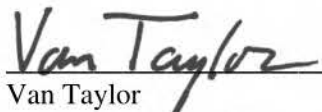
Andrew R. Garbarino
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Mark E Green, M.D.
Member of Congress



Cliff Bentz
Member of Congress



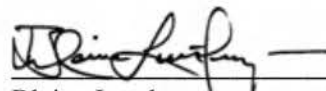
Van Taylor
Member of Congress



Lee Zeldin
Member of Congress



Victoria Spartz
Member of Congress



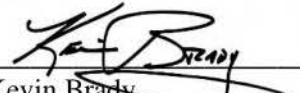
Blaine Leutkemeyer
Member of Congress



Young Kim
Member of Congress



Bruce Westerman
Member of Congress




Kevin Brady
Member of Congress



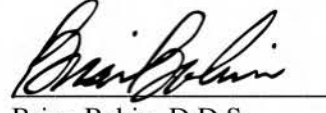
Trey Hollingsworth
Member of Congress



Mike Garcia
Member of Congress



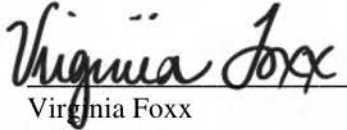
Frank D. Lucas
Member of Congress



Brian Babin, D.D.S.
Member of Congress



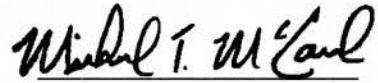
Burgess Owens
Member of Congress



Virginia Foxx
Member of Congress



Mario Diaz-Balart
Member of Congress



Michael T. McCaul
Member of Congress



Jaime Herrera Beutler
Member of Congress

BILL POSEY

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May 6, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

RECEIVED

By ESEC at 12:19 pm, May 06, 2022

Dear Secretary Mayorkas,

I am writing to you about your recent announcement in testimony before the House Appropriations Subcommittee on Homeland Security that your agency is working to establish a “mis, or dis, information governance board.” This raises significant questions about the role of government further politicizing federal agencies and silencing critics.

In your revelation to the Subcommittee proclaiming the existence of a “mis, or dis, information governance board,” you have left no doubt that this board “[abridges] the freedom of speech” despite its very prohibition guaranteed to every United States citizen in the First Amendment of our Constitution:

1. Where is the line drawn by your governance board between protected free speech and subjective identification of misinformation, or disinformation?
2. Who decides what is misinformation? Who decides what is disinformation? What are the specific standards by which those judgment decisions will be made?
3. What happens in instances such as the “Steele Dossier” which was presumed to be truthful by many in the media for quite some time but later found to be fraudulent?
4. What are the specific accountability standards in place to hold those federal employees accountable who either intentionally or inadvertently wrongly classify information as either mis or dis information? How will they be held accountable for their decisions which may bring harm?
5. What would be the role of your agency be when news stories such as the Hunter Biden Laptop are published? More than 50 former top U.S. intelligence officials either intentionally misled the public or were duped into proclaiming the laptop was Russian disinformation. Social media companies blocked the sharing of information about the laptop, and major social media companies either banned or suppressed the sharing of information about the laptop.

6. What would be the role of your agency regarding situations like those surrounding the origins of COVID-19, when, as it now appears, Chinese Communist Party officials pressured U.S. research collaborators, including top NIH officials and top recipients of NIH research dollars, to counter and suppress the notion that the virus may have leaked from the Wuhan Institute of Virology?

Your testimony was the first time the United States Congress was made aware of the presence of your “mis, or dis, information governance board,” and it is now understood the board has been in place for a few months. In a *1984* dystopia, your statement would go unnoticed, but we have taken great care since our founding to not live in an Orwellian society; transparency is paramount:

7. Under what statutory authority have you created this board?
8. Please provide me with the complete guidance governing the decision making of this body?

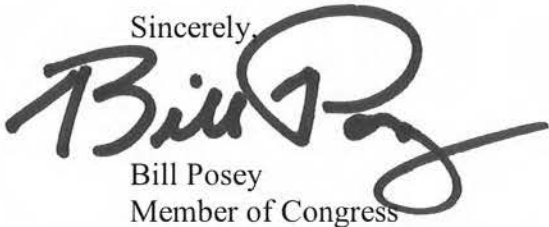
In any organizational management theory, a clear definition of a desired outcome, followed by strategic goals, coupled with subsequent guiding strategic plans, is fundamental. As a sort of compass for direction, for clarity, there is no substitute for an unequivocal definition. You referred to this as the “mis, dis, information” governance board. The term *misinformation* in and of itself raises questions of ambiguity and subjectivity. The term *disinformation* conjures the same ambiguity. The two mean two different things and are not exactly interchangeable:

9. What is your organization’s unequivocal definition of misinformation? Also, please provide the specific governing documentation for the board that is used in their decision making.
10. What is your organization’s unequivocal definition of disinformation? Also, please provide the specific governing documentation for the board that is used in their decision making.
11. Please provide a list of the specific priorities for this board both in terms of outlets by which this information is distributed as well as the subject-matter and target groups of the board.
12. Please provide a list of all members of the board and their disclosures about potential conflicts of interest.
13. Please provide a list of all actions that the board has already taken to date.
14. Does the board have collaborations, MOUs, or other such arrangements, with any private, non-profit, or not-for-profit entities? If so, please provide their names.
15. Does the board receive or solicit input or information from outside entities? Please provide a list of every outside entity from which the board has received information and the subject matter of this information?
16. Does the board plan to provide a portal, available to the public, to provide a complete and real-time list of information they are evaluating to determine its validity?

17. What means is there by which restitution will be made to those who are wrongfully silenced as providing mis or disinformation?
18. What precautions are in place to ensure that DHS does not, by assertions intentionally, or inadvertently, become a tool that influences the outcome of elections? We have seen in recent years the Federal Bureau of Investigation manipulated in such a manner. What mechanisms are in place at DHS to ensure that the DHS does not succumb to similar scenarios?

The concerns and anxieties elicited by your declaration of your establishment of a “mis, dis, information governance board” are real. Additionally, the timing of your revelation of the existence of such a board, less than a week before primary elections begin in the United States, is chilling. Your timely answers to these questions are expected, and I look forward to promptly receiving them.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Posey". The signature is stylized and cursive, with a large loop at the end of the last name.

Bill Posey
Member of Congress



KNIGHT
FIRST AMENDMENT
INSTITUTE at
COLUMBIA UNIVERSITY



May 3, 2022

Secretary Alejandro Mayorkas
Secretary of Department of Homeland Security
U.S. Department of Homeland Security
301 7th St., SW
Washington, DC 20528

RECEIVED

By ESEC at 10:50 am, May 04, 2022

Re: Significant Concerns Regarding the “Disinformation Governance Board”

Dear Secretary Mayorkas:

We write on behalf of Protect Democracy, the Electronic Frontier Foundation, and the Knight First Amendment Institute at Columbia University to express our concern regarding last week’s announcement that the Department of Homeland Security has established a “Disinformation Governance Board.”¹ Disinformation causes real harms, but the Constitution limits the government’s role in combating disinformation directly, and the government can play no useful role at all in the absence of public trust. The announcement of this Board, housed in a Department with a checkered record on civil liberties and without clarity and specificity on its mandate, has squandered that trust.

The initial report revealing the Board’s existence provided that the Board would “immediately begin focusing on misinformation aimed at migrants, a problem that has helped to fuel sudden surges at the U.S. southern border in recent years,” as well as “monitor and prepare for Russian disinformation threats.”² In an interview over the weekend, you further noted that the Board will “work[] to ensure that the way in which we address threats—the connectivity between threats and acts of violence—are addressed without infringing on free speech, protecting civil rights and civil liberties—the right of privacy. The Board . . . will draw from best practices and

¹ Amanda Seitz, *Disinformation Board to Tackle Russia, Migrant*, Assoc. Press (Apr. 28, 2022), <https://apnews.com/article/russia-ukraine-immigration-media-europe-misinformation-4e873389889bb1d9e2ad8659d9975e9d>.

² *Id.*

communicate those best practices to the operators”³ You also said that American citizens would not be monitored.⁴ Yesterday, the Department issued a statement providing that “[t]he Department identifies disinformation that threatens the homeland through publicly available sources, research conducted by academic and other institutions, and information shared by other federal agencies and partners” and “then shares factual information related to its mission to potentially impacted people and organizations.”⁵ The statement specifies that the Board was formed “with the explicit goal of ensuring . . . protections [for freedom of speech, civil rights, civil liberties, and privacy] are appropriately incorporated across DHS’s disinformation-related work and that rigorous safeguards are in place.”⁶ It also notes that the Board will “seek[] to coordinate the Department’s engagements on this subject with other federal agencies and a diverse range of external stakeholders.”⁷

We acknowledge and appreciate the Department’s recognition that mis- and disinformation is a significant problem, particularly with respect to non-English speaking communities.⁸ Those who intentionally spread disinformation can distort public discourse, interfere with elections, and undermine democracy. While we do not believe that there is a single solution to the problem of disinformation, among the solutions needed are the provision of timely, accurate, and trustworthy information by the government, as well as longer term support for education initiatives focused on media literacy. To the extent that the Board would simply ensure that the Department responds to publicly reported disinformation campaigns with timely, accurate information, we would generally welcome such an effort. In the 2020 election, for example, the Department’s Cybersecurity & Infrastructure Security Agency offered a timely

³ *Mayorkas: Disinformation Board Won’t Monitor American Citizens*, CNN (May 1, 2022), <https://edition.cnn.com/videos/politics/2022/05/01/mayorkas-on-disinformation-board.cnn>.

⁴ *Id.*

⁵ *Fact Sheet: DHS Internal Working Group Protects Free Speech and Other Fundamental Rights When Addressing Disinformation That Threatens the Security of the United States*, Dep’t of Homeland Sec. (May 2, 2022), <https://www.dhs.gov/news/2022/05/02/fact-sheet-dhs-internal-working-group-protects-free-speech-other-fundamental-rights>.

⁶ *Id.*

⁷ *Id.*

⁸ *See, e.g., A Growing Threat: The Impact Of Disinformation Targeted At Communities Of Color Hearing Before Subcommittee on Elections H. Comm. on H. Admin.*, 117th Cong. (Apr. 28, 2022), available at <https://cha.house.gov/committee-activity/hearings/growing-threat-impact-disinformation-targeted-communities-color>.

rebuttal to claims that there was widespread fraud in the 2020 election.⁹ That is one kind of work that the government can and should do to counteract disinformation.¹⁰

But for the government to play its appropriate role effectively, it must build trust and demonstrate a commitment to abiding by the strict limitations the Constitution places on its ability to combat disinformation, described in some more detail below. The way in which the Department has publicly announced the Board has fallen short on those fronts. Moreover, for the reasons below, we do not believe such an initiative should be housed at the Department. If the Administration is committed to housing it at the Department, though, the Department should at a minimum impose clear restrictions on the Board to ensure that it does not engage in more constitutionally suspect activities.

To the extent that the Board or the Department intends to take any measures to prohibit disinformation or otherwise punish the spread of disinformation or to engage in constitutionally suspect monitoring of communications of individuals in the United States or of citizens abroad, we urge the Department to reconsider for two primary reasons.

First, “[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.”¹¹ Our First Amendment prohibits such efforts, and for good reason. We have learned the hard way that government initiatives to root out disfavored speech and ideas are dangerous and unwise.¹² Any effort to prohibit or punish the spread of “disinformation” by the Department would likely fall outside of what the Constitution permits, absent extraordinary circumstances and outside narrow categories of speech.

⁹ *Joint Statement from Elections Infrastructure Government Coordinating Council & The Election Infrastructure Coordinating Executive Committees, Cybersecurity & Infrastructure Security Agency* (Nov. 12, 2020), <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

¹⁰ Another kind of work the government can and should do is to study emerging tools of disinformation and make recommendations on how to combat those tools, like “deep fakes.” See *Portman, Schatz, Ernst, Heinrich, Gardner, Peters, Rounds, Hassan Praise Senate Passage of Bipartisan Bill to Assess & Address Rising Threat of Deepfakes*, Rob Portman (Oct. 25, 2019), <https://www.portman.senate.gov/newsroom/press-releases/portman-schatz-ernst-heinrich-gardner-peters-rounds-hassan-praise-senate>.

¹¹ *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

¹² *E.g., New York Times Co. v. Sullivan*, 376 U.S. 254, 273–74 (1964) (recounting the history of the Sedition Act of 1798, which was motivated in part by an effort to tamp down on misinformation, and noting that “[a]lthough the Sedition Act was never tested in [the Supreme] Court, the attack upon its validity has carried the day in the court of history”).

Second, the Department has a history of flouting the Constitution in flagrant ways. It is one of the least politically accountable agencies in our federal government,¹³ and it has often violated individuals' civil liberties. The Department has a particularly poor track record when it comes to "monitoring" individual's First Amendment-protected activities. From illegally surveilling Reverend Kaji Douša after she spoke out against the Trump Administration's immigration policies,¹⁴ to gathering intelligence on reporters that cover the Department,¹⁵ to monitoring the social media accounts of visa applicants,¹⁶ the Department has demonstrated a readiness to cross the legal bounds of privacy and speech rights. We therefore take little comfort from the Department's assurances that it will "'protect privacy, civil rights, and civil liberties' as part of its duties."¹⁷

Even in the hands of well-intentioned, good-faith actors, any government board ostensibly tasked with monitoring and "govern[ing]" disinformation is a frightening prospect; in the wrong hands, such a board would be a potent tool for government censorship and retaliation. The Department now seems to suggest that the primary purpose of the Board is to ensure that civil liberties are protected in activities the Department is already engaged in. If that is the case, it is unfortunate that that purpose was so obscured in a confusing rollout that invited misperception and undermined trust.

We welcome the Department's recognition of the serious problems posed by mis- and disinformation. But for the reasons above, we question whether the Board can play a useful role in combating mis- and disinformation at this point and would encourage you to reconsider the

¹³ Scott Welder, Christine Kwon & Jennifer Dresden, *There's Just One Department of Homeland Security. So Why Does It Have So Many Bosses in Congress?*, Wash. Post (Oct. 21, 2021), <https://www.washingtonpost.com/politics/2021/10/21/theres-just-one-department-homeland-security-so-why-does-it-have-so-many-bosses-congress/>.

¹⁴ See *Douša v. DHS*, Protect Democracy, <https://protectdemocracy.org/project/dousa-v-dhs/> (last visited May 2, 2022).

¹⁵ E.g., Shane Harris, *DHS Compiled 'Intelligence Reports' on Journalists Who Published Leaked Documents*, Wash. Post (July 30, 2020), https://www.washingtonpost.com/national-security/dhs-compiled-intelligence-reports-on-journalists-who-published-leaked-documents/2020/07/30/5be5ec9e-d25b-11ea-9038-af089b63ac21_story.html.

¹⁶ See *Doc Society v. Blinken*, Knight First Amendment Institute at Columbia University, <https://knightcolumbia.org/cases/doc-society-v-blinken>.

¹⁷ Amanda Seitz, *Disinformation Board to Tackle Russia, Migrant*, Assoc. Press (Apr. 28, 2022), <https://apnews.com/article/russia-ukraine-immigration-media-europe-misinformation-4e873389889bb1d9e2ad8659d9975e9d>.

Board's existence or, at a minimum, promptly provide further clarity on the kinds of specific activities the Board will engage in and the activities it will be prohibited from engaging in. Should you wish to discuss this letter or our position, please contact John Langford, at

(b)(6)

Sincerely,

Protect Democracy
Electronic Frontier Foundation
Knight First Amendment Institute at
Columbia University

PAUL A. GOSAR, D.D.S.
FOURTH DISTRICT, ARIZONA

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Congress of the United States
House of Representatives
Washington, DC 20515-0301

COMMITTEE ON
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AND REFORM
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ENVIRONMENT
NATIONAL SECURITY

May 4, 2022

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

RECEIVED

By ESEC at 1:42 pm, May 04, 2022

Re: The "Disinformation Governance Board"

Dear Secretary Mayorkas,

I am writing about the decision to create a bizarre "Disinformation Governance Board" at the Department of Homeland Security (DHS). Its sole function is to spy on American citizens, using authorization under the Patriot Act. Your job, and the DHS', was to protect Americans from foreign threats. You have now created an internal police force that is based on political speech and political concerns.

This board is not only unconstitutional and purely partisan, but it is a Soviet-style attempt to obliterate freedom of speech. Congress has not authorized this new department or funded it. Your DHS' February 7, 2022 terrorism bulletin cites a "heightened threat environment" due to domestic terrorism. The bulletin also states that "there is widespread online proliferation of false or misleading narratives regarding unsubstantiated widespread election fraud and COVID-19." And that "grievances associated with these themes inspired violent extremist attacks during 2021."

Almost every sentence is either false or at least subject to dispute. Certainly, there has been false information about the 2020 election and COVID-19. Most of it just happens to come from the Administration itself. But even if you disagree with that, you are not free to label this difference of opinion as "terrorism" and set up an illegal internal secret police. This is an outrageous abuse of civil rights and free speech.

My constituents were forced by the federal government to stay home, not go to school, and shut their businesses. Many were compelled to inject experimental and untested foreign biological material into their body. Many were denied proper treatment for COVID-19 while they watched other nations in real time successfully treat their citizens with remedial and effective drugs. The people have a right to speak about this and share their perspectives and displeasure, without the DHS declaring them terrorists or sharers of disinformation.

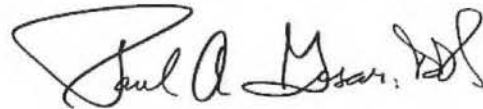
This Administration's efforts to propagandize and mislead Americans is not limited to your new Censorship Board. In February 2021, the DOD ordered a "directed standdown" "to address the issue of extremism in the ranks." 62.9% of all new money requested by DOJ in FY 2022 was for the purpose of fighting "domestic violent extremists"—which included the hiring of 299 new employees. And in October 2021, Attorney General Garland directed the full force of federal law enforcement against parents outraged over their children's indoctrination in support of sexual deviancy, pedophilia, grooming, and sexual mutilation in the name of gender dysphoria. Parents should be outraged, and you should be ashamed to support the sexual mutilation of our children. But at the very least you should end your efforts to classify these parents as terrorists.

Please also respond to the following questions:

1. Could you explain why violence from BLM and Antifa is not listed as violent extremism?
2. Can you explain why the recent mass killings by two Black Nationalists were not deemed domestic violent extremism?
3. Could you please list all the "violent extremist attacks in 2021?" Your bulletin and testimony are entirely devoid of evidence.
4. Could you please list property damage and lives lost due to "violent extremist attacks in 2021"?
5. Please list and identify all monetary damage and lives lost due to BLM riots in the summer of 2020?
6. Please identify all congressional sources authorizing a censorship board as being constructed by your office.
7. What is the amount you are budgeting for the new disinformation board?

Thank you for addressing my concerns. Please adhere to all rules and regulations when addressing these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Gosar" with a stylized flourish at the end.

Paul A. Gosar, D.D.S.
Member of Congress

Congress of the United States
House of Representatives
Washington, DC 20515

April 29, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, DC 20528

RECEIVED

By ESEC at 5:31 pm, Apr 29, 2022

Dear Secretary Mayorkas:

We write to express our profound concern with the Department of Homeland Security's recent creation of a "Disinformation Governance Board".¹ In testimony before Congress, you stated that the Board's purpose would be to "combat disinformation" ahead of the November midterms.² According to media reports, as executive director of the Board, the Administration has chosen Nina Jankowicz, formerly a "disinformation fellow" at the Wilson Center.³

Given the complete lack of information about this new initiative and the potential serious consequences of a government entity identifying and responding to "disinformation," we have serious concerns about the activities of this new Board, particularly under Ms. Jankowicz's leadership. Among other things, she stated publicly that the Hunter Biden laptop should be "view[ed] as a Trump campaign product."⁴ Following Elon Musk's recent purchase of Twitter, Ms. Jankowicz tweeted: "I shudder to think about if free speech absolutists were taking over more platforms."⁵

To further our investigation of this matter and in preparation of Fiscal Year 2023 funding decisions, we request that you provide the following information:

¹ See, e.g., Katelyn Caralle, "Biden sets up 'Disinformation Board' headed by Russia expert who called Hunter's laptop a 'Trump campaign product' and said she 'shudders to think' about Elon Musk taking over Twitter," Daily Mail, Apr. 27, 2022, <https://www.dailymail.co.uk/news/article-10760907/Biden-starts-Disinformation-Board-led-Russia-expert-called-Hunters-laptop-Trump-product.html>.

² Bradford Betz, "Mayorkas testifies DHS is creating 'Disinformation Governance Board'," Fox News, April 27, 2022, <https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board>.

³ Wilson Center, <https://www.wilsoncenter.org/person/nina-jankowicz>.

⁴ "Explainer: Trump seizes on dubious Hunter Biden-Ukraine story," N.Y. Daily News, Oct. 15, 2020, <https://www.nydailynews.com/news/politics/us-elections-government/ny-election-2020-biden-20201015-7xixsgtexpfnjgjjv62ryiyism-story.html>.

⁵ <https://twitter.com/wiczipedia/status/1518643449225953287>.

1. All documents and communications in your agency's possession referring or relating to the creation of the Disinformation Governance Board, including any assessment of the need for such an entity.
2. All documents and communications in your agency's possession referring or relating to the use of Intelligence Community resources for the creation or activities of the Disinformation Governance Board, or activities related to its mission.
3. All documents and communications in your agency's possession referring or relating to the appointment of Nina Jankowicz as Executive Director of the Disinformation Governance Board.

Please provide this information as soon as possible, but **no later than May 13, 2022**. Thank you for your prompt attention to this request.

Sincerely,



Michael R. Turner
Ranking Member
Permanent Select Committee on Intelligence



John Katko
Ranking Member
Committee on Homeland Security

cc: The Honorable Avril Haines, Director of National Intelligence

United States Senate

WASHINGTON, DC 20510

April 29, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, D.C. 20528

RECEIVED

By ESEC at 5:31 pm, Apr 29, 2022

Dear Secretary Mayorkas:

On April 27, 2022 at a House Appropriations Committee hearing, you announced the creation of a “Disinformation Governance Board” that will focus on “countering misinformation and disinformation” in America. Separately, Nina Jankowicz announced that she will be employed as the board’s Executive Director. I write today because these actions merit review by Congress, both as a general matter, as well as under the Congressional Review Act and because the actions may be in violation of provisions of the Antideficiency Act.

Establishment of this board will significantly impact Americans’ free speech rights and cuts across numerous areas of government and society. It will change the relationship between the government and the governed to whom it answers. It will also substantially increase administrative costs for the number of different federal agencies engaged in this effort, which will impose increased costs on the American taxpayer.

Given this broad impact, Congress should be setting American policy in this area and certainly reviewing executive action impacting such fundamental rights, and therefore, it is imperative that this action receive congressional review.

Additionally, I write to confirm that you will comply with the requirements of the Congressional Review Act (CRA) in taking this action. Under the CRA, an agency action that falls within the definition of a “rule” must be submitted to Congress for review before it can take effect. 5 U.S.C. § 801(a)(1)(A). “The definition of a rule under the CRA is very broad.” Government Accountability Office B-323772, at 3 (Sept. 4, 2012), *available at* <https://www.gao.gov/assets/b-323772.pdf>. In pertinent part, the CRA defines a rule as: “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.” 5 U.S.C. § 551(4). This is not limited to directives requiring notice, public comment, or similar Administrative Procedure Act procedures.

Further, this action may also be a direct violation of provisions of the Antideficiency Act (31 U.S.C. § 1341(a)(1)(A)), which prohibits “making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law.”

In this case, it appears that the amount available for this action is “none” and that Congress explicitly defunded it, just weeks ago. Section 513 of Division F of the Fiscal Year 2022 Omnibus Appropriations Act (P.L. 117-103) specifically prohibits the Secretary of Homeland Security from using any funds provided by Congress to carry out Section 872 of the Homeland Security Act of 2002, which means it defunded any action to “allocate or reallocate functions among the officers of the Department of Homeland Security or to establish, consolidate, or alter organizational units within the Department of Homeland Security.”

As you know, an officer or employee, including you, who violates the Antideficiency Act “shall be subject to appropriate administrative discipline,” and, for willful violations, faces a criminal fine, imprisonment, or both. A federal employee who willfully violates the Antideficiency Act, “shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office.” A federal employee who “knowingly and willfully” violated it “shall be fined not more than \$5,000, imprisoned for not more than 2 years, or both.”

Plainly, this DHS Disinformation Governance Board imposing significant constraints on the bedrock of American values and freedoms and new costs on the American people requires congressional review and may be a violation of the Antideficiency Act. So that Americans’ elected representatives may timely review the rules and policies implementing this action as required under federal law, please confirm by Monday, May 16, that you will submit it to Congress before it purports to take effect. Further, in order to comply with the Antideficiency Act, you will need to submit a letter to the Director of the Office of Management and Budget, the President, the Congress, and the Comptroller General of the United States providing specific information on the violation if it has indeed occurred.

Thank you, and I look forward to your prompt reply.

Sincerely,

A handwritten signature in black ink that reads "Bill Hagerty". The signature is written in a cursive style with a large, sweeping flourish at the end.

Bill Hagerty
United States Senator



ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

April 29, 2022

Hon. Alejandro Mayorkas
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

RECEIVED
By ESEC at 10:52 am, May 02, 2022

Dear Secretary Mayorkas:

At a congressional hearing Wednesday, you announced the establishment of a “Disinformation Governance Board” to focus the resources of the Department of Homeland Security (DHS) on the threat of “mis/disinformation.”¹ This statement should shock the very core of the American belief system, a threat to free speech that will rightly alarm freedom-loving people across America, including those in my home state of Missouri. This is because we know instinctively that shadowy government programs that promise protection from the “bogeyman” are in reality, clumsy attempts by deep-staters to slowly steal our liberties and invade our privacy step by step, while hoping we don’t notice. We are noticing.

Remarkably, the Biden Administration seems to believe it has both the wisdom and the authority to tell citizens what is true and what is false and what to believe and not believe. In what might well have been written as a response to DHS’s Orwellian announcement, the United States Supreme Court has clearly spoken on this subject, proclaiming that “Our constitutional tradition stands against the idea that we need Oceania’s Ministry of Truth.” *United States v. Alvarez*, 567 U.S. 709, 723 (2012) (per curiam) (citing G. Orwell, *Nineteen Eighty-Four* (1949) (Centennial ed. 2003)).

Here in the “Show Me” State of Missouri, we have a reputation for being suspicious of big-government bureaucrats offering to “help”—especially when they ask us to give up a bit of “essential liberty” in exchange for their “paid protection.” There are very good reasons for our skepticism, not the least of which is that yesterday’s “misinformation” often becomes tomorrow’s established fact. It isn’t hard to find examples of this right in front of our noses.

In early 2020, social-media platforms began to censor speech suggesting that COVID-19 leaked from a lab in Wuhan, China. Any suggestions of the obvious in this case were met with cries of “conspiracies, misinformation and disinformation.” Today, the Wuhan lab leak

¹ <https://www.politico.com/newsletters/playbook/2022/04/27/fauci-pulls-out-of-whcd-is-biden-next-00028131>

possibility is widely accepted, including by the Biden Administration, and it is supported by compelling circumstantial evidence.

On the eve of the 2020 election, the Biden campaign and its allies attacked reports of scandalous and likely illegal information on a laptop belonging to Hunter Biden. Once again, this inconvenient story was labeled “disinformation.” Today, a year-and-a-half later, it is suddenly accepted as truthful.

Those of us against mask mandates were told we were spreading disinformation that might “kill grandma.” Today, there is overwhelming evidence that not only do masks not work in curbing the spread of disease, but they also are actually harmful to the social and educational development of our children, as well as their mental health.

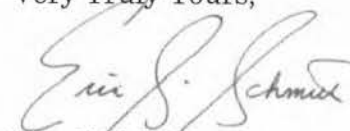
In fact, the Biden Administration frequently applies terms like “misinformation” and “disinformation,” not based on actual truth or falsity, but based on their preferred political narrative. This has resulted, again and again, in the suppression of truth and has given the American people good reason to look askance at the government’s efforts to control what we hear and read, the personal conclusions we come to about what is true and false and what we believe. This is frightening and extremely dangerous. We are thinking people. We needn’t have Big Government’s “help” in deciding what we think is true.

There is already a clear way to address false and misleading speech while respecting the rights of each and every citizen. It is called “more speech,” and it is enshrined in the First Amendment, the beating heart of our Constitution. “Society has the right and civic duty to engage in open, dynamic, rational discourse. These ends are not well-served when the government seeks to orchestrate public discussion through content-based mandates.” *Alvarez*, 567 U.S. at 728.

I also find curious the timing of this announcement. Based on this Administration’s pattern of censorship, the timing of the Disinformation Governance Board’s unveiling is suspicious, raising questions as to whether it is related to the purchase of Twitter by Elon Musk, who has publicly pledged to honor principles of free speech on the platform.

The people of this country are a free people who believe in and practice self-government. We revere our flag, and we respect the rule of law. We also understand that our rights, including the right to free speech, are God-given, not given by a king or queen or even a Disinformation Governance Board. So if you continue to try and trample on our free speech rights under the false banner of “disinformation,” on behalf of the citizens of the State of Missouri, I will fight this government overreach every single step of the way. The future of our Republic is at stake.

Very Truly Yours,



Eric S. Schmitt

Attorney General of Missouri

United States Senate

COMMITTEES:
ARMED SERVICES
COMMERCE, SCIENCE, AND
TRANSPORTATION
JUDICIARY
VETERANS' AFFAIRS

May 3, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
301 7th Street SW
Washington, DC 20528

RECEIVED

By ESEC at 10:29 am, May 03, 2022

Dear Secretary Mayorkas:

I write to express my grave concern regarding the Department of Homeland Security's ("the Department") recent creation of the Disinformation Governance Board ("the Board"). In an April 27, 2022 hearing before the House Appropriations Subcommittee, you testified that the purpose of the Board is to "combat misinformation" ahead of the 2022 midterm elections in November.¹ Additionally, the Department defended its creation of the Board by citing the need to counter Russian disinformation and misleading information drawing migrants to the southern border.² The Department would be much better served by focusing its resources on securing our southern border. The creation of this Board has the appearance of an Orwellian government censorship operation.

I have serious concerns that the Board will be used to monitor and police the speech, thoughts, and opinions of American citizens under the guise of combating misinformation. I am particularly concerned that this administration will weaponize the Board as a political tool to discredit legitimate criticism of President Biden's policies. These concerns are substantiated by the appointment of Nina Jankowicz—who has a history of political partisanship and supporting dubious claims—as the Board's executive director. In 2020, Ms. Jankowicz promoted Christopher Steele,³ who produced a discredited dossier that alleged misconduct by the Trump 2016 presidential campaign. Prior to the 2020 presidential election, Ms. Jankowicz tried to discredit the Hunter Biden laptop story and stated that it "should be view[ed] as a Trump campaign product."⁴ Ms. Jankowicz has made a career out of silencing the speech of those with whom she disagrees.

¹ Betz, B. (2022, April 27). *Mayorkas testifies DHS is creating 'disinformation governance board'*. Fox News. Retrieved May 2, 2022, from <https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board>

² Seitz, A. (2022, April 28). *Disinformation Board to tackle Russia, migrant smugglers*. AP NEWS. Retrieved May 2, 2022, from <https://apnews.com/article/russia-ukraine-immigration-media-europe-misinformation-4e873389889bb1d9e2ad8659d9975e9d>

³ Jankowicz, Nina [@wiczipedia]. (2020, August 7). *Listened to this last night- Chris Steele (yes THAT Chris Steele) provides some great historical context about the evolution of disinfo. Worth a listen* [Tweet]. Twitter. <https://twitter.com/wiczipedia/status/1291692143262814209>

⁴ Tucker, E., & Braun, S. (2020, October 15). *AP explains: Trump seizes on dubious Biden-ukraine story*. AP NEWS. Retrieved May 2, 2022, from <https://apnews.com/article/election-2020-joe-biden-donald-trump-ukraine-elections-134406f28e826380924bbcf773d2c05a>

The Department's decision to task her with policing so-called disinformation will undoubtedly have a chilling effect on the speech of the millions of Americans who disagree with this administration's policies.

The creation of the Board just two days after Elon Musk purchased Twitter raises the specter that this Administration plans to step in to censor Americans' speech when private industry is unwilling to do so. Ms. Jankowicz herself even tweeted, "I shudder to think about if free speech absolutists were taking over more platforms."⁵ Ms. Jankowicz's criticism of "free speech absolutists" should give all Americans pause. It is clear that, with Ms. Jankowicz at the helm, this Board will focus its efforts on suppressing information that conflicts with the Biden administration's preferred narrative under the guise of "disinformation."

I urge you to disband the Disinformation Governance Board and make it clear to the American public that the Department of Homeland Security will not serve as a partisan tool to discredit criticism of the Biden administration. I also urge you to clarify that the Department and the federal government have no place interfering with the rights of all Americans to speak publicly about their political views, regardless of whether those views align with the political talking points of this Administration.

As the Secretary of Homeland Security, you took an oath to uphold our Constitution. Enshrined in the Constitution is the freedom of speech, and that includes the right to question the government and its preferred narrative. Speech that criticizes the administration's policies and failings falls within the heart of the First Amendment's protections. In fact, the Supreme Court has made it abundantly clear that this kind of "core political speech" is "the primary object of First Amendment protection."⁶ It is your duty as the Secretary of Homeland Security to ensure that your Department does not interfere with this core protected speech in any way.

⁵ Jankowicz, Nina [@wiczipedia]. (2022, April 25). *Last week I told @NPRMichel: I shudder to think about if free speech absolutists were taking over more platforms, what that would look like for the marginalized communities...which are already shouldering...disproportionate amounts of this abuse.* [Tweet]. Twitter. <https://twitter.com/wiczipedia/status/1518643449225953287>

⁶ *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 485 (2010) (Thomas, J. concurring in part and dissenting in part) (internal quotation marks omitted).

To provide transparency regarding this matter to the American public, I request that you respond to the following questions no later than May 20, 2022:

1. What authority do Ms. Jankowicz and the Board hold?
2. What are the sources of funding for the Board and its activities?
3. Were any outside groups or other federal agencies involved in creating or establishing the Board, including in the proposal to create the Board?

Sincerely,

A handwritten signature in black ink that reads "Marsha Blackburn". The signature is fluid and cursive, with the first name "Marsha" and last name "Blackburn" clearly legible.

Marsha Blackburn
United States Senator

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

April 29, 2022

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

RECEIVED

By ESEC at 1:11 pm, Apr 29, 2022

Dear Secretary Mayorkas:

We write to conduct oversight over the Department of Homeland Security's (DHS) newly created "Disinformation Governance Board" and continued efforts within the Biden Administration to suppress free speech and discredit legitimate criticism as misinformation. High-level Administration officials have perpetuated demonstrably false claims, including promoting the false narrative that the Hunter Biden laptop story was Russian disinformation¹ and that Border Patrol Agents were whipping Haitian migrants.² Rather than correct its false narratives and focus on the serious threats facing the homeland—including the crisis on our southern border—the Administration continues to falsely accuse political opponents of spreading misinformation. In most circumstances, the Administration's definition of "misinformation" is any fact or opinion that is critical of its abysmal policies and decisions. The United States' internal security apparatus must serve to protect the American people from threats to the homeland, not be weaponized by an unpopular President to push false narratives and discredit lawful discourse.

DHS is creating the Orwellian-named "Disinformation Governance Board" with a mission of "coordinat[ing] countering misinformation related to homeland security, focused specifically on irregular migration and Russia."³ Nina Jankowicz, a former Fulbright-Clinton Public Policy Fellow, has been tapped to lead the board as its Executive Director.⁴ Ms. Jankowicz recently derided defenders of the First Amendment as "free speech absolutists" engaged in "abuse" against "marginalized communities,"⁵ promoted the work of Christopher

¹ Jen Psaki (@jrpsaki), Twitter (Oct. 19, 2020, 10:45pm) available at <https://twitter.com/jrpsaki/status/1318382779659411458> ("Hunter Biden story is Russian disinfo, dozens of former intel officials say").

² Liptak, Kevin & Kate Sullivan, *Biden and Harris harshly condemn horseback wrangling depicted in images from US-Mexico Border*, CNN NEWS (Sept. 24, 2021).

³ Daniels, Eugene, Rachael Bade & Ryan Lizza, *Fauci pulls out of WHCD. Is Biden next?*, POLITICO PLAYBOOK (Apr. 27, 2022).

⁴ *Id.*

⁵ Nina Jankowicz (@wiczipedia), Twitter (Apr. 25, 2022, 1:29pm) available at <https://twitter.com/wiczipedia/status/1518643449225953287> ("Last week I told @NPRMichel: I shudder to think

Steele, the author of the widely discredited Steele dossier whose main sources were exposed as criminals,⁶ and promoted the false narrative that the Hunter Biden laptop story was Russian disinformation.⁷ Her public comments indicate that she is a partisan; neither a defender of the First Amendment, nor possessing instincts that would make her a credible arbiter of truth. Her many public statements undermining First Amendment freedoms further call into question the purpose of the “Disinformation Governance Board,” and signal that it is likely being set up to provide political cover for an unpopular Administration and to launder political attacks against its opponents.

It is no surprise the Administration is not pleased that the consequences of its disastrous policy decisions have led to unfavorable media coverage and the loss of the American people’s trust. The haphazard and poorly planned withdrawal from Afghanistan, rampant inflation, and the crisis on the border are difficult to hide. The creation of the “Disinformation Governance Board” appears to double down on this Administration’s continued abuse of taxpayer dollars and the federal government’s powers to attack Americans who disagree with its policies, smearing them as extremists and perpetrators of “mis- dis- and mal-information.”⁸ Whether maligning opponents of the Administration’s COVID-19 vaccine and mask mandates as “domestic violent extremists,”⁹ or smearing parents concerned with ensuring their children receive a quality, in-person education as domestic terrorists,¹⁰ the Administration appears dead-set on suppressing opinions in opposition to its radical agenda.

It comes as no surprise that the “Disinformation Governance Board” will begin to focus on promoting the Administration’s narrative around “irregular migration,” likely promoting the demonstrably false claim repeated constantly by senior Administration officials that the Administration is creating a “safe, orderly, and humane immigration system.”¹¹ In fact, the Administration has already been caught trying to prevent unfavorable media coverage of the border crisis by banning media drones during a surge in Del Rio, Texas last year.¹² Instead of laundering the facts of the border crisis—which is anything but “safe, orderly, and humane”—through a lens of Administration-approved talking points, DHS political leadership should cease

about if free speech absolutists were taking over more platforms, what that would look like for the marginalized communities...which are already shouldering...disproportionate amounts of this abuse.”)

⁶ Dunleavy, Jerry, *Biden’s ‘disinformation’ chief Trump dossier author fan and Hunter Biden laptop doubter*, WASH. EXAMINER (Apr. 28, 2022).

⁷ *Id.*

⁸ See National Terrorism Advisory System Bulletin, U.S. Dep’t of Homeland Security (Feb. 7, 2022).

⁹ See *id.* (“Meanwhile, COVID-19 mitigation measures – particularly COVID-19 vaccine and mask mandates – have been used by domestic violent extremists to justify violence since 2020 and could continue to inspire these extremists to target government, healthcare, and academic institutions that they associate with these measures.”)

¹⁰ See Memorandum for Director, Federal Bureau of Investigation, et. al. from Merrick B. Garland, Attorney General re *Partnership among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff* (Oct. 4, 2021).

¹¹ See Memorandum for Interested Parties from Alejandro N. Mayorkas, Secretary, Dep’t of Homeland Security re: DHS Plan for Southwest Border Security and Preparedness (Apr. 26, 2022) (“Under the Biden-Harris Administration, the Department of Homeland Security... has been executing a comprehensive and deliberate strategy to secure our borders and build a safe, orderly, and humane immigration system.”).

¹² See Letter from James Comer, Rankin Member, H. Comm. on Oversight & Reform to Steve Dickson, Administrator, Federal Aviation Administration, (Sept. 21, 2021).

Secretary Mayorkas

April 29, 2022

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their efforts to cater to radical open-borders advocates and their allies, and instead work to implement policies that will actually solve the crisis.

To assist Republicans on the Committee on Oversight and Reform in conducting oversight over the conversion of DHS's resources into a political advocacy arm of the Biden campaign, as well as the potential implications for freedom of speech in our country, please provide the following documents and information, no later than May 13, 2022:

1. All documents and communications between and among DHS employees, regarding the creation of the "Disinformation Governance Board," including, but not limited to, any reference to its mission and goals, the legal authority for creating the Board, and the proposed funding for the Board;
2. All documents and communications between DHS employees and any other agency, including White House staff, regarding the creation of the "Disinformation Governance Board";
3. All documents and communications regarding the selection of Nina Jankowicz as the Executive Director of the "Disinformation Governance Board;"
4. All documents and communications regarding the proposed staffing and selection criteria for members or employees of the "Disinformation Governance Board;" and
5. All documents and communications regarding any DHS definition of or criteria for determining what constitutes "disinformation," including a list of employees authorized to make a determination as to whether a particular claim constitutes "disinformation."

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,


James Comer
Ranking Member
Committee on Oversight and Reform


Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



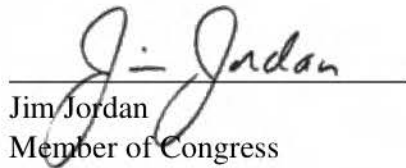
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



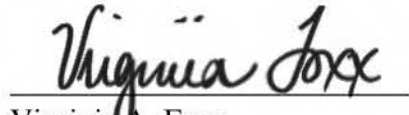
Ralph Norman
Ranking Member
Subcommittee on Environment



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



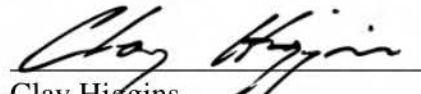
Jim Jordan
Member of Congress



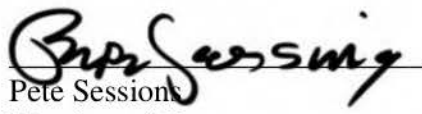
Virginia A. Foxx
Member of Congress



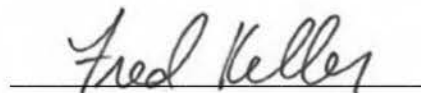
Bob Gibbs
Member of Congress



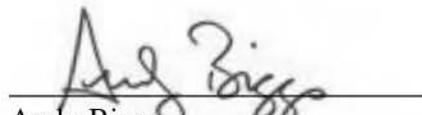
Clay Higgins
Member of Congress



Pete Sessions
Member of Congress



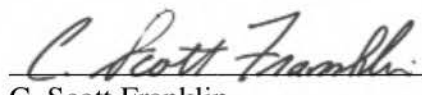
Fred Keller
Member of Congress



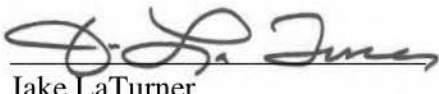
Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress



C. Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress

Secretary Mayorkas

April 29, 2022

Page 5 of 5



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties



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

May 5, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, DC 20593

RECEIVED

By ESEC at 11:28 am, May 05, 2022

Dear Secretary Mayorkas,

It is with sincere concern that we write to you regarding the recently established “Disinformation Governance Board” within the Department of Homeland Security.¹ Your recent testimony and media statements regarding the board, as well as a recent briefing for Committee staff, have only created more questions and concern. This Committee will carry out rigorous oversight of this board.

In addition to further explanation regarding the establishment of the board, the American people deserve continued transparency surrounding the board’s discussions, decisions, and actions. To that end, we demand that you make publicly available on the Department’s website the following information:

1. The establishing charter of the Disinformation Governance Board, including the purpose, goals, and authority of such board, as well as any changes or updates to that charter as those occur going forward;
2. A list of current Disinformation Governance Board members, including the member’s position within the Department and appointing authority (Presidential Appointment with Senate Confirmation, Presidential Appointment without Senate Confirmation, Noncareer Senior Executive Service, Career Senior Executive Service, etc.), as well as any changes or updates to that list as those occur going forward;
3. A descriptive list of all budgetary expenses related to the operation of the Disinformation Governance Board;

¹ Laco, K. (2022, April 30). *Free speech concerns mount over DHS “disinformation” board as lawmakers, critics weigh in*. Fox News. <https://www.foxnews.com/politics/free-speech-concerns-dhs-disinformation-board-lawmakers-critics>

4. Details regarding the frequency of Disinformation Governance Board meetings and the planned agendas for the meetings;
5. Ongoing information on the establishment of any sub-groups, including working groups or task forces, which result from the Disinformation Governance Board's work;
6. Minutes and recommendations that result from any and all Disinformation Governance Board meetings, posted and subsequently archived; and
7. A list of private sector entities, including social media companies, which the Disinformation Governance Board and its members interact with, as well as details regarding those interactions.

As you are aware, information to this effect is made available by numerous government bodies, including but not limited to the Homeland Security Advisory Council.² Considering that fact, as well as the constitutional concerns which have arisen from the Department's involvement in matters such as this, these are standards that must be met for the sake of transparency.

Thank you for your prompt attention to this matter. Please respond to this letter no later than May 23, 2022. Should you or your staff have any questions, please contact Adrienne Spero on the Committee staff at (202) 226-8417.

Sincerely,



JOHN KATKO
Ranking Member



MICHAEL GUEST
Vice Ranking Member



AUGUST PFLUGER
Ranking Member
Subcommittee on
Intelligence & Counterterrorism



CLAY HIGGINS
Member of Congress

² U.S. Department of Homeland Security. (2022, March 17). *Homeland Security Advisory Council*. Homeland Security Advisory Council | Homeland Security. Retrieved May 2, 2022, from <https://www.dhs.gov/homeland-security-advisory-council>



JEFF VAN DREW
Member of Congress



RALPH NORMAN
Member of Congress



MARIANNETTE MILLER-MEEKS, M.D.
Member of Congress



DIANA HARSHBARGER
Member of Congress



CARLOS A. GIMENEZ
Member of Congress



JAKE LATURNER
Member of Congress



PETER MEIJER
Member of Congress



KAT CAMMACK
Member of Congress



ANDREW R. GARBARINO
Member of Congress

April 27, 2022

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

RECEIVED
By ESEC at 8:54 am, Apr 28, 2022

Dear Secretary Mayorkas:

I write to request information regarding the Department of Homeland Security's (DHS) plans to create a "Disinformation Governance Board" to purportedly counter misinformation related to homeland security issues. On April 27, 2022, *Politico* reported DHS is particularly focused on information related to "irregular migration and Russia."¹ Nina Jankowicz confirmed reports that she will serve as this board's executive director.²

The Biden Administration has not proven itself to be a credible arbiter of "disinformation." Instead, it has taken steps to silence information that is unflattering to this Administration under the guise of "disinformation." For example, unnamed intelligence officials, the media, and social media platforms engaged in a coordinated effort to censor stories about Hunter Biden's laptop and his questionable financial dealings under the false label of "disinformation."³

In fact, Ms. Jankowicz herself has been a beacon of misinformation online. She has published multiple tweets furthering the false media narrative about the Hunter Biden laptop.⁴ In one tweet she wrote, "IC has a high degree of confidence that the Kremlin used proxies to push influence narratives, including misleading or unsubstantiated claims about President Biden, to US media, officials, and influencers, some close to President Trump. A clear nod to the alleged Hunter laptop."⁵ In another, she referred to the origins of how the media came into possession of the contents of Hunter Biden's laptop as a "fairy tale about a laptop repair shop."⁶ She has also

¹ Eugene Daniels, Rachael Bade, and Ryan Lizza, "POLITICO Playbook: Fauci Pulls out of WHCD. Is Biden next?" *POLITICO*, April 27, 2022, <https://www.politico.com/newsletters/playbook/2022/04/27/fauci-pulls-out-of-whcd-is-biden-next-00028131>.

² Nina Jankowicz (@wiczipedia), Twitter (April 27, 2022, 7:17 AM), <https://twitter.com/wiczipedia/status/1519274470049042432>

³ Tyler Olsen, President Biden said Hunter laptop was Russian disinformation, but son now says it "could" be his," *Fox News*, Apr. 2, 2021, available at <https://www.foxnews.com/politics/president-biden-said-hunter-laptop-was-russian-disinformation-but-son-now-says-it-could-be-his>.

⁴ See Nina Jankowicz (@wiczipedia), Twitter (Oct. 22, 2020, 8:15 AM), <https://twitter.com/wiczipedia/status/1319251093298302976> (promoting an article that questioned the accuracy of the *New York Post's* reporting on the Hunter Biden laptop); see also Nina Jankowicz (@wiczipedia), Twitter (Oct. 22, 2020, 10:18 PM), <https://twitter.com/wiczipedia/status/1319463138107031553>.

⁵ Nina Jankowicz (@wiczipedia), Twitter (March 16, 2021, 2:22 PM), <https://twitter.com/wiczipedia/status/1371889543582990336>.

⁶ Nina Jankowicz (@wiczipedia), Twitter (Oct. 22, 2020, 8:39 AM), <https://twitter.com/wiczipedia/status/1319257015651368960>.

posted tweets pushing the Trump-Russia collusion hoax and another implying the United States is as corrupt as Ukraine.⁷

Now, DHS is creating a board to counter misinformation focusing on irregular migration and Russia and appointing a purveyor of misinformation to lead that effort.⁸ DHS is taking this action just weeks after announcing its plans to stop Title 42 expulsions at the southwest border, which has sparked a surge of illegal migrant crossing at the border, with CBP reporting an average of over 7,000 encounters a day in March 2022 compared with over 5,900 a day in February 2022.⁹ DHS even concedes it needs to be prepared to encounter 18,000 migrants a day at the southwest border once Title 42 is lifted.¹⁰

You claim this Administration's border policies are humane, but the crises caused by your policies have only added to the many tragedies caused by illegal immigration. I am concerned DHS's Disinformation Board will only serve to silence or censor those voices critical of your disastrous policies and serve a political cover for your failure to secure the border.

1. Provide the statute allowing DHS to create the Disinformation Board, appoint board members, and assign or hire staff.
2. How does DHS define "misinformation"?
3. What does DHS consider to be "irregular migration"?
4. What does DHS consider to be misinformation about irregular migration?
5. What DHS component or office is responsible for monitoring and collecting data on "misinformation"? How many staff are tasked with this assignment? What are their job descriptions and classifications?
6. What specific actions does DHS intend to take to "counter misinformation"?

⁷ See Nina Jankowicz (@wiczipedia), Twitter (May 1, 2018, 6:50 AM), <https://twitter.com/wiczipedia/status/991268617965600768>, see also Nina Jankowicz (@wiczipedia), Twitter (Jan. 6, 2021, 3:50 PM) <https://twitter.com/wiczipedia/status/1346922196476706819>.

⁸ Eugene Daniels, Rachael Bade, and Ryan Lizza, "POLITICO Playbook: Fauci Pulls out of WHCD. Is Biden next?" POLITICO, April 27, 2022, <https://www.politico.com/newsletters/playbook/2022/04/27/fauci-pulls-out-of-whcd-is-biden-next-00028131>.

⁹ "Southwest Land Border Encounters," U.S. Customs and Border Protection, accessed April 27, 2022, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

¹⁰ Maria Sacchetti and Nick Miroff, "CDC to Phase out Border Restrictions; Increase in Crossings Expected," The Washington Post (WP Company, April 4, 2022), <https://www.washingtonpost.com/national-security/2022/04/01/cdc-phase-out-border-restrictions-increase-crossings-expected/>.

The Honorable Alejandro Mayorkas
April 27, 2022
Page 3 of 3

Please provide this information as soon as possible but no later than 5:00 p.m. on May 6, 2022. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Ron Johnson". The signature is written in a cursive, slightly slanted style.

Ron Johnson
U.S. Senator

United States Senate

WASHINGTON, DC 20510-2509

April 28, 2022

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

RECEIVED
By ESEC at 9:22 am, Apr 28, 2022

Dear Secretary Mayorkas:

I write with deep concern about the Department of Homeland Security's decision to create a new Disinformation Governance Board. I confess, I at first thought this announcement was satire. Surely no American Administration would ever use the power of Government to sit in judgment on the First Amendment speech of its own citizens. Sadly, I was mistaken. Rather than protecting our border or the American homeland, you have chosen to make policing Americans' speech your priority. This new board is almost certainly unconstitutional and should be dissolved immediately.

For well over a year, your Department has consistently treated competing policy views as disinformation to be monitored or investigated. However, political debates on issues such as immigration, pandemic lockdowns, and foreign policy clearly constitute "core political speech" protected by the First Amendment.¹ The Supreme Court has even gone so far as to say that "Under the First Amendment there is no such thing as a false idea."² The apparent broad mandate of this new government entity to "coordinate countering misinformation" in America undermines the argument that it can even exist consistent with the Constitution.³

Particularly troubling is your choice to lead the new board, Nina Jankowicz, a supposed "expert" with a long history of partisan attacks. Consider:

- In 2020, she described President Trump's use of the national guard as "a sentence I expect to hear from leaders of authoritarian countries, not the President of the United States."⁴
- In 2021, she quoted with praise an article that said "homegrown fascism predated President Donald Trump."⁵
- She has said America is systemically racist.⁶
- In response to revelations about Hunter Biden's laptop, she tweeted that "50 former natsec officials and 5 former CIA heads that believe the laptop is a Russian influence op. Trump says 'Russia, Russia, Russia.'"⁷

¹ *Meyer v. Grant*, 486 U.S. 414, 422 (1988).

² *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339 (1974).

³ <https://www.politico.com/newsletters/playbook/2022/04/27/fauci-pulls-out-of-whcd-is-biden-next-00028131>

⁴ <https://twitter.com/wiczipedia/status/1267589264440729600>

⁵ <https://twitter.com/wiczipedia/status/1321123630403694593>

⁶ <https://twitter.com/wiczipedia/status/1311123042387529734>

⁷ <https://twitter.com/wiczipedia/status/1319463138107031553?s=20&t=EZYZWppGDhzWKhE5ensHnQ>

Jankowicz has said the new DHS Board will “maintain the Dept’s committment [sic] to protecting free speech.”⁸ This is particularly ironic given Jankowicz’s extensive criticism of free speech and the First Amendment. Jankowicz has claimed that “the ‘free speech vs censorship’ framing is a false dichotomy.”⁹ And when Elon Musk announced his acquisition of Twitter, she said “I shudder to think about if free speech absolutists were taking over more platforms, what that would look like for the marginalized communities ... which are already shouldering ... disproportionate amounts of this abuse.”¹⁰ Jankowicz has even described opponents of social media speech codes as “first amendment zealots.”¹¹ These statements that question the value of free speech are obviously disqualifying for such a role.

While Democrats have for years controlled the public square through their Big Tech allies, Mr. Musk’s acquisition of Twitter has shown just how tenuous that control is. It can only be assumed that the sole purpose of this new Disinformation Governance Board will be to marshal the power of the federal government to censor conservative and dissenting speech. This is dangerous and un-American. The board should be immediately dissolved.

So that Congress can consider remedial legislation, please provide the following responses prior to your expected testimony before the Senate Homeland Security and Governmental Affairs Committee on May 4, 2022:

1. How will this Disinformation Board function? And who exactly will it be monitoring?
2. What analysis did DHS conduct, if any, to ensure that the Disinformation Board and its activities comport with the First Amendment?
3. Why did DHS time its announcement of this governance board directly after Mr. Musk’s acquisition of Twitter?
4. Who appointed Ms. Jankowicz to head the board as executive director? Were you aware of her history of partisan conduct prior to her appointment?
5. Has DHS conferred with any private social media company in the creation or operation of this board?

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is stylized and cursive.

Josh Hawley
United States Senator

⁸ <https://twitter.com/wiczipedia/status/1519282822158110721>

⁹ <https://twitter.com/JackPosobiec/status/1519397817260904454?s=20&t=ukuMjyeX1tNiuHKa1DmtGw>

¹⁰ <https://www.npr.org/2022/04/16/1093212502/women-face-disproportionate-attacks-online-one-expert-shares-some-of-the-details>

¹¹ <https://twitter.com/wiczipedia/status/1192897252328714240>



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

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7-1-1

May 5, 2022

Hon. Alejandro Mayorkas
Secretary of Homeland Security
Washington, D.C. 20528

RECEIVED
By ESEC at 4:23 pm, May 05, 2022

Via Email and U.S. Mail

Re: DHS's Disinformation Governance Board Must Be Disbanded.

Dear Secretary Mayorkas:

As the chief legal officers of our respective States, we the undersigned Attorneys General are tasked not just with enforcing the laws, but with protecting the constitutional rights of all our citizens. Today we write you to insist that you immediately cease taking action that appears designed exclusively for the purpose of suppressing the exercise of constitutional rights.

Every American knows that the Constitution forbids the government to "abridg[e] the freedom of speech." U.S. Const. Amend. I. As Justice Robert Jackson wrote nearly eighty years ago, "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). Your recent testimony before the U.S. House Appropriations Subcommittee on Homeland Security,¹ however, indicated that the Department of Homeland Security, under your leadership, is doing exactly that: prescribing orthodoxy by slapping a federal-government label of "disinformation" or "misinformation" on speech that government bureaucrats, operating behind closed doors, decree to be improper. This is an unacceptable and downright alarming encroachment on every citizen's right to express his or her opinions, engage in political debate, and disagree with the government. The Biden Administration's

¹ *Fiscal Year 2023 Budget Request for the Department of Homeland Security: Hearing Before the Subcomm. on Homeland Security of the H. Appropriations Comm.*, 117th Cong. (Apr. 27, 2022), <https://tinyurl.com/2p96f7pt>.

latest effort to decide what speech is “acceptable” and “orthodox” combines McCarthyite speech policing with the secrecy of the English Star Chamber. In short, you seem to have misunderstood George Orwell: the “Ministry of Truth” described in *1984* was intended as a warning against the dangers of socialism, not as a model government agency. “MiniTru” and its thuggish apparatchiks are the villains in that story, not the heroes. For the sake of our democracy, you must immediately disband the “Disinformation Governance Board” and cease all efforts to police Americans’ protected speech.

The existence of the Disinformation Governance Board will inevitably have a chilling effect on free speech. Americans will hesitate before they voice their constitutionally protected opinions, knowing that the government’s censors may be watching, and some will decide it is safer to keep their opinions to themselves. The resulting damage to our political system and our culture will be incalculable: as a democracy, our political debates and decisions are supposed to take place in the public square, where every citizen can participate, rather than in government office buildings where hand-picked and unaccountable partisan committees are insulated from public supervision and criticism.

The timing of the Disinformation Governance Board’s creation is also highly suspect. For years, many have defended Twitter’s open censorship of voices hostile to the elite consensus by arguing that private companies enjoy the right to determine what is said on their platforms. This argument only works, however, if those private companies are not censoring on the government’s behalf. By its own admission, the Biden Administration has been “flagging problematic posts” on social media and coordinating with the private sector to regulate Americans’ free speech.² The President of the United States publicly urged social media companies to police “misinformation and disinformation” on their platforms.³ Suddenly, just as Elon Musk prepares to acquire Twitter with the stated purpose of correcting the platform’s censorship of free speech, you announce the creation of the Disinformation Governance Board. As the Biden Administration apparently loses a critical ally in its campaign to suppress speech it deems “problematic,” you have created a new government body to continue that work within the federal government. The contemporaneous occurrence of these two events is hard to explain away as mere coincidence. It instead raises serious questions about the extent of the Biden Administration’s practice of coordinating with private-sector companies to suppress disfavored speech.

² Press Briefing by Press Secretary Jen Psaki and Surgeon General Dr. Vivek H. Murthy, July 15, 2021, The White House (July 15, 2021), <https://tinyurl.com/bdsc4jhh> (“[W]e are in regular touch with these social media platforms, and those engagements typically happen through members of our senior staff . . .”).

³ Remarks by President Biden at Virtual Meeting on Military Deployments Supporting Hospitals for the COVID-19 Response, The White House (January 13, 2022), <https://tinyurl.com/45ezsejt> (“I make a special appeal to social media companies and media outlets: Please deal with the misinformation and disinformation that’s on your shows. It has to stop.”).

Virginia, like many other States, is preparing to conduct federal, state, and local elections beginning with early primary voting this week. Virginians are evaluating candidates and their platforms, trying to persuade their friends and neighbors, and debating the merits of innumerable political and moral questions, from international conflicts to local disputes. And just like always, the public conversation will include disputes over facts, and potentially even intentional misstatements of fact. But as Justice Brandeis explained long ago, “the remedy to be applied is more speech, not enforced silence.” *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring). Your censorship will not drown out misinformation; it will suppress the lawful speech of well-meaning but unpopular speakers, and it will turn bad actors into martyrs with far more influence than if you simply allowed “more speech” to combat their alleged misinformation.

No statutory authority exists to support your creation of a board of government censors. Although Congress has considered a variety of measures to address the perceived dangers of “disinformation” in the United States, none has passed.⁴ Instead, while the people’s elected representatives continue to debate this issue, you have arrogated to yourself the power to address it without congressional authorization, despite the far-reaching effects of the Disinformation Governance Board on Americans and our political process. “It is axiomatic that an administrative agency’s power to promulgate legislative regulations is limited to the authority delegated by Congress.” *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988). By flouting that essential check on the power of the Executive Branch, you undermine the separation of powers and dramatically overstep your authority and the jurisdiction of your agency.

There is perhaps no clearer illustration of the folly of the Disinformation Governance Board than the consistently poor judgment of the person you have made its executive director, Nina Jankowicz.⁵ Ms. Jankowicz—the self-styled “Mary Poppins of disinformation”⁶—is like so many who complain about misinformation and disinformation: she is often in error but never in doubt. She has previously suggested news that Hunter Biden’s laptop had been compromised was the product of a foreign disinformation campaign.⁷ She asserted that the theory tracing COVID-19 to a lab

⁴ See, e.g., COVID-19 Disinformation Research and Reporting Act of 2021, S. 913, 117th Cong. (2021); A Bill To Amend the Communications Act of 1934, S. 2448, 117th Cong. (2021).

⁵ Nina Jankowicz, The Wilson Center (last accessed May 1, 2022), <https://tinyurl.com/4xc7evwh>.


⁶ Nina Jankowicz (@wiczipedia), Twitter (Feb. 17, 2021, 4:35 PM), <https://tinyurl.com/5amkbaa9>.

⁷ See, e.g., Nina Jankowicz (@wiczipedia), Twitter (Oct. 22, 2020, 8:15 AM), <https://tinyurl.com/bddj7t5e>; Nina Jankowicz (@wiczipedia), Twitter (Oct. 22, 2020, 10:18 PM), <https://tinyurl.com/53yfzyym>. But see Katie Benner, Kenneth P. Vogel, Michael S. Schmidt, *Hunter Biden Paid Tax Bill, but Broad Federal Investigation Continues*, N.Y. Times (Mar. 16, 2022), <https://tinyurl.com/yn6cptyt> (describing emails obtained from the laptop as “authenticated”).

leak in China was invented because it was “politically convenient for Trump,”⁸ although the intelligence community now assesses that this theory may very well be correct.⁹ She has even praised Christopher Steele, the discredited author of the infamous false “dossier” about President Trump, and one of the most notable peddlers of disinformation in recent memory.¹⁰ It would be amusing that a self-proclaimed expert in disinformation like Ms. Jankowicz has proven to be so bad at identifying it, except that you have placed her in charge of doing so on behalf of the United States government.¹¹ It is also extremely troubling that Ms. Jankowicz has described parents in Loudoun County, Virginia who object to the indoctrination of their children with Critical Race Theory as “disinformers” engaged in “disinformation for profit.”¹²

The Disinformation Governance Board, by its very existence, and almost certainly by design, threatens to “enforce silence” when Americans wish to express views disfavored by the Administration. It is therefore *already* chilling free speech and impeding the political process in Virginia and every other State. This is unconstitutional, illegal, and un-American. Unless you turn back now and disband this Orwellian Disinformation Governance Board immediately, the undersigned will have no choice but to consider judicial remedies to protect the rights of their citizens.

Sincerely,



Jason S. Miyares
Attorney General of Virginia

⁸ Ryan Broderick, *Scientists Haven’t Found Proof the Coronavirus Escaped from a Lab in Wuhan. Trump Supporters Are Spreading the Rumor Anyway.*, BuzzFeed News (April 22, 2020), <https://tinyurl.com/ytfmthpe>.

⁹ Michael R. Gordon, Warren P. Strobel, Drew Hinshaw, *Intelligence on Sick Staff at Wuhan Lab Fuels Debate on Covid-19 Origin*, Wall Street Journal (May 23, 2021), <https://tinyurl.com/ytesmtbd>.

¹⁰ Nina Jankowicz (@wiczipedia), Twitter (Aug. 7, 2020, 7:06 AM), <https://tinyurl.com/yc3asr89>; Marshall Cohen, *The Steele dossier: A Reckoning*, CNN (Nov. 18, 2021), <https://tinyurl.com/3wwmyhet>.

¹¹ See also Nina Jankowicz (@wiczipedia), Twitter (Apr. 25, 2022, 1:29 PM), <https://tinyurl.com/3r93he5p> (“I shudder to think about if free speech absolutists were taking over more platforms . . .”).

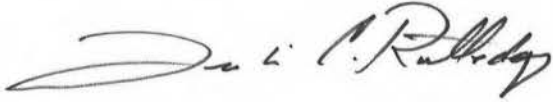
¹² Harriett Alexander, *Biden’s New Disinformation Czar Said Fears About CRT in Loudoun County Schools Are “Disinformation For Profit”—Despite Entire School Board Now Facing Being Voted Out Over Woke “Equity” Seminars For Teachers*, Daily Mail Online (May 5, 2022), <https://tinyurl.com/2p9yw7ur>.



Steve Marshall
Attorney General
State of Alabama



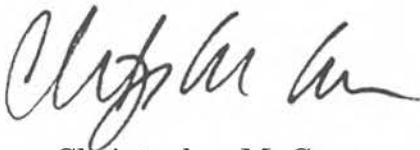
Mark Brnovich
Attorney General
State of Arizona



Leslie Rutledge
Attorney General
State of Arkansas



Ashley Moody
Attorney General
State of Florida



Christopher M. Carr
Attorney General
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Todd Rokita
Attorney General
State of Indiana



Derek Schmidt
Attorney General
Commonwealth of Kansas



Daniel Cameron
Attorney General
State of Kentucky



Jeff Landry
Attorney General
State of Louisiana



Lynn Fitch
Attorney General
State of Mississippi



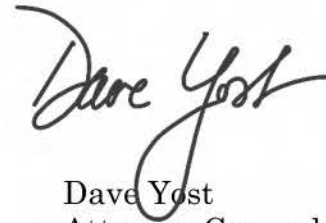
Eric Schmitt
Attorney General
State of Missouri



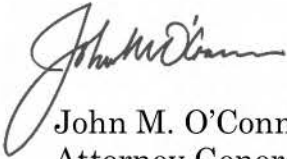
Austin Knudsen
Attorney General
State of Montana



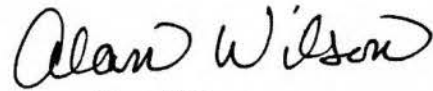
Douglas J. Peterson
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Dave Yost
Attorney General
State of Ohio



John M. O'Connor
Attorney General
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Alan Wilson
Attorney General
State of South Carolina



Ken Paxton
Attorney General
State of Texas



Sean D. Reyes
Attorney General
State of Utah



Patrick Morrissey
Attorney General
State of West Virginia

CC: Hon. Joseph R. Biden Jr., President of the United States
Ms. Nina Jankowicz, Executive Director, Disinformation Governance Board
Hon. Charles E. Schumer, Majority Leader, United States Senate
Hon. Mitch McConnell, Republican Leader, United States Senate
Hon. Nancy Pelosi, Speaker of the United States House of Representatives
Hon. Kevin McCarthy, Minority Leader, United States House of
Representatives

JEFFERSON VAN DREW
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Congress of the United States
House of Representatives
Washington, DC 20515

May 4, 2022

Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Avenue, SE
Washington, DC 20593

Dear Secretary Mayorkas,

I write today to express deep concern with the Department of Homeland Security's (DHS) decision to create a Disinformation Governance Board. During a time in which America is experiencing the worst immigration crisis on record, your department should be focusing on how to combat this existential crisis rather than explore methods to limit Americans' freedoms and liberties.

When you testified in front of the House Homeland Security Committee on Wednesday, April 27th, you stated that the Board's primary focus will be to monitor speech for what you and Department officials render as a "threat not only to election security but to our homeland security." You also stated that the Department is "addressing all aspects of election security given, of course, the midterm elections that are upon us and the fundamental integrity of our democratic processes that is at stake."¹ While I agree that election security is of paramount concern, I believe your efforts are misguided and will be abused by DHS to silence those who are critical of your and the Biden Administration's performance, especially as it relates to border security.

If you are truly concerned about the fundamental integrity of our nation, you should be addressing the record number of migrant encounters at the Southern Border, which has reached over 2.4 million since President Biden took office. Your actions show a complete disregard for our nation's principles and fail to uphold DHS' mission to "safeguard the American people, our homeland, and our values."²

¹ <https://www.cnsnews.com/article/washington/cnsnewscom-staff/mayorkas-says-biden-administration-creating-disinformation>

² <https://www.dhs.gov/about-dhs>

The Department's decision to appoint Nina Jankowicz to lead this so-called "Disinformation Governance Board" is equally concerning as its decision to create the board in the first place. Jankowicz has a strong history of repudiating proven and accurate stories that do not align with her political views, a practice which we believe she will continue as the Board's Executive Director. She has denounced the authenticity of the damning reports on Hunter Biden's laptop, labeling it a "Russia influence op" and praised Christopher Steele and his erroneous Steele Dossier that has been completely debunked.³ It is obvious that you have no intention of establishing a legitimate office to promote the security and integrity of our homeland but rather seek to abuse executive authority by putting far-left ideologue in the seat of power. I have zero doubt that Jankowicz will abuse her position to suppress opposing viewpoints and information that contradicts the Administration.

I implore you to refocus your priorities to ensure our nation is secure from pressing and legitimate threats, not propose insufficient solutions to manufactured problems. You should reverse your decision to create the Disinformation Governance Board and realign DHS' actions with its mission to secure the homeland. If my office can be of any assistance, please do not hesitate to contact Blake Thelander at blake.thelander@mail.house.gov or at (202) 225-6572.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Van Drew", with a long horizontal flourish extending to the right.

Jeff Van Drew
Member of Congress

³ <https://nypost.com/2022/04/28/wh-pick-for-disinformation-board-spread-hunter-biden-laptop-lie/>



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

May 4, 2022

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

Alejandro.mayorkas@hq.dhs.gov

RECEIVED

By ESEC at 12:24 pm, May 09, 2022

Dear Secretary Mayorkas,

Last week, I was appalled to learn of the Department of Homeland Security's (DHS) launch of the Disinformation Governance Board. Deploying this sort of apparatus from a government agency is reminiscent of communist or totalitarian regimes and speaks volumes about the Biden administration's lack of respect for the First Amendment and free speech throughout our nation.

Furthermore, the individual selected to lead this board, Nina Jankowicz, has already proven that she will be anything BUT a fair and unbiased arbiter of government-approved truth. Ms. Jankowicz has a lengthy history of using her platforms to attack conservatives' viewpoints on a number of controversial issues. She will, no doubt, continue her efforts to assail those she disagrees with from her elevated perch at DHS.

Mr. Secretary, the creation of this board and the appointment of Ms. Jankowicz may be one of the greatest threats to our Constitution that we have experienced in generations. Your actions come at a time when President Biden is under increasing scrutiny and appropriate criticism for his failed policies, and when state officials (like myself) are winning in the courts of legal and public opinion. This new board is simply a blatant attempt by the Biden administration to recreate and distort the narrative to silence political opposition. But make no mistake -- your idea cannot pass the smell test -- let alone Constitutional muster.

History has shown the legacies of similar efforts to curb free speech and peaceful protests. From the old Soviet Union to the communist government of China --among other examples around the world-- once a government takes control of free speech and other God-given liberties of its citizens, it loses its moral authority to lead.

The First Amendment of the Constitution of the United States makes it clear that our federal government has no business interfering in anyone's speech -- no matter what it entails. Our Founders understood that government never has the best interest of the citizenry in mind when it attempts to regulate and restrict freedom of expression. Americans will not stand for this egregious overreach of the federal government's Constitutional bounds.

With record fentanyl and other drug deaths rising and terrorists being apprehended attempting to enter our country, I urge you to abandon the Disinformation Governance Board and refocus your resources on securing our southern border and keeping Americans safe.

Sincerely,

Mark Brnovich

ANDREW R. GARBARINO
2ND DISTRICT, NEW YORK

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GARBARINO.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515-3202

COMMITTEE ON
HOMELAND SECURITY

RANKING MEMBER,
SUBCOMMITTEE ON
CYBERSECURITY,
INFRASTRUCTURE
PROTECTION, AND INNOVATION

COMMITTEE ON SMALL BUSINESS

May 4, 2022

The Honorable Jen Easterly
Director
Cybersecurity and Infrastructure Security Agency
Department of Homeland Security
Washington, DC 20023

Dear Director Easterly,

I write to express concern and request additional information about the *Disinformation Governance Board (the Board)* reportedly being stood up within the Department of Homeland Security (DHS). DHS Secretary Mayorkas mentioned this new Board in passing last week and the Department did not provide any additional details.¹ I am deeply concerned about the lack of information provided to Congress and, as the lead House Republican tasked with overseeing the Cybersecurity and Infrastructure Security Agency (CISA), I request information about CISA's involvement with the Board.

As you know, CISA's mission is vast—you are expected to protect U.S. critical infrastructure from a wide range of cyber and physical threats. Part of that mission includes building resilience to Mis-, Dis-, and Malinformation (MDM)². CISA's MDM team is charged with protecting election and critical infrastructure from the threats of foreign influence. It is a national imperative to prevent foreign threat actors from using MDM campaigns to cause chaos, confusion, and division in the United States. CISA must continue to strive to prevent malign actors from interfering with and undermining our democratic institutions.

In accordance with our efforts to protect our democratic institutions, I have serious privacy and civil liberty concerns with this newly proposed Board. CISA's own website states, "CISA's publication of information materials about [disinformation] are intended for public awareness, and are not intended to restrict, diminish, or demean any person's right to hold, express, or publish any opinion or belief, including opinions or beliefs that align with those of a foreign government, are expressed by a foreign government-backed campaign, or dissent from the majority."³ It is not clear that this new Board has the same intentions.

¹ Disinformation board to tackle Russia, migrant smugglers; <https://apnews.com/article/russia-ukraine-immigration-media-europe-misinformation-4e873389889bb1d9e2ad8659d9975e9d>

² MIS, DIS, MALINFORMATION; <https://www.cisa.gov/mdm>

³ Disinformation Stops With You Infographic;

https://www.cisa.gov/sites/default/files/publications/disinformation_stops_with_you_infographic_set_508.pdf

ANDREW R. GARBARINO
2ND DISTRICT, NEW YORK

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Congress of the United States
House of Representatives
Washington, DC 20515-3202

COMMITTEE ON
HOMELAND SECURITY

RANKING MEMBER,
SUBCOMMITTEE ON
CYBERSECURITY,
INFRASTRUCTURE
PROTECTION, AND INNOVATION

COMMITTEE ON SMALL BUSINESS

In Secretary Mayorkas' comments on the Board, he mentioned you by name, saying you are helping to lead DHS efforts in this space.⁴ I have concerns the Secretary is tarnishing CISA's reputation in this space and harming efforts that are already underway by introducing a new layer of bureaucracy that is justifiably causing panic among Americans about the government encroaching on their privacy.

I also have concerns about the lack of Congressional notification about the Board, the lack of information about the Board's mission, the lack of clarity about CISA's involvement, and the lack of certainty about privacy and civil liberty protections for American citizens. As such, I respectfully request answers to the following:

1. What is CISA's mission set when it comes to MDM?
2. What is the mission set of the Disinformation Governance Board?
3. Where will these missions intersect? How will CISA engage with and participate in the Board?
4. How will CISA ensure its mission is not encroached upon, and the Board appropriately respects Americans' privacy and civil liberties, just as CISA has?
5. How do DHS and CISA plan to engage with Congress to ensure the appropriate Committees are notified of such announcements in the future?

Sincerely,



ANDREW R. GARBARINO
Ranking Member
Subcommittee on Cybersecurity,
Infrastructure Protection, and Innovation

cc:

The Honorable Alejandro Mayorkas
Secretary of Homeland Security

⁴ DHS Standing up Mis/Disinformation Board for Election Security; <https://www.meritalk.com/articles/dhs-standing-up-mis-disinformation-board-for-election-security/>

Congress of the United States
Washington, DC 20515

10 May 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue, SE
Washington, D.C. 20528

RECEIVED

By ESEC at 2:06 pm, May 10, 2022

Secretary Mayorkas:

We write to express our grave concerns regarding your Department's establishment of a "Disinformation Governance Board," to be led by a well-known peddler of lies, Nina Jankowicz. This Administration's tired insistence that it alone can determine what information is acceptable – or not - for public consumption is the culmination of years of intense efforts by Democrat politicians and their bureaucrat allies to fundamentally undercut an integral tenet of the founding of our Country: the American People are free to govern their lives in accordance with their beliefs.

Despite his current crusade to censor speech that is incompatible with Leftist ideology, even former President Obama argued in favor of the primacy of free speech at the United Nations in 2012: "...in a diverse society, efforts to restrict speech can quickly become a tool to silence critics and oppress minorities...the strongest weapon against hateful speech is not repression, it is more speech." Aside from the fact that he was arguing in favor of unrestricted speech while promoting the lie that the Benghazi protests were caused by an anti-Muslim video, his underlying point regarding free speech is an intrinsically American perspective. Rather than having the United States Government assume the role of judge, jury, and prosecutor in determining the acceptability of speech – a responsibility unfit for anyone who hasn't risen from the dead – our Nation rightfully allows and encourages our Citizens to exercise their freedom of speech with nearly no restriction.

The Department of Homeland Security (DHS) has maintained that this new Board would primarily focus on countering "misinformation" from human smugglers, as well as combatting so-called "disinformation" from Russia. To the former point, in September 2021, you stated that "we are very concerned that Haitians who are taking the 'irregular migration' path are receiving misinformation that the border is open...". Clearly, the Border *is* open. In March, Customs and Border Protection (CBP) encountered 221,303 migrants attempting to cross our Border - 2.4 million illegal aliens since the Biden Administration took office. This new Board would be combatting "disinformation" – whatever that actually means – while spewing an outright lie.

DHS also mentioned its intent to combat Russian "disinformation," a step that betrays a breathtaking lack of self-awareness and humility. In March 2022, after parroting the same fake talking points of "Trump-Russia collusion," both the Washington Post and the New York Times finally confirmed the authenticity of the Hunter Biden laptop story, a year and a half after 51 of

America's most noted intelligence officials indicated that the story "fit the bill" of a Russian "disinformation" campaign and told Americans to disregard the story. Top officials said, "Such an operation would be consistent with Russian objectives...to create political chaos in the United States and to deepen political divisions here but also to undermine the candidacy of [Mister Biden] and thereby help the candidacy of President Trump. For the Russians at this point, with Trump down in the polls, there is incentive for Moscow to pull out the stops to do *anything possible* to help Trump win and/or to weaken Biden should he win. A "laptop op" fits the bill, as the publication of the emails are clearly designed to discredit Biden."

There is no reason for the American People to trust our Government to accurately assess what information qualifies as "disinformation," or not - when it has so blatantly and repeatedly failed in this regard. Possibly worse, we now promote someone who has arguably failed just as consistently, if not moreso.

Nina Jankowicz, selected to lead this new Board, once claimed that armed Trump supporters might harass voters at the polls. She has pushed the false narrative that the Hunter Biden laptop story was Russian "disinformation" and should be seen as a "Trump campaign product." Jankowicz repeatedly offered support for the widely discredited Steele dossier that was utilized by the FBI to spy on Trump campaign adviser Carter Page. She further was cited in an April 2020 BuzzFeed News article, promoting that "Scientists Haven't Found Proof The Coronavirus Escaped From A Lab In Wuhan. Trump Supporters Are Spreading The Rumor Anyway."

China Daily, a CCP state-owned newspaper, dutifully cited Nina Jankowicz's comments dismissing the lab leak theory in early May 2020. Apparently, the Left has no appreciation for irony, or they might second guess appointing someone who has unapologetically promoted the lies of Xi Jinping's Communist China.

Any steps to create this new Board must be scrapped; it is the progeny of a toxic political agenda aimed at silencing and marginalizing Americans. There is no functional utility for it if the Government ensures that freedom of speech is not abridged or constrained – individuals must be permitted to freely debate ideas in the public square, and the best arguments must be allowed to win. The role of the federal government is to defend the Constitutional rights of the American People – period.

We request responses to the following inquiries by **May 24, 2022**:

- 1) In your testimony before the House Committee on Appropriations on April 27, you argued that one of the purposes of the "Disinformation Governance Board" is to counter the spread of "disinformation" in minority communities. What about minority communities makes persons more susceptible to so-called "disinformation?" Are people in minority communities somehow less equipped to discern between truth and lies? Why does the President believe non-white Americans, in particular, need of Nina Jankowicz's services?

- 2) Instead of securing our Border and stemming the dual crises of drug and human trafficking, your Department is planning the establishment of a “Disinformation Governance Board” to convince migrants not to come to the United States. The Biden Administration’s destructive Border policies have ensured that these efforts will not work, as they fly in the face of incontrovertible evidence to the contrary. Rather than compromising the principle of free and open debate, would it be more effective to implement basic deterrence measures – to include the continued application of Title 42 authorities, and the re-implementation of the Migrant Protection Protocols (MPP)?

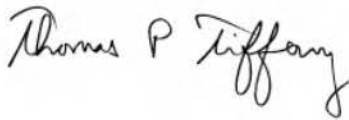
Respectfully,



SCOTT PERRY
Member of Congress



BOB GOOD
Member of Congress



TOM TIFFANY
Member of Congress

JEFFERSON VAN DREW
SECOND DISTRICT, NEW JERSEY



WASHINGTON OFFICE
2447 RAYBURN HOUSE OFFICE
BUILDING
WASHINGTON, DC 20515
(202) 225-6572

MAY'S LANDING OFFICE
5914 MAIN STREET SUITE 103
MAY'S LANDING, NJ 08330
(609) 625-5008

Congress of the United States
House of Representatives
Washington, DC 20515

May 4, 2022

Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Avenue, SE
Washington, DC 20593

Dear Secretary Mayorkas,

I write today to express deep concern with the Department of Homeland Security's (DHS) decision to create a Disinformation Governance Board. During a time in which America is experiencing the worst immigration crisis on record, your department should be focusing on how to combat this existential crisis rather than explore methods to limit Americans' freedoms and liberties.

When you testified in front of the House Homeland Security Committee on Wednesday, April 27th, you stated that the Board's primary focus will be to monitor speech for what you and Department officials render as a "threat not only to election security but to our homeland security." You also stated that the Department is "addressing all aspects of election security given, of course, the midterm elections that are upon us and the fundamental integrity of our democratic processes that is at stake."¹ While I agree that election security is of paramount concern, I believe your efforts are misguided and will be abused by DHS to silence those who are critical of your and the Biden Administration's performance, especially as it relates to border security.

If you are truly concerned about the fundamental integrity of our nation, you should be addressing the record number of migrant encounters at the Southern Border, which has reached over 2.4 million since President Biden took office. Your actions show a complete disregard for our nation's principles and fail to uphold DHS' mission to "safeguard the American people, our homeland, and our values."²

¹ <https://www.cnsnews.com/article/washington/cnsnewscom-staff/mayorkas-says-biden-administration-creating-disinformation>

² <https://www.dhs.gov/about-dhs>

The Department's decision to appoint Nina Jankowicz to lead this so-called "Disinformation Governance Board" is equally concerning as its decision to create the board in the first place. Jankowicz has a strong history of repudiating proven and accurate stories that do not align with her political views, a practice which we believe she will continue as the Board's Executive Director. She has denounced the authenticity of the damning reports on Hunter Biden's laptop, labeling it a "Russia influence op" and praised Christopher Steele and his erroneous Steele Dossier that has been completely debunked.³ It is obvious that you have no intention of establishing a legitimate office to promote the security and integrity of our homeland but rather seek to abuse executive authority by putting far-left ideologue in the seat of power. I have zero doubt that Jankowicz will abuse her position to suppress opposing viewpoints and information that contradicts the Administration.

I implore you to refocus your priorities to ensure our nation is secure from pressing and legitimate threats, not propose insufficient solutions to manufactured problems. You should reverse your decision to create the Disinformation Governance Board and realign DHS' actions with its mission to secure the homeland. If my office can be of any assistance, please do not hesitate to contact Blake Thelander at blake.thelander@mail.house.gov or at (202) 225-6572.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Van Drew", with a long horizontal flourish extending to the right.

Jeff Van Drew
Member of Congress

³ <https://nypost.com/2022/04/28/wh-pick-for-disinformation-board-spread-hunter-biden-laptop-lie/>

United States Senate

WASHINGTON, DC 20510

May 23, 2022

The Honorable Alejandro Mayorkas
Secretary
United States Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

RECEIVED

By ESEC at 7:43 am, May 24, 2022

Dear Secretary Mayorkas,

We write to request immediate access to all records and communications related to the Department of Homeland Security's new Disinformation Governance Board. You promised under oath to make these records available, but to date, our offices still have not received any further information. We were pleased to read reports that you have decided to shut down the board in response to the concerns we raised.¹ But it is important that this mistake is not repeated. We are therefore demanding transparency into the Department's decision-making process so that we can learn why the Department ever thought creating a disinformation board would be a good idea.

On May 4, 2022, you testified before the Senate Homeland Security and Governmental Affairs Committee about the creation of this new board and accepted sole responsibility for appointing Nina Jankowicz as its Executive Director.² Surprisingly, you testified that you were not aware of her long history of partisan public statements.³

You also testified under oath that you would produce to the Committee all records related to the Board, including its formation and appointment of personnel. You testified, "I owe openness and transparency with this Committee, and we will produce the documents that you have requested, unless there's a legal prohibition from us doing so."

Our offices still have not received any of these documents. We are therefore writing to demand immediate access to all records and communications related to the Disinformation Governance Board.

Under 5 U.S.C. § 2954, "An Executive agency, on request of ... the [Senate Homeland Security and Governmental Affairs Committee], or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee." Pursuant to this authority, and so that the Congress can consider remedial legislation, please immediately produce the following records:

¹ <https://www.foxnews.com/politics/biden-dhs-disinformation-governance-board-on-hold-reports>

² Transcript, Senate Homeland Security and Governmental Affairs Committee, Hearing (May 4, 2022): Sec. Mayorkas: "Senator, I am ultimately responsible for the hiring of Ms. Jankowicz to be the Executive Director of the Disinformation Governance Board in my capacity as the Secretary."

³ *Id.*: Sen. Hawley: "Were you aware of these? Were you aware of this information when you chose her?" Sec. Mayorkas: "I was not."

1. All records related to the Department's Disinformation Governance Board, including but not limited to:
 - a. written or recorded communications concerning the formation of the Board;
 - b. the agenda or minutes from any meeting at which the Board's formation was discussed;
 - c. any legal review to determine whether the activities of the Board would be authorized by the Constitution of the United States;
 - d. any communications or records about the individuals who would be recruited to serve on the Board;
 - e. any communications concerning the appointment of an executive director for the Board; and
 - f. any communications with the White House about the formation of the Board or appointment of officials to serve on the Board.
2. For any documents that are responsive to this request but withheld from the Committee, please identify the name of each document, the date of its creation, the custodian, a summary of its contents, and the basis for withholding the record from the Committee.

Thank you for your prompt attention to this matter.

Sincerely,



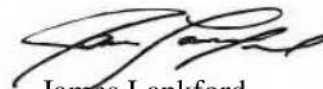
Josh Hawley
US Senator



Rick Scott
US Senator



Rand Paul
US Senator



James Lankford
US Senator



Ron Johnson
US Senator



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

May 5, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, DC 20593

RECEIVED

By ESEC at 11:28 am, May 05, 2022

Dear Secretary Mayorkas,

It is with sincere concern that we write to you regarding the recently established “Disinformation Governance Board” within the Department of Homeland Security.¹ Your recent testimony and media statements regarding the board, as well as a recent briefing for Committee staff, have only created more questions and concern. This Committee will carry out rigorous oversight of this board.

In addition to further explanation regarding the establishment of the board, the American people deserve continued transparency surrounding the board’s discussions, decisions, and actions. To that end, we demand that you make publicly available on the Department’s website the following information:

1. The establishing charter of the Disinformation Governance Board, including the purpose, goals, and authority of such board, as well as any changes or updates to that charter as those occur going forward;
2. A list of current Disinformation Governance Board members, including the member’s position within the Department and appointing authority (Presidential Appointment with Senate Confirmation, Presidential Appointment without Senate Confirmation, Noncareer Senior Executive Service, Career Senior Executive Service, etc.), as well as any changes or updates to that list as those occur going forward;
3. A descriptive list of all budgetary expenses related to the operation of the Disinformation Governance Board;

¹ Laco, K. (2022, April 30). *Free speech concerns mount over DHS “disinformation” board as lawmakers, critics weigh in*. Fox News. <https://www.foxnews.com/politics/free-speech-concerns-dhs-disinformation-board-lawmakers-critics>

4. Details regarding the frequency of Disinformation Governance Board meetings and the planned agendas for the meetings;
5. Ongoing information on the establishment of any sub-groups, including working groups or task forces, which result from the Disinformation Governance Board's work;
6. Minutes and recommendations that result from any and all Disinformation Governance Board meetings, posted and subsequently archived; and
7. A list of private sector entities, including social media companies, which the Disinformation Governance Board and its members interact with, as well as details regarding those interactions.

As you are aware, information to this effect is made available by numerous government bodies, including but not limited to the Homeland Security Advisory Council.² Considering that fact, as well as the constitutional concerns which have arisen from the Department's involvement in matters such as this, these are standards that must be met for the sake of transparency.

Thank you for your prompt attention to this matter. Please respond to this letter no later than May 23, 2022. Should you or your staff have any questions, please contact (b)(6) on the Committee staff at (b)(6)

Sincerely,



JOHN KATKO
Ranking Member



MICHAEL GUEST
Vice Ranking Member



AUGUST PFLUGER
Ranking Member
Subcommittee on
Intelligence & Counterterrorism



CLAY HIGGINS
Member of Congress

² U.S. Department of Homeland Security. (2022, March 17). *Homeland Security Advisory Council*. Homeland Security Advisory Council | Homeland Security. Retrieved May 2, 2022, from <https://www.dhs.gov/homeland-security-advisory-council>



JEFF VAN DREW
Member of Congress



RALPH NORMAN
Member of Congress



MARIANNETTE MILLER-MEEKS, M.D.
Member of Congress



DIANA HARSHBARGER
Member of Congress



CARLOS A. GIMENEZ
Member of Congress



JAKE LATURNER
Member of Congress



PETER MEIJER
Member of Congress



KAT CAMMACK
Member of Congress



ANDREW R. GARBARINO
Member of Congress