

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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February 14, 2024

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Dear Chair Khan:

On April 12, 2023, the House Committee on the Judiciary issued a subpoena compelling you to produce documents regarding the Federal Trade Commission (FTC) investigation of Twitter.¹ On June 8, 2023, as an accommodation to you, the Committee prioritized the production of certain documents responsive to the subpoena.² In that letter, the Committee warned you that it may pursue contempt of Congress if you failed to comply with the subpoena. On September 25, 2023—over four months after our June letter—you provided a single, publicly available document in response to the Committee’s subpoena.³ The document is a court filing related to Twitter’s request for a federal judge to terminate or modify the FTC’s consent order.⁴ A single, already-public document written for the purpose of defending the FTC in litigation with Twitter is insufficient to comply with the Committee’s subpoena.

On November 30, 2023, the Committee’s Subcommittee on Responsiveness and Accountability to Oversight conducted a hearing with Jeanne Bumpus, Director of the FTC’s Office of Congressional Relations, on the FTC’s continued noncompliance with the subpoena.⁵ At that hearing, Ms. Bumpus admitted that the FTC had provided only a single, publicly available document to the Committee but asserted that the FTC’s actions to date were sufficient to satisfy the subpoena.⁶

¹ Letter from Jim Jordan, Chair, H. Comm. on the Judic. to Lina Khan, Chair, Fed. Trade Comm’n (Apr. 12, 2023).

² Letter from Jim Jordan, Chair, H. Comm. on the Judic. to Lina Khan, Chair, Fed. Trade Comm’n (June 8, 2023).

³ Letter from Lina Khan, Chair, Fed. Trade Comm’n to Jim Jordan, Chair, H. Comm. on the Judic. (Sept. 25, 2023).

⁴ Order Re Motion for Protective Order and Relief from Consent Order at 9, *U.S. v. Twitter*, No. 3:22-cv-03070 (N.D. Cal. Nov. 16, 2023).

⁵ *Compliance with Committee Oversight: Hearing before the Subcomm. on Responsiveness & Accountability to Oversight of the H. Comm. on the Judic.*, 118th Cong. (Nov. 30, 2023).

⁶ *Id.*

The Honorable Lina M. Khan

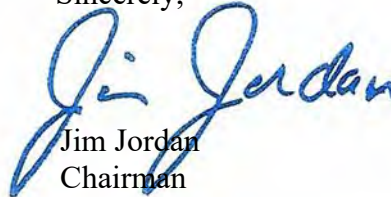
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This letter is to inform you that the FTC's production of a single document is not sufficient to satisfy the terms of the Committee's subpoena. For example, the Committee's subpoena requested, among other things, "[a]ll documents and communications between or among Federal Trade Commission (FTC) officials or employees referring or relating to the FTC's investigations(s) of Twitter, Inc."⁷ However, the FTC to date has failed to produce any such documents or communications.

The FTC's non-compliance with this subpoena has substantially hindered the Committee's investigation, and the Committee will not tolerate any further delay. The Committee requires a complete response to its subpoena in order to advance its investigation. Accordingly, if you do not comply with the subpoena by February 21, 2024, the Committee may be forced to consider a resolution holding you in contempt of Congress.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold Nadler, Ranking Member

⁷ Letter from Jim Jordan, Chair, H. Comm. on the Judic. to Lina Khan, Chair, Fed. Trade Comm'n (Apr. 12, 2023).