

Willard, Lauren (OAG)

From: Willard, Lauren (OAG)
Sent: Friday, May 29, 2020 8:30 AM
To: Pandya, Brian (OASG)
Subject: Re: Implementing the Online Platforms EO

No idea yet. But would be great to have your help in any event!

Sent from my iPhone

On May 29, 2020, at 8:25 AM, Pandya, Brian (OASG) <bpandya@jmd.usdoj.gov> wrote:

Hi Lauren,

Do we have any idea yet how the AG plans to implement these two provisions of [yesterday's EO](#)?

- Section 3(c): “[T]he Department of Justice shall review the viewpoint-based speech restrictions imposed by each online platform identified in the report described in subsection (b) of this section and assess whether any online platforms are problematic vehicles for government speech due to viewpoint discrimination, deception to consumers, or other bad practice.”
- Section 5(a): “The Attorney General shall establish a working group regarding the potential enforcement of State statutes that prohibit online platforms from engaging in unfair or deceptive acts or practices. . . .”

I assume our Section 230 core group will be involved in any event, but I’m interested to be involved with either or both efforts.

Thanks,
Brian

Brian H. Pandya
Deputy Associate Attorney General
U.S. Department of Justice
Direct: 202.514.0123
Mobil (b) (6)

Willard, Lauren (OAG)

From: Willard, Lauren (OAG)
Sent: Friday, May 29, 2020 9:50 AM
To: Shores, Ryan (ODAG); Grieco, Christopher (ODAG)
Subject: RE: DOJ To-Do's from EO

I'm tied up this morning with the AG, but will try to touch base when I free up!

From: Shores, Ryan (ODAG) <rshores@jmd.usdoj.gov>
Sent: Friday, May 29, 2020 9:49 AM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>; Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Subject: RE: DOJ To-Do's from EO

I think it would be good to have a quick touch base. Are yall available at 10 am?

One other provision:

(b) In May of 2019, the White House launched a Tech Bias Reporting tool to allow Americans to report incidents of online censorship. In just weeks, the White House received over 16,000 complaints of online platforms censoring or otherwise taking action against users based on their political viewpoints. The White House will submit such complaints received **to the Department of Justice** and the Federal Trade Commission (FTC).

Not sure if DOJ is supposed to do something specific with these (the rest of that part talks about FTC review of deceptive practices).

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Friday, May 29, 2020 9:45 AM
To: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>; Shores, Ryan (ODAG) <rshores@jmd.usdoj.gov>
Subject: RE: DOJ To-Do's from EO

FYI, Brian Pandya also offered to help on these efforts.

From: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Sent: Friday, May 29, 2020 9:43 AM
To: Shores, Ryan (ODAG) <rshores@jmd.usdoj.gov>; Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: DOJ To-Do's from EO

Below is a brief summary of the EO with the things we are expected to do as a Department underlined. The numbers correspond to the section of the EO.

Ryan, for our discussion with the DAG this morning, I am just going to walk through these things and I assume he has some thoughts on what components are best suited to fulfill these tasks. Let me know if you want to discuss ahead of time.

1. Policy

2. a. When an interactive computer service provider removes or restricts access to content and its actions do not meet the criteria of subparagraph (c)(2)(A), it is engaged in editorial conduct. It is the policy of the United States that such a provider should properly lose the limited liability shield of subparagraph (c)(2)(A) and be exposed to liability like any traditional editor and publisher that is not an online provider.
 - b) DOJ to work with NTIA for complaint to FCC within 60 days
3. Federal Tax Dollars
 - a. (all departments) with in 30 days on use of advertising, what platforms they use, statutory restrictions
 - b. Report to OMB
 - c. The Department of Justice shall review the viewpoint-based speech restrictions imposed by each online platform identified in the report described in subsection (b) of this section and assess whether any online platforms are problematic vehicles for government speech due to viewpoint discrimination, deception to consumers, or other bad practices.
4. FTC review of deceptive practices
5. The Attorney General shall establish a working group regarding the potential enforcement of State statutes that prohibit online platforms from engaging in unfair or deceptive acts or practices. The working group shall also develop model legislation for consideration by legislatures in States where existing statutes do not protect Americans from such unfair and deceptive acts and practices. The working group shall invite State Attorneys General for discussion and consultation, as appropriate and consistent with applicable law.
 - a. Collect publicly available information on variety of issues
6. AG Legislation develop a proposal for Federal legislation that would be useful to promote the policy objectives of this order

Grieco, Christopher (ODAG)

From: Grieco, Christopher (ODAG)
Sent: Friday, May 29, 2020 9:50 AM
To: Shores, Ryan (ODAG); Willard, Lauren (OAG)
Subject: RE: DOJ To-Do's from EO

Good catch. I will add. I'm free at 10.

From: Shores, Ryan (ODAG) <rshores@jmd.usdoj.gov>
Sent: Friday, May 29, 2020 9:49 AM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>; Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Subject: RE: DOJ To-Do's from EO

Duplicative Material



Willard, Lauren (OAG)

From: Willard, Lauren (OAG)
Sent: Friday, May 29, 2020 3:31 PM
To: Levi, William (OAG); Barnett, Gary (OAG)
Subject: RE: Section 230
Attachments: Section 230 Redline Proposal (DELIBERATIVE) DRAFT 5.28.DOCX; Section 230 OLA Cover Letter_Draft 5.28.docx; Section 230 Section by Section (DELIBERATIVE) 5.28.docx; Section 230 Reform Proposal One-Pager.docx; Section 230 Key Takeaways and Recommendations_DRAFT 5.29_CLEAN.docx

Sure!

While the legislative package is mostly finished at this point, we are just starting to think about implementation of the EO - so would be great to get help there as that process starts up. Gary, here's the executive order in case you haven't seen it: <https://www.whitehouse.gov/presidential-actions/executive-order-preventing-online-censorship/>. Chris Grieco, Ryan Shores, and Brian Pandya are starting to give thought to this already, so will loop you in.

Also attached are some preliminary items that may be helpful for background reading this weekend and can follow up with more. This includes the OMB package (cover letter, section-by-section, and redline), as well as a one-page summary of our proposal and the longer Key Takeaways Report from our 230 Workshop and Listening Sessions.

In terms of meetings, we just finished productive call with Hawley's staff and don't have anything else scheduled for today.

Also for both your benefit and Will's, here are the folks are involved in the Section 230 effort internally, which started last August and included a big Workshop last February. We have a pretty big team that has been working hard on these issues for some time. To the extent we want more ODAG and other folks in the meetings with the AG, just let me know! Trying to be nimble in responding, but can certainly draw from our deep bench.

"Tiger Team"

ODAG: Chris Grieco (lead in ODAG), Ryan Shores, Sujit Raman, and Dan Feith OASG: Brian Pandya OLP: Brady Toensing (with help from Mark Champoux) OLC: Henry Whitaker and Ben Wallace

Working Group (same as above plus):

CRM: Richard Downing, Josh Goldfoot (CCIPS), Jessica Peck (CCIPS), Alexandra Gelber (CEOS) NSD: Chris Hardee (and nominally Brad Wiegmann) OPCL: Peter Winn, Michelle Ramsden FBI: Darrin Jones (b)(6), (b)(7)(C) per FBI, an (b)(6), (b)(7)(C) per FBI CIV: Gus Eyster OPA: Brianna Herlihy OLA: Mary Blanche Hankey and Ryan Underwood

-----Original Message-----

From: Levi, William (OAG) <wlevi@jmd.usdoj.gov>

Sent: Friday, May 29, 2020 2:44 PM

To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>; Barnett, Gary (OAG) <gabarnett@jmd.usdoj.gov>

Subject: Section 230

Lauren — can you loop Gary in to the meetings on this? This is a big issue for just one person — you! — to be handling everything on, esp after the madness of yesterday. He will need the materials too to get smart. Thank you both.

Willard, Lauren (OAG)

From: Willard, Lauren (OAG)
Sent: Friday, May 29, 2020 3:56 PM
To: Barnett, Gary (OAG)
Subject: RE: Section 230

Thanks!!

-----Original Message-----

From: Barnett, Gary (OAG) <gabarnett@jmd.usdoj.gov>
Sent: Friday, May 29, 2020 3:38 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Cc: Levi, William (OAG) <wlevi@jmd.usdoj.gov>
Subject: Re: Section 230

Thanks Lauren. Looking forward to helping where I can.

Gary

> On May 29, 2020, at 3:30 PM, Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov> wrote:

Duplicative Material



Grieco, Christopher (ODAG)

From: Grieco, Christopher (ODAG)
Sent: Friday, May 29, 2020 4:57 PM
To: Willard, Lauren (OAG)
Cc: Shores, Ryan (ODAG)
Subject: Summary of DOJ To-Do's from EO
Attachments: Summary of EO on Prevent Online Censorship, draft.docx

Hi Lauren,

As discussed, here is an updated overview of our to-do's coming out of the EO

Talk soon

Chris

Summary of EO on Preventing Online Censorship

1. Policy
2. a. Key policy “When an interactive computer service provider removes or restricts access to content and its actions do not meet the criteria of subparagraph (c)(2)(A), it is engaged in editorial conduct. It is the policy of the United States that such a provider should properly lose the limited liability shield of subparagraph (c)(2)(A) and be exposed to liability like any traditional editor and publisher that is not an online provider.”
 - b. DOJ to work with NTIA for complaint to FCC within 60 days for rulemaking
 - i. “the interaction between subparagraphs (c)(1) and (c)(2) of section 230, in particular to clarify and determine the circumstances under which a provider of an interactive computer service that restricts access to content in a manner not specifically protected by subparagraph (c)(2)(A) may also not be able to claim protection under subparagraph (c)(1)”
 - ii. “Good faith”
3. Federal Tax Dollars
 - a. (all Departments) within 30 days on use of advertising, what platforms they use, statutory restrictions
 - b. Report to OMB
 - c. The Department of Justice shall review the viewpoint-based speech restrictions imposed by each online platform identified in the report described in subsection (b) of this section and assess whether any online platforms are problematic vehicles for government speech due to viewpoint discrimination, deception to consumers, or other bad practices.
4. FTC review of deceptive practices
 - a. policy
 - b. “In just weeks, the White House received over 16,000 complaints of online platforms censoring or otherwise taking action against users based on their political viewpoints. The White House will submit such complaints received to the Department of Justice and the Federal Trade Commission (FTC).”
5. The Attorney General shall establish a working group regarding the potential enforcement of State statutes that prohibit online platforms from engaging in unfair or deceptive acts or practices. The working group shall also develop model legislation for consideration by legislatures in States where existing statutes do not protect Americans from such unfair and deceptive acts and practices. The working group shall invite State Attorneys General for discussion and consultation, as appropriate and consistent with applicable law.
 - a. Collect publicly available information on variety of technical issues
6. AG Legislation develop a proposal for Federal legislation that would be useful to promote the policy objectives of this order

Willard, Lauren (OAG)

Subject: Section 230 EO responsibilities for DOJ
Location: (b) (6) / (b) (6)
Start: Monday, June 1, 2020 2:00 PM
End: Monday, June 1, 2020 3:00 PM
Show Time As: Tentatively accepted
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Willard, Lauren (OAG)
Required Attendees: Barnett, Gary (OAG); Grieco, Christopher (ODAG); Shores, Ryan (ODAG); Pandya, Brian (OASG)
Attachments: Summary of EO on Prevent Online Censorship, draft.docx

Hi all,

Can we circle up next Monday at 2pm to discuss rolling out DOJ's action items under last Thursday's EO? Chris helpfully put together a summary of DOJ-relevant items from the EO in the attached.

Best,
Lauren

Willard, Lauren (OAG)

Subject: Section 230 EO responsibilities for DOJ
Location: (b) (6) / (b) (6)
Start: Monday, June 1, 2020 11:30 AM
End: Monday, June 1, 2020 12:30 PM
Show Time As: Tentatively accepted
Recurrence: (none)
Organizer: Willard, Lauren (OAG)
Required Attendees: Pandya, Brian (OASG); Shores, Ryan (ODAG); Grieco, Christopher (ODAG); Barnett, Gary (OAG)
Attachments: Summary of EO on Prevent Online Censorship, draft.docx

Hi all,

Can we circle up next Monday at 2pm to discuss rolling out DOJ's action items under last Thursday's EO? Chris helpfully put together a summary of DOJ-relevant items from the EO in the attached.

Best,
Lauren

-----Original Message-----

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Monday, June 1, 2020 10:26 AM
To: Shores, Ryan (ODAG) <rshores@jmd.usdoj.gov>
Cc: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>; Barnett, Gary (OAG) <gabarnett@jmd.usdoj.gov>; Pandya, Brian (OASG) <bpandya@jmd.usdoj.gov>
Subject: RE: Section 230 EO responsibilities for DOJ

All,

Following Chris' helpful outline, it seems to me that the work flow from the EO falls into 3 categories. We can discuss further at 11:30, but wanted to tee up for discussion.

1. Report of DOJ spending on online platforms (w/in 30 days) and review of viewpoint-based restrictions of platforms (following OMB compilation). (b) (5)
2. Coordinate with NTIA on petition for rulemaking (w/in 60 days) and develop model legislation on Section 230. (b) (5).
3. Establish Working Group to develop model state legislation for unfair and deceptive practices; receive censorship complaints and share; invite State AGs. (b) (5).

Best,
Lauren

-----Original Message-----

From: Willard, Lauren (OAG)
Sent: Sunday, May 31, 2020 9:48 PM
To: Shores, Ryan (ODAG) <rshores@jmd.usdoj.gov>
Cc: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>; Barnett, Gary (OAG) <gabarnett@jmd.usdoj.gov>; Pandya, Brian (OASG) <bpandya@jmd.usdoj.gov>

Subject: Re: Section 230 EO responsibilities for DOJ

Gary and Brian, are you both free at 11:30? Alternatively we could use the Tech Review standing meeting time to discuss.

Sent from my iPhone

> On May 31, 2020, at 9:44 PM, Shores, Ryan (ODAG) <rshores@jmd.usdoj.gov> wrote:

>

> I am free 11:30 - 1:30.

>

>> On May 31, 2020, at 3:40 PM, Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov> wrote:

>>

>> Our moot is now from 2-4 on Monday. I'm free before the tech meeting

>> or 1130-1:30. Afternoon looks pretty shot until 5:15 or 5:30

>>

>>> On May 29, 2020, at 5:33 PM, Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov> wrote:

>>>

>>> Hi all,

>>>

>>> Can we circle up next Monday at 2pm to discuss rolling out DOJ's action items under last Thursday's EO? Chris helpfully put together a summary of DOJ-relevant items from the EO in the attached.

>>>

>>> Best,

>>> Lauren

>>> <Summary of EO on Prevent Online Censorship, draft.docx>

>>> <meeting.ics>

Willard, Lauren (OAG)

From: Willard, Lauren (OAG)
Sent: Thursday, June 4, 2020 12:55 PM
To: Grieco, Christopher (ODAG)
Subject: RE: Implementation of EO

Do we also have information on the highlighted part below?

(b) (5)

From: Willard, Lauren (OAG)
Sent: Thursday, June 4, 2020 12:53 PM
To: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Subject: RE: Implementation of EO

Thanks! We will need to formalize before sending to OMB, including explaining how we conducted our review. But sounds like we won't have much.

From: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Sent: Thursday, June 4, 2020 12:46 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: RE: Implementation of EO

(b) (5)

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Thursday, June 4, 2020 12:34 PM
To: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Subject: RE: Implementation of EO

Thank (b) (5)

Best,
Lauren

From: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Sent: Thursday, June 4, 2020 12:31 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: FW: Implementation of EO

From: Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Sent: Thursday, June 4, 2020 11:48 AM
To: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Subject: RE: Implementation of EO

Chri (b) (5)

From: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Sent: Monday, June 01, 2020 12:14 PM
To: Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Subject: RE: Implementation of EO

Oopps. Sorry, thought I had pasted it.

<https://www.whitehouse.gov/presidential-actions/executive-order-preventing-online-censorship/>

From: Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Sent: Monday, June 1, 2020 12:14 PM
To: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Subject: RE: Implementation of EO

Which EO?

From: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Sent: Monday, June 01, 2020 12:12 PM
To: Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Subject: Implementation of EO

Hi Lee,

Do you have a few minutes to chat about section 3(a)&(b) of this EO that the President issued last week?

Thanks

Chris

Willard, Lauren (OAG)

From: Willard, Lauren (OAG)
Sent: Thursday, June 4, 2020 12:55 PM
To: Grieco, Christopher (ODAG)
Subject: RE: Implementation of EO

Gotcha, you also answered my last question. Appreciate you taking point on this!

From: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Sent: Thursday, June 4, 2020 12:55 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: RE: Implementation of EO

Ye (b) (5)

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Thursday, June 4, 2020 12:53 PM
To: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Subject: RE: Implementation of EO

Duplicative Material



Freeman, Lindsey (OLP)

From: Freeman, Lindsey (OLP)
Sent: Monday, June 15, 2020 5:44 PM
To: Willard, Lauren (OAG)
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Wednesday is perfect! I'm free all morning or after 3:30 pm. Let me know which you prefer and I'll send a calendar invite. Happy to give you a call or Skype if we want to try and do it virtually?

And thanks for looping me in! I would love to be on all calls/emails going forward, if that's ok with you. Brady did a great job sending me some background materials so I can try to get up-to-speed, so no need to do that. But looping me in as things come up would be great. Again, Brady is still our lead I'm just trying to help oversee/fill in for Mark.

Looking forward to catching up!

Best,
Lindsey

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Monday, June 15, 2020 5:38 PM
To: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Does Wednesday work? I just added you to an email chain on Section 230 that Mark is usually on. No need to do anything, but keeping you in the loop. Let me know if you want me to include you on the call tomorrow morning or send any other 230-related material!

Best,
Lauren

From: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Sent: Friday, June 12, 2020 6:12 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

I am very lucky to be working with Brady and Anthony on these my only goal will be to support them and stay out of the way as much as possible!

A virtual "coffee" date sounds amazing! Is there a day or time that would be good for you next week? After Monday my week isn't too bad, so just let me know what would be best for you. Really looking forward to catching up!

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Friday, June 12, 2020 3:52 PM
To: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Hi! Hope you are doing well, and agree it has been way too long! Would be happy to catch up, and hope this means you aren't too stretched thin...

Let me know when works best for you. Fortunately much of what Mark was working on in my portfolio has been really well supported by either Brady or Anthony.

Maybe a virtual "coffee" date?

From: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Sent: Friday, June 12, 2020 3:34 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Hi Lauren,

I hope you are well! It has been way too long since we've caught up. This gives us the perfect excuse though with Mark's departure today (which I still can't believe!), I'll be stepping in to help cover some of his substantive portfolios. Brady will still be the main representative for OLP, I'll just be here to help. I know you are incredibly busy, but do you have some time next week (doesn't have to be long) to chat about the portfolio and ways I and/or OLP can be helpful?

No pressure, just let me know what might work. I look forward to catching up and really look forward to working together!

Best,
Lindsey

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Friday, June 12, 2020 3:23 PM
To: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Many thanks! Chris has been coordinating with Lee Lofthus about DOJ's response. Also appreciate OLP's offer for help. Will defer to Chris on what more is needed, and appreciate the heads up on the guidance email.

Best,
Lauren

From: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Sent: Friday, June 12, 2020 3:20 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: EO 13925 -- Reporting on Advertising and Marketing

Hi, Lauren I was speaking to Lindsey today about the advertising/marketing reporting requirements of EO 13925 (see email from OMB below) and she suggested I touch base with you to see who is handling this matter for the Department and to offer our assistance in putting together a response. Best, bt

From: Paoletta, Mark R. EOP/OMB (b)(6) per OMB
Sent: Monday, June 8, 2020 5:23 PM
To: Gammello, Joseph A. EOP/OMB (b)(6) per OMB
Cc: Paoletta, Mark R. EOP/OM (b)(6) per OMB
Subject: Reporting Requirement (b)(5) per OMB Executive Order 13925 on Preventing Online Censorship

Dear General Counsel/Deputy General Counsel,

On May 28, 2020, the President issued Executive Order 13925, “Preventing Online Censorship.” Sections 3(a) and (b) of the Executive Order (“EO”) require each executive department and agency (“agency”) to conduct a review of its Federal spending on advertising and marketing paid to online platforms and to provide the Office of Management and Budget (“OMB”) with a report on its findings by June 27, 2020. The EO specifies that this report to OMB shall include the amount of money spent by the agency, the online platforms that receive Federal dollars from the agency, and the legal authorities available to the agency to restrict online platforms’ receipt of advertising and marketing dollars. OMB issued Budget Data Request No. 20-26 on June 5, 2020, to collect the information on agency spending to online platforms.

The purpose of this email is to advise you on how to carry out your agency’s reporting obligations under Sections 3(a) and (b) of the EO regarding the legal authorities available to your agency to restrict online platforms’ receipt of advertising and marketing dollars. By June 27, 2020, your agency should (1) review and identify all statutory and regulatory authorities available to your agency to restrict online platforms’ receipt of advertising and marketing dollars, and (2) email a list of any authorities identified, with a description of how each authority could be used to restrict online platforms’ receipt of advertising and marketing dollars, to Joe Gammello in my office (b)(6) per OMB

If you have any questions about the requirements of EO 13925, please contact Joe Gammello at the email address provided above.

Thank you for your attention to this matter.

Mark

Mark Paoletta
General Counsel
Office of Management & Budget
(b)(6) per OMB

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice

(m (b) (6) [REDACTED])
(o) 202.305.4439
Brady.Toensing@usdoj.gov

Toensing, Brady (OLP)

From: Toensing, Brady (OLP)
Sent: Friday, June 12, 2020 4:22 PM
To: Grieco, Christopher (ODAG); Freeman, Lindsey (OLP); Willard, Lauren (OAG)
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Sure thing.

* * * * *

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m (b) (6))
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>
Sent: Friday, June 12, 2020 3:57 PM
To: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>; Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Brady, do you mind forwarding that email to Lee and cc'ing myself, and just note that you know that Lee had been working on this with me. That should be enough to make sure he sees it. We can come back to it closer to the due date as well, but JMD has already started on this so we should be in good shape.

Thanks all

From: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Sent: Friday, June 12, 2020 3:42 PM
To: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>; Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>; Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Hi Chris,

Happy to hear it's being tracked! Beth received it, which is why I asked Brady to check in with the Section 230 team to make sure everyone was aware of it. Not sure who else, if anyone, received that email from Mark.

As Brady noted, just let OLP know how we can be helpful. Until then, we'll stand down.

Best,
Lindsey

From: Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>

Sent: Friday, June 12, 2020 3:40 PM

To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>; Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>

Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>

Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Yup. I have been tracking with JMD. Who at DOJ did Mark send that email too?

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>

Sent: Friday, June 12, 2020 3:23 PM

To: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>

Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>

Subject: RE: EO 13925 -- Reporting on Advertising and Marketing

Duplicative Material



Toensing, Brady (OLP)

From: Toensing, Brady (OLP)
Sent: Tuesday, June 30, 2020 1:43 PM
To: Willard, Lauren (OAG)
Subject: RE: EO # 13925
Attachments: Executive Order 13925 Section 230.docx

Sorry. Just saw this.

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m (b) (6))
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Tuesday, June 30, 2020 12:23 PM
To: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Subject: EO #

Brady,

What is the number of the Executive Order on online censorship? I think I remember you had that handy.

Lauren S. Willard
Counselor to the Attorney General
U.S. Department of Justice
M (b) (6)
Lauren.Willard2@usdoj.gov

EXECUTIVE ORDERS

**Executive Order on Preventing Online
Censorship**
INFRASTRUCTURE & TECHNOLOGY

Issued on: May 28, 2020

ALL NEWS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Free speech is the bedrock of American democracy. Our Founding Fathers protected this sacred right with the First Amendment to the Constitution. The freedom to express and debate ideas is the foundation for all of our rights as a free people.

In a country that has long cherished the freedom of expression, we cannot allow a limited number of online platforms to hand pick the speech that Americans may access and convey on the internet. This practice is fundamentally un-American and anti-democratic. When large, powerful social media companies censor opinions with which they disagree, they exercise a dangerous power. They cease functioning as passive bulletin boards, and ought to be viewed and treated as content creators.

The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.

As President, I have made clear my commitment to free and open debate on the internet. Such debate is just as important online as it is in our universities, our town halls, and our homes. It is essential to sustaining our democracy.

Online platforms are engaging in selective censorship that is harming our national discourse. Tens of thousands of Americans have reported, among other troubling behaviors, online platforms “flagging” content as inappropriate, even though it does not violate any stated terms of service; making unannounced and unexplained changes to company policies that have the effect of disfavoring certain viewpoints; and deleting content and entire accounts with no warning, no rationale, and no recourse.

Twitter now selectively decides to place a warning label on certain tweets in a manner that clearly reflects political bias. As has been reported, Twitter seems never to have placed such a label on another politician’s tweet. As recently as last week, Representative Adam Schiff was continuing to mislead his followers by peddling the long-disproved Russian Collusion Hoax, and Twitter did not flag those tweets. Unsurprisingly, its officer in charge of so-called ‘Site Integrity’ has flaunted his political bias in his own tweets.

At the same time online platforms are invoking inconsistent, irrational, and groundless justifications to censor or otherwise restrict Americans’ speech here at home, several online platforms are profiting from and promoting the aggression and disinformation spread by foreign governments like China. One United States company, for example, created a search engine for the Chinese Communist Party that would have blacklisted searches for “human rights,” hid data unfavorable to the Chinese Communist Party, and tracked users determined appropriate for surveillance. It also established research partnerships in China that provide direct benefits to the Chinese military. Other companies have accepted advertisements paid for by the Chinese government that spread false information about China’s mass imprisonment of religious minorities, thereby enabling these abuses of human rights. They have also amplified China’s propaganda abroad, including by allowing Chinese government officials to use their platforms to spread misinformation regarding the origins of the COVID-19 pandemic, and to undermine pro-democracy protests in Hong Kong.

As a Nation, we must foster and protect diverse viewpoints in today’s digital communications environment where all Americans can and should have a voice. We must seek transparency and accountability from online platforms, and encourage standards and tools to protect and preserve the integrity and openness of American discourse and freedom of expression.

Sec. 2. Protections Against Online Censorship. (a) It is the policy of the United States to foster clear ground rules promoting free and open debate on the internet. Prominent among the ground rules governing that debate is the immunity from liability created by section 230(c) of the Communications Decency Act (section 230(c)). 47 U.S.C. 230(c). It is the policy of the United States that the scope of that immunity should be clarified: the immunity should not extend

beyond its text and purpose to provide protection for those who purport to provide users a forum for free and open speech, but in reality use their power over a vital means of communication to engage in deceptive or pretextual actions stifling free and open debate by censoring certain viewpoints.

Section 230(c) was designed to address early court decisions holding that, if an online platform restricted access to some content posted by others, it would thereby become a “publisher” of all the content posted on its site for purposes of torts such as defamation. As the title of section 230(c) makes clear, the provision provides limited liability “protection” to a provider of an interactive computer service (such as an online platform) that engages in “‘Good Samaritan’ blocking” of harmful content. In particular, the Congress sought to provide protections for online platforms that attempted to protect minors from harmful content and intended to ensure that such providers would not be discouraged from taking down harmful material. The provision was also intended to further the express vision of the Congress that the internet is a “forum for a true diversity of political discourse.” 47 U.S.C. 230(a)(3). The limited protections provided by the statute should be construed with these purposes in mind.

In particular, subparagraph (c)(2) expressly addresses protections from “civil liability” and specifies that an interactive computer service provider may not be made liable “on account of” its decision in “good faith” to restrict access to content that it considers to be “obscene, lewd, lascivious, filthy, excessively violent, harassing or otherwise objectionable.” It is the policy of the United States to ensure that, to the maximum extent permissible under the law, this provision is not distorted to provide liability protection for online platforms that far from acting in “good faith” to remove objectionable content instead engage in deceptive or pretextual actions (often contrary to their stated terms of service) to stifle viewpoints with which they disagree. Section 230 was not intended to allow a handful of companies to grow into titans controlling vital avenues for our national discourse under the guise of promoting open forums for debate, and then to provide those behemoths blanket immunity when they use their power to censor content and silence viewpoints that they dislike. When an interactive computer service provider removes or restricts access to content and its actions do not meet the criteria of subparagraph (c)(2)(A), it is engaged in editorial conduct. It is the policy of the United States that such a provider should properly lose the limited liability shield of subparagraph (c)(2)(A) and be exposed to liability like any traditional editor and publisher that is not an online provider.

(b) To advance the policy described in subsection (a) of this section, all executive departments and agencies should ensure that their application of section 230(c) properly reflects the narrow purpose of the section and take all appropriate actions in this regard. In addition, within 60 days of the date of this order, the Secretary of Commerce (Secretary), in consultation with the Attorney General, and acting through the National Telecommunications and Information Administration (NTIA), shall file a petition for rulemaking with the Federal Communications Commission (FCC) requesting that the FCC expeditiously propose regulations to clarify:

(i) the interaction between subparagraphs (c)(1) and (c)(2) of section 230, in particular to clarify and determine the circumstances under which a provider of an interactive computer service that restricts access to content in a manner not specifically protected by subparagraph (c)(2)(A) may also not be able to claim protection under subparagraph (c)(1), which merely states that a

provider shall not be treated as a publisher or speaker for making third-party content available and does not address the provider's responsibility for its own editorial decisions;

(ii) the conditions under which an action restricting access to or availability of material is not "taken in good faith" within the meaning of subparagraph (c)(2)(A) of section 230, particularly whether actions can be "taken in good faith" if they are:

(A) deceptive, pretextual, or inconsistent with a provider's terms of service; or

(B) taken after failing to provide adequate notice, reasoned explanation, or a meaningful opportunity to be heard; and

(iii) any other proposed regulations that the NTIA concludes may be appropriate to advance the policy described in subsection (a) of this section.

Sec. 3. Protecting Federal Taxpayer Dollars from Financing Online Platforms That Restrict Free Speech. (a) The head of each executive department and agency (agency) shall review its agency's Federal spending on advertising and marketing paid to online platforms. Such review shall include the amount of money spent, the online platforms that receive Federal dollars, and the statutory authorities available to restrict their receipt of advertising dollars.

(b) Within 30 days of the date of this order, the head of each agency shall report its findings to the Director of the Office of Management and Budget.

(c) The Department of Justice shall review the viewpoint-based speech restrictions imposed by each online platform identified in the report described in subsection (b) of this section and assess whether any online platforms are problematic vehicles for government speech due to viewpoint discrimination, deception to consumers, or other bad practices.

Sec. 4. Federal Review of Unfair or Deceptive Acts or Practices. (a) It is the policy of the United States that large online platforms, such as Twitter and Facebook, as the critical means of promoting the free flow of speech and ideas today, should not restrict protected speech. The Supreme Court has noted that social media sites, as the modern public square, "can provide perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard." *Packingham v. North Carolina*, 137 S. Ct. 1730, 1737 (2017). Communication through these channels has become important for meaningful participation in American democracy, including to petition elected leaders. These sites are providing an important forum to the public for others to engage in free expression and debate. *Cf. PruneYard Shopping Center v. Robins*, 447 U.S. 74, 85-89 (1980).

(b) In May of 2019, the White House launched a Tech Bias Reporting tool to allow Americans to report incidents of online censorship. In just weeks, the White House received over 16,000 complaints of online platforms censoring or otherwise taking action against users based on their political viewpoints. The White House will submit such complaints received to the Department of Justice and the Federal Trade Commission (FTC).

(c) The FTC shall consider taking action, as appropriate and consistent with applicable law, to prohibit unfair or deceptive acts or practices in or affecting commerce, pursuant to section 45 of title 15, United States Code. Such unfair or deceptive acts or practice may include practices by entities covered by section 230 that restrict speech in ways that do not align with those entities' public representations about those practices.

(d) For large online platforms that are vast arenas for public debate, including the social media platform Twitter, the FTC shall also, consistent with its legal authority, consider whether complaints allege violations of law that implicate the policies set forth in section 4(a) of this order. The FTC shall consider developing a report describing such complaints and making the report publicly available, consistent with applicable law.

Sec. 5. State Review of Unfair or Deceptive Acts or Practices and Anti-Discrimination Laws. (a) The Attorney General shall establish a working group regarding the potential enforcement of State statutes that prohibit online platforms from engaging in unfair or deceptive acts or practices. The working group shall also develop model legislation for consideration by legislatures in States where existing statutes do not protect Americans from such unfair and deceptive acts and practices. The working group shall invite State Attorneys General for discussion and consultation, as appropriate and consistent with applicable law.

(b) Complaints described in section 4(b) of this order will be shared with the working group, consistent with applicable law. The working group shall also collect publicly available information regarding the following:

(i) increased scrutiny of users based on the other users they choose to follow, or their interactions with other users;

(ii) algorithms to suppress content or users based on indications of political alignment or viewpoint;

(iii) differential policies allowing for otherwise impermissible behavior, when committed by accounts associated with the Chinese Communist Party or other anti-democratic associations or governments;

(iv) reliance on third-party entities, including contractors, media organizations, and individuals, with indicia of bias to review content; and

(v) acts that limit the ability of users with particular viewpoints to earn money on the platform compared with other users similarly situated.

Sec. 6. Legislation. The Attorney General shall develop a proposal for Federal legislation that would be useful to promote the policy objectives of this order.

Sec. 7. Definition. For purposes of this order, the term "online platform" means any website or application that allows users to create and share content or engage in social networking, or any general search engine.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Willard, Lauren (OAG)

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Friday, July 17, 2020 2:29 PM
To: Underwood, Ryan M. (OLA)
Cc: Toensing, Brady (OLP); Freeman, Lindsey (OLP)
Subject: FW: Sec. 230 Briefing Paper
Attachments: Section 230 Talking Points Cong Test 07.16.2020.docx

Ryan,

Attached are edits on the Section 230 materials from OLP. I haven't had a chance to review yet, but wanted to see if OLA had updates on the legislative side. And if you all have thoughts on format and structure (b) (5)

I'm dealing with a crisis for the next hour or so, but hopefully can turn back after and work on this over the weekend as needed to.

Best,
Lauren

From: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Sent: Friday, July 17, 2020 12:45 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Hey, Lauren. Here you go (b) (5). I put in a request for OLA to respond to the legislative questions, per your suggestion. Please let me know if you have any questions or need anything else. If we were not on the silly Eastern Daylight Time, it would be arriving before noon, as promised. Best, bt

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m) (b) (6)
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Thursday, July 16, 2020 6:21 PM
To: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: Re: Sec. 230 Briefing Paper

That works, thanks!

On Jul 16, 2020, at 6:03 PM, Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov> wrote:

Hey, Lauren. Do you mind if I get this to you tomorrow (b-4 noon)?

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m (b) (6))
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Toensing, Brady (OLP)
Sent: Thursday, July 16, 2020 11:29 AM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Thanks, Lauren.

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m (b) (6))
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Thursday, July 16, 2020 10:51 AM
To: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Brady,

Here is a few prior work product on Section 230/tech that you can hopefully pull from for the OLA project (b) (5)

Thanks so much for your help!

From: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Sent: Thursday, July 16, 2020 10:11 AM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Yes. I am here. And happy to help. May I call you?

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m (b) (6))
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Thursday, July 16, 2020 9:44 AM
To: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: Re: Sec. 230 Briefing Paper

Hey Brady,

Thanks for checking in! Are you back in the office today? Didn't want to bother you on drive, but would love help from OLP in updating the 230 briefing papers if you have time!

On Jul 16, 2020, at 9:42 AM, Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov> wrote:

Hi, Lauren. Can we help you with responding to this? Best, b

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m (b) (6))
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Wednesday, July 15, 2020 10:12 AM
To: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Cc: Barnett, Gary (OAG) <gabarnett@jmd.usdoj.gov>; Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>; Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>; Pandya, Brian (OASG) <bpandya@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Got it, thanks!

From: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Sent: Wednesday, July 15, 2020 10:11 AM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Cc: Barnett, Gary (OAG) <gabarnett@jmd.usdoj.gov>; Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>; Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>; Pandya, Brian (OASG) <bpandya@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

This will go straight into the AG's briefing book on Monday. ODAG does not need to "clear", so we should just include all the appropriate parties on the front-end.

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Wednesday, July 15, 2020 10:05 AM
To: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Cc: Barnett, Gary (OAG) <gabarnett@jmd.usdoj.gov>; Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>; Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Grieco, Christopher (ODAG) <cgrieco@jmd.usdoj.gov>; Pandya, Brian (OASG) <bpandya@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Thanks Ryan. Adding some more Section 230 folks to this chain. Does the paper go up through ODAG and OAG before the AG? Just want to make sure I'm chiming in at the right time, but also recognize that Section 230 is unique as not housed in a particular component.

I'll defer to OLA to update the legislative landscape per below, but we can work on TPs on th (b) (5) [REDACTED]
[REDACTED] Of course, welcome OLA's expertise on the kind of questions the AG is likely to get on both.

Best,
Lauren

From: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Sent: Wednesday, July 15, 2020 10:01 AM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

I need to return it by Friday. So if you could have your edits returned to tomorrow that would be great. Thanks!

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Wednesday, July 15, 2020 9:53 AM
To: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Thanks! What's the timing and process?

From: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Sent: Wednesday, July 15, 2020 9:48 AM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Yes, it was just passed back to me yesterday with a request to address the following question in the Sec. 230 context:

(b) (5) [Redacted]
[Redacted]
[Redacted]
[Redacted]

Could you take a first pass at the attached adding a bullet on the above and whatever you think should be added on DOJ's proposal? I will add in a bullet or two on (b) (5) [Redacted]
[Redacted]
[Redacted]

Thanks!

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Wednesday, July 15, 2020 9:36 AM
To: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Hi Ryan,

I wanted to follow up to see if you had what you need on the Section 230 briefing paper so far. Do you know when that is being sent up to OAG? I can take a final pass to make sure we catch any late-breaking developments. As you know, we just sent the draft back to OMB last night. So hopefully we will have something ready to go to the Hill in the next week or so.

Best,
Lauren

From: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Sent: Monday, July 6, 2020 12:19 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>; Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Hey, Ryan Per Lauren's email, Lindsey and I are happy to update to reflect (b) (5) [Redacted] and whatever else you need. If you are working on it already, feel free to pass along with any gaps you want us to address. Just let us know. Also, please let us know of any deadlines for our input. Best, b

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m) (b) (6) [Redacted]
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Monday, July 6, 2020 9:43 AM
To: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>; Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Thanks Ryan! Defer to OLA o (b) (5) [REDACTED]. Also welcome OLA's thoughts o (b) (5) [REDACTED].

This should also be updated to reflect th (b) (5) [REDACTED]. Looping in Brady and Lindsay from OLP in case you all need help updating on the substantive parts of the DOJ reforms, and welcome their perspective on responses. I can also take a pass through later today or tomorrow as needed.

Best,
Lauren

From: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Sent: Monday, July 6, 2020 9:37 AM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Subject: Sec. 230 Briefing Paper

Hi Lauren,

OLA Is updating the briefing papers for the AG's 7/28 HJC hearing. Any updates that need to be made to the attached?

-Ryan

Toensing, Brady (OLP)

From: Toensing, Brady (OLP)
Sent: Friday, July 17, 2020 6:09 PM
To: Willard, Lauren (OAG); Underwood, Ryan M. (OLA)
Cc: Freeman, Lindsey (OLP)
Subject: RE: Sec. 230 Briefing Paper
Attachments: 65- CDA 230 and tech industry rights and responsibilities + bt 5PM.docx

Ryan Here is the Section 230 / Executive Order briefing material cut significantly. Please let me know if you have any questions. Best, b

* * * * *

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m (b) (6))
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Friday, July 17, 2020 5:12 PM
To: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>; Toensing, Brady (OLP) <btensing@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Thanks! Can yo (b) (5)

Best,
Lauren

From: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Sent: Friday, July 17, 2020 5:05 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>; Toensing, Brady (OLP) <btensing@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Examples attached.

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Friday, July 17, 2020 4:49 PM
To: Toensing, Brady (OLP) <btensing@jmd.usdoj.gov>; Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Ryan is available opening line now thanks!

From: Willard, Lauren (OAG)
Sent: Friday, July 17, 2020 4:46 PM
To: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>; Underwood, Ryan M. (OLA) <runderwood@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Ryan do you have a second? Brady had a question on the formatting, might make easier to chat altogether.

I can open a lin (b) (6) (b) (6)

From: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>
Sent: Friday, July 17, 2020 4:14 PM
To: Underwood, Ryan M. (OLA) <runderwood@jmd.usdoj.gov>; Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Cc: Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Sure. Please stand by.

Brady C. Toensing
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
(m (b) (6)
(o) 202.305.4439
Brady.Toensing@usdoj.gov

From: Underwood, Ryan M. (OLA) <runderwood@jmd.usdoj.gov>
Sent: Friday, July 17, 2020 3:44 PM
To: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Cc: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>; Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Could we review and make edits to the OLA version? I've inserted the comments o (b) (5) (highlighted).

From: Willard, Lauren (OAG) <lwillard@jmd.usdoj.gov>
Sent: Friday, July 17, 2020 3:02 PM
To: Underwood, Ryan M. (OLA) <runderwood@jmd.usdoj.gov>
Cc: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>; Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: RE: Sec. 230 Briefing Paper

Just glancing at this and realizing we may need to convert back into the OLA briefing format. Ryan defer to OLA on that. But can take a look before finalized on any missing pieces!

There is fast moving developments (as you know), so this may need to be updated again next week.

Best,
Lauren

From: Willard, Lauren (OAG)
Sent: Friday, July 17, 2020 2:29 PM
To: Underwood, Ryan M. (OLA) <rmunderwood@jmd.usdoj.gov>
Cc: Toensing, Brady (OLP) <btoensing@jmd.usdoj.gov>; Freeman, Lindsey (OLP) <lifreeman@jmd.usdoj.gov>
Subject: FW: Sec. 230 Briefing Paper

Duplicative Material

