June 29, 2026

Submitted Via Regulations.gov

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Twitter, Inc., FTC Docket No. C-4316, Petition to Reopen, Set Aside, or in the Alternative, Modify Order

Dear Secretary Tabor:

We write on behalf of Americans for Prosperity Foundation ("AFPF"), a 501(c)(3) nonpartisan organization that educates and trains citizens to be advocates for freedom, creating real change at the local, state, and federal levels. AFPF believes that protection of the freedoms of expression and association, guaranteed by the First Amendment, is essential for a free society, and that coercive government force should never be used to suppress speech regardless of whether one agrees with the viewpoints expressed by the speaker. AFPF strongly supports the principles of constitutionally limited government, including the separation of powers and principles of due process required by the Constitution. AFPF appreciates the opportunity to comment on Respondent X-Corp.'s Petition to Reopen, Set Aside, or in the Alternative, Modify the Federal Trade Commission's ("FTC" or "Commission") Order entered on May 26, 2022 (the "2022 Order") in *In the Matter of Twitter, Inc.*, FTC Docket No. C-4316. AFPF supports X Corp.'s Petition. AFPF writes here to highlight flaws with the FTC's consent orders, generally, and the specific danger of government abuse of those orders to coerce respondents to suppress speech protected by the First Amendment.

X Corp.'s Petition highlights fundamental and longstanding problems with the FTC's draconian approach of demanding 20-year monitoring orders, particularly in edge cases involving novel data security and privacy questions and alleged conduct causing little or no concrete harm to identifiable consumers. These orders frequently include provisions that chill innovation; lock in outdated technologies; impose invasive, burdensome, and expensive third-party assessments and other monitoring and certification requirements; and include harsh "scofflaw" provisions that expose companies to the risk of harassment and abusive document demands. In many instances, the FTC's administrative consent orders impose requirements that go far beyond what the law otherwise requires, exposing companies to severe civil penalties for conduct that would otherwise be legal. As the American Bar Association Section of Antitrust Law cautioned in 2017, the FTC's 20-year monitoring orders "can create a severe burden on the companies involved, given the breadth and vagueness of 'fencing in' order provisions as well as burdensome affirmative obligations."[1] The problem is worse today. And the FTC's importation over time of ever more novel and extreme boilerplate provisions into consent orders that are increasingly untethered from

[1] Am. Bar Ass'n Section of Antitrust Law, Presidential Transition Report: The State of Antitrust Enforcement, 32 (Jan. 2017) [hereinafter "2017 ABA Presidential Transition Report"], https://www.americanbar.org/content/dam/aba/publishing/antitrust-magazine-online/jan17_full_source.pdf.

limits on the agency's statutory authority exemplifies the excesses of the administrative state. The Commission should take this opportunity to address these broader concerns with the duration and boilerplate terms used in its consent orders.

X Corp.'s Petition highlights the risk that the sweeping investigative and enforcement powers the 2022 Order purports to grant FTC—as well as similar provisions in other consent orders with social media companies—may be misused by the FTC to exert coercive pressure on companies under such consent orders to chill and suppress speech protected by the First Amendment. That possibility should not stand. As Chairman Ferguson has rightly recognized, "freedom of speech—which makes the marketplace of ideas possible—is a value deeply woven into the very fabric of our constitutional order and our society."[2] Chairman Ferguson has repeatedly emphasized the importance of protecting free expression and robust debate in the public square.[3] X Corp.'s Petition provides the Commission with an opportunity to reaffirm that government coercion—including the use of subpoena-like powers to harass companies subject to consent orders—should never be used as a tool to pressure companies into suppressing disfavored speech protected under the First Amendment. That proposition holds true *a fortiori* with respect to speech the government may disagree with, believe untrue, or find offensive. As Justice Brandeis wrote long ago, "If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence."[4] That observation resonates here. This proceeding is an opportunity for the Commission to reaffirm those core principles and ensure that the FTC's powers are not used as tools for political pressure and suppression of speech.

Here, both "changed" "conditions of fact or of law" and the "public interest" support setting aside or at least substantially modifying the 2022 Order.[5] As we approach America's semiquincentennial, it bears reminding that one of the cited grievances in the Declaration of Independence was that the Crown sent "hither swarms of Officers to harass our people, and eat out their substance[.]"[6] That well describes how the 2022 Order appears to have been weaponized by the Chair Khan FTC to target and attack X Corp. On the cusp of America's 250th birthday, it is time to give X Corp. its independence from FTC. X Corp.'s Petition should be granted.

I. The FTC Should Broadly Reevaluate the Duration and Boilerplate Terms of Its Consent Orders and Set Aside or Substantially Modify the 2022 Order.

Companies enter consent orders for many reasons, even if they did nothing wrong,[7] including "to avoid the potentially negative publicity associated with litigating against the FTC, to evade a costly and prolonged lawsuit, or to combat internal disruptions to its operations, among

[2] FTC, Andrew N. Ferguson, Chairman, FTC, Keynote Address at the Stigler Center Antitrust and Competition Conference (Apr. 10, 2025), https://www.promarket.org/2025/04/17/transcript-ftc-chair-andrew-ferguson-keynote/.
[3] *See, e.g.,* Dissenting Statement of Commissioner Andrew N. Ferguson Joined by Commissioner Melissa Holyoak, *In the Matter of Rytr LLC*, FTC Matter No. 2323052, at 10 (Sept. 25, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/ferguson-rytr-statement.pdf.
[4] *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).
[5] *See* 15 U.S.C. § 45(b); *see also* 16 C.F.R. § 2.51(b).
[6] The Declaration of Independence ¶ 12 (U.S. 1776).
[7] *See In re Initial Pub. Offering Sec. Litig.*, No. 21-92, 2003 U.S. Dist. LEXIS 23102, at *18 (S.D.N.Y. Dec. 24, 2003) ("[J]ust because a party agrees to settle does not mean that it is actually liable[.]").

other reasons."[8] For example, as one federal judge put it with respect to the FTC's data-security and privacy "consent order" regime: "the title of these orders, i.e., 'consent orders,' is telling. Entry of such orders, which are submitted jointly by the parties with the request that they be approved, should not have given the FTC confidence that either its legal position or the terms it was imposing on companies were reasonable. Instead, it is reasonable to assume that the private parties to these consent orders signed them to avoid the type of . . . protracted legal battle that played out here."[9] More recently, Justice Gorsuch made a similar point in *Axon v. FTC*: "Aware . . . that few can outlast or outspend the federal government, agencies sometimes use this as leverage to extract settlement terms they could not lawfully obtain any other way."[10] As the ABA has explained, "staff in consent negotiations commonly seek the maximum possible relief regardless of the facts of the case or any mitigating circumstances, and without consideration of litigation risk."[11] In this way, the FTC may "extract from parties under investigation commitments well beyond what the agency could obtain in litigation—commitments that may impair rather than improve competition and thereby harm consumers."[12] So too here.

The 20-year duration of FTC monitoring orders—with the possibility of another 20-year extension should a respondent make a single misstep—is a prime example of this problematic trend.[13] As the ABA observed in 2017, "[e]specially in areas where technology is rapidly evolving, order provisions that make sense when they are entered may no longer be appropriate in 10 years, let alone 20 years later, and may serve to chill innovative and useful corporate practices."[14] That observation holds particularly true today, *a fortiori* for technology companies like X Corp., as technology and the applicable legal landscape continue to rapidly evolve. In 2019, former Commissioner Christine Wilson "encourage[d] the Commission to review carefully both order duration and Scofflaw provision duration with the goals of equity and proportionality in mind" and "adopt the ABA Report's recommendation to limit the length of future administrative order to 10 years, and to sunset existing administrative orders after 10 years."[15] The Commission should use X Corp.'s Petition as an opportunity to reverse course and bring the duration and terms of its administrative consent orders in line with other agencies, basic fairness, and common sense.[16] In general, consent orders should "sunset" after a period of no more than 5 years in (as opposed to 20 years or longer), as the ABA has suggested.[17] As practitioners have recently explained, among other things, 20-year FTC monitoring orders "subject businesses to expensive, resource-heavy,

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[8] John Villafranco & Andrea deLorimier, FTC Consumer Protection Orders: The Case for a New Sunset Policy, Wash. Legal Found. 1 (May 30, 2025), https://www.wlf.org/wp-content/uploads/2025/05/Villafranco-deLorimier-WP.pdf.
[9] *LabMD, Inc. v. FTC*, No. 1:19-mi-00071-WEJ, at 25 (N.D. Ga. Oct. 1, 2019), http://bit.ly/2wLcpSw.
[10] 598 U.S. 175, 216 (2023) (Gorsuch, J., concurring).
[11] 2017 ABA Presidential Transition Report, *supra* note 1, at 32.
[12] Hon. Douglas Ginsburg & Joshua Wright, Antitrust Settlement: The Culture of Consent, https://www.ftc.gov/sites/default/files/documents/public_statements/antitrust-settlements-culture-consent/130228antitruststlmt.pdf.
[13] *See, e.g.,* Petition Ex. A at 14 (2022 Order § XIV).
[14] 2017 ABA Presidential Transition Report, *supra* note 1, at 30.
[15] Concurring Statement of Commissioner Christine S. Wilson at 3, *InfoTrax*, Matter No. 1623130 (Nov. 8, 2019), https://www.ftc.gov/system/files/documents/public_statements/1553676/162_3130_infotrax_concurring_statement_cw_11-12-2019.pdf.
[16] *See* Comment from Kelley Drye & Warren LLP, FTC Docket No. C-4316 (filed June 10, 2026), https://www.regulations.gov/comment/FTC-2026-0727-0049.
[17] *See* 2017 ABA Presidential Transition Report, *supra* note 1, at 31 ("CFPB orders typically sunset after five years. The Section recommends that the FTC adopt a comparable sunset period for both administrative and district court orders, at least where there are no extenuating circumstances (such as fraud or recidivism)[.]").

and time-intensive order requirements for many decades" and "fail to align with today's rapid pace of innovation[.]"[18] X Corp.'s Petition provides an opportunity for the Commission to reevaluate the duration and terms of its monitoring orders, particularly in the areas of privacy, data security, and technology.

The 2022 Order's "Compliance Monitoring" provisions are particularly problematic and showcase why it should be set aside. These so-called "scofflaw" provisions are beyond FTC's statutory powers, ripe for abuse as experience has shown, and have no business in *any* administrative consent order.[19] These provisions go far beyond the Commission's already sweeping power to police consent order compliance by conducting Part 2 investigations using administrative subpoenas known as "civil investigative demands" ("CIDs").[20] The genesis of these provisions appears to be the FTC's Project Scofflaw, which, according to the Commission, was "established . . . in 1996 to detect and prosecute violators of FTC-obtained [federal] district court orders . . . through civil and criminal contempt actions" and aimed at "would-be career con artists[.]"[21] Part of Project Scofflaw involved the development of new "model order provisions," including the type of "compliance monitoring" provision in Section XIII of the 2022 Order.[22] More recently, as the ABA Section on Antitrust observed in 2017, "rather than ameliorating the harsh federal court Scofflaw provisions"—originally designed to protect the public from serious fraudsters—"the FTC has imported them into some administrative orders."[23] The Section then "recommend[ed] that the FTC reconsider this approach so that burdensome Scofflaw provisions are not imposed on respondents or defendants engaged in legitimate businesses."[24] It is past time for the FTC to do so. X Corp.'s Petition—and the Chair Khan FTC's abuse of the "compliance monitoring" provisions in the 2022 Order—provides an ideal opportunity for the current FTC to definitively repudiate the use of these provisions at least in the context of administrative consent orders, particularly those involving legitimate companies.

And there is good reason to do so. To begin, these "scofflaw" provisions appear to have been made up out of thin air and have no basis in law. This administrative innovation has the effect of expanding the FTC's authority far beyond what Congress has authorized it to do. In this way, these provisions resemble the FTC's wayward, premeditated expansion of its powers under Section 13(b) of the FTC Act to obtain monetary damages Congress did not authorize,[25] which the Supreme Court unanimously rejected in 2021, notwithstanding that lower federal courts had acquiesced to

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[18] Villafranco & deLorimier, *supra* note 8, at 9.

[19] 2017 ABA Presidential Transition Report, *supra* note 1, at 30–31.

[20] *See* 15 U.S.C. §§ 49, 57b-1. The FTC's power to issue CIDs is itself susceptible to abuse and presents distinct constitutional questions. *See* AFPF Comment at 3–7, OMB-2019-0006: Improving or Reforming Regulatory Enforcement or Adjudication (filed Mar. 16, 2020), https://www.regulations.gov/comment/OMB-2019-0006-1336.

[21] See FTC, Report to the Commission on Project Scofflaw's First Five Years From the Bureau of Consumer Protection, ii, 1 (Jan. 2002), https://www.ftc.gov/sites/default/files/documents/reports/project-scofflaw-detection-and-prosecution-violators-district-court-orders-obtained-federal-trade/projectscofflawreport.pdf.

[22] *See id.* at 7 & n.10; FTC, Report to the Commission on Project Scofflaw From the Bureau of Consumer Protection 9 (Aug. 2003), https://www.ftc.gov/sites/default/files/documents/reports/project-scofflaw-detection-and-prosecution-violators-district-court-orders-obtained-federal-trade/scofflawreport_0.pdf.

[23] 2017 ABA Presidential Transition Report, *supra* note 1, at 31.

[24] *Id.*

[25] *See generally* David M. FitzGerald, The Genesis of Consumer Protection Remedies Under Section 13(b) of the FTC Act (Paper, FTC 90th Anniversary Symposium) (Sept. 23, 2004) (detailing FTC's gradual process of expanding its authority beyond what Congress granted), http://bit.ly/2kUIIcf.

the FTC's expansion for decades.[26] As with its *ultra vires* expansion of its powers under Section 13(b), the FTC should not be forcing respondents to grant it administrative powers far beyond what Congress has authorized.[27] In his dissent from the FTC's unlawful attempt to ban all noncompete agreements, now-Chairman Ferguson summed up the broader problem with this approach well: "Lawmaking by the administrative state sits uncomfortably in a democracy. Our Constitution assigns Congress the legislative power because Congress answers to the People for its choices. We are not a legislature; we are an administrative agency wielding only the power lawfully conferred on us by Congress."[28] Exactly so. And FTC should heed this caution and reverse course. Moreover, these provisions are not only untethered to the FTC's statutory authority but also subject to abuse by FTC staff. As Justice Murphy presciently warned long ago in his dissenting opinion in *Oklahoma Press Publishing v. Walling*, "[t]o allow a non-judicial officer, unarmed with judicial process, to demand the books and papers of an individual is an open invitation to abuse of that power."[29] The Chair Khan FTC's campaign against X Corp. well illustrates that point.

The "scofflaw" boilerplate language in the 2022 Order hangs the sword of Damocles over X Corp. by granting the FTC sweeping investigative and enforcement authority that can be used for essentially any reason without meaningful judicial recourse, providing the FTC with vast powers and tools that can be misused to chill speech protected by the First Amendment. On demand on two weeks' written notice from an FTC representative, Section XIII.A of the 2022 Order obligates X Corp. to provide FTC with "compliance reports or other requested information, which must be sworn under penalty of perjury; appear for depositions; and produce records for inspection and copying."[30] On top of this, it purports to "authorize[]" FTC "to obtain discovery, without further leave of court, using any of the procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including telephonic depositions), 31, 33, 34, 36, 45, and 69."[31] Although Section XIII is putatively "for the purpose of monitoring Respondent's compliance with this Order," nowhere does the 2022 Order meaningfully limit that concept. Nor does it allow for the possibility that X Corp. may seek relief in federal court akin to a protective order under Federal Rule of Civil Procedure 26(c).[32] Twitter "waive[d] all rights to appeal or otherwise challenge or contest the validity of this Order" as part of the price of buying peace with the FTC.[33] And if X Corp. refuses FTC's demands, however unreasonable, it potentially faces up to $53,088 in civil penalties for each separate violation.[34] This essentially gives the FTC a blank check to make burdensome and oppressive demands for documents and other information for effectively any

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[26] *See AMG Capital Mgmt., LLC v. FTC*, 593 U.S. 67 (2021).

[27] *Cf. FEC v. Cruz*, 596 U.S. 289, 301 (2022) ("An agency, after all, literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute." (cleaned up)); *NFIB v. OSHA*, 595 U.S. 109, 117 (2022) ("Administrative agencies are creatures of statute. They accordingly possess only the authority that Congress has provided.").

[28] Dissenting Statement of Commissioner Andrew Ferguson, *In the Matter of the NonCompete Clause Rule*, Matter No. P201200, at 7 (June 28, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/ferguson-noncompete-dissent.pdf.

[29] 327 U.S. 186, 219 (1946) (Murphy, J., dissenting).

[30] *See* X Corp. Petition Ex. A at 13 (2022 Order § XIII.A).

[31] *See* X Corp. Petition Ex. A at 13 (2022 Order § XIII.A).

[32] *See also United States v. Twitter, Inc.*, No. 22-cv-03070-TSH, 2023 U.S. Dist. LEXIS 205849, at *19 (N.D. Cal. Nov. 16, 2023) ("There is no modification the Court can make to the Stipulated Order that will relieve X Corp. of the obligation to comply with the Administrative Order. . . . Court lacks the power to grant X Corp. the requested relief, i.e., relief from its prospective obligations under the Administrative Order.").

[33] *See* Petition Ex. A at 2 (Findings ¶ 5) ("waiv[ing] all rights to . . . challenge or contest the validity of this Order").

[34] *See* 15 U.S.C. § 45(l); Adjustments to Civil Penalty Amounts, 90 Fed. Reg. 5,580 (Jan. 17, 2025).

reason, even arbitrary ones like harassing X Corp., placing political pressure on it, or to influence it to suppress disfavored speech on its platform.

Sections VI and VII of the 2022 Order should also be revisited. Those provisions require highly invasive biannual audits, leaving X Corp. at the mercy of an assessor who must be approved by the FTC in its sole discretion and may be directly contacted by FTC staff and potentially pressured to reach a foreordained result, as appears to have happened here.[35] These affirmative obligations also impose substantial time and monetary compliance costs, diverting resources and attention away from X Corp.'s core work and efforts to innovate and provide a platform for public debate in the marketplace of ideas.[36] Indeed, X Corp. reports that "[t]he Order's mandatory independent assessment process alone requires months of review, hundreds of interviews, and assessment reports spanning hundreds of pages, consuming resources that could otherwise be devoted to research and development."[37] On top of this, similar to many modern FTC consent orders, Section VIII, XI, and XII impose annual certifications, compliance reporting, and recordkeeping requirements to boot. In short, these types of provisions in FTC consent orders are highly burdensome. To date, for example, "X Corp. has spent approximately $15.6 million on legal fees and auditor fees to comply with the Order" and "has dedicated approximately 13,000 staff hours to work required by the Order, including facilitating risk assessments and responding to specific demands made by the Commission pursuant to Section 13 of the Order."[38] X Corp. is not alone. And it gets worse for companies under such orders over time. "Compliance requires a substantial operational and financial investment over 20 years or more," one longtime FTC practitioner observed, "often cost[ing] businesses tens of millions of dollars and hundreds of labor hours over the course of the order."[39] That is no small matter. And it serves no useful purpose.

The fundamental flaws with the 2022 Order's terms are not abstract. Real-world abuse causing X Corp. to suffer substantial injury without any countervailing benefits to consumers or competition has ensued, flowing from these provisions.

II. The Strong Public Interest In Ensuring That Constitutionally Protected Speech Is Not Muzzled By Government Coercion Counsels Strongly In Favor of Setting Aside or Substantially Modifying the 2022 Order.

As the Third Circuit cautioned long ago, Congress "did not intend to authorize the Federal Trade Commission to foreclose expression of honest opinion in the course of one's business of voicing opinion."[40] And the Supreme Court has consistently reaffirmed that "a government official cannot do indirectly what she is barred from doing directly: A government official cannot coerce a private party to punish or suppress disfavored speech on her behalf."[41] But there is reason to fear

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[35] *See* X Corp.'s Mot. for Protective Order, *United States v. Twitter, Inc*., No. 3:22-cv-03070-TSH, Dkt. 17, at 9–11 (N.D. Cal. Jul. 13, 2023).

[36] *See generally* 2017 ABA Presidential Transition Report, *supra* note 1, at 30 & n.95 (citing "expensive biennial security audits" as example of "burdensome affirmative obligations" in FTC orders); Villafranco & deLorimier, *supra* note 8, at 16 (explaining that these "requirements are burdensome over the course of one year and are immensely so over multiple years").

[37] X Corp. Petition at 27.

[38] X Corp. Petition Ex. C (Harris Decl. ¶¶ 4-5).

[39] John Villafranco, *The FTC's 20-Year-Consent-Order Policy Is Burdensome and Unfair* (Jan. 27, 2026), https://news.bloomberglaw.com/us-law-week/the-ftcs-20-year-consent-order-policy-is-burdensome-and-unfair

[40] *Sci. Mfg. Co. v. Fed. Trade Com*, 124 F.2d 640, 644 (3d Cir. 1941).

[41] *NRA of Am. v. Vullo*, 602 U.S. 175, 190 (2024).

that a future FTC may weaponize the 2022 Order against X Corp. in a wayward effort to achieve this constitutionally proscribed result. The Commission should nip that possibility in the bud by granting X Corp.'s Petition and setting aside the 2022 Order.

As discussed above, Section XIII of the Order provides a vehicle by which the government may exert coercive pressure over X Corp. in an effort to control the marketplace of ideas and chill speech protected by the First Amendment.[42] There is reason to suspect that this is exactly what happened to X Corp. under the Chair Khan FTC.[43] Consider the FTC's December 13, 2022, demand letter targeting the company's communications with journalists.[44] That information has nothing to do with the putative purpose of the 2022 Order. A possible reason for this request warrants brief mention. A congressional investigation found that in an email one day before the FTC issued that letter "FTC staff discussed using Twitter's disclosure of information to journalists as a way to get around Twitter's privilege claim for withholding documents from the FTC. . . . [T]he FTC was considering an argument that if Twitter gave certain documents to journalists, then Twitter's privilege claims could be nullified, and the FTC would be entitled to access information about the journalists[.]"[45] How that disclosure would relate to Twitter's compliance with user privacy systems is a mystery. Consider, too, the timing and volume of the FTC's demands for information. That same congressional investigation revealed that immediately after Twitter's ownership changed the FTC's investigative demands ramped up to an astonishing degree:

> The burdensome demands for documents and information began on October 27, 2022, the day that Musk took over control of Twitter. On that day, the FTC sent a letter to Twitter outlining deficiencies with prior document requests and demanded Twitter's immediate compliance. The FTC sent 12 more letters containing more than 350 additional demands for documents and information, before the end of 2022.[46]

Nor is it clear, for example, how the FTC's demand that X Corp. produce "all communications (including but not limited to emails, memos, and Slack communications) relating to Elon Musk" was in any way relevant to the 2022 Order.[47] As the Chair Khan FTC's campaign against X Corp. underscores, at a bare minimum, the 2022 Order should be modified to remove Section XIII.

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[42] That is a problem. For as Chairman Ferguson has explained, "When social media companies practice censorship, they inflict harm not just on those users whose opinions are excluded altogether or limited in dissemination, but also on any user who is attracted to the platform *because* it facilitates a genuine marketplace of ideas." FTC, Andrew N. Ferguson, Chairman, FTC, Keynote Address at the Stigler Center Antitrust and Competition Conference (Apr. 10, 2025), https://www.promarket.org/2025/04/17/transcript-ftc-chair-andrew-ferguson-keynote/.

[43] *See generally* The Weaponization of the Federal Trade Commission: An Agency's Overreach to Harass Elon Musk's Twitter, Interim Staff Report of the Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government U.S. House of Representatives (Mar. 7, 2023) [hereinafter "Select Subcommittee Weaponization Report"]; The Weaponization of the Federal Trade Commission Part II: Harassment of Elon Musk Interim Staff Report of the Committee on the Judiciary U.S. House of Representatives (Oct. 28, 2024) [hereinafter "Select Subcommittee Weaponization Report Part II"].

[44] *See* Letter from Reenah Kim, FTC, to Robert Zink & Daniel Koffmann, Quinn Emanuel, at 1–2, Ex. 9 to X Corp.'s Mot. for Protective Order, *United States v. Twitter, Inc*., No. 3:22-cv-03070-TSH, Dkt. 18-9 (N.D. Cal. Jul. 13, 2023).

[45] Select Subcommittee Weaponization Report Part II, *supra* note 43, at 19.

[46] *Id.* at 18 (citations omitted).

[47] *See* Request 17, Letter FTC Staff Attorney, FTC Division of Enforcement to Counsel for Twitter, *In the Matter of Twitter, Inc*., FTC Dkt. No. C-4316 (Nov. 30, 2022).

For these reasons, the Commission should grant X Corp.'s Petition, set aside or, at minimum, substantially modify the 2022 Order, and more broadly revisit the duration and terms of FTC consent orders. If you have questions about this comment, please contact us at mpepson@afphq.org or ccrawford@afphq.org. Thank you for your attention to this matter.

Sincerely,

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