July 22, 2026

Andrew Ferguson
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Ferguson,

The Federal Trade Commission (FTC) should reject X Corp.'s petition to terminate the FTC's 2022 order governing X for the company's repeated violations of the FTC Act.[1] X has not shown, or even come close to showing, that the order is obsolete, unfair, or contrary to the public interest. Instead, the company makes the extraordinary claim that rebranding Twitter as X somehow frees the company from the privacy obligations it inherited, an argument that would enable any bad actor to evade FTC oversight by changing its name. X's other arguments — about free speech, routine compliance costs, AI development, and internal privacy programs — are similarly frivolous. These arguments amount to a request that the Commission disregard X's history of misconduct and replace independent accountability with self-regulation. The FTC should reject X's self-serving attempt to evade its legal responsibilities.

Twitter's underlying violations, which resulted in FTC orders in both 2011 and 2022, were serious and remain relevant today. In 2011, the Commission found that Twitter failed to secure users' private data, ignored users' privacy choices, and misrepresented how well it protected their information.[2] In response, in a 5-0 decision, the FTC required Twitter to cease misleading users about its security policies and to implement a comprehensive data security program. Yet, in 2019, Twitter admitted that it used phone numbers and email addresses that users provided for two-factor authentication and account recovery to target them with ads, without their consent. The FTC investigated and found this conduct violated the 2011 order. In May 2022 — five months before Elon Musk, X's current owner, purchased Twitter — the FTC reached a new consent decree with Twitter that imposed additional security obligations on it, with those obligations running for 20 years.[3] That order was again unanimous, with the two Republican commissioners explaining that the order "provides meaningful and effective relief" and calling it an "excellent settlement."[4] In other words, when Musk purchased Twitter in

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[1] Petition to Reopen and Set Aside, Or, In The Alternative, Modify Decision and Order, *In re Twitter, Inc*., FTC File No. C-4316, https://www.ftc.gov/system/files/ftc_gov/pdf/c4316twitterpetitionto_reopenpublic.pdf.

[2] Decision and Order, *In re Twitter, Inc*., Docket No. C-4316, 151 F.T.C. 162 (Mar. 2, 2011).

[3] Modified Decision and Order, *In re Twitter, Inc*., Docket No. C-4316 (F.T.C. May 26, 2022), https://www.ftc.gov/system/files/ftc_gov/pdf/2023062C4316TwitterModifiedOrder.pdf.

[4] Concurring Statement of Commissioner Christine S. Wilson and Commissioner Noah Joshua Phillips, *In re Twitter, Inc*., FTC Matter No. 2023062 (May 25, 2022), https://www.ftc.gov/system/files/ftc_gov/pdf/05-25-2022%20Twitter%20Joint%20Statement%20Wilson%20Phillips_0.pdf.

October 2022, he knew what he was buying: a company with a history of violating its users' privacy and subject to bipartisan consent decrees intended to avoid future misconduct.

Despite X's arguments otherwise, the company is no stranger to the 2022 order; it is Twitter's successor. Although Twitter rebranded as X in 2023, X kept Twitter's assets, its users, and their data. Notably, the FTC order contemplated such a corporate rebranding. The 2022 order defines "Respondent" to include Twitter's "successors and assigns," and its carve-out for genuinely distinct businesses applies only to entities that do not "collect, maintain, use, disclose, access, or provide access to" data that previously enabled Twitter's services — a condition X plainly does not meet.[5] A name change and new leadership do not undo that legal continuity. If they did, any company could escape an FTC order simply by merging with a new entity or changing its name. The Commission should require X to comply with the 2022 order it inherited.

X also cannot convert a privacy order into a speech dispute. The 2022 order addresses Twitter's misuse of consumer data and its representations about privacy and security; it does not regulate what X may say, host, or remove from its platform. X's attempt to recast privacy oversight as censorship does not change the conduct that made the order necessary. As the Republican FTC commissioners stated in 2022, "this settlement has nothing to do with . . . the company's content moderation policies."[6] The Commission should not let X use free speech arguments to evade accountability for privacy and data security violations.

X's claim that compliance with the 2022 order is too costly rings hollow given the company's scale and the nature of the obligations it knowingly inherited. X puts the cost of compliance at roughly $17 million over the past four years — or around $4.25 million per year.[7] When Musk bought Twitter in 2022, he valued the company at $44 billion, making those routine compliance costs a fraction of the value assigned to the company just a few years ago. Furthermore, Musk, the company's owner, is the richest person in the world, with sufficient personal wealth to support the company.[8] More importantly, independent privacy and security oversight is not an optional expense to be cut when it becomes inconvenient. A company cannot earn early release from a privacy order simply by saying that compliance costs money.

Additionally, X's attempt to recast early termination of the order as a win for American AI leadership only underscores why oversight should continue. X claims that the 2022 order diverts engineering resources from building AI products at xAI, X's parent company, to compliance with the order. But privacy and security obligations are not optional expenses to be traded away for product development. Moreover, in poll after poll, the public is expressing deep concern about — if not outright opposition to — AI, undercutting any argument that the public sees AI development as a top priority.[9] In fact, xAI, in particular, has faced serious criticism after

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[5] Modified Decision and Order, *supra* note 3.

[6] Concurring Statement of Commissioner Christine S. Wilson and Commissioner Noah Joshua Phillips, *supra* note 4.

[7] Petition to Reopen and Set Aside, Or, In The Alternative, Modify Decision and Order, *supra* note 1.

[8] *World's Billionaires List*, Forbes (2026), https://www.forbes.com/billionaires.

[9] *See, e.g.*, Allan Smith, *Poll: Majority of Voters Say Risks of AI Outweigh the Benefits*, NBC News (Mar. 10, 2026), https://www.nbcnews.com/politics/politics-news/poll-majority-voters-say-risks-ai-outweigh-benefits-

its AI model, Grok, generated nonconsensual sexualized images of women and children at scale.[10] A company asking to weaken privacy oversight so it can accelerate AI development while its own AI products are causing serious harm deserves more scrutiny of its data and safety practices, not less.

Finally, X's promise to police itself is no substitute for independent accountability. X states in the petition that its privacy and security programs "would survive and continue to operate in the Order's absence," but the Commission should not take a company's word for how well it protects its users' data.[11] The Commission required outside assessment because Twitter had already broken its privacy promises. Given that history, X cannot avoid independent oversight simply by promising to do better on its own.

X has not identified any change that justifies reopening, setting aside, or weakening the 2022 order. The Commission should deny X's petition and keep the order in full force.

Thank you for your attention to this matter.

Sincerely,

Edward J. Markey
United States Senator

Richard Blumenthal
United States Senator

Ron Wyden
United States Senator

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rcna262196; Alexander Rossell Hayes, *Most Americans Say AI Development Is Moving Too Fast and Twice as Many Are AI Pessimists as AI Optimists*, YouGov (May 12, 2026), https://yougov.com/en-us/articles/54762-most-americans-say-artificial-intelligence-ai-development-moving-too-fast-twice-as-many-ai-pessimists-as-ai-optimists-may-9-11-2026-economist-yougov-poll; Callie Holtermann, *Half of Gen Z Uses AI, but Their Feelings Are Souring, Study Shows*, N.Y. Times (Apr. 9, 2026), https://www.nytimes.com/2026/04/09/style/gen-z-ai-gallup-study.html.

[10] *See* Letter from Senators Ron Wyden, Ben Ray Lujan and Edward J. Markey to Tim Cook, CEO, Apple and Sundar Pichai, CEO, Google (Jan. 9, 2026) https://www.wyden.senate.gov/imo/media/doc/letter_to_apple_and_google_on_removing_x_and_grok_from_app_store_192026pdf.pdf.

[11] Petition to Reopen and Set Aside, Or, In The Alternative, Modify Decision and Order, *supra* note 1.