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December 13, 2024

Mr. Shou Zi Chew
Chief Executive Officer
TikTok
5800 Bristol Parkway
Culver City, CA 90230

Dear Mr. Chew,

On Friday, December 6, 2024, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) unanimously upheld the constitutionality of the *Protecting Americans from Foreign Adversary Controlled Applications Act*.

The Court held that “[t]he First Amendment exists to protect free speech in the United States. Here the Government acted solely to protect that freedom from a foreign adversary nation and to limit that adversary’s ability to gather data on people in the United States.[.]” and rejected all of TikTok’s constitutional claims.¹

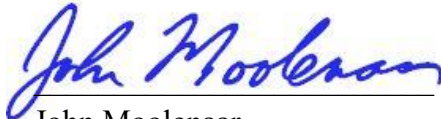
On April 24, 2024, the *Protecting Americans from Foreign Adversary Controlled Applications Act* was signed into law. Congress has provided ample time for TikTok to take the necessary steps to come into compliance. Indeed, TikTok has had 233 days and counting to pursue a solution that protects U.S. national security. As you know, the law permits TikTok to execute a qualified divestiture that “result[s] in the relevant foreign adversary controlled application no longer being *controlled by a foreign adversary*” (as such italicized term is defined in the Act) and “precludes the establishment or maintenance of any operational relationship between the United States operations of the relevant foreign adversary controlled application and any formerly affiliated entities that are controlled by a foreign adversary, including any cooperation with respect to the operation of a content recommendation algorithm or an agreement with respect to data sharing.”²

¹ *TikTok v. Garland*, No. 24-1113 (Dec. 6, 2024).

² Pub. L. No. 118-50 (Apr. 24, 2024).

Congress has acted decisively to defend the national security of the United States and protect TikTok's American users from the Chinese Communist Party. We urge TikTok to immediately execute a qualified divestiture.

Sincerely,



John Moolenaar
Chairman



Raja Krishnamoorthi
Ranking Member