

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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April 8, 2024

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Garland:

The Committee on Oversight and Accountability is conducting oversight of the Department of Justice's (Department) administration and enforcement of the Foreign Agents Registration Act (FARA), 22 U.S.C. § 611 *et seq.* On February 8, 2024, the Committee sent a letter to the Department requesting, among other things, that the Department produce documentation of the status of "FARA-related investigations or inquiries into TikTok and any Al Jazeera affiliated entities."¹ The Committee is trying to understand whether the Department is enforcing FARA, including against entities with ties to our foreign adversaries. For eight weeks, the Department has refused to provide any substantive update or response to the Committee's letter.

Since the Committee's February 8 letter, the urgency for oversight into this matter has increased. As you know, TikTok is owned by ByteDance, which is a privately owned, Beijing-based company under the control of the CCP.² Almost half of America's population uses TikTok, which has been characterized as "digital fentanyl."³ Just days after the February 8 letter was sent, the Biden reelection campaign joined TikTok,⁴ despite the military prohibition on government devices and the Administration's subsequent ban on virtually all government devices.⁵ On March 13, 2024, the House of Representatives passed a bill with bipartisan support, forcing ByteDance to either timely give up its control of TikTok or face a TikTok ban in

¹ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Merrick B. Garland, Attorney General, Dep't of Justice (Feb. 8, 2024).

² Joe McDonald et. al, *Why does the US see Chinese-owned TikTok as a security threat?*, Associated Press (Mar. 24, 2023).

³ Rep. Mike Gallagher, *Why Do Young Americans Support Hamas? Look at TikTok.*, The Free Press (Nov. 1, 2023); Brian Dean, *TikTok Statistics You Need to Know*, Backlinko (Feb. 15, 2024).

⁴ Monica Alba, et al., *Biden Campaign joins TikTok after sources said it wouldn't*, NBC News (Feb. 12, 2024).

⁵ Ben Kesling & Georgia Wells, *U.S. Military Bans TikTok Over Ties to China*, The Wall Street Journal (Jan. 3, 2020); David Ingram, *Biden signs TikTok ban for government devices, setting up a chaotic 2023 for the app*, NBC News (Dec. 30, 2022).

the U.S.⁶ The week prior, when the bill was introduced, TikTok blatantly engaged in “political activities” without registering under FARA, seemingly in violation of the law.⁷ The company greeted its users with a message explicitly urging them to call Congress and oppose the bill.⁸ Some users were unable to use the software application without placing a call.⁹ Others had an additional push notification sent to their phones, encouraging calls to be made to Congress.¹⁰ ByteDance, and thereby TikTok, must abide the CCP’s “national intelligence law,” which requires PRC businesses to provide data to the CCP on demand, prompting serious national and data security concerns.¹¹ TikTok’s content has been recognized as advancing a global pro-CCP agenda,¹² influencing Americans at the behest of the CCP and constituting “political activities” under FARA.¹³

Al Jazeera has continued to skirt FARA obligations, even though its entities are funded by and act on behalf of the Qatari government.¹⁴ Al Jazeera journalists are increasingly being linked to Hamas-backed attacks, and Qatar has reportedly hosted a Hamas headquarters in Doha, paying the terrorist group \$30 million per month since 2018.¹⁵ On February 28, 2024, the Qatari Ministry of Communications and TikTok signed a Memorandum of Understanding to “expand Qatar’s digital footprint.”¹⁶ This MOU seemingly indicates that not only will both entities be operating without proper transparency in the United States, but now Al Jazeera’s digital influence will be disseminated on one of the most widely used software applications in America. Both the Department and Secretary of State Antony Blinken have acknowledged that the media outlet is an agent of Qatar.¹⁷

⁶ Protecting Americans from Foreign Adversary Controlled Applications Act, H.R. 7521, 118th Cong. (2024); David Shepardson, *US House passes bill to force ByteDance to divest TikTok or face ban*, Reuters (Mar. 14, 2024).

⁷ 22 U.S.C. § 611(o).

⁸ Sapna Maheshwari & David McCabe, *TikTok Prompts Users to Call Congress to Fight Possible Ban*, The New York Times (Mar. 7, 2024).

⁹ *Id.*

¹⁰ Aubrey Gelpieryn, *TikTok told users to contact their representatives. Lawmakers say what happened next shows why an ownership restructure is necessary.*, CBS News (Mar. 8, 2024).

¹¹ Elaine K. Dezenski & David Rader, *The U.S. Must Combat CCP-Sanctioned Overseas Spying by Private Entities*, Foundation for Defense of Democracies (Nov. 22, 2023).

¹² See Jamestown Issue Brief, *TikTok: A Threat to US National Security*, The Jamestown Foundation (Mar. 26, 2024) (“A recent report analyzing hashtags on Instagram and TikTok concluded that TikTok ‘systematically promotes or demotes content on the basis of whether it is aligned with or opposed to the interests of the Chinese government.’”) (quoting Intelligence Report, *A Tik-Tok-ing Timebomb: How TikTok’s Global Platform Anomalies Align with the Chinese Communist Party’s Geostrategic Objectives*, Network Contagion Research Institute & Rutgers (Dec. 2023)); Drew Harwell & Tony Romm, *TikTok’s Beijing roots fuel censorship suspicion as it builds a huge U.S. audience*, The Washington Post (Sep. 15, 2019).

¹³ 22 U.S.C. § 611(o).

¹⁴ Brent Scher, *Senators Say It’s Time For Al Jazeera To Register As Foreign Agent of Qatar*, Daily Wire (Oct. 31, 2023).

¹⁵ See Jonathan Schanzer, *The Growing List of Al Jazeera Terrorists*, Commentary (Mar. 21, 2024).

¹⁶ Government Communications Office, *Qatar’s Government Communications Office signs MoU with TikTok to grow its national digital footprint and creator economy*, State of Qatar (Feb. 28, 2024).

¹⁷ See Empower Oversight, Letter from Jay I. Bratt, Chief, DOJ Counterintelligence and Export Control Section to Mr. Ignacio E Sanchez & Mr. William H. Minor, *Re: Obligation of AJ+ to Register under the Foreign Agents Registration Act* (Sep. 14, 2020), available at <https://empowr.us/wp-content/uploads/2023/01/2020-09-14-DOJ-JayBratt-to-DLA-Piper-Al-Jazeera-FARA-Registration.pdf>; Scher, *supra* note 12.

The Hon. Merrick B. Garland

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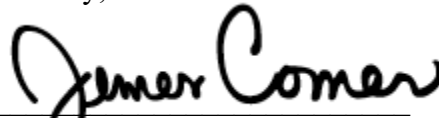
The evidence that TikTok and Al Jazeera are operating at the behest of foreign principals is substantial, but they continue to operate without registration. The Department has not been responsive to the Committee's inquiries regarding both Al Jazeera and TikTok's internal status relating to FARA registration. The Department's lack of transparency continues to raise questions about its commitment to the objective enforcement of FARA.

If the Department does not produce all documents the Committee has identified as responsive in the February 8 letter by April 15, 2024, the Committee will consider the use of compulsory process to require the Department's production of the documents.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions regarding this letter, please contact Committee staff at (202) 225-5074.

Thank you for your prompt cooperation with this investigation.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a horizontal line underneath the name.

James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability