

# Congress of the United States

Washington, DC 20515

November 8, 2023

The Honorable Merrick Garland  
Attorney General  
Department of Justice  
950 Constitution Ave., N.W.  
Washington, D.C. 20530

Dear Attorney General Garland:

We are writing to request an update on the Department of Justice's (DOJ) enforcement of the Foreign Agents Registration Act (FARA) with respect to Al Jazeera's subsidiary and social media platform, AJ+. We also urge you to require TikTok to register as a foreign agent under FARA. We believe TikTok has met the statutory requirements for registration based on its clear pattern of operating within the United States to spy on the American people and sow propaganda.

Eighty-five years ago, Congress enacted FARA to reduce the influence of foreign propaganda circulating in the United States.<sup>1</sup> The goal was to combat this propaganda by providing greater transparency, requiring entities that are acting as agents of a foreign principal to publicly disclose their affiliations. Foreign agents are those that engage in "political activities" in the interests of a foreign principal. These activities include anything believed or intended to influence the U.S. government or public about U.S. policy or other foreign interests, and collecting or disbursing anything of value in the interests of a foreign principal.

In 2018, a bipartisan group of nineteen Members of Congress wrote to then Attorney General Jeff Sessions, urging him to require AJ+ to register as a foreign agent.<sup>2</sup> In 1996, the Emir of Qatar and the Qatari government founded and funded Al Jazeera. In 2009, the U.S. Ambassador to Qatar described Al Jazeera as "one of Qatar's most valuable political and diplomatic tools" and claimed that it was "used as a chip" to shape Qatar's relations with other governments.<sup>3</sup> Al Jazeera maintains an extensive reach across the globe and is available in more than 150 countries and territories in more than 430 million homes, with a physical presence in U.S. cities including Washington, New York, Chicago, Miami, and Los Angeles. Its broadcasts are easily accessible, including via social media.

After Members of Congress raised concerns, the DOJ ordered Al Jazeera's social media wing, AJ+, to register as a foreign agent citing its engagement in "political activities" on behalf of

---

<sup>1</sup> Congressional Research Service, "Foreign Agents Registration Act (FARA): A Legal Overview," March 9, 2023, <https://www.crs.gov/Reports/IF11439?source=search>.

<sup>2</sup> Letter to Attorney General Jeff Sessions, dated March 6, 2018, [https://hws-media-libraries.s3.us-east-2.amazonaws.com/gottheimer.house.indigov.us/uploads/legacy/uploadedfiles/3.6\\_gottheimer\\_zeldin\\_cruz\\_letter\\_to\\_doj\\_final\\_signed\\_copy.pdf](https://hws-media-libraries.s3.us-east-2.amazonaws.com/gottheimer.house.indigov.us/uploads/legacy/uploadedfiles/3.6_gottheimer_zeldin_cruz_letter_to_doj_final_signed_copy.pdf).

<sup>3</sup> The Guardian, "WikiLeaks cables claim al-Jazeera changed coverage to suit Qatari foreign policy," December 5, 2010, <https://www.theguardian.com/world/2010/dec/05/wikileaks-cables-al-jazeera-qatari-foreign-policy>

Qatar's government.<sup>4</sup> However, to date, despite the DOJ order, neither Al Jazeera nor AJ+ have registered under FARA. This is especially concerning given Qatar's ties to Hamas, which has maintained a political office in Doha for more than a decade. Qatar is also home to senior Hamas leaders, including Khalid Mashaal and Ismail Haniyeh.<sup>5</sup> With these concerns in mind, we ask that you provide a comprehensive update on the DOJ's enforcement of FARA with respect to Al Jazeera and its subsidiaries.

Unfortunately, Qatar is not the only nation that is attempting to surreptitiously monitor and influence American citizens through its propaganda. The Chinese government, through TikTok and its parent company, ByteDance, also presents a grave threat to America's national security and, in particular, impressionable children and young adults. Chinese law obligates TikTok's parent company to "support, assist, and cooperate with state intelligence work."<sup>6</sup> Additionally, the Chinese government uses threats of license cancellations, investigations, and other penalties to ensure that companies comply with their wishes.<sup>7</sup>

China-based employees of TikTok have repeatedly accessed non-public data about American TikTok users. In 2019, the FTC fined TikTok for knowingly collecting the names, email addresses, pictures, and locations of children under the age of 13 without parental consent.<sup>8</sup> In 2022, TikTok agreed to a class-action settlement for harvesting U.S. personal data from users without their consent, and confirmed that China-based employees could gain remote access to Americans' data, including public videos and comments.<sup>9</sup> TikTok routinely collects far-reaching and sophisticated data from its consumers, which can be shared and sold, raising serious concerns for the safety of American users, their IP addresses, and other personal information.<sup>10</sup> Any sharing of data collected by TikTok with the Chinese government or CCP is unacceptable, as it could support or enhance nefarious cyber intrusions targeted at American organizations and individuals.

In addition to TikTok being used to spy on Americans, we are also gravely concerned about its use as a propaganda tool for the Chinese government and its allies, including Russia and Iran. According to a Pew research poll, the "share of U.S. adults who say they regularly get news from

---

<sup>4</sup> CNN, "DOJ orders Al Jazeera platform to register as foreign agent," September 16, 2020, <https://www.cnn.com/2020/09/16/media/al-jazeera-foreign-agent/index.html>.

<sup>5</sup> USA Today, "How tiny Qatar became the middle man in negotiations to free hostages held by Hamas," November 5, 2023, <https://www.usatoday.com/story/news/world/israel-hamas/2023/11/05/qatar-hamas-hostage-negotiations-gaza-war/71393787007/>.

<sup>6</sup> Lawfare, "Beijing's New National Intelligence Law: From Defense to Offense," July 20, 2017, <https://www.lawfareblog.com/beijings-new-national-intelligence-law-defense-offense>.

<sup>7</sup> The Associated Press, "Why does US see Chinese-owned TikTok as a security threat?," March 24, 2023 <https://apnews.com/article/tiktok-bytedance-shou-zi-chew-8d8a6a9694357040d484670b7f4833be>.

<sup>8</sup> CNN, "TikTok hit with record fine for collecting data on children," February 28, 2019, <https://www.cnn.com/2019/02/28/tech/tiktok-ftc-fine-children/index.html>

<sup>9</sup> Bloomberg, "TikTok Confirms Some China-Based Employees Can Access US User Data," July 1, 2022, <https://www.bloomberg.com/news/articles/2022-07-01/tiktok-says-some-china-based-employees-can-access-us-user-data>

<sup>10</sup> Lawfare, "Beijing's New National Intelligence Law: From Defense to Offense," July 20, 2017, <https://www.lawfareblog.com/beijings-new-national-intelligence-law-defense-offense>.

TikTok has roughly tripled, from 3 percent in 2020 to 10 percent” in 2022. More than a quarter of Americans under the age of thirty report that they “regularly get news” from the platform.<sup>11</sup>

In a wrongful dismissal suit filed in May, Yintao Yu, the former head of engineering for ByteDance’s U.S. operations from August 2017 to November 2018, called ByteDance and its subsidiary a “useful propaganda tool for the Chinese Communist Party [CCP],” and claimed that CCP members “guided how the company advanced core Communist values.”<sup>12</sup> In his suit, Mr. Yu claimed that TikTok suppressed or promoted content based on whether or not the Chinese government supported or opposed the messaging.<sup>13</sup> Clearly, TikTok acts under the “direction or control” of the Chinese Communist Party.

It should be noted that China has taken an anti-Israel stance following the atrocities of October 7. The Chinese foreign ministry has repeatedly declined to use the words “ Hamas” or “terrorism” and refuses to acknowledge the fact that Israel was attacked by Hamas. Also, a Chinese information-warfare network is boosting anti-Israel, pro-Hamas narratives in the United States.<sup>14</sup> Using TikTok, China has the ability to control what a generation of kids sees and consumes every single day.

The Biden Administration has shown its commitment to countering Chinese influence through TikTok. Last year, Congress passed and President Biden signed legislation prohibiting the use of TikTok on devices owned by the federal government.<sup>15</sup> Earlier this year, we were glad to see the Biden Administration call on TikTok to be sold or face a nationwide ban earlier this year.<sup>16</sup>

American citizens deserve to know whether the information and news media they consume is impartial or deceptive propaganda pushed by foreign nations. Again, we ask that the DOJ provide an update on the status of FARA enforcement with respect to AJ+ and urge you to require TikTok to register as a foreign agent.

Thank you for your attention to these important issues and we look forward to your prompt response.

Sincerely,

---

<sup>11</sup> Pew Research, “Majority of Americans say TikTok is a threat to national security,” July 10, 2023, <https://www.pewresearch.org/short-reads/2023/07/10/majority-of-americans-say-tiktok-is-a-threat-to-national-security/>.

<sup>12</sup> The Hill, “Former executive of TikTok parent company claims China ‘maintained’ access to US data,” May 12, 2023, <https://thehill.com/policy/technology/4002792-former-executive-of-tiktok-parent-company-claims-china-maintained-access-to-us-data/>.

<sup>13</sup> The Associated Press, “Executive fired from TikTok’s Chinese owner says Beijing had access to app data in termination suit,” May 12, 2023, <https://apnews.com/article/tiktok-china-government-data-bytedance-23233034319c2e1f84c384e5e8dc489c>.

<sup>14</sup> New York Post, “Why China has chosen to side with Hamas — and Iran — over Israel,” October 11, 2023, <https://nypost.com/2023/10/11/why-china-has-chosen-to-side-with-hamas-and-iran-over-israel/>.

<sup>15</sup> NBC, “Biden signs TikTok ban for government devices, setting up a chaotic 2023 for the app,” December 30, 2022, <https://www.nbcnews.com/tech/tech-news/tiktok-ban-biden-government-college-state-federal-security-privacy-rca63724>

<sup>16</sup> NPR, “The Biden administration demands that TikTok be sold, or risk a nationwide ban,” March 15, 2023, <https://www.npr.org/2023/03/15/1163782845/tiktok-bytedance-sell-biden-administration>



---

Josh Gottheimer  
MEMBER OF CONGRESS



---

Don Bacon  
MEMBER OF CONGRESS