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December 13, 2024

Mr. Tim Cook
Chief Executive Officer
Apple
One Apple Park Way
Cupertino, CA 95014

Dear Mr. Cook,

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*. In its ruling, the court found that “[u]nless TikTok executes a qualified divestiture by January 19, 2025—or the President grants a 90-day extension based upon progress towards a qualified divestiture—its platform will effectively be unavailable in the United States, at least for a time.”¹ Today, we sent a letter to TikTok (attached below for your convenience) highlighting that Congress has provided ample time—233 days and counting—for the company to take the necessary steps to comply with the law and urging them to, in accordance with the timeline prescribed in the Act, immediately execute a divestiture that protects U.S. national security.

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.²

As you know, without a qualified divestiture, the Act makes it unlawful to “[p]rovid[e] services to distribute, maintain, or update such foreign adversary controlled application (including any source code of such application) by means of a marketplace (including an online

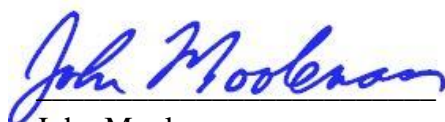
¹ *TikTok v. Garland*, No. 24-1113 (Dec. 6, 2024).

² *Id.*

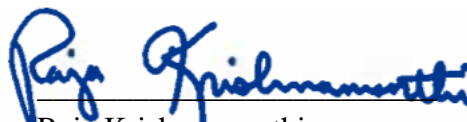
mobile application store) through which users within the land or maritime borders of the United States may access, maintain, or update such application.”³

Under U.S. law, Apple must take the necessary steps to ensure it can fully comply with this requirement by January 19, 2025.

Sincerely,



John Moolenaar
Chairman



Raja Krishnamoorthi
Ranking Member

³ Pub. L. No. 118-50 (Apr. 24, 2024).