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## ADVANCING AMERICAN FREEDOM

### Don't Believe Everything You See On Social Media: Senator Paul's Bad Takes on TikTok Bill

**Background:** Senator Rand Paul is mistaken about H.R. 7521, which would force TikTok to separate itself from the Chinese Communist Party and cleared the House with overwhelming bipartisan support.

**Claim:** TikTok is not owned by the Chinese government. 60 percent is owned by international investors, 20 percent is owned by employees (many of whom are American), and 20 percent is owned by the two Chinese software engineers who developed it. We don't do this to Saudi-owned companies.

**Reality:** The CCP owns a "golden share" in the company, letting it name a director to the board.

- ByteDance is seizing the shares of stockholders and employees who criticize the company.
- As a Chinese company, it is required to turn over information to the CCP. There is also strong evidence that its algorithm is intentionally manipulated to serve the interests of the CCP.
- Saudi Arabia is a strategic ally in the Middle East, not a foreign adversary.

**Claim:** The government could abuse the same app-banning authority to shut down Fox News or Twitter.

**Reality:** H.R. 7521 does not ban TikTok.

- It is tightly drafted to prohibit the provision of services to an application controlled by one of our foreign adversaries as defined by existing statute: North Korea, China, Russia, and Iran.
- Any such companies would be exempted if they separate themselves from adversarial control.
- Fox News and Twitter would not be affected, as they are not controlled by foreign adversaries.

**Claim:** Americans have a First Amendment right to express themselves on TikTok.

**Reality:** H.R. 7521 does nothing to limit free speech.

- The Chinese Communist Party does not have the right to do whatever it wants to in our country, including meddling in our elections. Moreover, espionage is not protected speech.
- The United States Constitution (Article I, Section 8) explicitly provides Congress the power to "regulate Commerce with foreign Nations."

**Claim:** It is unconstitutional to specifically target a company in legislation.

**Reality:** Bills of attainder (prohibited under Article I, Section 9 of the Constitution) authorize punishments against specific entities without any kind of trial or due process.

- H.R. 7521 is not a bill of attainder.
- It is a bill aimed at protecting U.S. national security, not issuing punishments.
- If TikTok or any other affected companies divest from foreign adversaries, they could continue to do business in the United States. The bill would not impact them whatsoever.
- Congress has the express power to "regulate Commerce with foreign nations" (Art. I. Sec. 8).

**Claim:** You can't take away the property of a company without due process.

**Reality:** H.R. 7521 does not take away the property of a company.

- It merely sets limits on providing services to a company controlled by a foreign adversary.
- If adversary-controlled apps want to do business with U.S. companies, they must divest.
  - In such a scenario, they receive just compensation from the proceeds of the sale.

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