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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

20 U.S. WECHAT USERS ALLIANCE,
CHIHUO INC., BRENT COULTER,
21 FANGYI DUAN, JINNENG BAO, ELAINE
PENG, and XIAO ZHANG,

22 Plaintiffs,

23 v.

24 DONALD J. TRUMP, in his official capacity
as President of the United States, and
25 WILBUR ROSS, in his official capacity as
Secretary of Commerce,

26 Defendants.

Case No. 3:20-cv-05910-LB

**DECLARATION OF MICHAEL W. BIEN
IN SUPPORT OF PLAINTIFFS’
RESPONSE TO DEFENDANTS’
SEPTEMBER 18, 2020 NOTICE
REGARDING IMPLEMENTATION OF
EXECUTIVE ORDER**

Judge: Hon. Hon. Laurel Beeler

Trial Date: None Set

1 I, Michael W. Bien, declare:

2 1. I am an attorney duly admitted to practice before this Court. I am a partner
3 in the law firm of Rosen Bien Galvan & Grunfeld LLP, counsel of record for Plaintiffs. I
4 have personal knowledge of the facts set forth herein, and if called as a witness, I could
5 competently so testify. I make this declaration in support of Plaintiffs' Response to
6 Defendants' September 18, 2020 Notice Regarding Implementation of Executive Order.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of the Commerce
8 Department's September 17, 2020 identification of "prohibited transactions" for
9 publication in the Federal Register, titled "Identification of Prohibited Transactions to
10 Implement Executive Order 13943 and Address the Threat Posed by WeChat and the
11 National Emergency with Respect to the Information and Communications Technology
12 and Services Supply Chain," available at: [https://s3.amazonaws.com/public-](https://s3.amazonaws.com/public-inspection.federalregister.gov/2020-20921.pdf)
13 [inspection.federalregister.gov/2020-20921.pdf](https://s3.amazonaws.com/public-inspection.federalregister.gov/2020-20921.pdf).

14 3. Attached hereto as **Exhibit B** is a true and correct copy of the Commerce
15 Department's September 18, 2020 Press Release, titled "Commerce Department Prohibits
16 WeChat and TikTok Transactions to Protect the National Security of the United States,"
17 available at: [https://www.commerce.gov/news/press-releases/2020/09/commerce-](https://www.commerce.gov/news/press-releases/2020/09/commerce-department-prohibits-wechat-and-tiktok-transactions-protect)
18 [department-prohibits-wechat-and-tiktok-transactions-protect](https://www.commerce.gov/news/press-releases/2020/09/commerce-department-prohibits-wechat-and-tiktok-transactions-protect).

19 4. Attached hereto as **Exhibit C** is a true and correct copy a September 18,
20 2020 New York Times article titled "Trump Administration to Ban TikTok and WeChat
21 From U.S. App Stores," available at:
22 <https://www.nytimes.com/2020/09/18/business/trump-tik-tok-wechat-ban.html>.

23 5. Attached hereto as **Exhibit D** is a true and correct copy a September 18,
24 2020 New York Times article titled "What to Know About Trump's TikTok-WeChat App
25 Store Ban: Live Updates," available at:
26 [https://www.nytimes.com/live/2020/09/18/business/stock-market-today-](https://www.nytimes.com/live/2020/09/18/business/stock-market-today-coronavirus/president-trump-wants-to-block-tiktok-and-wechat-heres-what-you-need-to-know)
27 [coronavirus/president-trump-wants-to-block-tiktok-and-wechat-heres-what-you-need-to-](https://www.nytimes.com/live/2020/09/18/business/stock-market-today-coronavirus/president-trump-wants-to-block-tiktok-and-wechat-heres-what-you-need-to-know)
28 [know](https://www.nytimes.com/live/2020/09/18/business/stock-market-today-coronavirus/president-trump-wants-to-block-tiktok-and-wechat-heres-what-you-need-to-know).

1 6. Attached hereto as **Exhibit E** is a true and correct copy a September 15,
2 2020 University Daily Kansan article titled “KU-owned computers, campus Wi-Fi will ban
3 use of WeChat,” *available at:* [https://www.kansan.com/news/ku-owned-computers-](https://www.kansan.com/news/ku-owned-computers-campus-wi-fi-will-ban-use-of-wechat)
4 [campus-wi-fi-will-ban-use-of-wechat](https://www.kansan.com/news/ku-owned-computers-campus-wi-fi-will-ban-use-of-wechat).

5 7. Attached hereto as **Exhibit F** is a true and correct copy a September 18,
6 2020 Reuters article titled “Officials: Trump to Block US Downloads of TikTok, WeChat
7 on Sunday,” *available at:* [https://www.reuters.com/article/us-usa-tiktok-ban-exclusive-](https://www.reuters.com/article/us-usa-tiktok-ban-exclusive-idUSKBN2691QO)
8 [idUSKBN2691QO](https://www.reuters.com/article/us-usa-tiktok-ban-exclusive-idUSKBN2691QO).

9 8. Attached hereto as **Exhibit G** is a true and correct copy a September 18,
10 2020 CNBC article titled “Trump to block downloads of TikTok, WeChat on Sunday,”
11 *available at:* [https://www.cNBC.com/2020/09/18/trump-to-block-us-downloads-of-tiktok-](https://www.cNBC.com/2020/09/18/trump-to-block-us-downloads-of-tiktok-wechat-on-sunday-officials-tell-reuters.html)
12 [wechat-on-sunday-officials-tell-reuters.html](https://www.cNBC.com/2020/09/18/trump-to-block-us-downloads-of-tiktok-wechat-on-sunday-officials-tell-reuters.html).

13 9. Attached hereto as **Exhibit H** is a true and correct copy a September 18,
14 2020 Vox article titled “Trump moves to shut down WeChat in the US. But TikTok will
15 live until after the election. Both companies have Chinese owners. One of them has
16 support from Trump-backers.” *Available at:* [https://www.vox.com/21445193/trump-](https://www.vox.com/21445193/trump-wechat-tiktok-ban-oracle-bytedance-tencent)
17 [wechat-tiktok-ban-oracle-bytedance-tencent](https://www.vox.com/21445193/trump-wechat-tiktok-ban-oracle-bytedance-tencent).

18 10. Attached hereto as **Exhibit I** is a true and correct copy a September 18, 2020
19 CNET article titled “TikTok, WeChat downloads will be barred from US starting
20 Sunday,” *Available at:* [https://www.cnet.com/news/tiktok-wechat-downloads-will-be-](https://www.cnet.com/news/tiktok-wechat-downloads-will-be-barred-from-us-starting-sunday)
21 [barred-from-us-starting-sunday](https://www.cnet.com/news/tiktok-wechat-downloads-will-be-barred-from-us-starting-sunday).

22 11. In a Fox Business Network televised interview on Friday morning
23 (September 18, 2020), the Secretary of Commerce stated that it “is our *fear*” that WeChat
24 is “taking data from the American public and sending it to China.” *Available at:*
25 <https://video.foxbusiness.com/v/6192199311001/#sp=show-clips>.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration is executed at San Francisco, California this 18th day of September, 2020.

/s/ Michael W. Bien
Michael W. Bien

EXHIBIT A



Billing Code: 351020

DEPARTMENT OF COMMERCE

15 CFR Chapter VII

[Docket Number 200917-0248]

RIN: 0605-XD010

Identification of Prohibited Transactions to Implement Executive Order 13943 and Address the Threat Posed by WeChat and the National Emergency with Respect to the Information and Communications Technology and Services Supply Chain

AGENCY: Office of the Secretary, U.S. Department of Commerce.

ACTION: Identification of prohibited transactions.

SUMMARY: Pursuant to Executive Order 13943, the Secretary of Commerce is publishing this Identification of Prohibited Transactions related to WeChat by any person, or with respect to any property, subject to the jurisdiction of the United States, with Tencent Holdings Ltd. (a.k.a. Ténghùn Kònggǔ Yǒuxiàn Gōngsī), Shenzhen, China, or any subsidiary of that entity, to address the national emergency with respect to the information and communications technology and services supply chain declared in Executive Order 13873, May 15, 2019 (Securing the Information and Communications Technology and Services Supply Chain), and particularly to address the threat identified in Executive Order 13943 posed by mobile application WeChat.

DATES: Identification of prohibited transactions is effective as of September 20, 2020, as set forth in Executive Order 13943.

FOR FURTHER INFORMATION CONTACT:

Kathy Smith, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1859.

For media inquiries: Meghan Burris, Director, Office of Public Affairs, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4883.

SUPPLEMENTARY INFORMATION:

In Executive Order 13873 of May 15, 2019 (Securing the Information and Communications Technology and Services Supply Chain), the President found that foreign adversaries are increasingly creating and exploiting vulnerabilities in information and communications technology and services (ICTS), which store and communicate vast amounts of sensitive information, facilitate the digital economy, and support critical infrastructure and vital emergency services, in order to commit malicious cyber-enabled actions, including economic and industrial espionage against the United States and its people. The President found that the unrestricted acquisition or use in the United States of ICTS designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries augments the ability of foreign adversaries to create and exploit vulnerabilities in ICTS, with potentially catastrophic effects, and thereby constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and declared a national emergency with respect to this threat. The President directed that additional steps are required to protect the security, integrity, and reliability of ICTS provided and used in the United States.

On August 6, 2020, in Executive Order 13943 (Addressing the Threat Posed by WeChat, and Taking Additional Steps To Address the National Emergency With Respect to the Information and Communications Technology and Services Supply Chain), the President found that the spread in the United States of mobile applications developed and owned by companies in the People's Republic of China (China) continues to threaten the national security, foreign policy, and economy of the United States. The President directed that action must be taken to address the threat posed by the mobile application WeChat.

Pursuant to Executive Order 13943, any transaction that is related to WeChat by any person, or with respect to any property, subject to the jurisdiction of the United States, with Tencent Holdings Ltd. (a.k.a. Ténghùn Kònggǔ Yǒuxiàn Gōngsī), Shenzhen, China, or any subsidiary of that entity, as identified by the Secretary of Commerce (Secretary) within 45 days from the date of the order, shall be prohibited, to the extent permitted under applicable law. This Identification of Prohibited Transactions implements that directive by the President.

Identifying Prohibited Transactions

Definitions

Content delivery service means a service that copies, saves, and delivers content, for a fee, from geographically dispersed servers to end-users for the purposes of enabling faster delivery of content.

Entity means a government or instrumentality of such government, partnership, association, trust, joint venture, corporation, group, subgroup, or other organization, including an international organization.

Information and communications technology or services means any hardware, software, or other product or service primarily intended to fulfill or enable the function of information or data processing, storage, retrieval, or communication by electronic means, including transmission, storage, and display.

Internet hosting service means a service through which storage and computing resources are provided to an individual or organization for the accommodation and maintenance of one or more websites or Internet services. Services may include but are not limited to file hosting, domain name server hosting, cloud hosting, and virtual private server hosting, among others.

Internet transit service means a service where a network operator provides connectivity, transport and routing for another network, enabling them to reach broader portions of the Internet. A transit provider's routers also announce to other networks that they can carry traffic to the network that has purchased transit.

Mobile application means a software application designed to run on a mobile device such as a phone, tablet, or watch.

Mobile application store means any online marketplace where users can download, or update, and install software applications to a mobile device.

Peering means a relationship between Internet service providers (ISP) where the parties directly interconnect to exchange Internet traffic, most often on a no-cost basis.

Person means an individual or entity.

Subsidiary means a company that is owned or controlled by a parent or holding company.

Transaction means any acquisition, importation, transfer, installation, dealing in, or use of any information and communications technology or service.

Identification of Prohibited Transactions

Pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.*, Executive Order 13873 (84 FR 22689, May 15, 2019), and as set forth and provided for in Executive Order 13943 (85 FR 48641, August 6, 2020), the Secretary identifies the following transactions that are prohibited, effective as of September 20, 2020:

Any transaction that is related to WeChat by any person, or with respect to any property, subject to the jurisdiction of the United States, with Tencent Holdings Ltd. (a.k.a. Ténghùn Kònggǔ Yǒuxiàn Gōngsī), Shenzhen, China, or any subsidiary of that entity, involving:

1. Any provision of services to distribute or maintain the WeChat mobile application, constituent code, or mobile application updates through an online mobile application store, or any online marketplace where mobile users within the land or maritime borders of the United States and its territories may download or update applications for use on their mobile devices;
2. Any provision of internet hosting services enabling the functioning or optimization of the WeChat mobile application, within the land and maritime borders of the United States and its territories;
3. Any provision of content delivery services enabling the functioning or optimization of the WeChat mobile application, within the land and maritime borders of the United States and its territories;

4. Any provision of directly contracted or arranged internet transit or peering services enabling the functioning or optimization of the WeChat mobile application, within the land and maritime borders of the United States and its territories;
5. Any provision of services through the WeChat mobile application for the purpose of transferring funds or processing payments to or from parties within the land or maritime borders of the United States and its territories;
6. Any utilization of the WeChat mobile application's constituent code, functions, or services in the functioning of software or services developed and/or accessible within the land and maritime borders of the United States and its territories; or
7. Any other transaction that is related to WeChat by any person, or with respect to any property, subject to the jurisdiction of the United States, with Tencent Holdings Ltd., or any subsidiary of that entity, as may be identified at a future date under the authority delegated under Executive Order 13943.

The identified prohibitions herein only apply to the parties to business-to-business transactions, and apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to Executive Order 13943, and notwithstanding any contract entered into or any license or permit granted before the date of Executive Order 13943. Any other transaction with Tencent Holdings Ltd. or its subsidiaries is permitted under Executive Order 13943, as implemented by the Secretary, unless identified as prohibited or otherwise contrary to law.

These identified prohibitions do not apply to:

- (1) Payment of wages, salaries, and benefit packages to employees or contractors;

- (2) The exchange between or among WeChat mobile application users of personal or business information using the WeChat mobile application, to include the transferring and receiving of funds;
- (3) Activities related to mobile applications intended for distribution, installation or use outside of the United States by any person, including but not limited to any person subject to U.S. jurisdiction, and all ancillary activities, including activities performed by any U.S. person, which are ordinarily incident to, and necessary for, the distribution, installation, and use of mobile applications outside of the United States; or
- (4) The storing of WeChat mobile application user data in the United States.

AUTHORITY

International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.*; National Emergencies Act, 50 U.S.C. 1601 *et seq.*; Executive Order 13943, Addressing the Threat Posed by WeChat, August 6, 2020; Executive Order 13873, Securing the Information and Communications Technology and Services Supply Chain, May 15, 2019.

Dated: September 17, 2020.

This document of the Department of Commerce was signed on September 17, by Wilbur Ross, Secretary of Commerce. That document with the original signature and date is maintained by the Department of Commerce. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned Department of Commerce Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Commerce. This administrative process in no way alters the legal effect of this document upon publication in the Federal Register.

Signed in Washington, DC, on September 17, 2020.

Asha Mathew,

Federal Register Liaison Officer, U.S. Department of Commerce.

[FR Doc. 2020-20921 Filed: 9/18/2020 8:45 am; Publication Date: 9/22/2020]

EXHIBIT B

 An official website of the United States government
[Here's how you know we're official](#)

Coronavirus Updates for Department Employees



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Commerce Department Prohibits WeChat and TikTok Transactions to Protect the National Security of the United States

[Wilbur Ross](#)

In response to President Trump’s Executive Orders signed August 6, 2020, the Department of Commerce (Commerce) today announced prohibitions on transactions relating to mobile applications (apps) WeChat and TikTok to safeguard the national security of the United States. The Chinese Communist Party (CCP) has demonstrated the means and motives to use these apps to threaten the national security, foreign policy, and the economy of the U.S. Today’s announced prohibitions, when combined, protect users in the U.S. by eliminating access to these applications and significantly reducing their functionality.

FOR IMMEDIATE RELEASE
Friday, September 18, 2020

[Office of Public Affairs](#)

(202) 482-4883

publicaffairs@doc.gov

“Today’s actions prove once again that President Trump will do everything in his power to guarantee our national security and protect Americans from the threats of the Chinese Communist Party,” **said U.S. Department of Commerce Secretary Wilbur Ross.** “At the President’s direction, we have taken significant action to combat China’s malicious collection of American citizens’ personal data, while promoting our national values, democratic rules-based norms, and aggressive enforcement of U.S. laws and regulations.”

While the threats posed by WeChat and TikTok are not identical, they are similar. Each collects vast swaths of data from users, including network activity, location data, and browsing and search histories. Each is an active participant in China’s civil-military fusion and is subject to mandatory cooperation with the intelligence services of the CCP. This combination results in the use of WeChat and TikTok creating unacceptable risks to our national security.

As of September 20, 2020, the following transactions are prohibited:

1. Any provision of service to distribute or maintain the **WeChat or TikTok** mobile applications, constituent code, or application updates through an online mobile application store in the U.S.;
2. Any provision of services through the **WeChat** mobile application for the purpose of transferring funds or processing payments within the U.S.

As of September 20, 2020, for WeChat and as of November 12, 2020, for TikTok, the following transactions are prohibited:

1. Any provision of internet hosting services enabling the functioning or optimization of the mobile application in the U.S.;
2. Any provision of content delivery network services enabling the functioning or optimization of the mobile application in the U.S.;
3. Any provision directly contracted or arranged internet transit or peering services enabling the function or optimization of the mobile application within the U.S.;
4. Any utilization of the mobile application's constituent code, functions, or services in the functioning of software or services developed and/or accessible within the U.S.

Any other prohibitive transaction relating to WeChat or TikTok may be identified at a future date. Should the U.S. Government determine that WeChat's or TikTok's illicit behavior is being replicated by another app somehow outside the scope of these executive orders, the President has the authority to consider whether additional orders may be appropriate to address such activities. The President has provided until November 12 for the national security concerns posed by TikTok to be resolved. If they are, the prohibitions in this order may be lifted.

The notices for these actions will be posted on the Federal Register at approximately 8:45AM EDT on Friday, September 18, 2020.

Background:

On August 6, 2020, President Trump signed Executive Orders (E.O.) 13942, Addressing the Threat Posed by TikTok, and E.O. 13943, Addressing the Threat Posed by WeChat. In the E.O.s, the President determined that the apps capture vast swaths of information from U.S. users, leaving the data vulnerable to CCP access for nefarious purposes. Commerce, at the Direction of the President, was required to identify transactions within 45 days to protect national security and the private data of millions of people across the country. Today's announced prohibitions fulfill the

President's direction and mitigate national security risks.

LEADERSHIP

[Wilbur Ross](#)

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EXHIBIT C

The New York Times

<https://nyti.ms/3hIAN9I>

Trump Administration to Ban TikTok and WeChat From U.S. App Stores

The Trump administration issued new rules Friday morning that will cripple the operation of two popular Chinese-owned apps in the United States.

By [Ana Swanson](#) and [David McCabe](#)

Sept. 18, 2020 Updated 9:56 a.m. ET

WASHINGTON — The Trump administration said Friday it would bar the Chinese-owned mobile apps WeChat and TikTok from U.S. app stores as of Sunday, striking a harsh blow against two popular services used by more than 100 million people in the United States.

The restrictions will ban the transferring of funds or processing of payments through WeChat within the United States as of Sunday. In the case of WeChat, the restrictions will also prevent any company from offering internet hosting, content delivery networks, internet transit or peering services to WeChat, or using the app's code in other software or services in the United States.

Those same prohibitions on providing services go into effect on Nov. 12 for TikTok.

“Today’s actions prove once again that President Trump will do everything in his power to guarantee our national security and protect Americans from the threats of the Chinese Communist Party,” Commerce Secretary Wilbur Ross said in a statement.

The actions follow an Aug. 6 executive order by the president, in which he argued that TikTok and WeChat collect data from American users that could be accessed by the Chinese government. The administration has threatened fines of up to \$1 million and up to 20 years in prison for violations of the order.

TikTok is currently in talks to be acquired by the American software maker Oracle, and could announce a deal that assuages the administration's national security concerns. In its announcement, the Commerce Department said that the president had given until Nov. 12 for TikTok's national security concerns to be resolved, and if they were, the prohibitions in the order could be lifted.

TikTok declined to comment. Tencent and Oracle did not immediately respond to requests for comment. Mr. Ross, in an interview on Fox Business Network on Friday morning, said that the ban would initially have a much greater impact on WeChat.

"For all practical purposes it will be shut down in the U.S., but only in the U.S., as of midnight Monday," Mr. Ross said.

TikTok would also face some changes, but would still be allowed to function until Nov. 12, Mr. Ross said, at which point it would face the same ban as WeChat if there was no deal that satisfied the administration's concerns.

"As to TikTok, the only real change as of Sunday night will be users won't have access to improved updated apps, upgraded apps or maintenance," he said.

The prohibitions raise the question of whether Google and Apple, the major operators of American app stores, could sue the administration.

Tech companies have made clear that they don't like the idea of blocking apps without a more organized policy process, and have suggested that they see this as a First Amendment issue, said Adam Segal, a cybersecurity expert at the Council on Foreign Relations.

Mr. Segal said it was not entirely clear why the administration had chosen to go after these two Chinese services, and not other similar ones. "A lot of it just feels to me to be improvisational," he said.

Apple and Google did not immediately respond to requests for comment.

Mr. Ross portrayed the threat from the apps in stark terms, likening it to a window between the U.S. and China that allows Beijing to peer into the everyday lives of Americans.

“What they collect are data on locality, data on what you are streaming toward, what your preferences are, what you are referencing, every bit of behavior that the American side is indulging in becomes available to whoever is watching on the other side,” he said. “That’s what we’re trying to squelch.”

In its announcement, the Commerce Department said that both WeChat and TikTok collected information from their users including location data, network activity and browsing histories. As Chinese companies, they are also subject to China’s policy of “civil-military fusion” and mandatory cooperation with Chinese intelligence services, it said.

“It looks like it’s largely a continuation of the pressure tactics to get ByteDance to make a deal,” said James Lewis, a senior vice president at the Center for Strategic and International Studies. “WeChat is sort of the human sacrifice of this deal. They’ve gone nuclear on them.”

EXHIBIT D

LIVE Updated 37 minutes ago

What to Know About Trump's TikTok-WeChat App Store Ban: Live Updates

The latest economic and business news during the coronavirus pandemic.

RIGHT NOW [A Fed president details his 'no' vote against the central bank's statement.](#)

Here's what you need to know:

- [President Trump wants to block TikTok and WeChat. Here's what you need to know.](#)
- [What we heard on earnings calls this week.](#)
- [Housekeepers are facing 'a full-blown humanitarian crisis — a Depression-level situation.'](#)
- [Wall Street wavers a day after another sell-off.](#)
- [Catch up: Two Goldman workers test positive.](#)

President Trump wants to block TikTok and WeChat. Here's what you need to know.

The Trump administration said Friday it will block **WeChat** and **TikTok** from app stores in the United States. The ban will take effect on Sunday and means WeChat users in the country won't be able to use it to transfer funds or make payments.

Both apps, which are used by more than 100 million people in the United States, are owned by Chinese companies. The Trump administration has argued that they collect data that could be accessed by the Chinese government.

The ban comes as TikTok is negotiating a deal that would make **Oracle** a technology partner while taking an ownership stake in the app. The deal is meant to address the Trump administration's concerns about China's access to user data on the app.

The New York Times has been covering developments between the White House and the two apps. You can read more about what's been going on here:

China's Powerhouse App Is WeChat, and Its Power Is Sweeping

For most Chinese people in China, WeChat is a sort of all-in-one app: a way to swap stories, talk to old classmates, pay bills, coordinate with co-workers, post envy-inducing vacation photos, buy stuff and get news. For the millions of members of China's diaspora, it is the bridge that links them to the trappings of home, from family chatter to food photos.

Woven through it all is the ever more muscular surveillance and propaganda of the Chinese Communist Party. As WeChat has become ubiquitous, it has become a powerful tool of social control, a way for Chinese authorities to guide and police what people say, whom they talk to and what they read.

It has even extended Beijing's reach beyond its borders. When secret police issue threats abroad, they often do so on WeChat. When military researchers working undercover in the United States needed to talk to China's embassies, they used WeChat, according to court documents. The party coordinates via WeChat with members studying overseas.

Targeting WeChat, Trump Takes Aim at China's Bridge to the World

Outside China, WeChat has mainly been a tether for the Chinese diaspora to their homeland.

May Han, a Chinese-born American, moved to the United States with her family when she was 9. Lonely when she first arrived, Ms. Han was encouraged by her parents to use another Tencent chat service, QQ, to keep up with her elementary school friends in China. They also hoped it would help her remember Chinese.

Eventually she made the jump to WeChat, where she still whiles away her online days chatting with about 350 friends and relatives, many of them in China. Now an environmental science major at the University of California, San Diego, Ms. Han said WeChat had become the cultural glue that held together much of her Chinese community.

"If we can't use WeChat, our connections to China will decrease or even vanish," she said. "Most of us have got used to using WeChat, especially older generations. Changing an app is not easy for them; it means changing their lifestyle."

Trump's Attacks on TikTok and WeChat Could Further Fracture the Internet

China and the United States have different starting points when it comes to governing high-tech industries. The Communist Party has no tolerance for its citizens speaking out against it online or organizing outside its sphere of control. It has also made no secret of its ambitions to cultivate Chinese companies' expertise in advanced technologies, which foreign competitors say sometimes leads the authorities to give local firms unfair advantages.

— *The New York Times*

A Fed president details his 'no' vote against the central bank's statement.

The Federal Reserve unveiled a major update to its policy statement this week, indicating that it will leave interest rates on hold near zero until the economy has regained full employment, inflation has risen above 2 percent, and those price gains look to be headed even higher.

While that guidance lays the groundwork for years of growth-stoking monetary policy, Neel Kashkari from the Federal Reserve Bank of Minneapolis wanted to do even more and was one of two votes against the statement. He would have pledged to keep rates low until core inflation — which strips out volatile fuel and food — had exceeded 2 percent on a sustained basis.

"I would have preferred the Committee make a stronger commitment to not raising rates until we were certain to have achieved our dual mandate objectives," Mr. Kashkari wrote in an explanation of his dissent published Friday.

The Fed's new guidance, had it been in place following the Great Recession, would only have slightly delayed the central bank's timing on rate increases, he said. Inflation did briefly rise above 2 percent in 2017. He argued that the revamped language should not include a reference to full employment, which is nearly impossible to gauge in real time.

Mr. Kashkari's colleague, Robert S. Kaplan from the Federal Reserve Bank of Dallas, joined him in dissenting. But Mr. Kaplan did so for a very different reason: He wanted the central bank to retain more flexibility, rather than indicating that actual achievement of 2 percent inflation was a necessary condition for raising rates. That would create leeway to raise rates earlier.

The statement revamp came after the Fed reworked its long-run policy goals last month, making changes that would embrace periods of faster inflation and which enshrined modesty when it came to judging labor market hotness.

"They're sort of on two sides of the discussion," Jerome H. Powell, the Fed's Chair, said of the dissents at his post-meeting news conference. "We're the first major central bank to adopt this framework. There's no cookbook."

— [Jeanna Smialek](#)

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What we heard on earnings calls this week.

The editors and reporters for the DealBook newsletter sift through a lot of company reports and listen to many corporate conference calls. These are some of the things that caught our notice this week:

✂️ "I think the word 'unprecedented' gets way overused this year, 2020, and you use the figure of speech 'earth shattering,' which I don't actually think we can use in 2020 because it might actually literally happen." — [Paul Jacobson](#), chief financial officer of **Delta Air Lines**, on not tempting fate

😬 "My team told me that I came across a bit too stern in my opening remarks on Monday, so feedback is always welcome, and I hope I wasn't putting anybody off." — [Bernard Looney](#), chief executive of **BP**, on his presentation style

🕒 "A lot of our early morning traffic that used to be in that 6 to 9 a.m. window for us has really shifted into that 10 to 2 or 10 to 1. People are coming out a little later. Maybe they need a break from their Zoom." — [Kate Jaspon](#), chief financial officer of **Dunkin' Brands**, on changing workday patterns

🏠 "The Barbie Dreamhouse movie was the number-eight most watched content in its first week on Netflix across all genres, not just kids." — [Ynon Kreiz](#), **Mattel's** chief executive, on pandemic pastimes

🍷 "Our portion sizes are much more consistent because there's not somebody pointing at every single pan and ... the crew will see just the way that a customer is looking at them and think, 'Oh, I better put another scoop in.'" — [Jack Hartung](#), chief financial officer of **Chipotle**, on the benefits of online orders

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— [Jason Karaian](#)

Housekeepers are facing 'a full-blown humanitarian crisis — a Depression-level situation.'

The pandemic has had devastating consequences for a wide variety of occupations, but housekeepers have been among the hardest hit.

Seventy-two percent of them reported that they had lost all of their clients by the first week of April, according to a survey by the National Domestic Workers Alliance. The fortunate had employers who continued to pay them. The unlucky called or texted their employers and heard nothing back. They weren't laid off so much as ghosted, en masse.

"We plateaued at about 40 percent employment in our surveys of members," said Ai-jen Poo, executive director of the alliance. "And because most of these people are undocumented, they have not received any kind of government relief. We're talking about a full-blown humanitarian crisis, a Depression-level situation for this work force."

The pandemic has laid bare not just the vulnerability of housekeepers to economic shocks but their total lack of leverage. Several workers said they had clients who would not let anyone clean who has had Covid-19; others know clients who will hire only Covid survivors, on the theory that after their recovery, they pose no health risk. Housekeepers are often given strict instructions about how they can commute, and are quizzed about whether and how much they interact with others. But they have no idea whether their employers are taking similar precautions. Nor, in many cases, are they accorded the simple decencies that are part of formal employment.

"It would be nice to have at least two days' notice when someone cancels on you, either to let you know or compensate you for your time," said Magdalena Zylinska, a housekeeper in Chicago who helped lobby for a Domestic Workers' Rights bill that passed in Illinois in 2017. "I think a lot of people don't realize that if I don't work, I don't get paid and I still have to buy food, pay bills, utilities."

— *David Segal*

Wall Street wavers a day after another sell-off.

- **U.S. stocks were directionless on Friday**, following a decline on Thursday.
- **Global markets were mixed.** European indexes were mostly lower, with France's CAC-40 down nearly 1 percent and the benchmark Stoxx Europe 600 0.3 percent lower. In Asia, China's Shanghai Composite gained 2.1 percent while Japan's Nikkei rose 0.2 percent. On Wall Street, futures predicted the S&P 500 would rise modestly when trading starts.
- **Oil prices gained slightly** after Saudi Arabia reminded fellow oil producers to abide by production quotas.
- The upsurge in coronavirus cases in Europe has caused **airlines to scale back their schedules** after reopening for service during the summer. The discount carrier **Ryanair** on Friday became the latest airline to blame changing government policies for a pullback in service, as it announced a 20 percent cut in capacity for October. Varying restrictions have left customers hesitant about making travel plans, it said. Ryanair shares fell more than 4 percent.
- In the United States, **more than 790,000 unemployment claims were filed last week**, the Labor Department reported Thursday — a lower number than the week before but still reflecting an extraordinarily high pace of layoffs that exceeds the worst levels of past recessions.

— *Kevin Granville*

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A merger between two Spanish banks will create the country's largest lender.

CaixaBank and **Bankia** agreed late Thursday to merge in a deal that would form Spain's largest bank and end the government's majority control over Bankia, the institution that was at the heart of Spain's financial crisis and 2012 banking bailout.

The all-share agreement was presented as a merger, but CaixaBank, which is based in Barcelona, will account for about two-thirds of the new bank's combined assets, worth 665 billion euros, or \$785 billion. The combined institution, with an expected 20 million customers, will keep the CaixaBank name.

The transaction comes after both banks have reported sharp drops in first-half earnings, at a time of record-low interest rates and as the coronavirus pandemic has plunged Spain into one of the deepest recessions in Europe.

Many analysts expect the continued pressure on banks' margins to force further consolidation in the sector. A merger between CaixaBank and Bankia "could revive moves by other banks to gain scale or strengthen their franchises or business models to remain competitive," Fitch Ratings said in a note to investors earlier this month.

Bankia was formed as a seven-way merger intended to consolidate savings banks, known as *cajas* in Spain, which were crippled by bad loans, a result of the bursting of the country's construction bubble after the onset of the world financial crisis in 2008.

But instead of shoring up Spain's financial sector, Bankia ended up posting the largest banking loss in the country's history and requiring about €22 billion in rescue funding, as part of a European banking bailout that the Spanish government was forced to negotiate in 2012. As a result, the government also took over Bankia, which was then slimmed down to return it to profit.

— *Raphael Minder*

Catch up: Two Goldman workers test positive.

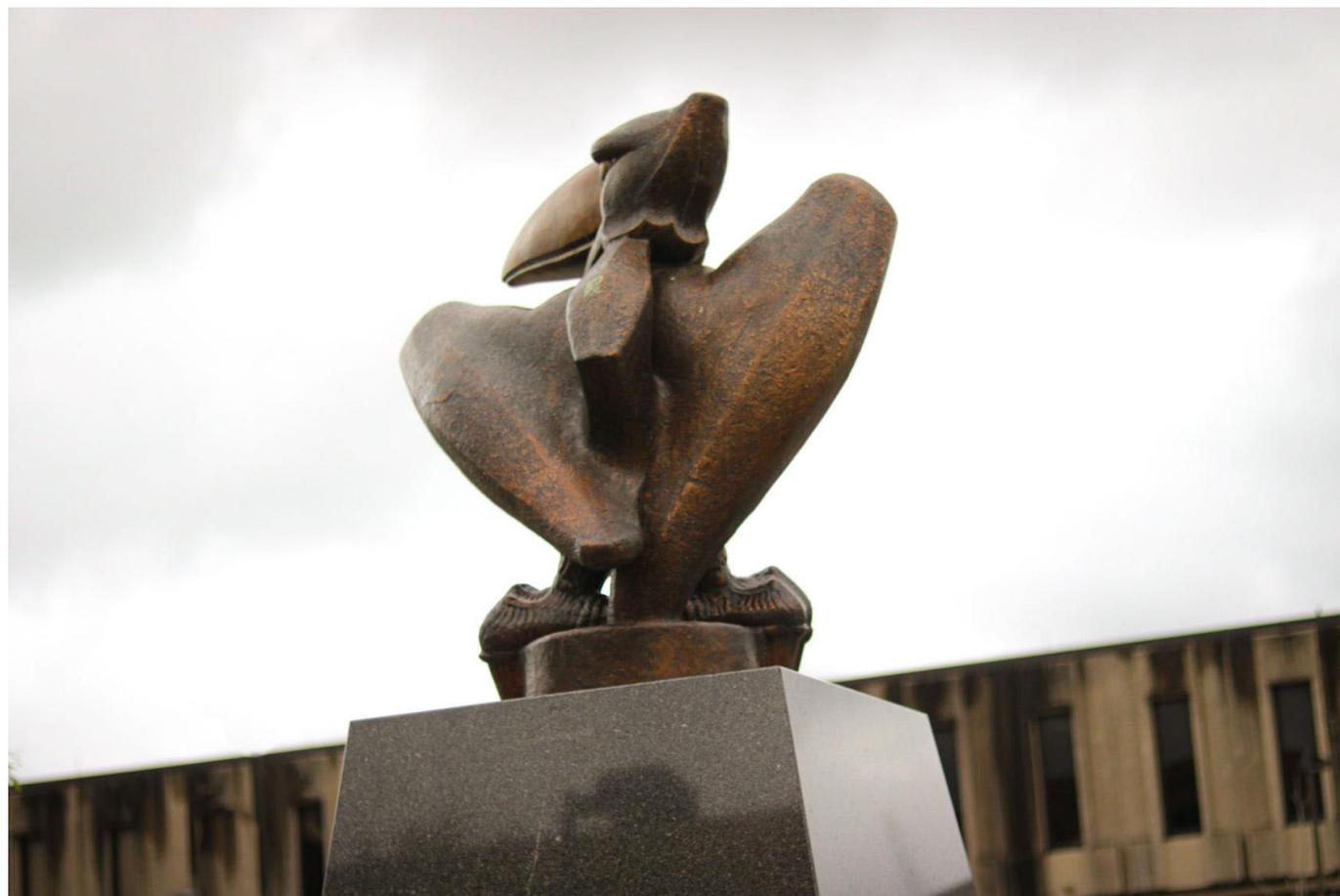
- Two **Goldman Sachs** employees have tested positive for the virus, according to a company official, as more workers have returned to the firm's downtown Manhattan headquarters in recent weeks. One works in one of the firm's revenue producing businesses and the second is employed in its back-office division, known internally as "the federation." The two workers sit on different floors. The cases at Goldman, which company officials believe came from exposure outside the office, come just days after **JPMorgan Chase** sent workers home after they came in contact with a stock-division employee who was confirmed to have the virus.
- **Blue Bell Creameries** must pay \$17.25 million in criminal penalties for shipments of contaminated products linked to a 2015 listeria outbreak, a federal court in Texas declared on Thursday. The fines constitute the largest-ever criminal penalty following a conviction in a food safety case, according to the Department of Justice. Blue Bell pleaded guilty in May to two misdemeanor counts of distributing adulterated ice cream products. Prosecutors in the case charged that the company dispensed products that were manufactured under unsanitary conditions.
- **Walmart**, the nation's largest private employer, said on Thursday that it was raising wages for 165,000 of its workers, as it revamps leadership roles in its stores. The pay increases, which will affect about 11 percent of the company's United States employees, come as Walmart is undergoing a transformation to be a more digitally focused retailer and seeks to reward and retain its more skilled workers. The starting wages for bakery and deli employees will increase to \$15 an hour from \$11 an hour, while pay is also being raised by \$1 an hour for many employees in the company's auto car centers.

EXHIBIT E

https://www.kansan.com/news/ku-owned-computers-campus-wi-fi-will-ban-use-of-wechat/article_0d3326b8-f76b-11ea-bd4c-dbb1fe3ba1be.html

KU-owned computers, campus Wi-Fi will ban use of WeChat

Blake Ullmann | @blake_ullmann & Nicole Dolan | @NikkiDolan279
Sep 15, 2020



The University of Kansas will restrict access to the app WeChat on KU-owned devices and campus networks starting Sept. 20, following an executive order from President Donald Trump.

Sarah Wright/UDK

The University of Kansas will ban WeChat from KU-owned computers and the campus network starting Sept. 20, KU's Information Technology department told students, faculty and staff in an email Tuesday morning.

The ban comes after President Donald Trump issued an [executive order](#) in August that prohibited the use of WeChat by anyone "under the jurisdiction of the United States." The order was issued in response to growing concerns around the Chinese government's management of data gathered within the app.

“KU’s Office of Global Operations & Security, the Office of the General Counsel and KU Information Technology have determined that use of WeChat in KU’s business operations and on its networks will fall within the scope of the executive order’s ban,” Carl Taylor, director of Global Operations & Security, and Mary Walsh, chief information officer of KU IT, wrote in a co-signed email.

A similar executive order banned TikTok, but the effective date of that order was pushed back to Nov. 12. KU will wait before issuing further guidance regarding the use of TikTok, according to the statement.

Many international students use WeChat as a way to keep in contact with people outside the U.S. KU previously used the app as a way to communicate with international students before they arrived in the U.S.

“We understand that many of our international students, faculty and staff rely on WeChat to communicate with family and friends in their home countries and around the world,” Taylor and Walsh wrote. “We stand by to make adjustments to our compliance plan based on issuance of further federal guidance or other legal developments.”

Native to Suzhou, China, Chuling Chen, a sophomore mechanical engineering major, said that WeChat is a part of her daily life and is the only way she communicates with her friends and family back home.

“I use WeChat every single day because it’s pretty much the only way I can contact my family from China, my family friends from China,” Chen said. “So if they ban it, we have to find a different way to contact each other and we are not ready for that at all.”

An alternative app Chen and her friends have thought of is Line, which is another messaging program that can be used via WiFi, but there hasn’t been a significant switch to that platform just yet.

“People who live in China are able to call each other easily, but for us who live in a different country, it’s hard for us to call them directly because the time difference,” Chen said. “Pretty much WeChat is really the only app we use to contact each other.”

EXHIBIT F

The storm struck the Gulf Coast on

BUSINESS NEWS SEPTEMBER 18, 2020 / 4:34 AM / UPDATED 38

Trump to block U.S. downloads of TikTok, WeChat on Sunday

By David Shepardson, Echo Wang, Alexandra Alper

7 MIN READ



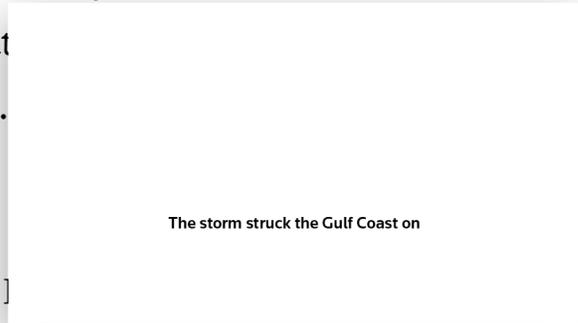
WASHINGTON (Reuters) - The Trump administration will ban WeChat and video-sharing app TikTok from U.S. app stores starting Sunday night, a move that will block Americans from downloading the Chinese-owned platforms over concerns they pose a national security threat.

The bans, announced on Friday, affect only new downloads and updates and are less sweeping than expected, particularly for TikTok, giving its parent group ByteDance some breathing space to clinch an agreement over the fate of its U.S. operations.

WeChat, an all-in-one messaging, social media and electronic payment app, faces more severe restrictions from Sunday. Existing TikTok users, on the other hand, will see little change until Nov. 12 when a ban on some technical transactions will kick in, which TikTok said would amount to an effective ban.

“We disagree with the decision from the Commerce Department and are dis... Join us on Reddit: A glaciologist answers your questions on climate change an use of the TikTok app in the U.S. from Nov. 12,” the company said in a

statement. “We will continue to challenge the unjust executive order, which was enacted without due process and threaten the livelihoods of millions of people and small businesses across the U.S. We will continue to fight for their voice and livelihoods.”



Commerce Secretary Wilbur Ross told Fox News Sunday that the TikTok ban will stay intact until Nov. 12.”

The ban on new U.S. downloads of the widely popular app could still be rescinded by President Donald Trump before it takes effect if ByteDance seals a deal with Oracle that addresses concerns about the security of its users’ data.

“This is the right move - ratchet up the pressure on Beijing, protect Americans,” said Republican Senator Josh Hawley on Twitter.

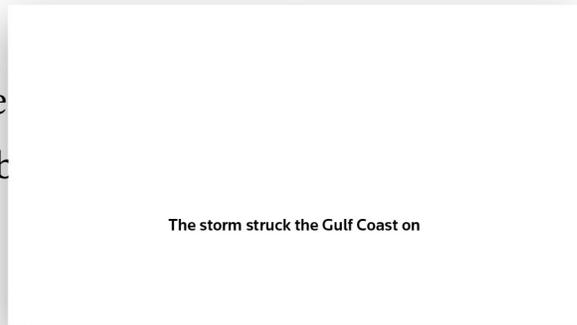
The Trump administration has ramped up efforts to purge “untrusted” Chinese apps from U.S. digital networks amid escalating tensions with Beijing on a range of issues from trade and human rights to the battle for tech supremacy.

The ban on WeChat, used by over 1 billion people worldwide, bars the transfer of funds or processing of payments to or from people in the United States through it. Users could also start to experience slower service from Sunday night.

The Commerce Department order bars Apple Inc’s app store, Alphabet Inc’s Google Play, and Amazon’s Appstore. The order also bars the use of the apps’ services. Join us on Reddit: A glaciologist answers your questions on climate change reactions.

Reuters.

While the bans are less dramatic than some officials said additional transactions could be



Slideshow (4 images)

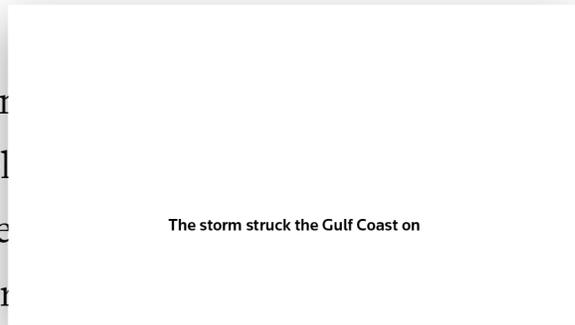
Oracle shares were down 0.3% after initially dropping 1.6% in pre-market trading.

The American Civil Liberties Union said the Commerce order “violates the First Amendment rights of people in the United States by restricting their ability to communicate and conduct important transactions on the two social media platforms.”

It a [Join us on Reddit: A glaciologist answers your questions on climate change](#) ok
and WeChat users in the United States by blocking software updates, which

can fix vulnerabilities and make the apps more secure.”

The order does not ban U.S. companies from operating outside the United States, which will be well served by Walmart and Starbucks that use WeChat’s e-commerce to facilitate transactions and engage consumers.



The order will not bar transactions with WeChat-owner Tencent Holdings’ other businesses, including its online gaming operations, and will not prohibit Apple, Google or others from offering TikTok or WeChat apps anywhere outside the United States.

The bans are in response to a pair of executive orders issued by Trump on Aug. 6 that gave the Commerce Department 45 days to determine what transactions to block from the apps he deemed pose a national security threat. That deadline expires on Sunday.

Commerce Department officials said they were taking the extraordinary step because of the risks the apps’ data collection poses. China and the companies have denied U.S. user data is collected for spying.

Ross said in a written statement “we have taken significant action to combat China’s malicious collection of American citizens’ personal data, while promoting our national values, democratic rules-based norms, and aggressive enforcement of U.S. laws and regulations.”

Apple and Google did not immediately respond to requests for comment.

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POPULAR APPS

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States, analytics firms Apptopia said in
early August. It is popular among
Chinese students, ex-pats and some

Slideshow (4 images)

Americans who have personal or business relationships in China.

The Commerce Department will not seek to compel people in the United States to remove the apps or stop using them. “We are aiming at a top corporate level. We’re not going to go out after the individual users,” one Commerce official said.

Over time, officials said, the lack of updates will degrade the apps usability.

“The expectation is that people will find alternative ways to do these actions,” a senior official said. “We expect the market to act and there will be more secure apps that will fill in these gaps that Americans can trust and that the United States government won’t have to take similar actions against.”

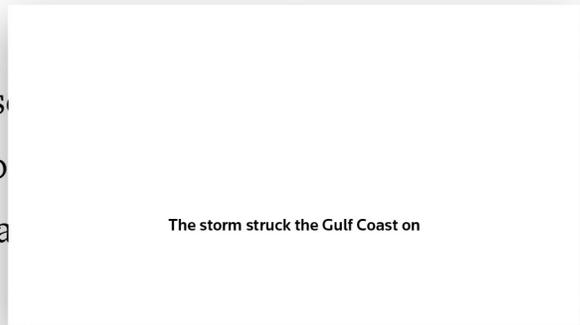
Commerce is also barring additional technical transactions with WeChat starting Sunday that will significantly reduce the usability and functionality of the app in the United States.

The
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transit or peering services.

“What immediately is going to happen is us...
lack of functionality,” a senior Commerce o...
may still be usable but it is not going to be a



Commerce will bar the same set of technical transactions for TikTok, but that
will not take effect until Nov. 12.

Commerce will not penalize people who use TikTok or WeChat in the United
States.

The order does not bar data storage within the United States for WeChat or
TikTok.

Some Americans may find workarounds. There is nothing that would bar an
American from traveling to a foreign country and downloading either app, or
potentially using a virtual private network and a desktop client, officials
conceded.

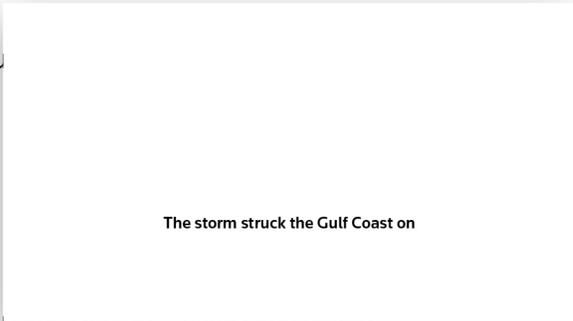
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EXHIBIT G



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Trump to block downloads of TikTok, WeChat on Sunday

PUBLISHED FRI, SEP 18 2020 7:35 AM EDT | UPDATED 33 MIN AGO



Steve Kovach
@STEVEKOVACH

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KEY POINTS

The Commerce Department announced it will ban U.S. business transactions with China-owned social apps WeChat and TikTok on Sunday.

The announcement sets up two different time frames for WeChat and TikTok, with a full ban on WeChat going into effect Sunday along with a ban on updates and maintenance to the TikTok app.

TikTok has a Nov. 12 deadline before companies are banned from providing cloud and internet services for the app, which could give Oracle more time to hammer out its offer for TikTok to satisfy President Trump.



VIDEO 03:47

Trump to block U.S. downloads of TikTok and WeChat on Sunday



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The Commerce Department [announced Friday morning](#) that it will ban U.S. business transactions with Chinese-owned social apps WeChat and TikTok on Sunday.

The announcement comes ahead of an expected statement Friday by President Donald Trump on whether or not the government will approve a deal for [Oracle](#) to take a minority stake in TikTok and [become a “trusted technology partner” for the company in the U.S.](#) The White House announced a press conference with Trump will be held at 2 p.m. Eastern on Friday.

The Commerce Department’s announcements leaves room for a deal to go through before the Sunday deadline, and it could be an aggressive move from the Trump administration to push for its [original intention to force TikTok to become fully owned by a U.S. company.](#)

“At the President’s direction, we have taken significant action



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democratic rules-based norms, and aggressive enforcement of U.S. laws and regulations.” Commerce Secretary Wilbur Ross said in the announcement.

The department’s move is an enforcement of [Trump’s original executive order from Aug. 6](#) that gave TikTok 45 days to sell its U.S. business to an American company or face a ban in this country. The end of the 45-day period is Sunday. WeChat, one of the world’s most popular social messaging apps, is owned by the Chinese company [Tencent](#). TikTok’s parent company is Beijing-based ByteDance. Trump’s executive order cited national security concerns over the Chinese government’s access to user data in those apps to justify the potential ban.

The Commerce statement said that starting Sunday, U.S. companies will be banned from distributing WeChat and TikTok, meaning the two major mobile app stores run by [Apple](#) and [Google](#) will have to remove the apps from their libraries. The statement also blocks U.S. companies from providing services through WeChat “for the purpose of transferring funds or processing payments within the U.S.”

But the announcement also lays out a separate time frame specific to TikTok, giving it until Nov. 12 to resolve the U.S. national security concerns. The rules that start Nov. 12 include provisions that block U.S. companies from providing internet hosting and services for TikTok. This could be directed at the deal being negotiated between TikTok and Oracle, which would provide cloud services for TikTok if Trump approves, and could give TikTok and Oracle more time to hammer out a deal that will satisfy the president.



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TikTok will still function, but users will not be able to upgrade the app.

“It’s not doing the same thing to TikTok as to WeChat,” Ross told Fox. “As to TikTok, it’s just upgrades, maintenance things like that, that would be shut down at this stage. The real shutdown would come after Nov. 12 in the event that there is not another transaction. So it’s very different how the way the two are being handled.”

Commerce Department officials who spoke with reporters on the condition of anonymity Friday slightly contradicted Ross’ statements on Fox Business and said neither TikTok nor WeChat will be available to download as of midnight Sunday.

The officials also said that WeChat may continue to function for users who have it installed on their devices, but there may be problems since WeChat uses services run by U.S. companies to deliver data in the app. The officials said TikTok will still function after Sunday if you already have it on your device, but it will cease to function after the Nov. 12 deadline unless a deal is reached before then or Trump rescinds his executive order.

WeChat is a popular marketing and sales tool for U.S. companies primarily in China, but around the world as well. With U.S. social apps like [Facebook](#) and Instagram banned in China, WeChat is the primary app people use for social networking and e-commerce. It’s also popular with [people in the U.S. to communicate with people in China](#), since U.S. apps are banned in China.

TikTok’s Nov. 12 deadline is more than a week after the Nov. 3

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they cast their votes. In an interview posted on Snapchat last month, Trump confidant Sen. Lindsay Graham, R-S.C., said he urged the president not to ban TikTok.

In an emailed statement, TikTok said it had already made numerous concessions to address security concerns raised by the Trump Administration, including choosing a U.S. company to host its data and services.

Here's the full statement from TikTok:

We disagree with the decision from the Commerce Department, and are disappointed that it stands to block new app downloads from Sunday and ban use of the TikTok app in the US from November 12. Our community of 100 million U.S. users love TikTok because it's a home for entertainment, self-expression, and connection, and we're committed to protecting their privacy and safety as we continue working to bring joy to families and meaningful careers to those who create on our platform.

In our proposal to the U.S. Administration, we've already committed to unprecedented levels of additional transparency and accountability well beyond what other apps are willing to do, including third-party audits, verification of code security, and U.S. government oversight of U.S. data security. Further, an American technology provider would be responsible for maintaining and operating the TikTok network in the U.S., which would include all services and data serving US consumers. We will continue to challenge the unjust executive order, which was enacted without due process and threatens to deprive the American people and small



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Representatives for Tencent, Apple and Google were not immediately available to comment.

TikTok's interim boss Vanessa Pappas, in a reply to Instagram CEO Adam Mosseri, called on Facebook to [join its lawsuit against the U.S.](#), which claims the company wasn't allowed due process ahead of a ban. Mosseri told CNBC last week that a TikTok ban [would be bad for Instagram and Facebook](#), since it would lead to a country-by-country regulation of the internet.

How the TikTok deal changed

Since Trump's Aug. 6 order, there has been a mad dash to complete a deal to sell TikTok's businesses in the U.S., Australia and New Zealand to a U.S. company before the Sept. 20 deadline. [Microsoft](#) was widely believed to be the top contender and eventually partnered with [Walmart](#) on its bid. Oracle was also a top bidder and Google along with [SoftBank](#) considered a bid along with Walmart, [CNBC previously reported](#).

But just [days before TikTok intended to announce it had selected a buyer](#), China updated its technology export rules to include artificial intelligence algorithms like TikTok uses. That meant that ByteDance would need a license from China before it could sell TikTok to a U.S. company.

Since then, deal negotiations evolved from a full sale of TikTok's U.S. business to selling a minority stake in the



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potential deal, and Oracle confirmed on Monday that its offer would make it a “trusted technology partner” for TikTok.

According to people familiar with the situation, Walmart has joined Oracle’s bid. Oracle would get less than a 20% stake in the company based on its current bid. TikTok has indicated that it would also [go public on U.S. markets](#) in about a year, although that’s not part of the formal deal, according to sources familiar with the matter.

TRENDING NOW



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Trump to block downloads of TikTok, WeChat on Sunday

--CNBC’s Alex Sherman and Amanda Macias contributed to this



2

Bill Gates on the difference between Elon Musk and Steve Jobs



3

‘Pandemic fatigue’ leads to resurgence of coronavirus in Europe where France and Spain hit records



4

Chime is now worth \$14.5 billion, surging past Robinhood as the most valuable U.S. consumer fintech



5

‘I think it’s time to start putting cash to work,’ Jim Cramer says



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Trump moves to shut down WeChat in the US. But TikTok will live until after the election.

Both companies have Chinese owners. One of them has support from Trump-backers.

By **Peter Kafka** | Sep 18, 2020, 10:47am EDT



President Donald Trump speaks at a White House press conference on September 16. | Mandel Ngan/AFP via Getty Images

The Trump administration says it will effectively cripple WeChat, the mobile chat/payment service popular with millions of Chinese Americans, on Sunday.

And the administration says it will do the same thing to TikTok, the mobile video service popular with tens of millions of Americans — but only after the November election.

Friday's news combines several different strands of politics, policy, and realpolitik: legitimate concerns about China's ability to exert influence in the US via consumer technology; American electoral politics; and links between US tech executives and investors with the White House.

But the top line is straightforward: The Trump administration is getting tough with China by moving to shut down one important Chinese-owned app in the US — while keeping another important Chinese-owned app, with ties to Trump supporters, running through the fall.

Department of Commerce Secretary Wilbur Ross announced the moves in a press release Friday morning, and then stated it more explicitly in an interview with Fox Business News: “For all practical purposes [WeChat] will be shut down in the US, but only in the US, as of midnight Monday.”

TikTok, meanwhile, would be allowed to keep operating in the US through November 12, so existing users of the app aren't likely to be affected. But Trump's announcement is meant to force Apple and Google to remove TikTok from their app stores — which means the service would not be able to add new users — and to prevent TikTok from updating the app for existing users.

Both WeChat and TikTok are owned (for now) by Chinese companies, and both services have enormous footprints in the US. WeChat, owned by Tencent, combines chat, e-commerce, games, and other services; it's a crucial app within China, and an estimated 19 million people use it in America to keep in touch with each other, and with people in China.

TikTok, owned by ByteDance, is a wildly popular video app with 100 million users in the US.

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Trump and some China hawks have focused on both companies over the summer, citing national security issues. But other China-watchers who aren't Republicans have also said that WeChat and TikTok's ties to the Chinese government pose real threats to American security; they also note that China has effectively banned many (but not all) big US technology companies from doing business in the country.

But the way the Trump administration is treating the two apps makes it clear that national security isn't the only factor here.

WeChat, its owners, and its users don't have any real ties to the White House. But TikTok's owner ByteDance is trying to do a deal with Oracle, the US database company whose executives have supported Trump (Oracle founder Larry Ellison has held a fundraiser for Trump; Oracle CEO Safra Catz was part of Trump's transition team). And ByteDance investor Doug Leone is also a Trump supporter.

And while some members of TikTok's youthful user base are not Trump fans (some of them claim they helped tank Trump's rally in Tulsa, Oklahoma, this summer by generating false sign-ups for the event), TikTok is hugely popular in the US, which means some of its users (or their parents) are Trump fans.

It's unclear how much attention Trump is paying to any of this — earlier this summer, he announced that the federal government would demand a cut of a proposed sale of TikTok's US operations; this week he conceded that the demand was illegal. He also announced this week that Microsoft, which had been in the running to buy TikTok's US operations until days ago, might still be working on a deal; reporters including Axios's Dan Primack say that isn't so.

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TikTok, WeChat downloads will be barred from US starting Sunday

The Trump administration's decision comes after weeks of drama over a potential acquisition of TikTok by a US company.



Ian Sherr, Alfred Ng, Carrie Mihalcik
Sept. 18, 2020 8:36 a.m. PT



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Angela Lang/CNET

ByteDance's TikTok and Tencent's WeChat apps will be barred from US app stores starting Sunday, the Trump administration said Friday, capping weeks of speculation and efforts by US and Chinese authorities to come to an agreement that would allow the apps to continue operating.

The new actions are part of President Donald Trump's campaign to protect American consumers and businesses from "the threats of the Chinese Communist Party," US Commerce Secretary Wilbur Ross said in a statement. "At the president's direction, we have taken significant action to combat China's malicious collection of American citizens'

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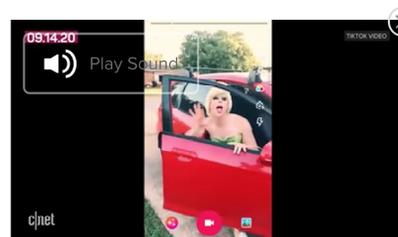
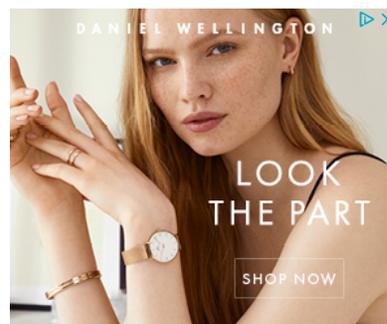
The announcement follows a call from Trump for ByteDance to sell TikTok or risk being banned in the US. The administration is reviewing a deal between Oracle and ByteDance that would make the US company the "trusted technology provider" in the US for TikTok and that's designed to address national security concerns.

TikTok and WeChat are both widely used around the world. TikTok, popular among teens, is a social networking app that lets users post short videos, often set to music. WeChat combines messaging, social media and mobile payment functions.

Friday's decision means TikTok and WeChat won't be available to download from places like Apple's App Store and the Google Play store starting Sunday. People who already have the apps won't be able to download updates after that point. While WeChat will largely stop working in the US after Sunday, TikTok will continue to work until Nov. 12 -- giving the company a window to potentially reach a deal to keep operating in the US.

TikTok expressed dismay about the government's decision Friday, noting the efforts it's made to try to work things out.

"In our proposal to the US administration, we've already committed to unprecedented levels of additional transparency and accountability well beyond what other apps are willing to do, including third-party audits, verification of code security, and US government oversight of US data security," a TikTok spokesperson said in an email. "Further, an American technology provider would be responsible for maintaining and operating the TikTok network in the US, which would include all services and data serving US consumers."



TikTok's future in the US has been in limbo since early this summer after Trump targeted the app over concerns that its Chinese parent company, ByteDance, could be forced to give data about American users to the

Chinese government. ByteDance says it keeps user data in the US with a backup in Singapore. The company has said it wouldn't give data to the Chinese government if asked.

Trump also signed an executive order on Aug. 6 banning US transactions on WeChat, calling the messaging app owned by Chinese giant Tencent a "significant" threat to national security.

The Chinese embassy on Friday pointed to a statement made by the country's foreign ministry earlier in the week that US politicians are using "the pretext of national security to suppress and coerce non-American companies." China, the statement said, "will firmly support the pertinent companies in safeguarding their legitimate rights and interests and uphold international economic and trade rules."

'The Chinese government's intent'

In a press briefing on Friday, senior Commerce Department officials declined to provide any examples of TikTok or WeChat being used to spy on Americans, or cases where the companies gave data on US citizens to the Chinese government.

Officials pointed to how WeChat and TikTok's Chinese counterpart Douyin have been used for government surveillance at home, and argued that the same would be done in the US.

"Whether we have any evidence, domestically, of these particular apps taking data is missing the point," a senior Commerce official said. "We know what they're using these apps for overseas, we know what the Chinese government's intent is here in the United States."

Ross on Friday said the threats posed by WeChat and TikTok are similar but not identical, adding that they both represent "unacceptable risks to our national security." He said the prohibitions announced on Friday will protect US users by eliminating access to the apps and significantly reducing their functionality.

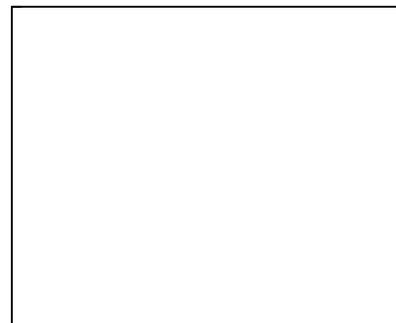
Starting Sunday, the Commerce Department is prohibiting "any provision of service to distribute or maintain the WeChat or TikTok mobile applications, constituent code, or application updates through an online mobile application store in the US" as well as "any provision of services through the WeChat mobile application for the purpose of transferring funds or processing payments within the US."

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The TikTok saga: Everything you need to know

Trump administration reportedly looking at Tencent's investments after scrutinizing TikTok

Additional prohibitions will kick in on Sunday for WeChat and on Nov. 12 for TikTok, including prohibiting "internet hosting services enabling the functioning or optimization" of the apps and prohibiting using the mobile apps' "constituent code, functions, or services in the functioning of



Microsoft's TikTok bid

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software or services developed and/or accessible within the US," according to the Commerce Department.

That means that the services will not be able to host data or use servers in the US to make the apps run smoothly for American users, for example.

Third-party services that have the same functionality as WeChat but under a different name will also not be allowed, the Commerce Department said.

That same service cut-off won't happen until November for TikTok because of the Trump administration's executive order on Aug. 14, which gives 90 days for ByteDance to sell TikTok to an American company. The Commerce Department said it could have taken more actions against TikTok, but didn't want to disrupt ongoing negotiations between the company and interested buyers.

TikTok and security updates

The lack of updates for TikTok over the next two months raises a security concern, since its millions of users in the US will no longer be able to get security patches. TikTok has patched multiple security vulnerabilities discovered on its app in the last year.

The Commerce Department defended its actions and said that the apps were not secured to begin with because of their alleged connections to the Chinese government.

"The argument that we're eroding security because we're not allowing an untrusted entity to push so-called security updates to apps which are already untrusted on its face kind of falls flat," a Commerce official said. "These apps need to stop being used in the United States and to the extent that we can stop them from getting used, we are taking that action through these prohibitions."

Tencent didn't respond to a request for comment, nor did Apple or Google.

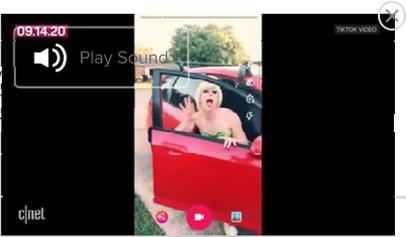
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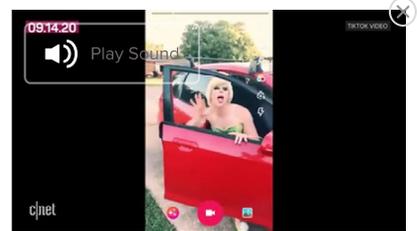
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