

Federal Acquisition Regulation
Federal Acquisition Circular 2023-04 Summary of Rules
FAC 2023-04

<u>Item</u>	<u>Subject</u>	<u>FAR Case</u>
I	Prohibition on a ByteDance Covered Application	2023-010

Item I — Prohibition on a ByteDance Covered Application (FAR Case 2023-010)

This interim rule amends the FAR to implement the statutory prohibition on having or using the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited (“covered application”). This rule implements section 102 of Division R of the Consolidated Appropriations Act, 2023 (Pub. L. 117–328), the No TikTok on Government Devices Act, and its implementing guidance under Office of Management and Budget Memorandum M–23–13, “No TikTok on Government Devices” Implementation Guidance.

The rule prohibits the presence or use of a covered application on information technology, including certain equipment used by Federal contractors. This prohibition applies to devices regardless of whether the device is owned by the Government, the contractor, or the contractor’s employees (*e.g.*, employee-owned devices that are used as part of an employer bring your own device (BYOD) program). A personally-owned cell phone that is not used in the performance of the contract is not subject to the prohibition.

This rule applies to all contracts, including contracts at or below the simplified acquisition threshold, contracts for commercial products (including commercially available off-the-shelf items), and for commercial services. This interim rule is being implemented as a national security measure to protect Government information and information and communication technology systems. The rule is immediately effective.