Subpart 4.22 Prohibition on a ByteDance Covered Application.

Parent topic: Part 4 - Administrative and Information Matters

4.2201 Definitions.

As used in this subpart—

Covered application means the social networking service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited.

Information technology, as defined in 40 U.S.C. 11101(6)—

(1)Means any equipment or interconnected system or subsystem of equipment, used in the automatic *acquisition*, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the *executive agency*, if the equipment is used by the *executive agency* directly or is used by a contractor under a contract with the *executive agency* that requires the use—

(i)Of that equipment; or

(ii)Of that equipment to a significant extent in the performance of a service or the furnishing of a product;

(2)Includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software, firmware and similar procedures, services (including support services), and related resources; but

(3)Does not include any equipment acquired by a Federal contractor incidental to a Federal contract.

4.2202 Prohibition.

(a) 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 (OMB) Memorandum M-23-13, dated February 27, 2023, “No TikTok on Government Devices” Implementation Guidance, collectively prohibit the presence or use of a *covered application* on *information technology*, including certain equipment used by Federal contractors.

(b) This prohibition applies to the presence or use of a *covered application* on any *information technology* owned or managed by the Government, or on any *information technology* used or provided by the contractor under a contract, including equipment provided by the contractor’s employees, unless an exception is granted in accordance with OMB Memorandum M-23-13.

4.2203 Contract clause.

The *contracting officer shall* insert the clause at 52.204-27, Prohibition on a ByteDance *Covered Application*, in all *solicitations* and contracts, unless an exception is granted in accordance with OMB Memorandum M-23-13.