

118TH CONGRESS
1ST SESSION

S. 85

To impose sanctions with respect to TikTok, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2023

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To impose sanctions with respect to TikTok, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No TikTok on United
5 States Devices Act”.

6 **SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO**
7 **TIKTOK.**

8 (a) **BLOCKING OF PROPERTY.**—On and after the date
9 that is 30 days after the date of the enactment of this
10 Act, the President shall exercise all the powers granted
11 to the President under the International Emergency Eco-

1 nomic Powers Act (50 U.S.C. 1701 et. seq.) to the extent
2 necessary to block and prohibit all transactions in all prop-
3 erty and interests in property of a covered company if such
4 property and interests in property—

5 (1) are in the United States or come within the
6 United States; or

7 (2) to the extent necessary to prevent commer-
8 cial operation of the covered company in the United
9 States, are or come within the possession or control
10 of a United States person.

11 (b) INAPPLICABILITY OF NATIONAL EMERGENCY RE-
12 QUIREMENT.—The requirements of section 202 of the
13 International Emergency Economic Powers Act (50
14 U.S.C. 1701) shall not apply for purposes of this section.

15 (c) IMPLEMENTATION.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), the President may exercise all authorities
18 provided under sections 203 and 205 of the Inter-
19 national Emergency Economic Powers Act (50
20 U.S.C. 1702 and 1704) to carry out this section.

21 (2) EXCEPTIONS.—The exceptions under sub-
22 section (b) of section 203 of the International Emer-
23 gency Economic Powers Act (50 U.S.C. 1702) shall
24 not apply to the use by the President in carrying out

1 this section of the authorities under such section
2 203.

3 (d) PENALTIES.—A person that violates, attempts to
4 violate, conspires to violate, or causes a violation of this
5 section or any regulation, license, or order issued to carry
6 out this section shall be subject to the penalties set forth
7 in subsections (b) and (c) of section 206 of the Inter-
8 national Emergency Economic Powers Act (50 U.S.C.
9 1705) to the same extent as a person that commits an
10 unlawful act described in subsection (a) of that section.

11 (e) NATIONAL SECURITY AND RESEARCH EXCEP-
12 TIONS.—Sanctions under this section shall not apply with
13 respect to law enforcement activities, national security in-
14 terests and activities, and security research activities, as
15 provided under the standards and guidelines developed by
16 the Director of the Office of Management and Budget
17 under section 102(b)(1) of the No TikTok on Government
18 Devices Act (division R of Public Law 117–328).

19 (f) COVERED COMPANY DEFINED.—In this section,
20 the term “covered company” means—

21 (1) ByteDance Limited, or any successor entity
22 to ByteDance Limited, if ByteDance Limited or the
23 successor entity—

1 (A) is involved in matters relating to the
2 social networking service TikTok, or any suc-
3 cessor service; or

4 (B) is involved in matters relating to any
5 information, videos, or data associated with
6 such service; or

7 (2) any entity owned by ByteDance Limited or
8 the successor entity that—

9 (A) is involved in matters relating to the
10 social networking service TikTok, or any suc-
11 cessor service; or

12 (B) is involved in matters relating to any
13 information, videos, or data associated with
14 such service.

15 **SEC. 3. REPORT ON THREATS TO NATIONAL SECURITY**
16 **POSED BY TIKTOK.**

17 (a) IN GENERAL.—Not later than 120 days after the
18 date of the enactment of this Act, the Director of National
19 Intelligence, in consultation with the Secretary of Defense,
20 the Director of the Cybersecurity and Infrastructure Secu-
21 rity Agency, the Secretary of Homeland Security, and the
22 Director of the Federal Bureau of Investigation, shall sub-
23 mit to Congress a report on the threats to national secu-
24 rity posed by TikTok, including the following:

1 (1) The ability of the Government of the Peo-
2 ple’s Republic of China to access, directly or indi-
3 rectly, data of users in the United States via
4 TikTok.

5 (2) The ability of the Government of the Peo-
6 ple’s Republic of China to use data of users in the
7 United States, including that of members of the
8 Armed Forces, accessed via TikTok for intelligence
9 or military purposes, including surveillance, micro-
10 targeting, deepfakes, or blackmail.

11 (3) Any ongoing efforts by the Government of
12 the People’s Republic of China to monitor or manip-
13 ulate United States persons using data accessed via
14 TikTok, including a detailed account of any data
15 employed for those purposes.

16 (b) FORM.—The report required by subsection (a)
17 shall be submitted in unclassified form, but may contain
18 a classified annex.

19 **SEC. 4. BRIEFING.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Director of National Intelligence
22 shall provide to Congress a classified briefing on the imple-
23 mentation of this Act, which shall include a briefing on
24 the report required by section 3(a).

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