



Press Release

TikTok, On the Clock

PAULINA ENCK | MAY 16, 2024

TikTok and its parent company ByteDance recently filed a petition for review challenging the constitutionality of the recently passed Protecting Americans from Foreign Adversary Controlled Applications Act (the Act), which requires the divestiture of applications controlled by a foreign adversary within 270 days of enactment. In a new insight, Director of Technology and Innovation Policy Jeffrey Westling outlines the legal challenges in TikTok's petition and lays out likely responses from the federal government as the Biden Administration defends the Act in court.

Key points:

- The Act, which President Biden signed in April 2024, requires the divestiture of applications controlled by a foreign adversary, though it also specifically designates any applications controlled by both TikTok and ByteDance as foreign adversary-controlled applications.
- TikTok challenges the law primarily on First Amendment grounds, arguing that it unconstitutionally burdens the speech of both TikTok and its users.
- It further argues that the Act unconstitutionally punishes TikTok for past actions through legislation, unequally targets TikTok and no other applications, and takes ByteDance's property without just compensation.

[Read the analysis](#)