

United States Senate

December 19, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States of America
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Biden,

We write to urge your Administration to provide ByteDance with a 90-day extension to either sell TikTok or face a ban in the United States, as authorized by the Protecting Americans' Data from Foreign Adversaries Act.¹ Under the law, the divest-or-ban deadline is January 19, 2025, one day before a new administration takes office.² Additionally, on January 10, the U.S. Supreme Court has scheduled oral arguments to consider whether the law violates the First Amendment. The stakes here are high: As a practical matter, even if the Court rules that the law is constitutional by the January deadline, ByteDance cannot divest TikTok in that limited time.³ Consequently, absent a judicial injunction, decision overturning the law, or action by you, TikTok will soon be banned in the United States, causing its creators and users serious hardship.

Given the law's uncertain future and its consequences for free expression, we urge you to trigger the 90-day extension before January 19.

Thank you for your attention to this important issue.

Sincerely,



Edward J. Markey
United States Senator



Rand Paul
United States Senator

¹ Protecting Americans' Data from Foreign Adversaries Act of 2024, 15 U.S.C. § 9901 (note).

² Karissa Waddick, *Will TikTok be banned? Donald Trump says he has a 'warm spot' for app as it faces January deadline*, USA Today (Dec. 16, 2024), <https://www.usatoday.com/story/news/politics/elections/2024/12/16/trump-tiktok-ban-2025/77025686007/>.

³ In fact, even if ByteDance had begun the process to divest TikTok on the day of the law's passage, the company would almost certainly have been unable to complete the divestment by the January deadline. See Drew Harwell & Eva Dou, *House TikTok bill gives ByteDance 6 months to sell. That's unlikely.*, Wash. Post (March 17, 2024), <https://www.washingtonpost.com/technology/2024/03/17/tiktok-sale-ban-challenges/>.