**Is the US really preparing to ban TikTok?**

A bill passed Wednesday by **the House** requiring TikTok owner ByteDance to sell or face a US ban is most **existential** threat yet

The [**House of Representatives**](https://www.theguardian.com/us-news/house-of-representatives)passed a bill Wednesday that would require TikTok owner ByteDance to sell the social media platform or face a total ban in the United States.

The **legislation** now moves to **the Senate**, where **its likelihood of passing** is uncertain. But with **a landslide of support** in the House – 352 Congress members voted in favor of the bill and only 65 voted against – it’s clear that [TikTok](https://www.theguardian.com/technology/tiktok) is facing its biggest existential threat yet in the US.

The bill that passed in the House on Wednesday is **the latest salvo** in an ongoing **political battle** over the platform, which [**exploded**](https://www.theguardian.com/technology/2022/oct/22/tiktok-history-rise-algorithm-misinformation)**in popularity** after its emergence in 2017. It quickly [**surpassed**](https://techcrunch.com/2018/11/02/tiktok-surpassed-facebook-instagram-snapchat-youtube-in-downloads-last-month/) Facebook, Instagram, Snapchat and YouTube in downloads in 2018 and reported a 45% increase in monthly active users between July 2020 and July 2022.

**The platform’s meteoric rise** alarmed some **lawmakers**, who believe that TikTok’s **China-based parent company** could collect sensitive user data and **censor** content that goes against the Chinese government.

TikTok has repeatedly **stated** it has not and would not share US user data with the Chinese government, but lawmakers’ concerns were **exacerbated** by news investigations that showed China-based employees at ByteDance had [accessed](https://www.theguardian.com/technology/2022/nov/07/tiktoks-china-bytedance-data-concerns) **nonpublic data** about US TikTok users.

TikTok has argued that US user data is not held in China but in Singapore and in the US, where it is **routed** through **cloud infrastructure** operated by Oracle, an American company. In 2023, TikTok opened a data center in Ireland where it[**handles**](https://www.datacenterdynamics.com/en/news/tiktok-opens-data-center-in-dublin-ireland/) EU citizen data.

These measures have not been sufficient for many US lawmakers, and in March 2023 the TikTok CEO Shou Zi Chew was [called](https://www.theguardian.com/technology/2023/mar/23/tiktok-shou-zi-chew-congress) before Congress, where he faced more than five hours of **intensive questioning** about these and other practices. Lawmakers asked Chew about his own **nationality**, accusing him of **fealty** to China. He is, in fact, Singaporean.

Various efforts to police TikTok and how it **engages with** US user data have been floated in Congress in the past year, **culminating** in the bill passed on Wednesday.

Under the new bill, ByteDance would have 165 days to **divest** from TikTok, meaning it would have to sell the social media platform to a company not based in China. If it did not, app stores including the Apple App Store and Google Play would be legally barred from **hosting TikTok** or providing **web-hosting services** to ByteDance-controlled applications.

Authors of the bill have argued it does not **constitute a ban**, as it gives ByteDance the opportunity to sell TikTok and avoid being blocked in the US.

“TikTok could live on and people could do whatever they want on it provided there is that separation,” said Representative Mike Gallagher, **the Republican chair** of the House select China committee. “It is not a ban – think of this as a surgery designed to remove the **tumor** and thereby save the patient in the process.”

TikTok has argued otherwise, stating that it is not clear whether China would **approve a sale** or that it could even complete a sale within six months.

“This legislation has **a predetermined outcome**: a total ban of TikTok in the United States,” the company said after the committee vote. “The government is attempting to **strip 170 million** Americans of their **constitutional right** to free expression. This will damage millions of businesses, **deny** artists an audience, and **destroy the livelihoods of countless creators** across the country.”

## ****How did we get here?****

TikTok has faced a number of bans and attempted bans in recent years, starting with **an executive order** by Donald Trump in 2020, which was ultimately blocked by **courts** on **first amendment grounds**. Trump has since [**reversed**](https://www.nbcnews.com/politics/congress/trumps-newfound-opposition-tiktok-ban-isnt-swaying-republicans-rcna142796)**his stance**, now opposing a ban on TikTok. Joe Biden, by contrast, has said he will **sign the bill** if it reaches his desk.

Montana attempted to **impose a statewide ban** on the app in 2023, but the law **was struck down** by **a federal judge** over first amendment **violations**. The app was [banned](https://www.theguardian.com/technology/2022/dec/30/explainer-us-congress-tiktok-ban) on government-issued phones in the US in 2022, and as of 2023 at least 34 states have also banned TikTok from government devices. At least 50 universities in the US have banned TikTok from on-campus wifi and university-owned computers.

TikTok was banned in India in 2020 after a wave of dangerous “challenges” led to the deaths of some users. The ban had **a marked effect** on competition in India, **handing a significant market** to YouTube’s Shorts and Instagram Reels, direct competitors of TikTok. The app is not available in China itself, where Douyin, **a separate app** from parent company ByteDance with **firmer moderation**, is widely used.

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How would a ban on TikTok be **enforced**?

Due to **the decentralized nature of the internet**, enforcing a ban would be complex. The bill passed by the House would **penalize** app stores daily for making TikTok available for download, but for users who already have the app on their phones, it would be difficult to stop individual use.

Internet service providers could also be forced to block IP addresses associated with TikTok, but such practices can be easily **evaded** on computer browsers by using a VPN, or **virtual private network,** which **re-routes** computer connections to other locations.

To fully limit access to TikTok, the US government would have to **employ methods used by countries** like Iran and China, which structure their internet in a way that makes **content restrictions** more easily enforceable.

## ****Who supports the potential TikTok ban?****

The Biden administration has also **backed the bill**, with the press secretary Karine Jean-Pierre saying the administration wants “to see this bill get done so it can get to the president’s desk”. Biden’s campaign joined TikTok last month.

Despite Trump’s opposition to the bill, many Republicans are [pushing](https://www.nbcnews.com/politics/congress/trumps-newfound-opposition-tiktok-ban-isnt-swaying-republicans-rcna142796) forward with the effort to ban TikTok or force its sale to an American company.

“Well, he’s wrong. And by the way, he had his [**own executive orders**](https://www.npr.org/2020/08/06/900019185/trump-signs-executive-order-that-will-effectively-ban-use-of-tiktok-in-the-u-s) and his own actions he was doing, and now … he’s suddenly flipped around on that,” said the representative Chip Roy, a Texas Republican and member of the far-right Freedom Caucus. “I mean, it’s not the first or last time that I’ll disagree with the former president. The TikTok issue is **pretty straightforward**.”

Within the House, 50 Democrats and 15 Republicans voted against the bill, including the Republican representative Marjorie Taylor Greene of Georgia, who **cited her experiences** of being banned from social media. House Democrats including Maxwell Frost of Florida and Delia Ramirez of Illinois [joined](https://www.nbcnews.com/politics/congress/house-likely-pass-bill-ban-tiktok-sending-senate-rcna142797) TikTok creators outside the Capitol following the vote to express opposition to the bill.

Some Senate Democrats have already publicly opposed the bill, citing freedom of speech concerns, and suggested measures that would address concerns of foreign influence across social media without **targeting TikTok** **specifically**. “We need **curbs** on social media, but we need those curbs to apply across the board,” the senator Elizabeth Warren said. The Senate majority leader Chuck Schumer issued **a neutral statement** regarding the next steps in the Senate, stating it will “review the legislation when it comes over from the House”.

Freedom of speech and civil rights advocacy groups have **vehemently** opposed a ban, stating that such legislation could have a profound impact on the internet at large. They have argued that TikTok’s data practices, while **problematic**, are not substantially different from those of US-based tech firms.

“TikTok isn’t perfect, but banning it is the wrong solution,” said Jenna Ruddock, policy **counsel** at the media advocacy group Free Press. “Like all popular platforms, including those that Meta and Google own, TikTok collects too much data on its users. But **unilaterally** **dismantling** spaces for free expression limits people’s access to information and cuts off **avenues** for creators to build community.”

The bill still faces an uphill battle to become law. While Biden has confirmed he would sign it, it still has to pass a Senate vote. It’s unclear when that vote would take place, but TikTok is likely to increase its **lobbying** efforts on the Hill as it moves forward, with CEO Chew [**heading**](https://www.theguardian.com/us-news/live/2024/mar/13/tiktok-ban-vote-trump-biden-election-campaign-updates)**to** Congress on Wednesday to speak with senators.