

Senate passes bill banning TikTok if parent company does not sell it

Publication Date: 2024-04-24

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Section: Technology

Tags: Technology, TikTok, Joe Biden, Law (US), news

Article URL: <https://www.theguardian.com/technology/2024/apr/23/senate-passes-bill-banning-tiktok-will-parent-company-sell>



The Senate voted on Tuesday to pass a bill that will either ban TikTok or force a sale of the short-form video app, giving its China-based parent company ByteDance up to one year to divest its crown jewel before facing deletion from US app stores. The vote was a landslide, with 79 senators voting in favor and 18 against. The bill passed in the House on Saturday by a margin of 360 to 58, as part of a foreign aid package for Ukraine, Israel and Taiwan. It will now make its way to the desk of Joe Biden, who has previously said he would sign the legislation. The new law gives ByteDance a year to sell TikTok to a company that is not controlled by a “foreign adversary”, or the app will face a total ban from American app stores. TikTok’s head of public policy for the Americas, Michael Beckerman, made it clear in that time, the company will fight the legislation in court. If the new federal law goes into effect without being blocked, Apple’s App Store and Google’s Play Store will be required to stop offering TikTok for download or face financial penalties. “At the stage that the bill is signed, we will move to the courts for a legal challenge,” Beckerman wrote in the memo, which was first reported by the tech news website the Information. Beckerman claimed that the bill violated the first amendment of the US constitution, which protects freedom of speech. “We’ll continue to fight, as this legislation is a clear violation of the first amendment rights of the 170 million Americans on TikTok,” he wrote. State-level attacks on TikTok have been successfully defeated on similar grounds in the US. In 2023, a federal judge in Montana blocked the state’s ban on TikTok, saying the prohibition violated the free speech rights of users. The judge wrote that the law “oversteps state power and infringes on the constitutional rights of users”. The passage of the ban is the culmination of a years-long political battle over the platform, which exploded in popularity after its emergence in 2017. Donald Trump announced he would ban it in 2020, though his efforts to do so did not bear fruit. More recently, he has railed against the possibility of a ban and said Biden would be “responsible” for such a measure. Lawmakers have argued that TikTok’s China-based parent company could collect sensitive user data and censor content that goes against the Chinese government – claims TikTok denies. Multiple contentious congressional hearings have covered what TikTok’s data privacy practices are. Still, such concerns have resulted in bans across a number of college campuses, political offices and individual states. TikTok was banned in India in 2020 after a wave of dangerous “challenges” led to the deaths of some users, and the app is not available in China itself. • This article was amended on 10 May 2024. An earlier version stated that the bill means ByteDance is required to sell TikTok to a US-based company. It is in fact required to sell the platform to a buyer that is not controlled by a “foreign adversary”, which includes China.