

Congress passed a TikTok bill. Will the US really ban the app?

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The House of Representatives passed a bill that would require TikTok owner ByteDance to sell the social media platform or face a total ban in the United States. The Senate passed it less than a week later. Joe Biden signed it a day after the Senate voted yes. TikTok is facing its biggest existential threat yet in the US. The app was banned in Montana last year, but courts found that prohibition unconstitutional, and it never went into effect. Here's what you need to know about the bill, how likely TikTok is to be banned, and what that means for the platform's 170 million US users. Is the US really trying to ban TikTok, and why? The bill that passed in the House on Wednesday is the latest salvo in an ongoing political battle over the platform, which exploded in popularity after its emergence in 2017. It quickly surpassed 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 non-public 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 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 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. Is this bill really a TikTok ban? 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 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 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 on government-issued phones in the US in 2022, and as of 2023 at least 34 other states have banned TikTok from government devices. At least 50 universities in the US have also banned TikTok from on-campus wifi and university-owned computers. The treasury-led Committee on Foreign Investment in the United States (CFIUS) in March 2023 demanded ByteDance sell its TikTok shares or face the possibility of the app being banned, Reuters reported, but no action has been taken. 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. 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? While Trump – who started the war on TikTok in 2020 – has reversed his stance on the potential ban, most Republican lawmakers have expressed support of it. 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 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 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.” Who opposes the TikTok bill? TikTok has vocally opposed the legislation, urging the Senate not to pass it. “We are hopeful that the Senate will consider the facts, listen to their constituents, and realize the impact on the economy, 7m small businesses, and the 170 million Americans who use our service,” Alex Haurek, the TikTok spokesperson, said following Wednesday’s vote. 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 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,” 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.” What will happen to TikTok next? 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 Shou Zi Chew heading to Congress on Wednesday to speak with senators. Even if the bill were to pass, it is likely to face similar challenges on the grounds of free speech that prevented similar legislation – like that from Trump in 2020 and the Montana ban of 2023 – from moving forward.