The Future of TikTok Regulation in the United States

Policy Memo

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Memorandum

To: **Senator Dave McCormick (R-PA)**

From: **Abby Fox Rodriguez, Media Policy Aid**

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Subject: **TikTok Policy Recommendations**

Regulation surrounding TikTok has been a whirlwind in recent years in the U.S., with shifting regulations, executive orders, and national security concerns. To the average user, though, it may simply seem that the app was banned one day and functional the next. As someone who represents the interests of the American people, your decisions should reflect what is best for your constituents. I urge you to keep users at the center of your decision-making as you consider this issue.

This memorandum outlines the current U.S. proposal to ban TikTok, key policy issues, relevant stakeholders, and overall recommendations for the path forward. After reviewing the case, this memo recommends against a U.S. ban on TikTok. While data security concerns are valid, they extend far beyond any single platform. U.S. user data is already collected and accessible widely, both domestically and abroad. A ban on TikTok would not solve this broader issue; instead, it would be more effective to establish legislation applicable to all social media platforms and implement more comprehensive data privacy practices.

The current plan for TikTok to sell its U.S. operations and establish a majority U.S. ownership is political charged and inherently xenophobic, so this is not a viable path forward either. At a foundational level, regulation should prioritize user privacy, transparency, and platform accountability. By focusing on these principles, lawmakers like yourself can strengthen national security, uphold democratic values, and protect the digital rights of users.

Situation and Legislative Summary

   The debate over TikTok in the U.S. has evolved from initial concerns to a complex approach involving divestment, algorithm retraining, and domestic oversight. TikTok is owned by the Chinese company ByteDance, and concerns around China having access to user data have driven bipartisan calls for change, including banning the app, seeing TikTok as a national security threat (Eisikovits, 2024; Sabbagh, 2025). Many opponents of the ban believe it would hinder free speech (Turner Lee, 2025).

   In 2020, President Trump brought the TikTok issue into the mainstream, ordering ByteDance to sell its U.S. business. In 2021, President Biden revoked that order, although investigations and debates continued. In 2022, the U.S. government banned the use of TikTok on federal government devices (Hamilton, 2025). In 2024, President Biden signed a law requiring ByteDance to sell TikTok within a year or face a ban (Allyn, 2024). Later that year, the Supreme Court agreed to hear arguments from ByteDance as to why TikTok should not be sold or banned in the U.S (Bomboy, 2024). Notably, Senators Markey (D-Mass.), Paul (R-Ky.), and Representative Khanna (D-CA) filed a bipartisan brief urging the Supreme Court to reverse the ban, arguing that it lacks evidence, violates the First Amendment, and undermines the rights of over 170 million American users (Office of Senator Markey, 2025). In January 2025, the Supreme Court upheld the ban, and on January 19, TikTok briefly shut down in the U.S. but quickly resumed service with a message thanking Trump (Collier et. al, 2025).

   Since then, there have been several extensions, and President Trump recently announced a plan for TikTok to sell its U.S. operations, giving them 120 days to finalize the deal and meet national security requirements. Under this plan, TikTok's algorithm would be retrained and

monitored by U.S. partners and ByteDance would retain less than a 20% stake in the company as well as one of seven board seats (Alper & Shepardson, 2025).

This plan includes investors from Oracle and Silver Lake Partners, who are Trump allies and already profit from partnerships with Chinese companies (Chester, 2025). This is contradictory to the primary argument that Chinese ownership is the main problem. This also raises concerns about political bias and MAGA influence. As Chester notes, TikTok is not the only platform that should be singled out: "Google, Meta, Amazon and many other digital media companies are as serious a threat to us personally and collectively" (2025). All of these platforms have extensive data surveillance and use algorithms that shape how people think, act, and consume information. Disinformation is widespread and often enabled and amplified by their design.

This raises several policy issues, the first of which is algorithmic control. TikTok's algorithm is extremely complex, so retraining it in the U.S. may lead to challenges because the algorithm's performance relies on the large amount of user data, so the platform could become less engaging (Whateley & Bradley, 2025). Additionally, platform objectivity and neutrality is an illusion; algorithms are designed with bias, so while divestment and retraining the TikTok algorithm may reduce perceived national security risks, these measures may compromise the platform's functionality, limit the diversity of content available to U.S. users, and amplify narratives based on the ideologies and values of the new owners (Gillespie).

Furthermore, although the issue of TikTok appears to be in the interest of protecting the American people, there is ideological and geopolitical framing happening. TikTok's Chinese ownership challenges U.S. dominance in the global media ecosystem. The issue goes beyond

national security; it is also about which country's corporations control global information flows (Popiel, 2018).

Additionally, since ByteDance would still be included in the joint venture, concerns about foreign influence would not disappear. The concepts of ownership and control are not straightforward, especially when influence is exerted through software, algorithms, and data in addition to traditional hierarchies.

Relevant Policy Issues

Napoli discusses the issues of free speech, public interest, and the marketplace of ideas, which are all relevant to the TikTok debate. As he explains, public interest ensures that media policy serves society as a whole rather than private or political interests. This is especially important in considering whether banning TikTok or changing ownership truly benefits the public or primarily reflects geopolitical motivations (Napoli, 2007). If public interest is a marketplace of ideas with diverse opinions and content, simply transferring ownership to U.S. investors does not guarantee this diversity. In fact, it will likely limit the range of voices and amplify politically biased content.

Another key consideration is whether the government should intervene to protect public interest or rely on the market and user choice. Potential national security concerns do justify government attention, but a ban or the proposed ownership plan does not address the underlying issues. Having clear policies focused on data privacy, transparency, and algorithmic accountability would have reduced the likelihood of this problem in the first place.

Napoli also outlines three areas in media policy: content, structure, and infrastructure, which are all involved here. The concern around national security and Chinese ownership is a

structural issue, since it involves who controls and owns the platform. The content dimension relates to free speech and what users see on the platform, since content involves what is allowed, promoted, and suppressed, all of which are affected by structural decisions, whether Chinese or American. Infrastructure is also important, since there are complex technologies and data systems that inform TikTok's algorithm and what users see on their "For You" pages. Overall, this TikTok case is a prime example of how U.S. media policy must consider all three areas (Napoli, 2007).

Democratic accountability is another relevant issue. Candebub argues that media regulation should strengthen democracy by ensuring people have enough access to news and diverse viewpoints, and media structures affect the amount and quality of news (2008). The TikTok debate centers on whether restricting the platform enhances or undermines people's ability to access and share information. The current plan mainly focuses on ownership and numbers (i.e., filling six out of seven board seats) but overlooks how TikTok, and other platforms, function in practice. Many government leaders, including the President, use TikTok themselves yet do not want a genuinely free, informed exchange of ideas, which is an essential part of democratic society. They only want to give the illusion of free speech and a marketplace of ideas, while actually promoting their own agendas. Ali's discussion of localism reinforces the importance of diverse, representative media in strengthening democracy (2020).

Policy Process

Media policy involves the decisions, laws, and actions that shape how information and media systems operate. It is influenced by policy paradigms and varying opinions about how the government, society, and media interact. The media policy process is multi-layered: polity, the

institutions and structures enabling policy (e.g., Congress, FCC, courts), politics, the negotiation, debate, and power struggles among stakeholders, and policy, the final rules or actions that emerge. One approach to the policy cycle is to consider the stages of agenda setting, policy formulation, implementation, and evaluation (Puppis & Van den Bulck, 2019). Policy is often affected by learning new information or external factors like the economy, technology, or crises (Van den Bulck, 2019).

The Federal Communications Commission (FCC) is an independent U.S. government agency responsible for implementing and enforcing federal media laws and regulations (Federal Communications Commission). However, it is debatable how truly independent the FCC is, since there is political and ideological influence based on who holds the chairman and commissioner positions. Although the FCC is not the primary stakeholder in the TikTok case, they are certainly involved because they contribute expertise and oversight over broader communications and digital platforms.

Stakeholders in media policy vary, but typically include government agencies, lawmakers, media companies, and the public. They are "people, groups or organisations with a vested interest in (the outcome of) a particular policy" (Van den Bulck, 2019). Stakeholders have power, visibility, interest, and influence on policy outcomes. They can be categorized as promotors, defenders, latents, and apathetics, based on their viewpoints and influence (Van den Bulck, 2019). Stakeholders often form advocacy coalitions, or groups, based on shared beliefs and values, and coalitions sometimes compete until one dominates the policy outcome.

The TikTok debate is currently between the stages of agenda setting and policy formulation. This issue came about due to concerns over national security and platform data, but there are other agendas, like people who challenge the ban and argue for free speech and user

choice. President Trump has another agenda that focuses on control over content and ownership rather than systemic data privacy solutions. These agendas are different ways to frame the problem and affect which solutions are effective. Policy formation is not yet complete. Although laws have been signed, courts have been reviewing arguments, executive orders have been issued, and the recent plan for U.S. ownership has been approved, there is still a lot in progress and not all stakeholders are aligned. At times, the Supreme Court has enforced the ban, meaning the policy process moved into the implementation stage. However, with the ongoing adjustments and extensions, the issue is back in the policy formulation stage, so this memo is particularly timely.

Relevant Stakeholders

Stakeholders include all three branches of the U.S. government, TikTok/ByteDance, other media and tech companies, advocacy groups, the public who use TikTok, as well as influencers and super-users who benefit monetarily from the algorithm. These stakeholders range in visibility, impact, and policy position as well as their alignment with coalitions.

Congress is particularly influential, as this is where legislation gets drafted and voted on that could ban TikTok, force divestiture, or create related policies. Some members are likely part of a coalition prioritizing national security, while others, like Senator Markey, support free speech, which is another coalition. President Trump has high visibility and impact through executive orders and oversight of plans. He currently supports keeping TikTok in the U.S. and favors divestiture under U.S. control rather than an outright ban. The Supreme Court mostly implements and evaluates policy because they enforce the law, so their impact is high but

visibility is moderate, although their visibility has increased as they have held hearings and gotten more information about the issue.

TikTok and its parent company, ByteDance, have high visibility with all the scrutiny. If ByteDance has a minority stake in the joint venture, their impact will be lessened but still present. This is a natural coalition, as the platform is aiming for continuity and trying to avoid more disruptions for users.

Major U.S. technology companies such as Google, Meta, Amazon, and now Oracle have high impact and visibility through lobbying, market dominance, and platform influence. They are likely to be in a coalition that is against regulation so they maintain power under the guise of innovation.

Advocacy groups, researchers, and scholars are also stakeholders. They are likely to form coalitions with policymakers who support democratic values and public interest. They have influence through campaigns, information dissemination, technical expertise, and lobbying.

Users are possibly the most important stakeholder group. Visibility into specific policy proceedings is lower, unless they do extensive research and stay updated on all changes, and direct involvement in policymaking is low. However, they can have a strong impact through voting and advocacy. Many users want to keep the platform for free speech and entertainment, and many influencers rely on its reach for income. The more users speak up, the more influence they can exert on policy.

Overall, there are two dominant coalitions – one prioritizes national security and wants to limit Chinese influence, and one fights for free expression and democratic access. Overlapping interests, like algorithmic control, political affiliation, and profit, may bridge coalitions, but the core beliefs of national security versus free speech are still the main divide.

Policy Recommendations

Based on the information and analysis above, TikTok should not be banned. However, it should not continue to operate as-is. There is an urgent need for a balanced, thoughtful approach that prioritizes public interest, democratic accountability, and user protection while addressing data privacy concerns.

Banning the platform completely is an overreaction that risks suppressing free speech, stifling creativity, and undermining a space that millions of Americans use for entertainment, learning, self-expression, social activism, and even income. TikTok is an outlet for diverse voices and strong community culture. Eliminating it would disrupt the user experience and also set a dangerous precedent for censoring platforms based on geopolitics.

Concerns about national security and data privacy are valid, but they are not unique to TikTok. Companies like Google, Meta, and Amazon collect and monetize data and curate content using algorithms. Singling out TikTok based on Chinese ownership is inconsistent and arguably xenophobic, and it is worth mentioning that China has the ability to access our data regardless (Eisikovits, 2024). A TikTok ban would fail to address foundational, broader issues including algorithmic bias, black box algorithms, and exploitative data practices (Flew et. al, 2019 & Gillespie).

Instead of banning TikTok, policymakers should create consistent legislation that sets baseline privacy, transparency, and data governance standards across all platforms. Users should know how algorithms select and prioritize content so that they can make conscious choices about what they consume and share. Independent entities should regularly evaluate platforms' operations and ensure compliance with data privacy standards. There should also be incentives for platforms to actually support democracy and public interest over political or business

interests. Europe's GDPR is one example of how regulations can protect user data (Flew et. al, 2019). The proposed American Data Privacy and Protection Act could serve as a good starting point, so although it did not pass into law, it should be reintroduced (Tech Policy Press, 2022). Similarly, the Algorithmic Justice and Online Platform Transparency Act would benefit users by requiring transparency in how platforms collect and use data, explaining how algorithms work, using them responsibly, and giving users more control over their data (Congress.gov).

The proposed plan for TikTok to sell U.S. operations and have majority U.S. ownership is problematic. While it may reduce foreign influence, the Chinese company will still be involved, along with political allies of Trump as investors. This creates ideological bias and potential algorithmic manipulation.

In summary, it is recommended to act as follows:

- Support legislation for privacy and data protection across all platforms, by resurfacing the American Data Privacy and Protection Act and supporting the Algorithmic Justice and Online Platform Transparency Act

- Encourage platforms, investors, and President Trump himself to prioritize public interest and democratic accountability over corporate and political agendas

- Do not:
    - Push for a complete ban
    - Treat TikTok differently from other major platforms like Google or Meta

Final Considerations

This is not a question of whether the platform should exist, but how TikTok and other social media platforms can exist responsibly. Public interest and user-centricity is critical in agenda setting and policymaking. Platforms should serve society rather than narrow corporate or political agendas. Regulation, not prohibition, is the compromise that protects security, supports accountability, and balances the needs of individuals with the greater U.S. and global society.

Thank you for your attention to this matter.

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