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May 29, 2026

Adam Presser  
President  
TikTok USDS Joint Venture LLC  
Culver City, CA

Dear Mr. Presser,

In January, in response to legislation passed by Congress, ByteDance spun off TikTok's U.S. operations into a new joint venture — TikTok USDS — that included safeguards intended to guard against potential Chinese-driven algorithmic manipulation on the platform. More than four months later, however, TikTok USDS has disclosed little information about these safeguards and whether they sufficiently address the national security concerns that spurred the legislation. Although I have previously criticized this law as rushed and shortsighted, the national security risk is real. Given the limited information that the Trump administration and TikTok USDS have released, I have serious questions whether the TikTok deal can effectively guard against algorithmic manipulation. I therefore request detailed information about TikTok USDS's implementation of the TikTok deal, especially around its recommendation algorithm.

In 2024, Congress passed the *Protecting Americans from Foreign Adversary Controlled Applications Act* to ensure, in part, that the Chinese government could not manipulate TikTok's algorithm and covertly influence the content viewed by TikTok's 170 million American users.<sup>1</sup> The law reflected bipartisan concern that foreign-controlled platforms — such as TikTok — could shape or suppress content, specifically through their algorithms, in ways that threatened U.S. democratic processes, public safety, and national security. For example, critics warned that ByteDance could promote electoral or health misinformation or remove pro-Uyghur or other anti-China content. The law's answer to this risk was to force ByteDance to either divest TikTok or face a complete ban in the United States. Notably, the law specifically called for the elimination of any "operational relationship" between ByteDance and the post-divestment owner of TikTok's U.S. operations.<sup>2</sup> The law's goal was clear: Sever any relationship between TikTok U.S. and the Chinese government.

Despite this clear congressional intent, President Donald Trump, ByteDance, and TikTok USDS reached an agreement that maintained an operational relationship between ByteDance and

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<sup>1</sup> Protecting Americans from Foreign Adversary Controlled Applications Act of 2024, 15 U.S.C. § 9901 (note).

<sup>2</sup> *Id.*

TikTok USDS, violating the spirit, if not the letter, of the law.<sup>3</sup> In late January — after repeatedly and illegally delaying enforcement of the law<sup>4</sup> — ByteDance agreed to license its algorithm to TikTok USDS, which is owned primarily by American investors. Notably, the licensing agreement between ByteDance and TikTok USDS constitutes the exact type of ongoing relationship between the two entities that Congress sought to prohibit. By declaring that the TikTok deal constituted a “qualified divestiture” under the *Protecting Americans from Foreign Adversary Controlled Applications Act* — notwithstanding the clear, ongoing operational relationship between ByteDance and TikTok USDS — President Trump effectively deemed that the arrangement met the law’s requirements. In so doing, he prevented TikTok from going dark in the United States but undermined the law’s primary, if unworkable, goal of severing the relationship between ByteDance and TikTok USDS.

Given this ongoing operational relationship, the TikTok deal contains other, vague safeguards intended to address the risk of algorithmic manipulation on the platform. In particular, the announcement outlining the provisions in the divestment deal between ByteDance and TikTok USDS explained that TikTok USDS employees would closely review the algorithm’s source code to detect any Chinese manipulation and would retrain TikTok USDS’s content recommendation algorithm on U.S. user data.<sup>5</sup> In the four months since the divestment deal, however, TikTok USDS has released little additional information on these safeguards, including any implementation timeline or status update. A closer examination of both protections — source code review and algorithm retraining — raises serious questions about their ability to effectively identify and mitigate algorithmic manipulation on the platform.

The first safeguard of the TikTok deal — source code review — raises three serious issues. First, TikTok’s various algorithms — including algorithms that recommend certain content in user feeds or remove or otherwise penalize content that violates TikTok’s terms of service — are an estimated two billion lines of code.<sup>6</sup> For that reason, a Department of Justice (DOJ) official previously declared that review of TikTok’s source code would take three years, according to an estimate from Oracle.<sup>7</sup> Second, even if TikTok USDS could quickly review TikTok’s existing source code, TikTok USDS would have to be able to differentiate between tools for legitimate commercial content curation or recommendation and code with malicious purposes. It may be especially hard to detect subtle algorithmic adjustments that influence the content that Americans view. In fact, the same DOJ official concluded that source code review “would not and could not satisfy that the platform’s features would be used for benign commercial ends, not malicious ones.”<sup>8</sup> Finally, source code review necessarily requires a tradeoff between effectiveness and speed. A longer, more comprehensive review of the source code to detect algorithmic manipulation means a slower timeline for releasing new updates to users. That tradeoff may be acceptable where the delayed update is a new platform feature, but it

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<sup>3</sup> Protecting Americans from Foreign Adversary Controlled Applications Act of 2024, 15 U.S.C. § 9901 (note).

<sup>4</sup> See, e.g., Exec. Order No. 14,166, 90 Fed. Reg. 8,611 (Jan. 30, 2025).

<sup>5</sup> Company News, TikTok, Announcement from the new TikTok USDS Joint Venture LLC (Jan. 23, 2026).

<sup>6</sup> Declaration of David Newman, Principal Deputy Assistant Attorney General, National Security Division, U.S. Department of Justice ¶ 80, at Gov’t App. 63, *TikTok Inc. v. Garland*, Nos. 24-1113, 24-1130, 24-1183 (D.C. Cir. July 26, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at ¶ 78.

creates serious risks where the update is a security patch. Consider this hypothetical: ByteDance provides a malicious update to the algorithm under the guise of a critical security update, effectively forcing TikTok USDS to choose between releasing the security update immediately to protect its users or conducting a rigorous code review to detect algorithmic manipulation. Given those options, it is hard to see how source code review provides adequate protection against algorithmic manipulation.

TikTok USDS has also failed to explain what its second safeguard — retraining its content recommendation algorithm — means in any meaningful way or how such retraining will prevent algorithmic manipulation. Will the retraining encompass the entire core recommendation system or only portions of it? Will TikTok USDS retrain the algorithm only on profile metadata or will it include user behavioral data? What is the timeline for the retraining? Without detailed and verifiable answers to these questions, it is impossible to assess whether retraining is a meaningful safeguard or a rhetorical one.

Over the past few years, I have been committed to keeping TikTok online in the United States while addressing the underlying national security risks. I opposed the *Protecting Americans from Foreign Adversary Controlled Applications Act* because compliance with the law's underlying goals would necessarily force TikTok to go dark in the United States. Today, as Congress's attention has turned away from TikTok, we are living with the consequences of this rushed law: President Trump managed to keep TikTok online only by ignoring the law's central goal and relying on vague, unproven safeguards to address the legitimate risks to national security. I remain committed to finding a workable solution to this problem, including through legislation that I proposed last year to establish transparency requirements around the content displayed and promoted on the platform.<sup>9</sup>

In the meantime, Congress and the American people need to understand if and how this deal protects against Chinese influence over TikTok's content. Please provide written responses to the following questions by June 18, 2026. Your responses should correspond to the numbering system below, including a distinct response to each subpart question.

### **1. Licensing Structure and Algorithm Control**

- a. What are the specific terms of the license agreement between ByteDance and TikTok USDS? Please provide a copy of the agreement. In particular, did ByteDance copy the source code and license it in a one-time transfer to TikTok USDS or does the licensing structure entail ongoing monitoring and oversight of the source code by ByteDance?
- b. How many algorithms, models, and systems has ByteDance agreed to license to TikTok USDS as part of the license agreement? Please identify the specific

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<sup>9</sup> Press Release, Office of Senator Edward J. Markey, Senator Markey Releases Discussion Draft of Legislation to Keep TikTok Online and Protect National Security (July 31, 2025), <https://www.markey.senate.gov/news/press-releases/senator-markey-releases-discussion-draft-of-legislation-to-keep-tiktok-online-and-protect-national-security>.

categories of algorithms, models, and systems that ByteDance has agreed to license to TikTok USDS.

- i. Does ByteDance license any ranking or feed-assembly functions to TikTok USDS?
  - ii. Does ByteDance license any content-moderation functions to TikTok USDS?
  - iii. Does ByteDance license any content-classification functions to TikTok USDS?
  - iv. Does ByteDance license any candidate-generation or eligibility-filtering functions to TikTok USDS?
- c. For each licensed component, please specify which operational, developmental, and governance functions remain under ByteDance's control and which functions are transferred to TikTok USDS. In particular, where a licensed component involves a machine learning model, please clarify if that model will be designed, trained, or fine-tuned by ByteDance or by TikTok USDS.

## **2. Source Code Review Process**

- a. Has TikTok USDS completed the source code review of ByteDance's original licensed code (excluding any updates to the source code since TikTok USDS was established)? If not, when will the source code review be completed?
- b. What is the timeline and frequency of source code reviews of ByteDance code?
- c. When ByteDance provides updates or changes to the licensed algorithm, what is the process for reviewing changes to the source code? How long does the review process take?
- d. How does TikTok USDS intend to balance the need to conduct thorough code review with the urgent need to deploy critical security patches? If a severe security vulnerability is discovered, can TikTok USDS deploy critical security patches while source code review is ongoing, and if so, what safeguards would apply?

## **3. Model Training and Deployment**

- a. How many algorithms, models, and systems will TikTok USDS retrain? Please identify which model or models will be retrained. Will this include the core recommendation algorithm or other components?

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- b. Please identify all data categories, parameters, and feature classes included within the term “user data” for purposes of training or retraining any model.
- c. What is the expected timeline for model retraining, and when are the retrained models scheduled for deployment?
- d. What, if any, user-related or model-related data (including but not limited to telemetry data) will flow back to ByteDance from TikTok USDS? How frequently will this data be shared and by what mechanism?

Thank you for your attention to this important matter.

Sincerely,



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Edward J. Markey  
United States Senator