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November 24, 2025

Donald Trump
President of the United States of America
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear President Trump,

There is serious confusion about the TikTok deal that you have supposedly negotiated with ByteDance, China, and financial investors, under which ByteDance would spin off TikTok's U.S. operations. Public reporting on the agreement, along with your vague executive order on it, have provided few details about just what is on the table. I strongly support finding an alternative approach to the statutory TikTok ban, but your repeated unlawful extensions of the divestment deadline and vague comments about the deal raise significant questions about whether you have been able to secure an agreement that keeps TikTok online and addresses the national security concerns posed by ByteDance's ownership of TikTok. Congress and the American people need to understand the terms and status of this supposed agreement.

Although your Administration has repeatedly declared that it reached a TikTok deal with China and financial investors, you have released few details on any agreement. Here is how I currently understand it: Under the executive order that you signed on September 25, 2025 — nearly two months ago — ByteDance would spin off TikTok's U.S. operations into a new joint venture ("TikTok U.S.") that would be majority-owned and controlled by U.S. investors; ByteDance would have less than a 20-percent stake in the new joint venture.¹ Based on additional language in the executive order² and public reporting,³ TikTok U.S. would license the existing TikTok algorithm from ByteDance and retrain it using U.S. user data. Oracle would maintain the U.S. user data in its cloud infrastructure located in the United States and be

¹ Exec. Order No. 14,342, 90 Fed. Reg. 47,219 (Sept. 25, 2025).

² See *id.* (The divestiture "puts the operation of the algorithms and code, as well as content-moderation decisions, under the control of the new joint venture"; "prohibits the storage of sensitive United States user data in a manner that would place such data under the control of a foreign adversary and requires such data be stored in a cloud environment run by an American company"; and "includes intense monitoring of software updates, algorithms, and data flows by the United States' trusted security partners, and it requires all recommendation models, including algorithms, that use United States user data to be retrained and monitored by those trusted security partners.").

³ See, e.g., Emmett Lindner & Lauren Hirsch, *U.S.-Run TikTok to License Algorithm, White House Says*, N.Y. Times (Sept. 22, 2025), <https://www.nytimes.com/2025/09/22/us/politics/tiktok-deal-algorithm-trump.html>.

responsible for monitoring the algorithm and any software updates. That is the extent of information available on this deal.

In fact, it's unclear whether China has even agreed to any TikTok deal. In late October, Treasury Secretary Scott Bessent declared that China had just approved the TikTok deal⁴ — even though you said in September that Chinese President Xi Jinping had approved the agreement.⁵ Throughout this process, Beijing has never confirmed that it has agreed to a TikTok deal; in fact, after Xi's meeting with you a few weeks ago, the Chinese government would say only that “the Chinese side will work with the U.S. side to properly address issues related to TikTok.”⁶ Given the number of times your Administration has falsely announced a TikTok deal, Americans would be forgiven for thinking that they stumbled into the movie *Groundhog Day*.

This haphazard approach raises serious questions about the future of TikTok and your efforts to address its national security risks to the United States. If TikTok U.S. is licensing the algorithm from ByteDance and retraining it, is this a one-time transfer of the source code or does TikTok U.S. have to renew it at regular intervals? Will any changes to the algorithm by ByteDance affect the algorithm that is licensed to TikTok U.S.? Will ByteDance be providing any ongoing technical support for the licensed algorithm? What does retraining the algorithm on U.S. user data entail? If ByteDance and TikTok U.S. no longer have an operational relationship — as is required under the TikTok ban — why would Oracle need to closely monitor the algorithm and U.S. user data? Moreover, has China even agreed to this deal? I could go on.⁷

The truth is that everything about this TikTok deal reeks. To keep TikTok online during these supposed negotiations, you have flagrantly and repeatedly violated the law by directing the Department of Justice not to enforce the TikTok ban.⁸ In negotiating the agreement, you appear more interested in using the TikTok ban as leverage to help political allies — Larry Ellison, the CEO of Oracle and longtime Trump supporter, and Rupert Murdoch are rumored to be investors in TikTok U.S. — secure control over TikTok than to keep it online and protect national security.⁹ And you and officials in your Administration keep claiming that you have reached an agreement with China but won't release critical details about it. In effect, TikTok and its 170 million American users have become pawns for you to secure political victories.

⁴ See, e.g., David Shepardson, *US Treasury's Bessent says China has approved TikTok transfer deal*, Reuters (Oct. 30, 2025), <https://www.reuters.com/world/china/china-us-trade-deal-could-be-signed-next-week-us-treasury-bessent-says-2025-10-30/>.

⁵ See, e.g., Trevor Hunnicutt, *Trump and Xi make progress on TikTok deal, plan to meet in South Korea*, Reuters (Sept. 20, 2025), <https://www.reuters.com/world/china/trump-xi-seek-tiktok-win-break-us-china-gridlock-2025-09-19/> (reporting that Trump said that Xi “approved the TikTok deal”).

⁶ See Shepardson, *supra* note 4.

⁷ For an overview of some outstanding questions on the supposed TikTok deal, see Kate Klonick & Alan Z. Rozenshtein, *A TikTok 'Deal'?*, Lawfare (Sept. 26, 2025), <https://www.lawfaremedia.org/article/a-tiktok-deal>.

⁸ See, e.g., Charlie Savage, *Trump Claims Sweeping Power to Nullify Laws, Letters on TikTok Ban Show*, N.Y. Times (July 3, 2025), <https://www.nytimes.com/2025/07/03/us/politics/trump-bondi-tiktok-executive-power.html>.

⁹ See, e.g., Ari Levy, *Oracle, Silver Lake and MGX will be main investors in TikTok U.S., sources say*, CNBC (Sept. 25, 2025), <https://www.cnbc.com/2025/09/25/oracle-silver-lake-mgx-tiktok.html>.

Despite your confusing and lawless approach to the TikTok deal, I share your concerns about TikTok going dark and have worked to find an alternative approach that keeps TikTok online without risking national security. I argued against the bill when Congress was considering it,¹⁰ I urged the Supreme Court to hold it unconstitutional,¹¹ and I encouraged the Biden administration to use its statutory authority to extend the TikTok deadline.¹² Most recently, I proposed legislation that would modify the TikTok ban to ensure TikTok stayed online while creating new data transparency and data privacy rules that would address the greatest risks with ByteDance's ownership of TikTok.¹³ Throughout this period, my north star has been protecting TikTok's users without compromising national security.

Nearly two months have passed since you signed the executive order on TikTok, and the American people remain in the dark about how your Administration plans to solve this problem. To help me understand the supposed TikTok deal, I request a briefing on the deal within the next two weeks, along with written answers to the following questions by December 8, 2025.

1. Please describe in detail the status of negotiations with China over the TikTok ban.
 - a. Has China agreed to any framework agreement or terms under which ByteDance would spin off TikTok's U.S. operations into a new entity? Please provide a summary of any framework agreement.
 - b. Has China agreed to any final agreement implementing the framework agreement? If so, please provide a summary of any final agreement. If not, please describe the status of any negotiations around a final agreement.
 - c. Please describe the process by which you facilitated any agreement by financial investors to invest in TikTok U.S.
2. Please describe in detail the licensing arrangement between ByteDance and TikTok U.S.
 - a. Will TikTok U.S. be licensing the algorithm from ByteDance?

¹⁰ See, e.g., John L. Micek, *Mass. Sen. Markey warns of 'compromising' free speech for security with TikTok ban*, Mass Live (Apr. 24, 2024), <https://www.masslive.com/politics/2024/04/mass-sen-markey-warns-of-compromising-free-speech-for-security-with-tiktok-ban.html>.

¹¹ Press Release, Office of Senator Edward J. Markey, Sens. Markey, Paul, Rep. Khanna File Bipartisan, Bicameral Amicus Brief Urging SCOTUS to Protect Free Speech and Reverse TikTok Ban (Jan. 9, 2025), <https://www.markey.senate.gov/news/press-releases/sens-markey-paul-rep-khanna-file-bipartisan-bicameral-amicus-brief-urging-scotus-to-protect-free-speech-and-reverse-tiktok-ban>.

¹² Press Release, Office of Senator Edward J. Markey, Senators Markey, Booker, Van Hollen Call on Biden Administration to Extend TikTok Ban Deadline (Jan. 16, 2025), <https://www.markey.senate.gov/news/press-releases/senators-markey-booker-van-hollen-call-on-biden-administration-to-extend-tiktok-ban-deadline>.

¹³ 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>.

- b. Under such a licensing arrangement:
 - i. Will ByteDance and TikTok U.S. need to renew the licensing agreement at regular intervals?
 - ii. Will ByteDance continue providing any operational or technical support to TikTok U.S. with respect to the algorithm?
 - iii. If ByteDance modifies the algorithm, will those modifications affect the TikTok U.S. algorithm operating in the United States?
- c. Please describe how a licensing arrangement eliminates any “operational relationship” between ByteDance and TikTok U.S., as you must declare under the *Protecting Americans from Foreign Adversary Controlled Applications Act* to prevent the TikTok ban from taking effect.¹⁴

Thank you for your attention to this important matter.

Sincerely,



Edward J. Markey
United States Senator

¹⁴ Protecting Americans from Foreign Adversary Controlled Applications Act, 15 U.S.C. § 9901 (note).