

United States Senate

WASHINGTON, DC 20510-4606

April 7, 2024

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

Dear President Trump:

I write to express concerns with the extension that you announced on Friday, April 4, 2025 to allow TikTok to continue its U.S. operations, and to convey deep reservations with how you and other involved parties are carrying out the negotiations around the sale of TikTok. The news reports around the extension suggest that the likely deal under consideration would not meet the clear statutory thresholds for eliminating ByteDance's influence over TikTok's U.S. operations. Specifically, it would preserve a material, operational role for ByteDance by not only allowing it to retain a significant equity stake in the divested entity, but also an active role in technology development and maintenance, including over the algorithm governing content displayed to TikTok U.S. users.¹ I also will note that the law passed by Congress only allowed for a single extension of no more than 90 days. This second delay is a clear violation of the law, while also continuing to leave Americans vulnerable to malign influence operations conducted by an adversary country.

In key respects, the reported deal or arrangement appears to closely resemble the proposed "Project Texas" partnership that ByteDance previously sought approval for through the Committee on Foreign Investment in the United States (CFIUS). As I and colleagues made clear at the time – and as CFIUS concluded in withholding its approval – such an arrangement would not sufficiently address the data security, counter-intelligence, and covert influence threats posed by ByteDance's continued role in the provision of social media services in the United States. More importantly, the bipartisan law the Congress overwhelmingly passed explicitly *proscribes* such an arrangement – both by categorically prohibiting a qualified divestiture from being operated directly or indirectly (including through a parent company, subsidiary, or affiliate) by ByteDance, TikTok, or a subsidiary or successor of either company, as well as by requiring that any qualified divestiture preclude "the establishment or maintenance of any operational relationship between the United States operations of the relevant foreign adversary controlled application and any formerly affiliated entities that are controlled by a foreign adversary, including any cooperation with respect to the operation of a content recommendation algorithm or an agreement with respect to data sharing."²

¹ Dasha Burns et al, "White House Seriously Considering Deal from Oracle to Run TikTok," *Politico* (March 16, 2025).

² *Protecting Americans from Foreign Adversary Controlled Applications Act*, 15 U.S.C 9901 (emphasis added).

A successful and comprehensive divestiture will require any successor to scrupulously prevent influence or access by ByteDance or other entities under the jurisdiction of the People's Republic of China. The deal being discussed undermines confidence that the divested app can be trusted to protect national security and ensure compliance with the law. For instance, industry outlets currently note that the company announced to manage the divested operations, Oracle, has facilitated ByteDance's access to controlled advanced semiconductors, raising concerns about its willingness to proactively safeguard U.S. interests.³ Perhaps more concerning, Oracle has recently suffered two significant data breaches – including a compromise to sensitive health records hosted by its Oracle Health division, as well as a separate breach involving Oracle Cloud.⁴ Each of these incidents – that Oracle has continued to publicly deny despite sustained reports of confirmation and of private acknowledgement to clients⁵ - raise questions about whether Oracle can be trusted as the custodian of sensitive TikTok user data.

In addition, it appears that the efforts to facilitate a qualified divestiture have not followed the substantive, risk-based inter-agency process contemplated in the law. Rather, reports have consistently painted a picture of an *ad hoc* process, driven by White House personnel. Perhaps most concerning, you have explicitly suggested that your compliance with the statutorily mandated divestiture could be tied to negotiations over tariffs with the People's Republic of China.⁶

Congress retains the constitutional authority to regulate foreign and interstate commerce. I strongly encourage you actually adhere to the law Congress passed and immediately convene an inter-agency team to evaluate any prospective divestiture based on genuine, risk-based criteria. Any qualified divestiture must ensure a clean operational break from ByteDance and TikTok USA, including by preventing either company from continuing to develop, influence, or access personal data or source code (including the content recommendation algorithm) maintained by the divested company.

Sincerely,



Mark R. Warner
United States Senator

³ Anissa Gardizy, "China's Nvidia Loophole: How ByteDance Got the Best AI Chips Despite U.S. Restrictions," *The Information* (June 6, 2024).

⁴ Lorenzo Franceschi-Bicchierai, "Oracle Under Fire for Its Handling of Separate Security Incidents," *TechCrunch* (March 31, 2025).

⁵ Connor Jones, "Oracle's Masterclass in Breach Comms: Deny, Deflect, Repeat," *The Register* (April 2, 2025); Sergiu Gatlan, "Oracle Privately Confirms Cloud Breach to Customers," *Bleeping Computer* (April 3, 2025).

⁶ Sapna Maheshwari, Lauren Hirsch, and Zolan Kanno-Youngs, "With Deadline Looming, Details of a Potential TikTok Deal Emerge," *The New York Times* (April 3, 2025).