

United States Senate

WASHINGTON, DC 20510

November 14, 2022

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

I write regarding TikTok and its Chinese parent company, ByteDance, and their use of H-1B guest worker visas for employees who might have ties to the Chinese Communist Party (CCP). TikTok captures vast amounts of private information on users, including American citizens, and has long been suspected of providing the CCP with potential access to that information. This threatens the safety and security of American citizens, and also functions as an avenue for the Chinese government to track the locations of and develop blackmail on Federal employees and contractors.

In response to security and espionage concerns, TikTok claims that it stores “all TikTok US user data in the United States,” and that its “data centers are located entirely outside of China.”¹ In a Senate hearing, TikTok’s vice president added that TikTok has a “US-based security team that handles access to user data.”² However, recent public reports indicate that sensitive data on American users of TikTok has been accessed from within China,³ that Beijing-based employees of ByteDance have targeted specific American users for surveillance,⁴ and that at least 300 TikTok and ByteDance employees are also current or former employees of Chinese state media.⁵

In 2022 alone, DHS has approved over 570 new and continuing H-1B visas for foreign individuals to work at ByteDance and TikTok’s offices in California.⁶ Given the security concerns with TikTok and the company’s repeated statements about “US-based” teams and data centers, having hundreds of foreign nationals working in those offices presents another potential threat. For each H-1B application sponsored by ByteDance or TikTok in 2022, please provide a list of the nationalities and job titles of each applicant employee no later than 5:00PM on Tuesday, November 15.

I look forward to your prompt response.

Sincerely,



Tom Cotton
United States Senator

¹ TikTok, “Statement on TikTok’s content moderation and data security practices,” (Oct. 24, 2019), <https://newsroom.tiktok.com/en-us/statement-on-tiktoks-content-moderation-and-data-security-practices>.

² “Protecting Kids Online: Snapchat, TikTok, and YouTube,” Hearing before the Comm. on Commerce, Science, & Transportation, 117 Cong. (Oct. 26, 2021) (Statement of Michelle Beckerman).

³ Emily Baker-White, “Leaked Audio from 80 Internal TikTok Meetings Shows That US User Data Has Been Repeatedly Accessed From China,” BuzzFeed News (June 17, 2022), <https://www.buzzfeednews.com/article/emilybakerwhite/tiktok-tapes-us-user-data-china-bytedance-access>.

⁴ Emily Baker-White, “TikTok Parent ByteDance Planned To Use TikTok To Monitor The Physical Location Of Specific American Citizens,” Forbes (Oct. 20, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/10/20/tiktok-bytedance-surveillance-american-user-data/>.

⁵ Emily Baker-White, “LinkedIn Profiles Indicate 300 Current TikTok And ByteDance Employees Used To Work For Chinese State Media—And Some Still Do,” Forbes (Aug. 11, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/08/10/bytedance-tiktok-china-state-media-propaganda/>.

⁶ U.S. Citizenship and Immigration Services, H-1B Employer Data Hub Files, <https://www.uscis.gov/tools/reports-and-studies/h-1b-employer-data-hub/h-1b-employer-data-hub-files>.