

**Congress of the United States**  
**Washington, DC 20510**

January 12, 2026

The Honorable Howard Lutnick  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue N.W.  
Washington, DC 20230

Dear Secretary Lutnick:

We write to express our alarm and opposition to President Donald Trump's decision to loosen United States export controls on advanced artificial intelligence (AI) chips by approving the sale of Nvidia's H200 chips to China.

For years, the United States maintained strong export controls on advanced technology to China and other adversarial nations to ensure the United States' military and technological superiority over competitors. One result of this longstanding export control policy is that China cannot currently produce the advanced AI chips needed to support its burgeoning AI industry and relies on American exports of lower grade chips to power its AI programs. National security experts support robust export controls, saying that China's lack of access to the most advanced AI chips, including H200 chips, is "the one thing holding China back in AI."<sup>1</sup>

It is important to know that H200 chips have six times more processing power than the chips allowed by current United States export control thresholds.<sup>2</sup> Projections estimate that China will be unable to produce a chip with the same processing power as the H200 until 2028,<sup>3</sup> keeping China more than two years behind the United States in computational power and AI development. This competitive advantage protects both the United States economy and national security, as these advanced AI chips are dual-use and can be used to develop China's military capacity.

To meet China's growing need for computational power, smuggling networks have emerged to illegally export advanced AI chips from the United States to China. The Center for New American Security estimates that anywhere between 10,000 and several hundred thousand AI chips were smuggled to China in 2024.<sup>4</sup> On December 8, 2025, President Trump's Department of Justice (DOJ) announced that it had shut down a major AI technology smuggling ring that exported at least \$160 million worth of Nvidia H100 and H200 chips.<sup>5</sup> The DOJ acknowledged that by defying export controls, the smuggling ring "threaten[ed] our Nation's security by funneling cutting-edge AI technology to those who would use it against American interests."<sup>6</sup> In the same press release, DOJ stated that "[t]hese chips are the building blocks of AI superiority and are integral to modern

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<sup>1</sup> <https://www.reuters.com/world/china/us-launches-review-advanced-nvidia-ai-chip-sales-china-sources-say-2025-12-19/>

<sup>2</sup> <https://www.nvidia.com/en-us/data-center/h200/#specs>;

<sup>3</sup> <https://www.cfr.org/article/chinas-ai-chip-deficit-why-huawei-cant-catch-nvidia-and-us-export-controls-should-remain>

<sup>4</sup> <https://www.cnas.org/publications/reports/countering-ai-chip-smuggling-has-become-a-national-security-priority#:~:text=Across%20these%20data,confirmed%20smuggling%20cases>.

<sup>5</sup> <https://www.justice.gov/opa/pr/us-authorities-shut-down-major-china-linked-ai-tech-smuggling-network>

<sup>6</sup> *Id.*

military applications. The country that controls these chips will control AI technology; the country that controls AI technology will control the future.”<sup>7</sup>

Mere hours after the DOJ clearly stated the national security imperative of preventing China from receiving advanced AI chips, including Nvidia H200 chips, President Trump announced that he approved the sale of Nvidia H200 chips to China. In return, 25% of Nvidia’s revenue from H200 chip sales would go to the United States.<sup>8</sup> This decision will erode the edge the United States maintains over China’s AI program and threaten our national security. The announced 25% revenue collection on the sale of H200 AI chips is likely illegal as the Export Control Reform Act of 2018 (ECRA) prohibits the federal government from charging fees in connection with the approval of export licenses.<sup>9</sup> Furthermore, the revenue collection creates a perverse incentive for more chips to be approved than is in the best interest of our national security to raise additional funding.

Given the national security dangers of allowing the sale of advanced AI chips to China and outstanding questions about why this decision was made and how the revenue collection will occur, we request that you provide answers to the following questions no later than January 27, 2026,

1. What analysis was made by the Department of Commerce (DOC) to determine that its decision to loosen export controls to approve the sale of advanced AI chips to China would benefit the United States?
2. Did the DOC consult with other agencies, including the Department of Defense and the intelligence community, when assessing the national security impact of approving the sale of advanced AI chips to China?
3. Do you agree with the DOJ’s analysis that “[t]hese chips are the building blocks of AI superiority and are integral to modern military applications”? If so, how do you justify the approval of the sale of the Nvidia H200 chips to China?
4. What steps will the DOC take to ensure the Nvidia H200 chips sold to China are not obtained by entities connected with the Chinese military or help with research for military technology?
5. Please explain how the revenue collected from the announced 25% revenue collection on the sale of Nvidia’s H200 chips to China will be used. How will the administration charge this fee given the prohibition on fees imposed by ECRA?

Thank you for your time and attention to this matter. The United States must continue to ensure that we prevent China from accessing advanced AI chips to maintain our superior AI capabilities.

Sincerely,



GABE AMO  
Vice Ranking Member



GREGORY W. MEEKS  
Ranking Member

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

<sup>8</sup> <https://www.cnn.com/2025/12/08/tech/nvidia-h200-chips-china-trump-export>

<sup>9</sup> 50 U.S.C §4815(c)