

United States Senate

WASHINGTON, DC 20510

December 12, 2025

The Honorable Howard Lutnick
Secretary
Department of Commerce
1401 Constitution Ave. NW
Washington, D.C. 20230

Dear Secretary Lutnick:

We write with deep concern regarding President Trump's decision to allow NVIDIA to export its advanced H200 artificial intelligence chips to the People's Republic of China (PRC).¹ That decision came just hours after the Department of Justice (DOJ) announced a crackdown on a sophisticated trafficking network that was smuggling these same chips into China and warned that failing to enforce strong export controls would pose grave risks to our national security.² The President's dangerous decision to give away critical national security controls represents a significant departure from longstanding bipartisan efforts to ensure that U.S. technology does not turbocharge China's military and technological capabilities.³

The PRC seeks NVIDIA's H200s chips to develop and deploy AI systems, including for military and cyber operations.⁴ Leading PRC AI companies like DeepSeek have made clear that they want access to NVIDIA's advanced AI chips: their CEO said that the ban of AI chip shipments was his biggest problem.⁵ But given the significant demand, smugglers have attempted to circumvent U.S. export controls to divert advanced AI chips to the PRC.⁶ Hours before President Trump's decision to allow H200s to be sold to China, the Justice Department announced that it had shut down a major Chinese smuggling network that "threaten[ed] our Nation's security by funneling cutting-edge AI technology to those who would use it against American interests."

¹ Reuters, "US to allow Nvidia H200 chip shipments to China, Trump says," Stephen Nellis, Karen Freifeld, and Michael Martina, December 9, 2025, <https://www.reuters.com/world/china/us-open-up-exports-nvidia-h200-chips-china-semafor-reports-2025-12-08>

² Wall Street Journal, "How Trump's U-Turn on Nvidia Chips Changes the Game for China's AI," Stu Woo, December 9, 2025, <https://www.wsj.com/tech/ai/china-ai-nvidia-trump-chip-export-ban-lift-c3d457c1>; U.S. Department of Justice, "U.S. Authorities Shut Down Major China-Linked AI Tech Smuggling Network," December 8, 2025, <https://www.justice.gov/opa/pr/us-authorities-shut-down-major-china-linked-ai-tech-smuggling-network>.

³ New York Times, "Trump's Nvidia Chip Deal Reverses Decades of Technology Restrictions," David Sanger, December 9, 2025, <https://www.nytimes.com/2025/12/09/us/politics/trump-nvidia-ai-chips-china.html>.

⁴ *Id.*; The Hill, "China wants an AI-powered military built with Nvidia chips, and that's a problem," Sam Bresnick and Cole McFaul, December 3, 2025, <https://thehill.com/opinion/technology/5630281-nvidia-china-military-chips/>.

⁵ Washington Post, "Trump's reversal on AI chips is a historic blunder," Chris McGuire and Oren Cass, August 26, 2025, <https://www.washingtonpost.com/opinions/2025/08/27/trump-nvidia-chips-deal-china/>; Wall Street Journal, "Everyone's Rattled by the Rise of DeepSeek—Except Nvidia, Which Enabled It," Raffaele Huang, Stu Woo, and Asa Fitch, February 5, 2025, <https://www.wsj.com/tech/ai/nvidia-jensen-huang-ai-china-deepseek-51217c40>.

⁶ New York Times, "With Smugglers and Front Companies, China Is Skirting American A.I. Bans," Ana Swanson and Claire Fu, August 4, 2024, <https://www.nytimes.com/2024/08/04/technology/china-ai-microchips.html>; Financial Times, "Nvidia AI chips worth \$1bn smuggled to China after Trump export controls," Zijing Wu and Eleanor Olcott, July 24, 2025, <https://www.ft.com/content/6f806f6e-61c1-4b8d-9694-90d7328a7b54>.

The Department confirmed that these advanced chips are the “building blocks of AI superiority” that “are integral to modern military applications.”⁷ The U.S. Attorney for the Southern District of Texas underscored that “[t]he country that controls these chips will control AI technology; the country that controls AI technology will control the future.”⁸ In addition to undermining our national security by allowing the Chinese military and AI companies access to the H200s, the limited supply of these advanced chips means that sales to China could come directly at the expense of startups, universities, and national labs that are competing for them to help innovate in the United States.⁹ It is no surprise that lawmakers across the political spectrum have called for prioritizing demand at home or for banning these exports outright to certain countries.¹⁰

We are also deeply concerned about the appearance of corruption and insider access. The critical national security decision to allow the sale of H200s to China was made after a “charm offensive” that reportedly included a backroom meeting, a donation to the Trump ballroom, and personal lobbying by NVIDIA’s CEO Jensen Huang.¹¹ The American public deserves to know that decisions with profound national security and economic consequences are being made by a deliberate, fact-based process that protects the national interest, rather than at donor dinners at Mar-a-Lago or at the behest of a well-connected CEO who stands to make enormous sums of money from the lifting of critical export controls.¹² At a minimum, the American public deserves to know whether and how corporate influence may have shaped this national security decision.

During your confirmation hearing, you advocated for stronger export controls, saying “if they are going to compete with us, let them compete, but stop using our tools to compete with us.”¹³ Unfortunately, under your tenure, the Department of Commerce appears to be handing out key favors that undermine our national security based on which corporate CEOs can do the best job of wooing President Trump. Given the profound concerns about our economic and national

⁷ U.S. Department of Justice, “U.S. Authorities Shut Down Major China-Linked AI Tech Smuggling Network,” December 8, 2025, <https://www.justice.gov/opa/pr/us-authorities-shut-down-major-china-linked-ai-tech-smuggling-network>.

⁸ *Id.*

⁹ Reuters, “Nvidia will build AI supercomputers for US Energy Department, wants to get back into China,” Stephen Nellis, Alexandra Alper and Arsheeya Bajwa, October 28, 2025, <https://www.reuters.com/world/asia-pacific/nvidias-huang-speak-washington-investors-look-hints-china-2025-10-28>; NextDC, “Global AI Leadership Starts Here: How Universities Are Turning Infrastructure into Innovation,” June 29, 2025, <https://www.nextdc.com/blog/ai-university-leadership-nvidia-h100-h200>.

¹⁰ GAIN AI Act, S. 3150 <https://www.congress.gov/bill/119th-congress/senate-bill/3150>; Secure and Feasible Exports (SAFE) of Chips Act of 2025, S. 3374, <https://www.congress.gov/bill/119th-congress/senate-bill/3374>.

¹¹ FastCompany, “Nvidia’s Washington charm offensive has paid off big,” Mark Sullivan, December 10, 2025, <https://www.fastcompany.com/91457665/nvidia-trump-jensen-huang-blackwell-h200-h20>; Reuters, “Nvidia’s Huang joins tech titans funding Trump’s ballroom,” Courtney Rozen and Stephen Nellis, October 29, 2025, <https://www.reuters.com/business/nvidias-huang-joins-tech-titans-funding-trumps-ballroom-2025-10-29>; New York Times, “Trump Clears Sale of More Powerful Nvidia A.I. Chips to China,” Tripp Mickle and Ana Swanson, December 8, 2025, <https://www.nytimes.com/2025/12/08/business/trump-nvidia-chips-china.html>.

¹² AP News, “Nvidia CEO Jensen Huang visits Republicans as debate over intensifying AI race rages,” December 3, 2025, <https://apnews.com/article/ai-nvidia-jensen-huang-computer-chips-691556d07fc35364903eab25e428a285>; New York Times, “How Nvidia’s Jensen Huang Persuaded Trump to Sell A.I. Chips to China,” Tripp Mickle, July 17, 2025, <https://www.nytimes.com/2025/07/17/technology/nvidia-trump-ai-chips-china.html>.


¹³ C-SPAN, “Commerce Secretary Nominee Howard Lutnick Testifies at Confirmation Hearing,” January 29, 2025, <https://www.c-span.org/program/senate-committee/commerce-secretary-nominee-howard-lutnick-testifies-at-confirmation-hearing/655039>.

security raised by the decision to allow H200s to be sold to China, I ask that you provide answers to the following questions no later than December 19, 2025:

1. How many H200 chips does the Administration plan to approve for export to the PRC and over what time period?
2. What actions will the Administration take to ensure that, in the event of a limited supply of H200s, American purchasers get the first opportunity to purchase them ahead of Chinese entities?
3. How does the Administration plan to apply its announced 25% fee to H200 sales, and under what specific statutory authorities?
4. Do you agree that H200s are widely used for frontier AI development that has significant military applications, including the development of biological weapons and offensive cyber operations?
5. How will you ensure that NVIDIA chips are not being used by restricted end users, including entities linked to China's military?
6. Would you approve an export license for the H200 to DeepSeek?
7. What analysis has the Department of Commerce conducted on the effect of H200 exports on the ability of U.S. startups, universities, and national labs to access AI chips?
8. What is the Department of Commerce's assessment of the effect that this decision will have on the ability for U.S. allies to coordinate and maintain export controls?
9. Was there an interagency process to inform the President's decision on the H200? If so:
 - a. What was the Department of Commerce's position?
 - b. Were national security officials at the Department of Justice involved in the interagency process? If so, what was the Justice Department's position?
 - c. What were the positions of other departments and agencies?
10. Have you, or any other senior Department of Commerce official, met with or spoken to CEO Jensen Huang? If so, please provide a list of meetings and topics discussed.
11. Do you agree with the Department of Justice's view that H200 chips "are the building blocks of AI superiority and are integral to modern military applications," that "[t]he country that controls these chips will control AI technology," and that "the country that controls AI technology will control the future"?

12. Do you agree with the Department of Justice's view that the smuggling of H200 chips into China "threatens our Nation's security by funneling cutting-edge AI technology to those who would use it against American interests"?

Sincerely,



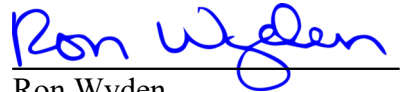
Elizabeth Warren
Ranking Member
Committee on Banking,
Housing, and Urban Affairs



Charles E. Schumer
United States Senator



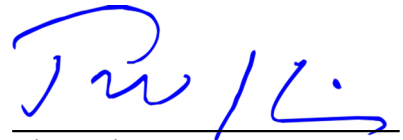
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Ron Wyden
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Michael F. Bennet
United States Senator



Tim Kaine
United States Senator



Elissa Slotkin
United States Senator