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United States Senate

COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS

WASHINGTON, DC 20510-6075

December 3, 2025

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

Dear Secretary Lutnick:

I am writing to express concern following recent reports that the Trump Administration may undermine our national and economic security by allowing the export of NVIDIA's H200 AI chips to the People's Republic of China (PRC, China).¹ This news comes a few months after the Department of Commerce resumed exports of NVIDIA's H20—an advanced AI chip “designed specifically for China”—following NVIDIA's lobbying the Trump Administration for access to the PRC market.² Lawmakers in Congress and across the political spectrum raised objections about allowing NVIDIA to sell its advanced H20s chips to the PRC.³ Because H200 chips are “more powerful than the H20 processor,” and their sale to PRC firms “would constitute a significant easing of US trade restrictions,”⁴ I urge you to stop ignoring the input of bipartisan members of Congress and your own experts in order to cut deals that trade away America's national security.

Because the H200 and similarly capable AI processors will power the next generation of AI models and applications, PRC firms are pushing hard for access to build next-generation military and surveillance technologies.⁵ Construction firms in the PRC are building data centers and

¹ Reuters, “US mulls letting Nvidia sell H200 chips to China, sources say, Alexandra Alper, November 21, 2025, <https://www.reuters.com/world/asia-pacific/us-considering-letting-nvidia-sell-h200-chips-china-sources-say-2025-11-21>.

² 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>.

³ Letter from Senators Warren and Hawley, “Warren, Hawley Call on Trump Administration to Quickly Address Export Control Failures Revealed by DeepSeek Breakthrough,” February 3, 2025, <https://www.banking.senate.gov/newsroom/minority/warren-hawley-call-on-trump-administration-to-quickly-address-export-control-failures-revealed-by-deepseek-breakthrough>; Letter from Chairman Moolenaar to Commerce Secretary Howard Lutnick, July 18, 2025, <https://selectcommitteeontheccp.house.gov/sites/evo-subsites/selectcommitteeontheccp.house.gov/files/evo-media-document/2025.07.18-letter-to-commerce-h20-chip.pdf>.

⁴ Bloomberg, “Trump Team Internally Floats Idea of Selling Nvidia H200 Chips to China,” Mackenzie Hawkins and Jenny Leonard, November 21, 2025, <https://www.bloomberg.com/news/articles/2025-11-21/trump-team-internally-floats-idea-of-selling-nvidia-h200-chips-to-china>.

supercomputing sites with the hope of installing over 100,000 NVIDIA chips.⁶ PRC firms like DeepSeek have made clear that there is demand for NVIDIA's advanced AI chips: their CEO said that the ban of AI chip shipments was his biggest problem.⁷ Meeting this demand would come directly at the expense of U.S. start-ups, universities, and national labs that are competing for the same limited supply of advanced chips.⁸ This demand is why smugglers divert advanced AI chips to the PRC using opaque front companies and distributors.⁹ Last month, the Department of Justice indicted individuals for attempting to smuggle the exact same chips that the Trump Administration is now considering allowing for sale.¹⁰

The Department of Commerce should not greenlight the sale of chips that the Trump Administration's Department of Justice warns are being sought by the PRC to develop AI for "military modernization efforts and in connection with the design and testing of weapons of mass destruction and deployment of advanced AI surveillance tools."¹¹ NVIDIA's H20 was only recently approved for sale to the PRC, and is the most powerful AI chip that the United States has ever sold to the country.¹² Allowing NVIDIA to export the H200, an even more advanced chip, risks powering the PRC's surveillance, censorship, and military applications.¹³ It will supercharge PRC firms, at the expense of American startups, businesses, workers, and national security. The Department's weakening of export controls is a threat to both our national and economic security.

⁵ Reuters, "Exclusive: DeepSeek aids China's military and evaded export controls, US official says," Michael Martina and Stephen Nellis, June 23, 2025, <https://www.reuters.com/world/china/deepseek-aids-chinas-military-evaded-export-controls-us-official-says-2025-06-23>.

⁶ Bloomberg, "China Wants 115,000 Nvidia Chips to Power Data Centers in the Desert," Andy Lin, Mackenzie Hawkins, Colum Murphy, and James Mayger, July 8, 2025, <https://www.bloomberg.com/graphics/2025-china-data-centers-nvidia-chips>.

⁷ 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>.

⁸ 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>.

⁹ 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>.

¹⁰ U.S. Department of Justice, "U.S. Citizens and Chinese Nationals Arrested for Exporting Artificial Intelligence Technology to China," November 20, 2025, <https://www.justice.gov/opa/pr/us-citizens-and-chinese-nationals-arrested-exporting-artificial-intelligence-technology>.

¹¹ *Id.*


¹² Post on X by Chris McGuire, November 21, 2025, <https://x.com/ChrisRMcGuire/status/1991978861198753798>; New York Times, "Nvidia Says U.S. Has Lifted Restrictions on A.I. Chip Sales to China," Tripp Mickle, July 14, 2025, <https://www.nytimes.com/2025/07/14/technology/nvidia-ai-chip-sales-china.html>.

¹³ Letter from Chairman Moolenaar and Ranking Member Krishnamoorthi to Nvidia CEO Huang, April 16, 2025, <https://selectcommitteeontheccp.house.gov/sites/evo-subsites/selectcommitteeontheccp.house.gov/files/evo-media-document/Nvidia%20Letter.pdf>; U.S. Department of Justice, "U.S. Citizens and Chinese Nationals Arrested for Exporting Artificial Intelligence Technology to China," November 20, 2025, <https://www.justice.gov/opa/pr/us-citizens-and-chinese-nationals-arrested-exporting-artificial-intelligence-technology>.

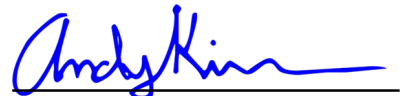
I am also deeply troubled by the lack of transparency on how the Department makes export decisions. The American public deserves to know that decisions with profound national-security and economic consequences are by a deliberate, fact-based process, rather than at donor dinners at Mar-a-Lago or in closed-door meetings with President Xi Jinping.¹⁴ This is especially true given NVIDIA's persistent effort to leverage its market power and political influence to bend public policy to fit its own private interests.¹⁵

We should not allow Big Tech firms like NVIDIA to sell sensitive technology to governments that do not share our values and open ourselves to the risk that these technologies will be used against American service members, workers, and our long-term economic and national security. If we fail to enforce export controls consistently and seriously, and fail to ensure that American startups and other businesses have access to advanced chips, we risk giving away our technological edge. I urge you to act quickly to protect U.S. economic and national security by limiting the sale of NVIDIA's advanced AI chips to the PRC.

Sincerely,



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



Andy Kim
United States Senator

¹⁴ National Public Radio, "Trump administration backs off Nvidia's 'H20' chip crackdown after Mar-a-Lago dinner," Emily Feng and Bobby Allyn, April 9, 2025, <https://www.npr.org/2025/04/09/nx-s1-5356480/nvidia-china-ai-h20-chips-trump>; Reuters, "What did Trump, Xi agree to on tariffs, export controls and fentanyl," David Lawder and Andrea Shalal, November 1, 2025, <https://www.reuters.com/world/us/what-did-trump-xi-agree-tariffs-export-controls-fentanyl-2025-11-01/>.

¹⁵ 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>.