

Congress of the United States

Washington, DC 20515

December 22, 2025

The Honorable Jeffrey Kessler
Under Secretary for Industry and Security
Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230

Dear Under Secretary Kessler:

We write to request, pursuant to the Export Control Reform Act of 2018 (ECRA), information about the President's decision to approve sales of NVIDIA's H200 chip to China.¹ The H200 is one of the most advanced AI chips on the market, and it is currently used to produce frontier AI systems with military applications. In April, the Trump Administration believed that the H20—which is far less powerful than the H200—posed a significant enough threat to U.S. interests to impose a license requirement on the shipment of H20s to China.² Yet after meeting with NVIDIA's CEO Jensen Huang on December 3, 2025, the President endorsed the sale of H200s, which the President's own Department of Justice recently called “the building blocks of AI superiority.”³

Reporting suggests that you have already received and are reviewing licenses for the H200.⁴ As the Ranking Members of the Senate Banking, Housing, and Urban Affairs Committee and the House Foreign Affairs Committee, we oversee the implementation of ECRA. In ECRA, Congress stated the policy of the United States is to “restrict the export of items which would make a significant contribution to the military potential of any other country.”⁵ Approving licenses for items like NVIDIA's H200 chips, which the Justice Department recently described as “integral to modern military applications,” would be deeply at odds with the policy that Congress articulated in ECRA.

The President directing you to approve licenses of the H200 falls within a troubling pattern that undercuts our nation's security. Just last month, you approved the export of tens of thousands of advanced AI chips, worth an estimated \$1 billion, to the United Arab Emirates and

¹ CNBC, “Trump greenlights Nvidia H200 AI chip sales to China if U.S. gets 25% cut, says Xi responded positively,” Kevin Breuninger, December 8, 2025, <https://www.cnbc.com/2025/12/08/trump-nvidia-h200-sales-china.html>.

² Institute for Progress, “Should the U.S. Sell Hopper Chips to China? Assessing the Impacts of Exporting the H200 or H100 AI Chips,” Saif Khan et al., December 7, 2025, <https://ifp.org/should-the-us-sell-hopper-chips-to-china/>.

³ 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>.

⁴ Reuters, “Exclusive: US launches review of advanced Nvidia AI chip sales to China, sources say,” Alexandra Alper, December 18, 2025, <https://www.reuters.com/world/china/us-launches-review-advanced-nvidia-ai-chip-sales-china-sources-say-2025-12-19>.

⁵ 50 U.S.C. § 4811.

Saudi Arabia, despite significant concerns about these countries' human rights records and their close relationships with the PRC.⁶

Under ECRA, the Department is required to provide any information obtained pursuant the Export Administration Regulations, including any license applications, “upon the request of the chairman or ranking minority member of [the] committee or subcommittee [of appropriate jurisdiction].”⁷ Given our concerns, we request that you make the following information available to our committees:

1. All license information, including applications, supporting documentation, and BIS conditions for approval for the export of H200 or any advanced integrated circuit or product containing an advanced integrated circuit as classified under Export Control Classification Number (ECCN) 3A090 entity headquartered in, located in or having the parent company headquartered in a country identified in Country Group D:5 or Macau.
2. Any text of a government-to-government agreement that the Administration has signed with another country that would allow the shipment of an advanced integrated circuit or product containing an advanced integrated circuit classified under Export Control Classification Number (ECCN) 3A090.
3. BIS assessment of the performance of the most advanced chips the PRC is producing indigenously, as well as how many chips the PRC has the capacity to produce.

We ask that you provide the information requested above by *January 12, 2026*. Following that date, we request that you provide any new license applications relevant to paragraph 1 on the date that the Department refers those applications to the interagency. Further, we request that you provide any approved licenses and all relevant information to those approvals *within 48 hours* of the license approval date. In addition to your response, we request that you provide our committees with a full briefing *before* any H200 license is approved for export to the PRC. That briefing should include an assessment of the military potential of the chips approved for export and the reaction of allies and partners to the decision to export these chips.

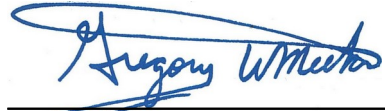
⁶ CNBC, “U.S. greenlights AI chip exports to Gulf tech giants after Saudi Crown Prince’s Washington visit,” Emma Graham, November 20, 2025, <https://www.cnbc.com/2025/11/20/us-approves-ai-chip-exports-to-gulf-after-saudi-crown-prince-visit.html>; New York Times, “U.S. Officials Raise Concerns About Saudi Arabia’s Bid for F-35 Jets,” Edward Wong and Eric Schmitt, November 13, 2025, <https://www.nytimes.com/2025/11/13/us/politics/trump-saudi-fighter-jets.html>; Reuters, “China, UAE ready to trade defence and security experience,” June 2, 2024, <https://www.reuters.com/world/china-uae-ready-trade-defence-security-experiences-2024-06-02>.

⁷ 50 U.S.C. § 4820 (h)(2)(B)(i).

Sincerely,



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



Gregory W. Meeks
Ranking Member
House Committee on Foreign
Affairs