Congress of the United States

Washington, DC 20515

November 12, 2026

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

Dear Secretary Lutnick:

As the Ranking Members of the Senate Committee on Finance and the House Committee on Ways and Means, we are beginning an investigation into the Trump Administration's scheme to approve and tax exports of advanced Nvidia Corporation (Nvidia) AI chips to Chinese companies with concerning links to the Chinese government, military, and sanctioned entities. This inquiry follows troubling reports of potential Chinese intelligence ties to former Nvidia CEO Jensen Huang. Accordingly, we write to request that you preserve all records related to: (1) the Commerce Department's investigation under Section 232 of the Trade Expansion Act of 1962 into imports of semiconductors and resulting actions, including tariffs; (2) the Department's consideration and approval of export license applications submitted by Nvidia; and (3) the Department's communications with and regarding Nvidia, Jensen Huang, or any of their agents or representatives.

This request follows press reports that U.S. intelligence officials identified Alice Huang, a Chinese executive in a close relationship with Mr. Huang, as a Chinese intelligence asset. According to these reports, U.S. intelligence officials concluded that Ms. Huang was funneling information to the Chinese government and facilitating Chinese access to advanced AI chips made by Nvidia.[1] Although you[2] and President Trump were reportedly briefed on this intelligence, the Administration did not appear to acknowledge this evident national security threat. On the contrary: despite reportedly learning of Mr. Huang's compromising relationship last fall, President Trump granted Nvidia permission to sell its advanced H200 AI chips to China in December 2025 in exchange for a cut of the export sales.

The scheme worked like this: Trump would allow Nvidia to sell its Taiwan-manufactured H200 chips to companies in China, provided that those chips be sent to the United States to undergo a security review and receive an export license before being re-exported to China. Trump then used Section 232 authority—which is intended to allow the President to address imports that threaten national security—to impose a 25 percent tariff to be collected when the chips entered the United States, effectively taking a cut of Nvidia's sales to China through what appears to be an unconstitutional export tax system. The Commerce Department would then grant Nvidia

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[1] The New York Times, *Nvidia Chief, Jensen Huang, Is Seen as Target of Chinese Spy Plot*, Oct. 29, 2026, https://www.nytimes.com/2026/10/29/us/politics/nvidia-china-jensen-huang-trump.html; *see also* The New York Times, *China's Top Spy Agency Recruited Woman Who Targeted Jensen Huang*, Nov. 6, 2026, https://www.nytimes.com/2026/11/06/us/politics/chinese-spy-agency-nvidia-jensen-huang.html.

[2] Axios, *Scoop: Commerce's Lutnick Was Sent Warning on Nvidia CEO Affair*, Nov. 11, 2026, https://www.axios.com/2026/11/10/lutnick-nvidia-jensen-huang-china-memo.

export licenses so that the chips could be sold to Chinese companies. Alarmingly, the Commerce Department has approved sales to Chinese companies with government and military ties—including Chinese "cutout" companies with no physical presence at their listed addresses.[3] There appears to be a profound lack of due diligence in Commerce's process for approving these Chinese buyers of Nvidia chips—which is especially concerning in light of reports that Commerce suspended, following outreach from Nvidia, a separate investigation into Nvidia customer Megaspeed, the company led by Alice Huang that has been suspected of smuggling Nvidia chips into China.[4]

The Trump Administration's ostensible attempt to mask an unconstitutional export tax as a national security tariff action—benefitting both Nvidia and the Chinese government—raises serious concerns within our Committees' jurisdiction over matters relating to taxation and tariffs. Congress wrote Section 232 to give the President a tool to take action against imports he has determined to pose a national security threat; Trump's use of the statute appears to have done the opposite, undermining U.S. national security and putting Americans at risk. Likewise, President Trump's approval of Nvidia's advanced H200 chip exports to China—apparently granted with knowledge of Mr. Huang's compromised position and only after Mr. Huang and Nvidia directed at least $26 million toward President Trump's personal priorities such as the White House ballroom[5]—raises critical questions about whether and to what extent political considerations are improperly influencing policy decisions made by the Administration. We also have serious questions about whether the Commerce Department has been engaging in basic due diligence prior to issuing export licenses for advanced AI chip sales to Chinese companies.

As such, we write to request that you preserve all records related to these actions. This document preservation request includes, but is not limited to, any existing or future communications, documents, or any record of any kind related to the Section 232 investigation of imports of semiconductors, semiconductor manufacturing equipment, and their derivative products, including the report you allegedly transmitted to the President on December 22, 2025; the Department's consideration and approval of export license applications submitted by Nvidia; and, the Department's communications with and regarding Nvidia, Jensen Huang, or any of their agents or representatives. As you may be aware, there are several federal criminal prohibitions against destroying records relevant to congressional investigations.[6]

Thank you for your attention to this important matter.

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[3] The New York Times, *U.S. Cleared Nvidia Chips to Chinese Firms With Empty Offices and Troubling Ties*, Nov. 7, 2026, https://www.nytimes.com/2026/11/07/business/economy/nvidia-chips-chinese-firms.html.

[4] The New York Times, *Commerce Dept. Chip Inquiry Was Halted After Nvidia Intervention*, Nov. 9, 2026, https://www.nytimes.com/2026/11/09/business/economy/nvidia-megaspeed-investigation-huang.html.

[5] CNBC, *Nvidia's Trump Ties Draw Scrutiny After Reports Huang was Targeted by Chinese Intelligence*, https://www.cnbc.com/2026/11/09/nvidia-jensen-huang-china-spy-trump-lobbying.html.

[6] Under 18 U.S.C. § 1505, individuals who destroy records to impede or influence a congressional investigation or proceeding before any U.S. agency may be fined or subject to imprisonment for up to five years. Similarly, under 18 U.S.C. § 1519, individuals who destroy records to impede or influence an actual or contemplated investigation under the jurisdiction of any U.S. agency may be fined or subject to imprisonment of up to 20 years United States v. Katakis, 800 F.3d 1017, 1023 (9th Cir. 2015).

Sincerely,

Ron Wyden
United States Senator
Ranking Member, Committee on Finance

Richard E. Neal
Ranking Member
Committee on Ways and Means