

Congress of the United States
Washington, DC 20515

April 30, 2025

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

Secretary Lutnick,

As President Trump and his administration work to deter our adversaries and secure our leadership in advanced technologies, we write to draw your attention to B.I.S. Rule 00636, the Biden administration's regulatory framework on artificial intelligence (AI) diffusion. As you evaluate and develop U.S. government policy to protect national security and ensure continued American technological leadership, we encourage withdrawing the rule or making fundamental changes to its structure. We offer our congressional support in crafting a more targeted and effective approach. The goals of promoting American technology dominance and preventing the diversion of AI chips to China can be achieved without the significant risks the current regulatory framework presents to America's technology leadership. This hastily prepared rule would severely curtail U.S. semiconductor innovation and limit U.S. global influence in the promulgation of mainstream compute technologies and applications.

This rule establishes global export licensing requirement for all integrated circuits (ICs) over a certain performance threshold and artificially limits the ability of U.S. companies to meet global demand for computing infrastructure, regardless of cluster size or use case. This rule creates three tiers of countries to govern the global sale of AI chips used in data centers and is especially harsh on Tier Two countries. This tier comprises of more than 150 countries, including certain NATO allies and EU member states. In doing so, this rule severely restricts U.S. companies' access to fast-growing markets in Southeast Asia, the Middle East, and Europe. Many of these countries are strategic and economic partners that should be engaged with through mutually beneficial technology partnerships. Without access to U.S. technology, these countries will turn to U.S. competitors to meet their AI infrastructure needs.

Through its creation of rigid tiered restrictions and allocating chip caps with limited flexibility, this rule risks creating a vacuum that the People's Republic of China would eagerly fill. This pattern would mimic our loss of global leadership in 5G infrastructure, and we cannot afford to repeat that mistake in this new era of artificial intelligence. Our central concern is that this rule would inadvertently harm our national security interests by cutting off domestic semiconductor manufacturers' access to global markets and limit the revenue streams that fund next-generation chip development and support US global AI leadership.

We respectfully urge you to ensure that B.I.S. Rule 00636 does not come into effect in its current form and propose a sensible framework that strengthens national security while promoting American leadership in AI development.

Sincerely,

A handwritten signature in black ink, appearing to read "R. McCormick".

Rich McCormick, MD, MBA
Member of Congress

A handwritten signature in blue ink, appearing to read "C. Scott Franklin".

C. Scott Franklin
Member of Congress