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January 14, 2026

The Honorable Howard W. Lutnick  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue Northwest  
Washington, D.C. 20230

Dear Secretary Lutnick:

I write to commend the inclusion of the America First certification requirement in the revision to the license review policy for advanced computing commodities released January 13, 2026.<sup>1</sup> Just as the bipartisan and bicameral GAIN AI Act proposes, this certification of “sufficient supply” of AI chips for American customers by license applicants will ensure that domestic customers are always prioritized for chip sales, furthering President Trump’s goal of U.S. AI dominance.

The certification requires that:

“...there is sufficient supply of the product [advanced AI chips] in the United States such that export of the product authorized by this license would not result in any delay in fulfilling any existing or new orders of any of its ‘advanced-node integrated circuits’ from customers in the United States for end use in the United States (taking into account normal lead times); that global foundry capacity that would otherwise be used to produce similar node or more advanced integrated circuits for end users in the United States will not be diverted to produce the commodities authorized by this license for exports to China...”<sup>2</sup>

There is an immediate challenge to this requirement. I am concerned that the global shortage of Dynamic Random Access Memory (DRAM) may prevent the requirement from being satisfied and therefore poses a risk to America’s AI leadership.<sup>3</sup> DRAM is the physical hardware that provides high-speed data storage for active data processing on semiconductors. The three global leaders in memory production – Samsung, SK Hynix, and Micron – have all confirmed this

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<sup>1</sup> *Department of Commerce, Bureau of Industry and Security, Revision to License Review Policy for Advanced Computing Commodities*, Final Rule, *Federal Register*, forthcoming publication as *RIN 0694-AK43*, FR Doc. 2026-00789, scheduled for publication January 15, 2026, <https://public-inspection.federalregister.gov/2026-00789.pdf>

<sup>2</sup> *Ibid.*

<sup>3</sup> Laurent, Adrien. “RAM Shortage 2025: How AI Demand is Raising DRAM Prices.” IntuitionLabs. Accessed January 11, 2026. <https://intuitionlabs.ai/articles/ram-shortage-2025-ai-demand>.

shortage will persist through 2026. Micron Technology's CEO recently stated that "aggregate industry supply will remain substantially short of the demand for the foreseeable future."<sup>4</sup> Similarly, executives from SK Hynix and Samsung have indicated that high demand for AI has exhausted available production capacity.<sup>5</sup> Samsung's president Wonjin Lee summarized the supply crunch at the Consumer Electronics Show this month saying, "There's going to be issues around semiconductor supplies, and it's going to affect everyone."<sup>6</sup>

The Nvidia H200 chips that the new license addresses utilize High-Bandwidth Memory 3 Extended (HBM3E), a specialized type of DRAM that stacks memory chips vertically to increase data transfer speeds. This type of HBM is also utilized by Nvidia's state-of-the-art Blackwell chips like the GB300.<sup>7</sup> Due to severe supply constraints, chips equipped with HBM3E bound for China represent an opportunity cost when it comes to HBM3E that could otherwise be utilized by American customers.

Reports indicate that Chinese technology firms have placed orders for more than two million H200.<sup>8</sup> This volume significantly exceeds reported estimates of Nvidia's current available inventory of approximately 700,000. The result is that these chips will need to be fabricated utilizing the already scarce type of DRAM.<sup>9</sup> So long as the global DRAM shortage persists, orders from China-based customers appear to require cannibalizing memory from an existing or potential order by an American customer.

I respectfully request a briefing no later than January 25 on the domestic availability of HBM3E components, how that availability affects license approval, and the Department's work to ensure American companies are always at the head of the line. I look forward to your response.

Sincerely,



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John Moolenaar  
Chairman

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<sup>4</sup> Mann, Tobias. "Buckle up, memory prices aren't easing anytime soon." *The Register*, December 20, 2025.

<sup>5</sup> Laurent, "RAM Shortage 2025."

<sup>6</sup> Ahn, Shery, and Yoolim Lee. "Samsung Warns of Price Hikes as Rising Memory Costs Affect All." *Bloomberg*, January 7, 2026. Accessed January 11, 2026. <https://www.bloomberg.com/news/articles/2026-01-07/samsung-warns-of-price-hikes-as-rising-memory-costs-affect-all>.

<sup>7</sup> Walton, Jarred. "Nvidia Announces H200 GPU: 141GB of HBM3e and 4.8 TB/s Bandwidth." *Tom's Hardware*, November 13, 2023. Accessed January 11, 2026. <https://www.tomshardware.com/news/nvidia-h200-gpu-announced>

<sup>8</sup> Shilov, Anton. "Nvidia to Demand Full Upfront Payment for H200 GPUs from China Customers, Report Claims — More Than Two Million Chips May Have Been Ordered Despite Uncertain Beijing Stance." *Tom's Hardware*, January 8, 2026. Accessed January 11, 2026. <https://www.tomshardware.com/pc-components/gpus/nvidia-to-demand-full-upfront-payment-for-h200-gpus-from-china-customers-report-claims-more-than-two-million-chips-may-have-been-ordered-despite-uncertain-beijing-stance>.

<sup>9</sup> Reuters. "Exclusive: Nvidia Sounds Out TSMC on New H200 Chip Order as China Demand Jumps, Sources Say." *Reuters*, December 31, 2025. Accessed January 11, 2026. <https://www.reuters.com/world/china/nvidia-sounds-out-tsmc-new-h200-chip-order-china-demand-jumps-sources-say-2025-12-31/>