

United States Senate

WASHINGTON, DC 20510

April 11, 2025

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

Dear Secretary Lutnick:

We applaud President Trump's commitment to ensuring American dominance in the tech sector. Today, we are in an enviable position: American companies dominate in crucial areas that will define tomorrow's economy including semiconductor design, compute infrastructure, and artificial intelligence (AI). This leadership position has been hard fought. Maintaining and growing our tech lead requires diligently advancing an American-led, global ecosystem around the world.

Concerningly, President Biden's recently issued Artificial Intelligence Diffusion Rule (AIDR) threatens to undermine this leadership and advancement. Among other things, the rule categorizes countries into three tiers, imposing complex restrictions on the purchase of U.S. technology. Only Tier 1 countries—limited to just 18 nations—would have access to American technology. Even these 18 would only have access if they comply with a burdensome and ever-evolving set of federal regulations. The vast majority of nations fall into Tier 2. These countries face arbitrary purchase limits and a cumbersome licensing process to acquire U.S. computing technologies. Strikingly, key allies and partners like Israel have been inexplicably excluded from the top tier and placed into Tier 2. Tier 3 countries, including Communist China, are already rightly restricted.

While the AIDR claims to provide secure ecosystems for the responsible diffusion of AI, this rushed midnight rule's impact and overly broad scope will result in consequences that divorce it from its intent. Fundamentally, the rule places burdensome constraints on U.S. companies that would be difficult to comply with and even harder for the Federal government to enforce. Buyers, particularly in Tier 2 countries that are constrained from purchasing U.S. technology, would be incentivized to turn to Communist China's unregulated, cheap substitutes. Additionally, technology companies in Tier 2 countries could be motivated to create their own AI technology stack that is outside our export control regime. Neither outcome furthers our nation's long-term economic and national security goals.

With the compliance deadline of May 15, 2025, rapidly approaching, immediate action is necessary to prevent irreversible damage to American innovation and competitiveness. Every day this rule remains in place, American companies face mounting uncertainty, stalled investments, and the risk of losing critical global partnerships that cannot be easily regained. Therefore, we urge you to withdraw this rule and propose an alternative that is effective in preventing Communist China from capturing the world market in a leading technology without compromising American advantages.

Sincerely,



Pete Ricketts
United States Senator



Thom Tillis
United States Senator



Markwayne Mullin
United States Senator



Ted Budd
United States Senator



Roger F. Wicker
United States Senator



Eric S. Schmitt
United States Senator



Tommy Tuberville
United States Senator