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Congress of the United States
House of Representatives
SELECT COMMITTEE ON CHINA

April 20, 2026

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Rubio,

Last July, I wrote to Commerce Department Secretary Howard Lutnick regarding Nvidia's H20 chip – a product purpose-built for the Chinese market to sit just beneath the threshold set by U.S. export controls, narrowly complying with the letter of export controls while jeopardizing the national interests that the controls sought to protect.

We now face another H20 moment – not for AI chips, but for the tools used to make them. The Dutch toolmaker ASML plans to begin shipments of its NXT:1965i deep-ultraviolet immersion (DUVi) lithography system to the People's Republic of China (PRC) as early as the fourth quarter of 2026, with deliveries to Chinese advanced fabs supporting Huawei's artificial intelligence chipmaking.¹

I believe the NXT:1965i system is an attempt to circumvent the Dutch government's national security controls to keep selling advanced semiconductor manufacturing capabilities to China at scale. China's attempt to onshore advanced semiconductor manufacturing has made it ASML's largest market, and the commercial pressure is understandable. But the policy response for U.S. and allied interests is clear: we must urge the Dutch government to close this loophole as soon as possible.

President Trump's first administration rightly identified lithography exports as crucial to winning the AI and broader technology competition with China. By successfully pressing the Netherlands to halt ASML's extreme-ultraviolet (EUV) lithography shipments to the PRC, it secured what remains, by a wide margin, the single most important chokepoint in the U.S.–China technology competition. As a result, China cannot produce sub-7nm chips at scale, setting China back at

¹ Investing.com, "ASML Poised for Revenue Surge as Zeiss Expands Capacity for Chip Tools - Kuo," *Investing.com*, Jan. 27, 2026, [investing.com/news/stock-market-news/asml-poised-for-revenue-surge-as-zeiss-expands-capacity-for-chip-tools--kuo-93CH-4468159](https://www.investing.com/news/stock-market-news/asml-poised-for-revenue-surge-as-zeiss-expands-capacity-for-chip-tools--kuo-93CH-4468159).

least seven years behind the leading edge. Subsequent controls on previous-generation 1980i tools further constrained the output of Chinese fabs.

Now, ASML is exploiting a crucial loophole in the allied export control regime. Current controls capture all DUV immersion lithography machines (the generation of tools preceding the already controlled EUV machines), but the parameters only cover tools already on the market. ASML is now reviving a discontinued tool, the NXT:1965i, to undermine Dutch restrictions.

ASML marketing makes it clear that the 1965i is designed specifically for advanced-node production – exactly what allied controls on equipment are designed to prevent.² And the company is developing these tools specifically to allow continued sales to Chinese chipmakers like CXMT, which has been designed by the Department of War as a “Chinese Military Company” and which helps Huawei produce its flagship Ascend line of AI chips.

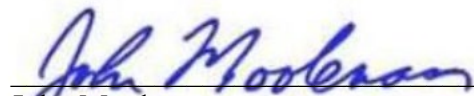
I urge you to engage the Government of the Netherlands immediately to ensure that, at minimum, the NXT:1965i is treated no more permissively than ASML’s more capable NXT:1980i when sold to any Chinese fab. Absent this measure, these shipments will materially accelerate the PRC’s production of AI chips at the chipmaking facilities central to that effort.

I also urge you to work with the Commerce Department on a unilateral backstop should the Dutch government decline to act. The Bureau of Industry and Security can close the gap by removing the upper limit on “dedicated chuck overlay” in ECCN 3B993.f.1.b.2, and, if necessary, by applying the Foreign Direct Product Rule to ensure that shipments from the Netherlands to advanced PRC fabs are controlled whether or not the Dutch government acts.

The window to act is narrow. Once the first shipments are delivered, the policy debate shifts from preventing a harmful export to justifying a rollback. I request a briefing from the Department no later than May 4, 2026, on the steps State is taking to engage the Netherlands on this matter and to coordinate with Commerce on a unilateral backstop.

I appreciate your steadfast leadership and stand ready to support the administration’s efforts to head off this urgent threat.

Sincerely,



John Moolenaar
Chairman

² “Like the TWINSKAN NXT:1970Ci, the TWINSKAN NXT:1965Ci step-and-scan system is a high-productivity, dual-stage immersion lithography tool designed for volume production 300 mm wafers at the sub 20 nm nodes.” ASML, “TWINSKAN NXT:1965Ci - DUV lithography systems,” *ASML*, <https://www.asml.com/products/duv-lithography-systems/twinscan-nxt-1965ci>.