November 18, 2026

The Honorable Todd Blanche
Attorney General of the United States
U.S. Department of Justice
Washington, DC

Dear Attorney General Blanche,

Over the last year, under your leadership, the Department of Justice uncovered multiple smuggling operations that routed American super intelligence (SI) chips to China in violation of America's export controls. In one of the latest examples, the owner of a California-based technology company was arrested and charged with smuggling more than $300 million in export-controlled SI chips to China.[1]

The United States has the world's most advanced SI chip technology, much of it built by Nvidia, the multi-trillion-dollar company powering America's SI lead. Smuggling operations threaten to undermine that lead, giving China access to hardware necessary for developing advanced SI and deploying it to boost its military capabilities and international influence. Because of the implications for U.S. national security and foreign policy, Nvidia, like other U.S. companies that sell export-controlled technology, is responsible for investigating any "red flags" that indicate its customers might be illegally sending this technology to controlled destinations.[2]

As a coalition of national security and SI policy leaders, we write to urge the Department of Justice to investigate Nvidia's knowledge of and response to illegal chip smuggling operations diverting controlled chips to China.[3] The scale and frequency of these operations raise questions about whether Nvidia took reasonable steps to detect and prevent them, in accordance with the responsibilities for U.S. companies described in federal regulatory law. The Department should investigate whether Nvidia sold chips to customers or middlemen after receiving evidence that they were illegally routing those chips to China, or whether it deliberately blinded itself to export control violations by choosing not to engage in appropriate know-your-customer efforts or follow up on red flags indicating potential smuggling.

The cases your Department has brought over the past year show the scale of the SI chip smuggling problem. In December 2025, Operation Gatekeeper disrupted a China-linked network trafficking

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[1] U.S. Department of Justice, Office of Public Affairs, "California Man Arrested for Smuggling More Than $300 Million in Export-Controlled Computer Servers to China," press release, October 1, 2026, https://www.justice.gov/opa/pr/california-man-arrested-smuggling-more-300-million-export-controlled-computer-servers-china.

[2] Supplement No. 3 to Part 732—BIS's "Know Your Customer" Guidance and Red Flags, 15 C.F.R. pt. 732, supp. no. 3 (2026)

[3] "Nvidia Faces Questions over China AI Chip Smuggling Cases," *Bloomberg*, October 1, 2026, https://www.bloomberg.com/news/features/2026-10-01/nvidia-faces-questions-over-china-ai-chip-smuggling-cases.

Nvidia H100 and H200 chips.[4] Then, in March 2026, prosecutors charged three people in another alleged scheme in which a Southeast Asian intermediary purchased roughly $2.5 billion worth of servers containing advanced SI chips during 2024 and 2025, with prosecutors alleging that at least $510 million worth were illegally sent to China.[5]

To be clear, the DOJ's investigations into these smuggling cases alone do not establish that Nvidia broke U.S. law. But the repeated attempts to route Nvidia chips to China point to a pattern that warrants a closer examination of company practices and how Nvidia responded to repeated alarming discoveries over the past several years regarding the scale of smuggling operations.

Advanced SI chips are critical pieces of technology, fueling America's powerful SI systems. Chips are also key to maintaining America's military and intelligence systems. Their unlawful diversion to America's competitors like China threatens to undermine the safeguards intended to keep sensitive American technology from strengthening our competitors' capabilities.

The Department's efforts over the last year to uncover and disrupt sophisticated smuggling networks deserve recognition. But effective enforcement also requires examining whether American companies selling advanced chips abroad have fulfilled their legal obligations and taken adequate steps to prevent the diversion of their products.

We urge the Department to follow the evidence wherever it leads and pursue appropriate enforcement action where violations are established. Protecting America's technological advantage requires confidence that our export controls are enforced throughout the supply chain.

Thank you for your attention to this matter.

Sincerely,

Jason Baker, Director of National Security Policy, Encode
David Buckley, Former Inspector General, Central Intelligence Agency
Geoffrey Cain, Policy Director, Tech Integrity Project
Brad Carson, President, Americans for Responsible Innovation
David Feith, Senior Fellow, Hudson Institute
Tim Fist, President, Institute for Progress
Samuel Hammond, Director of Super Intelligence & Chief Economist, Foundation for American Innovation
Varun Krovi, Executive Director, Center for AI Safety Action Fund
Randy Manner, Major General (Ret.), U.S. Army

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[4] U.S. Department of Justice, Office of Public Affairs, "U.S. Authorities Shut Down Major China-Linked AI Tech Smuggling Network," press release, December 8, 2025, https://www.justice.gov/opa/pr/us-authorities-shut-down-major-china-linked-ai-tech-smuggling-network.
[5] U.S. Department of Justice, Office of Public Affairs, "Three Charged with Conspiring to Unlawfully Divert Cutting Edge U.S. Artificial Intelligence Technology to China," press release, March 19, 2026, https://www.justice.gov/opa/pr/three-charged-conspiring-unlawfully-divert-cutting-edge-us-artificial-intelligence.

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Chris Stewart, Former Congressman, Utah's Second Congressional District