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United States Senate

COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS

WASHINGTON, DC 20510-6075

June 1, 2026

Tim Teter
Executive Vice President
General Counsel and Secretary
NVIDIA Corporation
2788 San Tomas Expressway
Santa Clara, CA 95051

Brooke Seawell
Member, Board of Directors
Chair of the Audit Committee
NVIDIA Corporation
2788 San Tomas Expressway
Santa Clara, CA 95051

Dear Mr. Teter and Mr. Seawell,

I write to request information about NVIDIA's compliance with U.S. export control laws and regulations and the accuracy of its recent public statements about diversion of advanced artificial intelligence (AI) chips to China.¹ Multiple recent enforcement actions brought by the U.S. Department of Justice (DOJ) allege schemes involving the unlawful diversion of NVIDIA products, including millions of dollars in graphics processing units (GPUs) to China through Malaysia and Thailand,² exports and attempted exports of \$160 million in H100 and H200 chips,³ and \$510 million in diverted servers.⁴ These allegations undermine NVIDIA Chief Executive

¹ New York Times, "A Mystery C.E.O. and Billions in Sales: Is China Buying Banned Nvidia Chips?," Ana Swanson, Tripp Mickle, Paul Mozur, and Mara Hvistendahl, October 9, 2025, <https://www.nytimes.com/2025/10/09/technology/nvidia-chips-china-megaspeed.html>.

² U.S. Department of Justice, "U.S. Citizens and Chinese Nationals Arrested for Exporting Artificial Intelligence Technology to China," press release, November 20, 2025, <https://www.justice.gov/opa/pr/us-citizens-and-chinese-nationals-arrested-exporting-artificial-intelligence-technology>.

³ U.S. Department of Justice, "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>

⁴ U.S. Department of Justice, "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>; CNBC, "Super Micro co-founder indicted on Nvidia smuggling charges leaves board," Jordan Novet, March 20, 2026, <https://www.cnbc.com/2026/03/20/super-micro-co-founder-leaves-board.html?msockid=2e133ff4f2d962b50a792891f315639b>.

Officer Jensen Huang’s public claims that “[t]here’s no evidence of any AI chip diversion”⁵ and that NVIDIA chip market share in China has “dropped to zero.”⁶ Indeed, a recent report from short-seller Culper Research alleges that more than “20% of Nvidia’s FY 2026 compute revenues remained driven by China – supported both by illegal GPU diversion and Southeast Asian intermediaries.”⁷ These recent indictments and allegations raise urgent questions about whether NVIDIA’s Board of Directors is exercising meaningful oversight over the company’s compliance with export controls—and about the risk posed to investors and our national security.

Federal regulations prohibit unlicensed exports of advanced AI chips to arms-embargoed countries, including China, and companies like NVIDIA may need to exercise heightened diligence where their products are at risk of diversion or misuse.⁸ A company can violate the export control regulations by “[e]ngaging in prohibited conduct,”⁹ like exporting a controlled item to a restricted end user,¹⁰ or “[c]ausing, aiding, or abetting a violation.”¹¹ As Bureau of Industry and Security (BIS) guidance indicates, multiple “requirements of the [Export Administration Regulations] are dependent upon a person’s knowledge of the end-use, end-user, ultimate destination, or other facts relating to a transaction or activity.”¹² So to comply with the Export Administration Regulations (EAR), NVIDIA may need to investigate “abnormal circumstances . . . that indicate that the export may be destined for an inappropriate end-use, end-user, or destination.”¹³ According to BIS guidance, if so-called “red flags” or abnormal circumstances “cannot be explained or justified and you proceed, you run the risk of having had ‘knowledge’ that would make your action a violation of the EAR.”¹⁴ Moreover, turning a blind eye to damaging information may be “considered an aggravating factor in an enforcement proceeding.”¹⁵ NVIDIA’s recent regulatory disclosure acknowledges that legal or regulatory “violations could result in fines, criminal sanctions against us, our officers, or our employees, prohibitions on the conduct of our business, and damage to our reputation.”¹⁶

Recent criminal cases involving chip smuggling allege troubling facts that raise serious questions about NVIDIA’s compliance practices. In March 2026, for example, the Department of Justice

⁵ Bloomberg, “Nvidia CEO Huang Says There’s No Diversion of Chips Overseas,” November 20, 2025, <https://www.bloomberg.com/news/videos/2025-11-20/nvidia-ceo-huang-says-no-diversion-of-chips-overseas-video>; Bloomberg, “NVIDIA CEO Sees No Evidence of AI Chip Diversion Into China,” Annabelle Droulers, May 17, 2025, <https://www.bloomberg.com/news/articles/2025-05-17/nvidia-ceo-sees-no-evidence-of-ai-chip-diversion-into-china>.

⁶ Interview with Jensen Huang, April 30, 2026, 28:00, <https://youtu.be/pMjWLDvnApg?si=m8uwU0h86hHuubGF&t=1682>.

⁷ Culper Research, “NVIDIA (NVDA): The China Problem,” May 13, 2026, https://culperresearch.com/wp-content/uploads/2026/05/Culper_NVDA_5-13-2026.pdf, p. 2; Business Insider, “A short-seller takes aim at record-high Nvidia stock over its ‘China problem,’” Naomi Buchanan, May 14, 2026, <https://www.businessinsider.com/nvidia-stock-nvda-ceo-jensen-huang-short-seller-china-ai-2026-5>.

⁸ 15 C.F.R. § 730 et seq.

⁹ *Id.* at § 764.2.

¹⁰ *Id.* at § 736.2.

¹¹ *Id.* at § 764.2.

¹² BIS’s “Know Your Customer” Guidance and Red Flags, 15 C.F.R. § 732, supp. no. 3.

¹³ *Id.* at (a)(1).

¹⁴ *Id.* at (a)(5).

¹⁵ *Id.* at (a)(3).

¹⁶ NVIDIA, Form 10-K, February 25, 2026, <https://www.sec.gov/Archives/edgar/data/1045810/000104581026000021/nvda-20260125.htm>, p. 24.

indicted three individuals linked to Super Micro Computer, Inc. (Supermicro), including a company co-founder, for conspiring to export over approximately \$510 million in servers loaded with restricted NVIDIA products to China.¹⁷ Despite this, NVIDIA continues to list Supermicro as part of the “NVIDIA Partner Network”¹⁸ and Supermicro has stated on a recent earnings call that they “continue to grow and expand [their] partnership . . . especially with Nvidia.”¹⁹ Reporting has also indicated that, in addition to Supermicro, multiple NVIDIA cloud partners—including one of NVIDIA’s largest Southeast Asian customers²⁰—may be involved in the possible unlawful diversion of export-controlled AI chips to China.²¹ Just this month, reports suggested that NVIDIA chips were diverted to Alibaba—a Chinese tech and cloud giant—through the Thailand-based company OBON,²² an affiliate of “One Belt One Network Holdings.”²³

Although the company’s response to these issues is squarely within the Audit Committee’s authority, it remains unclear whether any of these public reports or indictments have triggered public, Board-level scrutiny or revisions to NVIDIA’s customer diligence and export-control compliance.

Congress has made bipartisan efforts to strengthen export controls on restricted entities,²⁴ but these efforts are undermined when corporations ignore the diversion of prohibited exports.²⁵ In order to inform my legislative responsibilities with regard to national security and export controls and my continued oversight of the compliance concerns described above, I request your response to the following requests by June 18, 2026:

1. Does NVIDIA’s Audit Committee agree that the unlawful diversion of NVIDIA products totaling billions of dollars presents a material legal or regulatory risk to NVIDIA?

¹⁷ Bloomberg, “Super Micro Co-Founder Charged With Smuggling, Departs Board,” Bob Van Voris, March 19, 2026, <https://www.bloomberg.com/news/articles/2026-03-19/three-charged-by-us-with-plot-to-illegally-send-ai-tech-to-china>.

¹⁸ NVIDIA, “NVIDIA Partner Network Locator,” <https://marketplace.nvidia.com/en-us/enterprise/partners/?locale=en-us&page=1&limit=15&location=US&search=supermicro>.

¹⁹ Fidelity, “Super Micro Computer Q3 2026 Earnings Call: Complete Transcript,” May 5, 2026, <https://www.fidelity.com/news/article/technology/202605051921BENZINGAFULLNGTH52309817>.

²⁰ Bloomberg, “Nvidia’s Biggest Southeast Asian Partner Dogged by China Chip Smuggling Questions,” Mackenzie Hawkins, Andy Lin, and Kari Soo Lindberg, December 22, 2025, <https://www.bloomberg.com/news/features/2025-12-22/nvidia-partner-megaspeed-draws-china-chip-smuggling-concerns-in-us>.

²¹ Bloomberg, “China AI Firm Discloses \$92 Million of Banned Nvidia Chip Servers to Beijing,” Andy Lin and Mackenzie Hawkins, April 10, 2026, <https://www.bloomberg.com/news/articles/2026-04-10/china-ai-firm-discloses-92-million-of-banned-nvidia-chip-servers-to-beijing>.

²² Bloomberg, “US Said to Suspect Nvidia Chips Smuggled to Alibaba Via Thailand,” Mackenzie Hawkins and Kari Soo Lindberg, May 8, 2026, <https://www.bloomberg.com/news/articles/2026-05-08/us-said-to-suspect-nvidia-chips-smuggled-to-alibaba-via-thailand>.

²³ Bangkok Post, “US probes Nvidia chip-smuggling via Thailand,” May 8, 2026, <https://www.bangkokpost.com/thailand/general/3251889/us-probes-nvidia-chipsmuggling-via-thailand>.

²⁴ NextGov, “AI export control bill passes Senate as NDAA amendment,” Alexandra Kelley, October 10, 2025, <https://www.nextgov.com/artificial-intelligence/2025/10/ai-export-control-bill-passes-senate-ndaa-amendment/408762>; Reuters, “US senators unveil bill to prevent easing of curbs on Nvidia chip sales to China,” Alexandra Alper, December 4, 2025, <https://www.reuters.com/world/us/senators-unveil-bill-keep-trump-easing-curbs-ai-chip-sales-china-2025-12-04>.

²⁵ Financial Times, “NVIDIA AI chips worth \$1bn smuggled to China after Trump export controls,” Zijing Wu and Eleanor Olcott, July 24, 2025, <https://www.ft.com/content/6f806f6e-61c1-4b8d-9694-90d7328a7b54>.

2. Has the Audit Committee evaluated NVIDIA's export-control compliance, customer diligence, and post-sale product monitoring after the Supermicro indictment?
3. Has the Audit Committee conducted any independent evaluation, including using external auditors, of NVIDIA's export-control compliance programs?
4. What records, documents, or data have been provided to the Audit Committee in support of claims by NVIDIA corporate officers that have publicly claimed that there is "no evidence" of diversion?

Sincerely,



Elizabeth Warren
Ranking Member
Committee on Banking,
Housing, and Urban Affairs