



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security

1401 Constitution Avenue, Suite 6622
Washington, DC 20230

October 14, 2026

Mr. Hans Bader
Liberty Unyielding & Bader Family Foundation
1236 N. Stafford St.
Arlington, VA 22201

Via E-mail: hfb138@yahoo.com

BIS Tracking Number: DOC-BIS-2025-000846;
Bader Family Foundation v. US Dept of Commerce, No. 26-286
(D.D.C.)

Dear Mr. Bader:

This is the first interim response to your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request to the U.S. Department of Commerce, Bureau of Industry and Security (BIS) dated August 18, 2025, requesting information related to AMD or Nvidia. (See full FOIA request attached hereto).

The enclosed is comprised of 30 records totaling 93 pages. Of the 93 pages, we are releasing **three pages** in full; withholding **22 pages** in full pursuant to FOIA exemptions (b)(3) pursuant to 50 U.S.C. § 4820(h)(1) of the Export Control Reform Act of 2018 (ECRA) and (b)(5); and releasing **50 pages** in part with redactions taken pursuant to FOIA exemptions (b)(3) pursuant to 50 U.S.C. § 4820(h)(1) of the Export Control Reform Act of 2018 (ECRA); (b)(5); (b)(6), and (b)(7)(C). **18 pages** have been submitted to various agencies for consultation. BIS will incorporate these pages into future releases once responses are received.

FOIA Exemption (b)(3) prohibits information from disclosure by another statute if that statute “establishes particular criteria for withholding or refers to particular types of matters to be withheld.” 5 U.S.C. § 552(b)(3)(A)(ii). The statutory authority to withhold information is based on the Export Control Reform Act (ECRA) of 2018 found at 50 U.S.C. § 4820(h)(1) (formerly at 50 U.S.C. § 4614(c)(1)). Section 4820(h)(1) of the ECRA states that generally any “information obtained under this subchapter may be withheld from disclosure only to the extent permitted by statute, except that information described in subparagraph (B) shall be withheld from public disclosure and shall not be subject to disclosure under section 552(b)(3) of title 5, unless the release of such information is determined by the Secretary to be in the national interest.

Pursuant to FOIA exemption (b)(3), BIS is withholding portions of documents responsive to your request containing law enforcement-related information gathered during BIS Export Enforcement activities.



FOIA Exemption (b)(5) exempts from disclosure "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency" Exemption 5 incorporates the deliberative process privilege which from release records that are pre-decisional and a direct part of the process by which governmental decisions and policies are made. The privilege protects the integrity of the deliberative or decision-making processes within the executive branch by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. Three purposes have been consistently held to form the bases of this privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are actually adopted; and (3) to protect against public confusion that might result from the disclosure of rationales that were not actually the basis for an agency's action. Exemption (b)(5) also incorporates the attorney work-product privilege which protects documents and other memoranda prepared by an attorney in contemplation of litigation, and the attorney-client privilege which covers confidential communications between an attorney and their client relating to a legal matter for which the client has sought professional advice.

Pursuant to FOIA exemption (b)(5), BIS is withholding internal communications that reflect internal discussions, recommendations, and analyses made prior to a final agency decision. Further, certain information consisting of confidential communications between agency attorneys and BIS personnel related to legal matters is also being withheld under exemption (b)(5) under the attorney-client/attorney work-product privilege.

Pursuant to FOIA exemptions (b)(6) and (b)(7)(C), BIS is withholding portions of documents containing disclosure information about individuals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, so long as that invasion is not outweighed by a public interest in disclosure. BIS used (b)(6) and (b)(7)(C) to withhold identifying information and/or phone numbers of individuals to protect their privacy interests.

Although we are aware this matter is in litigation, we are required to inform you that if you are dissatisfied with this determination, you may appeal this determination. An appeal must be received within 90 calendar days of the date of this response letter. Address your appeal to the following office:

Assistant General Counsel for Employment, Litigation and Information
U.S. Department of Commerce
Office of the General Counsel, Room
5896 1401 Constitution Ave., NW
Washington, DC 20230



An appeal may also be sent by e-mail to FOIAAppeals@doc.gov. The appeal should include a copy of the original request and initial denial, if any. All appeals should include a statement of the reasons why the records requested should be made available and why the adverse determination was in error. In this case, BIS has neither confirmed nor denied the existence of responsive records. Consequently, a successful appeal may not result in the release of any records, as responsive records may not exist.

The appeal letter, the envelope, and the e-mail subject line should be clearly marked "Freedom of Information Act Appeal." The e-mail and office mail are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box or the office after normal business hours will be deemed received on the next normal business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

In addition, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
e-mail at ogis@nara.gov
telephone at 202-741-5770
toll free at 1-877-684-6448
facsimile at 202-741-5769

Because this matter is in litigation, if you have any questions about this production, please contact Benjamin H. Zieman our attorney for this matter, Benjamin.Zieman@usdoj.gov.

Sincerely,

STEPHANIE BOUCHER Digitally signed by
STEPHANIE BOUCHER
Date: 2026.10.14
16:00:55 -04'00'

Stephanie Boucher
Director, Office of Planning, Evaluation,
and Management

Enclosure



Liberty Unyielding & Bader Family Foundation
1236 N. Stafford St., Arlington, VA 22201
(703) 399-6738; hfb138@yahoo.com

August 18, 2025

FOIA request; fee waiver requested

TO: Department of Commerce
(the Bureau of Industry and Security
holds at least some of the responsive records)

Dear Sir or Madam:

Liberty Unyielding and the Bader Family Foundation (a non-profit 501(c)(3)) hereby request the following records pursuant to the Freedom of Information Act (FOIA):

1. All emails or memoranda sent between March 1, 2025 and the date you process this FOIA request, about whether to allow AMD or Nvidia to sell artificial intelligence chips to the People's Republic of China.
2. All emails or memoranda sent between March 1, 2025 and the date you process this FOIA request, about whether to allow AMD or Nvidia to sell semiconductor chips to the People's Republic of China.
3. All emails or memoranda sent between January 20, 2025 and the date you process this FOIA request, about whether to allow AMD or Nvidia to sell artificial intelligence chips to the People's Republic of China, in exchange for a fee.
4. All emails or memoranda sent between January 20, 2025 and the date you process this FOIA request, about whether to allow AMD or Nvidia to sell semiconductor chips to the People's Republic of China, in exchange for a fee.
5. All emails or memoranda sent in July 2025 about Cadence Design Systems.

Please produce the records in electronic form, including any metadata. At least some of the responsive records are held by the Bureau of Industry and Security.

We request that fees not be charged for anything other than duplication (and also not for the copying costs of the first 100 pages of duplication) because Liberty Unyielding is a blog that qualifies news media; I am a media representative. (See 15 CFR §4.11(d)(1)).

Since 2012, Liberty Unyielding has published daily & has thousands of published articles & thousands of readers. <https://www.similarweb.com/website/libertyunyielding.com> (showing

blog has thousands of readers); <https://libertyunyielding.com> (blog front page); <https://libertyunyielding.com/page/938/> (showing 938th page of articles).

Courts ruled that bloggers qualified as media entities, even though they blogged less than Liberty Unyielding. See *Cause of Action v. FTC*, 799 F.3d 1108 (D.C. Cir. 2015). Liberty Unyielding is read and quoted by other media entities. See Editorial, *Democrats need voters to forget the economy and other commentary*, New York Post, July 8, 2019, <https://nypost.com/2019/07/08/democrats-need-voters-to-forget-the-economy-and-other-commentary/> (quoting “Hans Bader” of “Liberty Unyielding”); George Leef, *Federal Judge Buys the Left’s ‘Speech Can Be Violence’ Trope*, National Review, April 18, 2025 (same), www.nationalreview.com/corner/federal-judge-buys-the-lefts-speech-can-be-violence-trope.

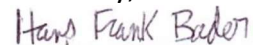
Liberty Unyielding has posted and publicly disseminated records obtained through FOIA requests, resulting in news stories that disseminated the records further. See, e.g., Ashe Schow, [*Biden Administration Knew Its Racial Preferences For COVID Relief Were Unconstitutional, Went Ahead Anyway*](#), Daily Wire, Aug. 21, 2021 (quoting & linking to such records released in response to a Liberty Unyielding FOIA request).

The records sought in this FOIA request focus on operations and activities of the government that are newsworthy and are the subject of extensive press coverage. See, e.g., Julia Shapero, *Senate Democrats urge Trump to walk back Nvidia, AMD Deal*, The Hill, August 18, 2025, available at <https://thehill.com/policy/technology/5457662-nvidia-amd-china-ai-chips/>

Thus, disclosure of the records will significantly contribute to public understanding of Federal Government operations or activities. That is reason to waive all fees for processing this request. (See 15 CFR §4.11(l)). The records will not promote any commercial interest of the requesters, and we are not commercial-use requesters.

I declare under penalty of perjury under 28 U.S.C. 1746 that the facts stated above are true and correct.

Sincerely,



Hans Bader (Writer, Liberty Unyielding; Trustee, Bader Family Foundation)
1236 N. Stafford Street, Arlington, VA 22201, hfb138@yahoo.com