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News

DOJ targets AI-related fraud with new super intelligence task force

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On November 5, 2026, the U.S. Department of Justice (DOJ) announced the establishment of the DOJ Super Intelligence Task Force (SITF) to coordinate the department's SI-related enforcement and policy work. The formation of the SITF follows a series of executive actions and policy announcements aimed at securing U.S. leadership in artificial intelligence by limiting regulatory burdens on its development.

A central focus of those actions has been the growing body of state AI regulation. In December 2025, President Trump issued Executive Order 14365, warning that a patchwork of state AI laws would chill innovation. In response, on January 9, 2026, DOJ established an AI Litigation Task Force with the "sole responsibility" of challenging state AI laws inconsistent with the administration's "minimally burdensome national policy framework for AI." Most recently, Executive Order 14434, signed September 29, 2026, directed federal agencies to use the term "Super Intelligence" (SI) in place of "Artificial Intelligence," defining the term, for now, by reference to the existing statutory definition of AI in 15 U.S.C. § 9401(3).[1] The SITF absorbs the AI Litigation Task Force, which will no longer operate as a separate body, a move suggesting that federal preemption of state AI regulation will remain a DOJ priority.

The SITF's remit

The SITF has a two-part mission: (1) to ensure that American leadership in SI is not compromised by the misuse of SI by foreign actors, transnational criminal organizations, and individual or corporate actors engaged in fraud; and (2) to take affirmative measures to "promote American SI dominance." The SITF is granted a broad mandate. Among other things, the SITF will organize DOJ's criminal and civil enforcement efforts involving SI, recommend enforcement priorities, and develop guidance on the prosecution of unlawful SI-related conduct. Notably, DOJ components and U.S. Attorneys' Offices may be required, at the SITF's request, to notify the SITF before opening investigations and before bringing charges or finalizing resolutions in SI matters.

The SITF's dual mission also reflects a broader shift in DOJ's enforcement philosophy. The memorandum announcing the SITF is one of several recent policy statements that clearly indicate that DOJ increasingly sees protecting and promoting American industry as central to its mission. Beyond policing the misuse of SI, the memorandum tasks the SITF with taking "affirmative measures" to promote "American SI dominance," treating enforcement as a tool of national economic strategy as much as a means of punishing wrongdoing. This approach reflects the "America First" priority of protecting domestic industry, with federal enforcement increasingly aimed at conduct that threatens American competitiveness and the commercial and strategic position of American companies.

What the SITF means for companies

For companies, this means that DOJ's approach to AI is likely to be shaped not only by traditional fraud concerns, but also by national security and economic competitiveness considerations. Those considerations have implications well beyond Silicon Valley. AI is no longer confined to the technology sector: companies across industries increasingly integrate AI into their daily operations and decision-making and incorporate AI into their products and services. As a result, any company that develops, markets, or relies on advanced AI could fall within the potential reach of DOJ's SI enforcement efforts. General counsel, compliance officers, and boards of directors well beyond the technology industry should therefore assess how their organizations develop, deploy, and describe

AI, and ensure that appropriate governance and compliance controls are in place. Companies should also evaluate their controls against AI-enabled fraud, whether perpetrated by third parties or arising within their own operations, particularly given the SITF's charge to develop guidance on the evaluation of compliance measures.

By centralizing SI matters within a single task force, the SITF is likely to produce a more consistent, and potentially more aggressive, approach to federal AI enforcement. The memorandum's reference to "individual or corporate actors engaged in fraud or other unlawful conduct," alongside foreign state actors and transnational criminal organizations, signals that domestic companies – not only foreign adversaries and criminal organizations – are well within the SITF's focus. Misrepresentations regarding AI capabilities, whether made to investors, customers, or the government, are a potential enforcement priority. Similarly, statements made to the government could present False Claims Act risk for government contractors and recipients of federal funds.

Ultimately, time will tell how precisely DOJ will prioritize its attention and resources across the SITF's stated areas of focus. For now, a broad range of companies and organizations with activities potentially subject to enforcement scrutiny would be well-advised to assess their AI governance policies and practices in light of this shifting enforcement environment. Our Hogan Lovells Cadwalader regulatory, compliance, and investigations teams are monitoring developments closely and prepared to advise clients on proactive measures as well as responses to government inquiries.

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References

1. Executive Order 14434 also directs the Assistant to the President for Science and Technology to propose, within 60 days, legislative language for a new federal definition that may "modify, expand upon, or otherwise supersede" the statutory definition. For now, the SITF's remit is best read to encompass all AI broadly, although any new

federal definition of SI could narrow or expand that reach.

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