Congress of the United States
Washington, DC 20515

November 19, 2026

Secretary Howard Lutnick
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave N.W.
Washington, DC 20230

Dear Secretary Lutnick,

We are writing to express serious concern regarding recent reporting by *The New York Times*[1] concerning the Department of Commerce's handling of an investigation into Megaspeed, a Singapore-based data center company suspected of facilitating the diversion of advanced Nvidia AI chips to China in violation of U.S. export controls.

According to the November 9, 2026 report, Commerce Department investigators had spent months examining Megaspeed and potential violations of U.S. export restrictions, when a representative of Nvidia, a major supplier to Megaspeed, contacted the Department, claiming that the Under Secretary for Industry and Security had authorized Nvidia to contact BIS enforcement personnel regarding the Megaspeed investigation. Reporting indicates BIS halted its investigation and transferred it to the Department of Justice.

In August 2025, Nvidia General Counsel Tim Teter reportedly contacted investigators at the Department's Bureau of Industry and Security, indicating that Under Secretary Jeffrey Kessler had authorized Nvidia to communicate with officials concerning the investigation. Previous reporting by Bloomberg stated that Under Secretary Kessler told companies concerned about license delays to simply "call him," demonstrating a disturbing pattern of direct political interference in day-to-day BIS operations. According to the *New York Times*, Kessler's intervention this time raised concerns among investigators about inappropriate outside influence, potential conflicts of interest, and whether the integrity of an ongoing federal investigation had been compromised. These concerns are particularly significant given Nvidia's substantial commercial interests in the Chinese market, its influence over U.S. artificial intelligence policy, recently publicized links between its CEO and an active PRC intelligence asset, and the serious national security implications of potentially restricted semiconductor technology reaching China.

The American public and Congress deserve a full accounting of what happened, whether Under Secretary Kessler permitted or encouraged Nvidia to contact BIS agents actively investigating

[1] U.S. Commerce Dept. Inquiry Into Megaspeed Was Halted After Nvidia Intervention - The New York Times

transactions in which the company was involved, and whether the Department allowed a major American corporation that is financially and personally linked to the Trump Administration to interfere with law enforcement activity. Accordingly, we request written answers to the following questions and the production of relevant documents by December 1st 2026.

1. When did BIS first begin investigating Megaspeed?
2. What information was gathered by BIS in the course of that investigation?
3. Did BIS halt or suspend the investigation into Megaspeed? If so, when?
4. Has Under Secretary Kessler communicated, at any time while serving in the role of Under Secretary for Industry and Security, with Nvidia, or a representative or intermediary of Nvidia, regarding the Megaspeed investigation? If so, what was discussed in the course of such communication?
5. What communications occurred between Nvidia's General Counsel and Under Secretary Jeff Kessler before the August 2025 Nvidia email to BIS investigators?
6. Did Mr. Kessler authorize Nvidia to contact investigators directly? If so, what exactly was authorized, and under what departmental policy or legal authority?
7. Did Nvidia receive any nonpublic information concerning the investigation, including information about evidence, investigative targets, potential enforcement actions, or the Department's conclusions?
8. Did any Commerce official express concerns about Mr. Kessler's intercession in the case?
9. When was the investigation transferred to the Department of Justice and why?
10. Did you have any direct or indirect communications with Nvidia leadership or representatives concerning the Megaspeed investigation, or U.S. export restrictions on Megaspeed prior to the investigation being transferred to the Department of Justice?

The Department of Commerce has a responsibility to protect American national security, enforce export control laws, and ensure that no corporation receives preferential treatment in matters involving potential violations of federal law. The circumstances described in recent reporting raise fundamental questions about whether federal export control enforcement is being conducted independently and consistently. To fulfill this committee's oversight duties, we need a clear explanation of what BIS found in the Megaspeed investigation, whether Under Secretary Kessler permitted or encouraged Nvidia to directly contact law enforcement investigators regarding the matter, and what influence Nvidia was able to wield over the investigation. We expect the Department's full cooperation.

Sincerely,

Congress of the United States
Washington, DC 20515

Sydney Kamlager-Dove
Ranking Member
South and Central Asia
Subcommittee
House Committee on Foreign
Affairs

Gregory W. Meeks
Ranking Member
House Committee on Foreign
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