



UNITED STATES DEPARTMENT OF COMMERCE
Office of Legislative and
Intergovernmental Affairs
Washington, D.C. 20230

April 1, 2019

The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Cummings,

I write in response to your March 29, 2019 letter and your chief counsel's March 29, 2019 email, both of which were received on that date at 5:29 PM and 6:25 PM, respectively. The Department remains entirely committed to an accommodating and responsive relationship with the Committee. The Department has honored its commitment, which is also a constitutional obligation, despite the Committee's frequent and expansive requests.

As a reminder, since your January 8, 2019 letter, the Department has produced over 11,500 pages of responsive documents, maintained a candid and accessible line of communication with the Committee, and made many substantial accommodations to satisfy the Committee's interests. Perhaps most importantly, Secretary Ross voluntarily testified for nearly seven hours on March 14, 2019, and answered the Committee's questions on many various topics.

But the Department's constitutional obligation to accommodate the Committee applies reciprocally and with equal measure to the Committee. Your letter has provided less than one business day to comply with an ultimatum: the Department must waive its good faith and legally-grounded assertions of confidentiality and privilege or the Committee will issue a subpoena. However, accommodation is not capitulation. The Department believes that the rush to issue a subpoena is premature.

First, the Department needs time to consider your letter and make a determination, and your proposed one-day allotment is simply not enough. In addition, my staff has been preparing nine bureau heads (and myself) to testify before both the Senate and House Appropriations Committees on April 2, 2019 and April 3, 2019, respectively. The Department's staff is working at full capacity on both its normal business *and* its multiple Congressional engagements, and I believe your one-day response demand is inconsistent with your constitutional obligation to accommodate the Department. We respectfully request adequate time to consider your letter and requests.

Moreover, you have not yet provided us with the information we requested and need in order to fully consider your requests regarding documents and interviews. In the Department's March 26, 2019 letter, my office requested that you describe the Committee's particularized needs for *each* "priority document" and for *each* requested interview. While your March 29 letter

provided six bullet points containing generalized topics of interest, the Department still lacks information sufficient to understand how your requests serve any legitimate legislative purpose. As you know, this information is necessary for the Department to consider the best way to accommodate the Committee while also protecting the Department's Executive Branch interests. Moreover, to the extent you provided some of the information the Department requested, the Department needs adequate time to consider the needs you have articulated for the information in question.

In short, the Department has met and will continue to meet its constitutional accommodation obligations. The Department respectfully requests that you abstain from considering or issuing a subpoena while our good faith dialogue continues.

We appreciate the opportunity to assist with your inquiry. If you have any additional questions, please contact me at (202)-482-3663.

Sincerely,



Michael Pratt Jr.
Assistant Secretary for Legislative
and Intergovernmental Affairs

Cc: The Honorable Jim Jordan, Ranking Member