



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

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

January 6, 2022

Dear Chairwoman Maloney:

On September 14, 2021, pursuant to an accommodation agreement (the “agreement”) reached by the parties in *Committee on Oversight and Reform, U.S. House of Representatives v. Barr*, No. 19-cv-3557-RDM (D.D.C.), the Department of Commerce (the “Department” or “Commerce”) and Department of Justice provided access to specified documents at issue in the litigation to allow the Committee to conduct *in camera* review of the documents.

Following further discussion and the provision of a statement of particularized need by the Committee, the Department will produce to the Committee the 96 documents identified by the Committee in correspondence with the Department of Justice (identified by Bates number on the attached list). These will be made available by the provision of access to the Justice Enterprise File Sharing (JEFS) system by the Department of Justice to enable the Committee to download the relevant documents for production.

The Department wishes to emphasize again that its agreement to provide these documents both for review and for production has been informed by the exceptional circumstances presented here, including the Supreme Court’s finding that the then-Secretary decided to include the citizenship question on the 2020 census questionnaire based upon a “contrived” rationale, *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2575 (2019). Although the Department does not necessarily concede that the congressional need for access to information outweighs the Executive Branch’s interest in maintaining confidentiality, particularly with the passage of time since the completion of the 2020 census, we are producing the documents in this case to accommodate the Committee and finally end this long-running dispute. The Department’s accommodation is unique to the facts and circumstances of this particular matter.

If you have any further questions, please contact me at (202) 322-7494.

Sincerely,



J. D. Grom
Senior Advisor for Legislative and
Intergovernmental Affairs, Performing the
Duties of the Assistant Secretary of
Commerce for Legislative and
Intergovernmental Affairs

cc: Leslie B. Kiernan, General Counsel, U.S. Department of Commerce
Brian M. Boynton, Acting Assistant Attorney General, Civil Division, U.S. Department
of Justice