

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 23, 2019

The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter dated April 17, 2019, about the nonpublic Memorandum of Understanding (MOU) you executed with Financial Services Chairwoman Maxine Waters to investigate President Trump.¹ I welcome our dialogue on this subject, and I am pleased that you have agreed to be transparent about your actions.

I appreciate the information you provided about your nonpublic MOU with Chairwoman Waters. I hope you will continue to be transparent about all future MOUs you execute. However, your letter did not explain what authority in the Constitution, the Rules of the House of Representatives, or the Rules of the Committee allows you to bind the Committee through an MOU without first obtaining approval through a vote of the Committee.²

The Constitution authorizes the House to determine its rules.³ In turn, the Rules of the House and the Committee's Rules authorize you to take specific, enumerated actions as chairman with respect to the Committee's oversight and legislative business—convening hearings,⁴ initiating investigations,⁵ authorizing and issuing subpoenas,⁶ ordering depositions,⁷ and appointing task forces.⁸ These Rules were adopted by votes of the whole House and the Committee, respectively, in open and public settings.

¹ Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Jim Jordan, Ranking Member, H. Comm. on Oversight & Reform (Apr. 17, 2019).

² *See id.*

³ U.S. Const. art I, §5.

⁴ Rules of the House of Representatives, 116th Cong., R. XI, clause 2(g) (2019) [hereinafter "House Rules"]; Rules of the Comm. on Oversight & Reform, 116th Cong., R. 2, 9 (2019) [hereinafter "Committee Rules"].

⁵ Committee Rules, *supra* note 4, at R. 12(b).

⁶ House Rules, *supra* note 4, at R. XI, clause 2(m); Committee Rules, *supra* note 4, at R. 12(g). You, of course, have agreed to allow public debate and a Committee vote on subpoenas if I object to you issuing a subpoena. *Organizing Meeting, H. Comm. on Oversight & Reform*, 116th Cong. (2019).

⁷ Committee Rules, *supra* note 4, at R. 15.

⁸ *Id.* at R. 14.

The Honorable Elijah E. Cummings

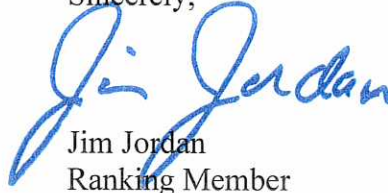
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Your nonpublic MOU with Chairwoman Waters cites no specific authority allowing you to execute an MOU that could affect future investigatory actions you take as chairman on behalf of the Committee. I ask again whether you could explain the authority that allows you to execute an MOU that affects potential Committee action without first obtaining approval of Committee Members.

I look forward to hearing back from you on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive style with a large, sweeping "J" and "D".

Jim Jordan
Ranking Member