



August 13, 2020

Attorney General William P. Barr
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Attorney General Barr:

In 2009, the United States Government Accountability Office (GAO) issued a report on corporate crime addressing the steps the Department of Justice (DOJ or the Department) had taken to track deferred and non-prosecution agreements.¹ The report was the result of a Congressional inquiry that began with a 2008 request by the House Committee on the Judiciary to be fully advised of all deferred prosecution (DPA) and non-prosecution agreements (NPA) that DOJ had entered into with corporations since 2003. The Department responded by noting 76 agreements entered into during that time period, but stated that it needed additional information from United States Attorneys' Offices (USAOs) to complete the universe of DPAs and NPAs actually undertaken during that time period, which totaled 99. As a result, DOJ initiated steps to keep better track of these agreements.

In response to inquiries from the *Corporate Crime Reporter*, the Department's Criminal Division has averred that per "the Executive Office of U.S. Attorneys, all of the resolutions they are aware of were made public."² However, Department spokesperson Peter Carr also stated that "there is not a public list of corporate resolutions."³ The Department has thus seemingly advised that it does not have publicly available information related to DPAs or NPAs entered into by other litigating divisions within DOJ or by USAOs. We must therefore question whether DOJ has been entirely forthcoming, intentionally or not, as to the totality of corporate DPAs and NPAs entered into that it has made public over the past ten years.

¹ United States Government Accountability Office, *Corporate Crime: DOJ Has Taken Steps to Better Track Its Use of Deferred and Non-Prosecution Agreements, but Should Evaluate Effectiveness*, Dec. 2009, <https://www.gao.gov/assets/300/299781.pdf>.

² Corporate Crime Reporter, *John Ashley on the Corporate Prosecution Registry*, July 12, 2020, <https://www.corporatecrimereporter.com/news/200/jon-ashley-on-the-corporate-prosecution-registry/>

³ Id.

We accordingly request that a list of each and every DPA and NPA entered into by every division within the Department of Justice and every United States Attorney's Office from 2009 to the present be provided to us and made publicly available as soon as possible. Please explain the apparent discrepancy in public statements on the matter and clarify the integrity and accuracy of the information you are providing.

Very truly yours,

A handwritten signature in blue ink that reads "Jamie Raskin". The signature is written in a cursive, flowing style.

Jamie Raskin
Member of Congress