

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

July 1, 2025

Dr. J. Larry Jameson
President
University of Pennsylvania
c/o Alyssa DaCunha
WilmerHale
2100 Pennsylvania Avenue NW
Washington, DC 20037

Dear Dr. Jameson:

The Committee on the Judiciary and its Subcommittee on the Administrative State, Regulatory Reform, and Antitrust are conducting oversight of the adequacy and enforcement of U.S. antitrust laws. In particular, we are concerned that Ivy League member institutions appear to be collectively raising tuition prices while engaging in perfect price discrimination by offering selective financial aid packages to maximize profits.¹

On April 8, 2025, along with Charles Senators Grassley and Mike Lee, we wrote to the University of Pennsylvania requesting that it produce relevant documents and communications necessary for the Committee's oversight of the adequacy of existing antitrust laws as they relate to institutions of higher education.² We requested that the University of Pennsylvania produce this material by April 22, 2025.³

To date, the University of Pennsylvania's response has been inadequate. On the day of the deadline, the University of Pennsylvania made a production of 46 documents, most of which were publicly accessible and available on the University of Pennsylvania's website.⁴ As an

¹ See Robert A. Lawson & Ann Zerkle, *Price Discrimination in College Tuition: An Empirical Case Study*, 5 J. ECON. & FIN. EDUC. 1, 1-2 (2006); see also DANIEL FRANCIS & CHRISTOPHER JON SPRIGMAN, ANTITRUST PRINCIPLES, CASES, AND MATERIALS 61 (2d ed., 2024) ("First-degree price discrimination is individually personalized pricing: the supplier knows the identity of each purchaser and sets an individualized price for everyone, which is higher for more inelastic purchasers.").

² See generally Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al. to J. Larry Jameson, President, Univ. of Pa. (Apr. 8, 2025).

³ *Id.*

⁴ See Letter from Alyssa DaCunha, Partner, WilmerHale, & David Gringer, Partner, WilmerHale, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al. (Apr. 22, 2025).

accommodation, the Committee advised the University of Pennsylvania's counsel to prioritize production of documents responsive to the first three requests in the Committee's April 8 letter for its next production.⁵ The University of Pennsylvania's counsel informed Committee staff that the University of Pennsylvania would make its second production the following week.⁶

On May 9 almost three weeks after the Committee's initial deadline, the University of Pennsylvania made a second production to the Committee of 77 documents purportedly responding to the first three requests in the Committee's April 8 letter.⁷ On May 23, the University of Pennsylvania made a third production of 231 documents.⁸ The following week, when the Committee asked by which date the University of Pennsylvania will fully comply with all of the Committee's requests, the University of Pennsylvania's counsel did not commit to a date certain.⁹ The University of Pennsylvania made its fourth production of 429 documents on June 6 and its fifth production of 523 documents on June 20.¹⁰ To date, the University of Pennsylvania has produced very few external communications and documents responsive to requests 4 through 6. The University of Pennsylvania has also indicated to the Committee that it has not yet fully complied with any of the eleven requests.¹¹ Given the urgency of the Committee's investigation, the University of Pennsylvania's current pace of producing materials will substantially impede the Committee's investigation.

The Supreme Court has recognized that Congress has "broad and indispensable" power to conduct oversight, which "encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them."¹² Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning the "[p]rotection of trade and commerce against unlawful restraints and monopolies" to inform potential legislative reforms, such as, in this case, whether existing civil and criminal penalties and current antitrust law enforcement efforts are sufficient to deter anticompetitive practices among higher education institutions.¹³ The documents requested by the Committee will inform the House's consideration of these legislative reforms.

⁵ Call with H. Comm. on the Judiciary Staff, Alyssa DaCunha & Erin Kuhls (Apr. 29, 2025).

⁶ *Id.*

⁷ Letter from Letter from Alyssa DaCunha, Partner, WilmerHale, & David Gringer, Partner, WilmerHale, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al. (May 9, 2025).

⁸ Letter from Letter from Alyssa DaCunha, Partner, WilmerHale, & David Gringer, Partner, WilmerHale, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al. (May 23, 2025).

⁹ E-mail from Alyssa DaCunha, Partner, WilmerHale, to H. Comm. on the Judiciary Staff & S. Comm. on the Judiciary Staff (May 2, 2025, 11:08 A.M.).

¹⁰ See Letter from Letter from Alyssa DaCunha, Partner, WilmerHale, & David Gringer, Partner, WilmerHale, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al. (June 6, 2025); Letter from Alyssa DaCunha, Partner, WilmerHale, & David Gringer, Partner, WilmerHale, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al. (June 20, 2025).

¹¹ See Letter from Alyssa DaCunha, Partner, WilmerHale, & David Gringer, Partner, WilmerHale, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al. 2 (June 20, 2025).

¹² See, e.g., *Trump v. Mazars LLP*, 591 U.S. 848, 862 (2020) (internal quotation marks and citations omitted).

¹³ See generally Rules of the House of Representatives, 119th Cong., R. X (2025).

Dr. J. Larry Jameson

July 1, 2025

Page 3

Now eighty-four days following the Committee's initial April 8 requests, and despite the Committee's best efforts at accommodating the University of Pennsylvania, the University of Pennsylvania's response has been inadequate. Accordingly, the Committee is issuing compulsory process to obtain the documents and materials it needs to fulfill its oversight and legislative responsibilities. Please find the enclosed subpoena compelling production of the requested documents by July 22, 2025.

Thank you for your prompt attention to this matter.

Sincerely,

Handwritten signature of Jim Jordan in blue ink.

Jim Jordan
Chairman

Handwritten signature of Scott Fitzgerald in blue ink.

Scott Fitzgerald
Chairman
Subcommittee on the Administrative State,
Regulatory Reform, and Antitrust

cc: The Honorable Jamie Raskin, Ranking Member

The Honorable Jerrold Nadler, Ranking Member, Subcommittee on the Administrative State, Regulatory Reform, and Antitrust

Enclosure