

Calendar No. 57

118TH CONGRESS } 2d Session }	HOUSE OF REPRESENTATIVES {	REPORT 118-346
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RESOLUTION RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES
FIND ROBERT HUNTER BIDEN IN CONTEMPT OF CONGRESS FOR RE-
FUSAL TO COMPLY WITH A SUBPOENA DULY ISSUED BY THE COM-
MITTEE ON OVERSIGHT AND ACCOUNTABILITY

JANUARY 12, 2024.—Referred to the House Calendar and ordered to be printed

Mr. COMER, from the Committee on Oversight and Accountability,
submitted the following

R E P O R T

together with

MINORITY VIEWS

The Committee on Oversight and Accountability, having consid-
ered this Report, reports favorably thereon and recommends that
the Report be approved.

The form of the Resolution that the Committee on Oversight and
Accountability would recommend to the House of Representatives
citing Robert Hunter Biden for contempt of Congress pursuant to
this Report is as follows:

Resolved, That Robert Hunter Biden shall be found to be in con-
tempt of Congress for failure to comply with a congressional sub-
poena.

Resolved, That pursuant to 2 U.S.C. §§ 192 and 194, the Speaker
of the House of Representatives shall certify the report of the Com-
mittee on Oversight and Accountability, detailing the refusal of
Robert Hunter Biden to appear for a deposition before the Com-
mittee on Oversight and Accountability as directed by subpoena, to
an appropriate United States attorney, to the end that Mr. Biden
be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all
appropriate action to enforce the subpoena.

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EXECUTIVE SUMMARY

On December 13, 2023, Robert Hunter Biden failed to comply with deposition subpoenas issued by the Committees on Oversight and Accountability and the Judiciary for testimony relevant to the House of Representatives' impeachment inquiry and the Committees' oversight investigations.¹ Instead, Mr. Biden opted to read a short, prepared statement in front of the Capitol. Accordingly, Mr. Biden has violated federal law,² and must be held in contempt of Congress. Mr. Biden's testimony is a critical component of the impeachment inquiry into, among other things, whether Joseph R. Biden, Jr., as Vice President and/or President: (1) took any official action or effected any change in government policy because of money or other things of value provided to himself or his family; (2) abused his office of public trust by providing foreign interests with access to him and his office in exchange for payments to his family or him; or (3) abused his office of public trust by knowingly participating in a scheme to enrich himself or his family by giving foreign interests the impression that they would receive access to him and his office in exchange for payments to his family or him.³

The testimony sought by the subpoenas is also relevant to ongoing efforts to craft legislative reforms to federal ethics and financial disclosure laws. The Committees seek to craft legislative solutions that provide transparency when the President's or Vice President's family members engage in lucrative financial transactions. As part of our investigation, the Committees seek to craft legislative solutions aimed at deficiencies we have identified in the current legal framework regarding ethics laws and the disclosure of financial interests related to the immediate family members of Vice Presidents and Presidents—deficiencies that may place American national security and interests at risk. Specifically, the Committees are concerned that foreign nationals appear to have sought access and influence by engaging in lucrative business relationships with high-profile political figures' immediate family members.

¹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Abbe D. Lowell, Partner, Winston & Strawn LLP (Nov. 8, 2023) [hereinafter "Nov. 8 Letter"].

² See 2 U.S.C. § 192 ("Every person who having been summoned as a witness by the authority of either House of Congress to give testimony . . . upon any matter under inquiry before either House . . . or any committee of either House of Congress, willfully makes default . . . shall be deemed guilty of a misdemeanor . . .").

³ Nov. 8 Letter, *supra* note 1.

Mr. Biden’s flagrant defiance of the Committees’ deposition subpoenas—while choosing to appear nearby on the Capitol grounds to read a prepared statement on the same matters—is contemptuous, and he must be held accountable for his unlawful actions. Accordingly, the Chairman of the Committee on Oversight and Accountability recommends that Congress find Robert Hunter Biden in contempt for his failure to comply with the Committee subpoena issued to him.

AUTHORITY AND PURPOSE

The Constitution vests the House of Representatives with the “sole Power of Impeachment”⁴ and provides that the “President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”⁵ As the U.S. Court of Appeals for the District of Columbia Circuit has stated, “[t]o level the grave accusation that a President may have committed ‘Treason, Bribery, or other high Crimes and Misdemeanors,’ U.S. Const. art. II, §4, the House must be appropriately informed.”⁶ Congress’s authority to access information during an impeachment investigation can be broader in certain instances than in a purely legislative investigation,⁷ a fact that the Executive Branch traditionally has recognized.⁸ An impeachment inquiry is the traditional means by which the House assembles and evaluates relevant information.⁹ Indeed, conducting an impeachment inquiry without all pertinent evidence would be an affront to the Constitution and irreparably damage public faith in the impeachment process.¹⁰

⁴ U.S. CONST. art. I, §2, cl. 5.

⁵ *Id.* art. II, §4.

⁶ *Comm. on Judiciary of U.S. House of Representatives v. McGahn*, 968 F.3d 755, 765 (D.C. Cir. 2020) (en banc).

⁷ TODD GARVEY, CONG. RSCH. SERV.: LEGAL SIDEBAR, LSB11083, IMPEACHMENT INVESTIGATIONS, PART II: ACCESS, at 1 (2023) (“[T]here is reason to believe that invocation of the impeachment power could improve the committees’ legal claims of access to certain types of evidence relevant to the allegations of misconduct against President Biden.”). See also *In re Application of Comm. on Judiciary*, 414 F. Supp. 3d 129, 176 (D. D.C. 2019) (“[D]enying [the House Judiciary Committee] evidence relevant to an impeachment inquiry could pose constitutional problems.”), *aff’d*, 951 F.3d 589 (D.C. Cir. 2020), *vacated and remanded sub nom. on other grounds, DOJ v. House Comm. on the Judiciary*, 142 S. Ct. 46 (2021); *In re Request for Access to Grand Jury Materials*, 833 F.2d 1438, 1445 (11th Cir. 1987) (concluding that “limit[ing] the investigatory power of the House in impeachment proceedings . . . would clearly violate separation of powers principles”).

⁸ See GARVEY, *supra* note 7 (“As a historical matter, all three branches have suggested that the House possesses a robust right of access to information when it is investigating for impeachment purposes.”); Jonathan David Schaub, *The Executive’s Privilege*, 70 DUKE L.J. 1, 87 (2020) (“[P]residents and others have recognized throughout the history of the country that their ability to withhold information from Congress disappears in the context of impeachment.”).

⁹ See, e.g., H.R. Rep. No. 116–346, at 28 (2019) (“Here, consistent with historical practice, the House divided its impeachment inquiry into two phases, first collecting evidence and then bringing that evidence before the Judiciary Committee for its consideration of articles of impeachment.”); H.R. Rep. No. 111–427, at 7 (2010) (“[T]he impeachment inquiry was referred by the Committee on the Judiciary to a Task Force on Judicial Impeachment . . . , comprised of 12 Committee Members, to conduct the investigation.”). See also *Hearing on the Basis for the Impeachment Inquiry of President Joseph R. Biden: Before the H. Comm. on Oversight & Accountability*, 118th Cong. (Sept. 28, 2023) (statement of Jonathan Turley, Professor, The George Washington University Law School); Memorandum from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jason Smith, Chairman, H. Comm. on Ways & Means, to Members of the H. Comm. on the Judiciary, H. Comm. on Oversight & Accountability, and H. Comm. on Ways & Means (Sept. 27, 2023) [hereinafter “Sept. 27 Memo”].

¹⁰ See *In re Application of Comm. on Judiciary*, 414 F. Supp. 3d at 176 (“Impeachment based on anything less than all relevant evidence would compromise the public’s faith in the process.”);

On September 27, 2023, pursuant to the directive of the Speaker, the Chairs of the Committees, along with the Chair of the Committee on Ways and Means, released a memorandum setting forth the justification for and scope of the inquiry into whether sufficient grounds exist to draft articles of impeachment against President Biden.¹¹ On December 13, 2023, the House of Representatives adopted House Resolution 918, directing the Committees, along with the Committee on Ways and Means, to continue the ongoing impeachment inquiry.¹² By approving House Resolution 918, the House also adopted House Resolution 917,¹³ which affirmed that “[t]he authority provided by clause 2(m) of Rule XI of the Rules of the House of Representatives to the Chairs of the Committees . . . included, from the beginning of the existing House of Representatives impeachment inquiry . . . the authority to issue subpoenas on behalf of such Committees for the purpose of furthering the impeachment inquiry.”¹⁴ House Resolution 917 also “ratifie[d] and affirm[ed] any subpoenas previously issued . . . by the Chairs of the Committees on Oversight and Accountability, Ways and Means, or the Judiciary as part of the impeachment inquiry.”¹⁵

The deposition subpoenas to Mr. Biden were issued as part of the Committees’ impeachment inquiry. As will be explained in detail below, Mr. Biden’s testimony is necessary for the Committees to determine whether sufficient grounds exist for the Committees to draft articles of impeachment against President Biden.

However, the impeachment inquiry was not the only purpose underlying these deposition subpoenas; the subpoenas were also issued to Mr. Biden pursuant to the Committees’ authorities to conduct legislative oversight.¹⁶ Article I of the Constitution vests in Congress a “broad and indispensable” power to conduct oversight and investigations that “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.”¹⁷ Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of the Department of Justice (DOJ) and criminal justice matters in the United States to inform potential legislative reforms,¹⁸ while the Committee on Oversight and Accountability

In re Request for Access to Grand Jury Materials, 833 F.2d at 1445 (“Public confidence in a procedure as political and public as impeachment is an important consideration justifying disclosure.”); *In re Report and Recommendation of June 5, 1972 Grand Jury*, 370 F. Supp. 1219, 1230 (D. D.C. 1974) (“It would be difficult to conceive of a more compelling need than that of this country for an unswervingly fair [impeachment] inquiry based on all the pertinent information.”).

¹¹ Sept. 27 Memo, *supra* note 9.

¹² H.R. Res. 918, 118th Cong. (2023).

¹³ *Id.*

¹⁴ H.R. Res. 917, 118th Cong. (2023).

¹⁵ *Id.*

¹⁶ See Rules of the U.S. House of Representatives, R. XI, cl. 2(m)(1) (2023) (providing that “a committee or subcommittee is authorized . . . (B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary”); Rules of the H. Comm. on Oversight & Accountability, R. 12(g) (“The Chair of the Committee shall . . . [a]uthorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee.”); Rules of the H. Comm. on the Judiciary, R. IV(a) (“A subpoena may be authorized and issued by the Chair, in accordance with clause 2(m) of rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.”).

¹⁷ *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020).

¹⁸ Rules of the U.S. House of Representatives, R. X, cl. 1(l) (2023).

has been delegated broad authority to investigate “any matter” at “any time.”¹⁹

To further the Committees’ constitutionally mandated oversight and legislative duties, full compliance with the Committees’ duly authorized subpoenas must be obtained, which includes unrestricted testimony on all relevant matters. The information that the Committees seek from Mr. Biden relates to, among other matters, his knowledge of President Biden’s involvement in his family’s business dealings, and whether President Biden, as President and/or Vice President, took any official action or effected any change in government policy to enrich or improperly benefit himself or his family, or traded access or the appearance of access to himself and his office in exchange for payments to himself or his family. This information is necessary to inform the need for and shape of potential legislative reforms, including criminal law reforms, to address influence-peddling by Presidential and Vice-Presidential family members.

BACKGROUND ON THE INVESTIGATION

In February 2023, the Committee on Oversight and Accountability launched an oversight investigation into the Biden family’s foreign business dealings by issuing subpoenas for bank records related to companies and individuals who conducted business with certain Biden family members and their related companies.²⁰ Through those records, the Committee uncovered evidence that Biden family members and their associates received over \$24 million from foreign companies and foreign nationals, with more than \$15 million received by the Biden family and \$9 million by business associates during the five-year period from 2014 to 2019.²¹ The Oversight Committee’s subpoenas issued to various banks for Biden family members’ bank records also showed a direct benefit to President Biden through a series of complicated financial transactions.²²

In the spring of 2023, two brave whistleblowers stepped forward to notify Congress of how DOJ had impeded, delayed, and obstructed the criminal investigation of the President’s son, Hunter Biden.²³ Following their testimony, the Committees on the Judiciary, Oversight and Accountability, and Ways and Means requested

¹⁹*Id.*, cl. 4(c)(2).

²⁰*See, e.g.*, Subpoena from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Financial Institution 1 (Feb. 27, 2023).

²¹*See* Memorandum from Maj. Comm. staff, H. Comm. on Oversight & Accountability, to Members of the H. Comm. on Oversight & Accountability, Re: New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (Mar. 16, 2023); Memorandum from Maj. Comm. staff, H. Comm. on Oversight & Accountability, Members of the H. Comm. on Oversight & Accountability, Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (May 10, 2023) [hereinafter “May 10 Memo”]; Memorandum from Maj. Comm. staff, H. Comm. on Oversight & Accountability, Members of the H. Comm. on Oversight & Accountability, Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (Aug. 9, 2023) [hereinafter “Aug. 9 Memo”].

²²*See* Memorandum from Maj. Comm. staff, H. Comm. on Oversight & Accountability, to Members of the H. Comm. on Oversight & Accountability, Re: Fourth Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (Nov. 1, 2023) [hereinafter “Nov. 1 Memo”].

²³*See generally* Transcribed Interview of Gary Shapley, Supervisory Special Agent, Internal Revenue Serv. (May 26, 2023) [hereinafter “Shapley Interview”]; Transcribed Interview of Joseph Ziegler, Special Agent, Internal Revenue Serv. (June 1, 2023) [hereinafter “Ziegler Interview”].

and conducted relevant interviews with officials from DOJ, the Federal Bureau of Investigation (FBI), and the Internal Revenue Service (IRS).²⁴ On September 12, 2023, the Speaker of the House directed the Committees to conduct an inquiry to determine whether sufficient grounds existed for the impeachment of President Biden.²⁵ On September 27, 2023, the Committees released a memorandum laying out, among other things, the subject matter of the impeachment inquiry, including: (1) foreign money received by the Biden family; (2) President Joe Biden's involvement in his family's foreign business entanglements; and (3) steps taken by the Biden Administration to slow, hamper, or otherwise impede the criminal investigation of the President's son, Hunter Biden, which involves funds received by the Biden family from foreign sources.²⁶

As part of this investigation, on November 8, 2023, the Committee on Oversight and Accountability issued a subpoena to Mr. Biden compelling him to appear for a deposition to begin at 9:30 a.m. on December 13.²⁷ The Committee noticed the deposition pursuant to House and Committee rules.²⁸ Willfully ignoring the Committee's subpoena, Mr. Biden did not appear for his deposition. Instead, Mr. Biden read a prepared statement in front of the U.S. Capitol and immediately departed.

The Oversight and Accountability Committee, with the other investigating committees, has accumulated significant evidence suggesting that President Biden knew of, participated in, and profited from foreign business interests engaged in by his son, about which the Committees intended to question Mr. Biden during his deposition.²⁹ Mr. Biden's decision to defy the Committees' subpoenas and deliver prepared remarks prevents the Committee from carrying out its Constitutional oversight function and its impeachment inquiry.³⁰ Mr. Biden's refusal to comply with the Committees' subpoenas is a criminal act. It constitutes contempt of Congress and warrants referral to the appropriate United States Attorney's Office for prosecution as prescribed by law.

²⁴ See e.g., H. COMM. ON THE JUDICIARY ET AL., 118th CONG., THE JUSTICE DEPARTMENT'S DEVIATIONS FROM STANDARD PROCESSES IN ITS INVESTIGATION OF HUNTER BIDEN, at 1–2 (2023); Transcribed Interview of Lesley Wolf, former Assistant U.S. Att'y, Dist. of Del. (Dec. 14, 2023).

²⁵ Press Release, Rep. Kevin McCarthy, Speaker of the House, Speaker McCarthy Opens an Impeachment Inquiry (Sept. 12, 2023).

²⁶ Sept. 27 Memo, *supra* note 9.

²⁷ See Subpoena from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Mr. Robert Hunter Biden (Nov. 8, 2023) [hereinafter "Nov. 8 Oversight Subpoena"]. Relatedly, on November 9, the Committee on the Judiciary issued a companion subpoena to Mr. Biden for testimony on December 13. Subpoena from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Robert Hunter Biden (Nov. 9, 2023) [hereinafter "Nov. 9 Judiciary Subpoena"]. Regulations issued by the Committee on Rules authorize such a joint deposition. See Regulations for the Use of Deposition Authority, 169 Cong. Rec. H115, H147, 118th Cong. (Jan. 10, 2023). See also Rules of the H. Comm. on the Judiciary, R. XI; Rules of the H. Comm. on Oversight & Accountability, R. 15(f).

²⁸ See Joint Deposition Notice, H. Comm. on Oversight & Accountability and H. Comm. on the Judiciary, Deposition of Robert Hunter Biden on December 13, 2023 (Dec. 7, 2023) [hereinafter "Biden Joint Deposition Notice"]; Rules of the H. Comm. on the Judiciary, R. XI; Rules of the H. Comm. on Oversight & Accountability, R. 15(b).

²⁹ Biden Joint Deposition Notice, *supra* note 28.

³⁰ See *Hunter Biden Statement on Subpoena and Investigation*, C-SPAN (Dec. 13, 2023), <https://www.c-span.org/video/?532415-1/hunter-biden-statement-subpoena-investigation>.

A. The Committees Seek Information From Hunter Biden Central to the Investigative Purpose of the Impeachment Inquiry of President Joe Biden and the Committees' Legislative Oversight Investigation

Information held by and known to Mr. Biden is vital to the impeachment inquiry of President Biden and the Committees' ongoing efforts to craft legislative reforms to federal ethics and financial disclosure laws. Throughout 2023, the Committees have been investigating (1) foreign money received by the Biden family; (2) President Biden's involvement in his family's foreign business entanglements; and (3) steps taken by the Biden Administration to slow, hamper, or otherwise impede the criminal investigation of the President's son.³¹ The Committees have collected evidence that President Biden not only knew about, but also participated in and profited from, his family's international business activities, including business conducted by his son, Mr. Biden. This evidence includes bank records, discussions with Mr. Biden's former business associates, interviews with investigators from Mr. Biden's criminal investigation, and government records from the Department of the Treasury, National Archives and Records Administration (National Archives), FBI, and IRS.³² Cumulatively, the evidence obtained thus far warrants further investigation by the Committees. To do so, the Committees must take Mr. Biden's deposition. With the possible exception of President Biden, Mr. Biden is the most important witness possessing information about President Biden's involvement in his son's business dealings.

To date, the Committees have collected hundreds of pages of documents and witness testimony relevant to the impeachment inquiry that demonstrate why Mr. Biden's deposition is crucial to the Committees' investigation. During a transcribed interview with the Committee on Oversight and Accountability, Devon Archer, a long-time associate of Mr. Biden, described how President Biden was "[t]he Brand" and was used to send "signals" of power, access, and influence to enrich the Biden family from foreign sources while he served as vice president.³³ Mr. Archer testified that Mr. Biden placed his father on speaker phone during meetings with business associates approximately "20 times."³⁴ Importantly, Mr. Archer detailed specific instances of then-Vice President Biden's involvement in his family's foreign business entanglements in 2014 and 2015.³⁵

Mr. Archer testified that then-Vice President Biden dined with foreign individuals from countries such as Russia, Ukraine, and Kazakhstan who conducted business with Mr. Biden. Specifically, in February 2014, then-Vice President Biden dined at Café Milano with oligarchs from Russia and Kazakhstan who funneled millions of dollars to Hunter Biden and his business associates.³⁶ Then-Vice President Biden dined with other foreign business associates of Mr. Biden, including Ukrainian Burisma executive Vadym Pozharsky,

³¹ See generally Sept. 27 Memo, *supra* note 9.

³² *Id.*

³³ Transcribed Interview of Devon Archer, at 29–30 (July 31, 2023) [hereinafter "Archer Interview"].

³⁴ *Id.* at 51.

³⁵ See *infra* notes 36–41 and accompanying text.

³⁶ Archer Interview, *supra* note 33, at 57.

at Café Milano in April 2015.³⁷ At the time, Burisma was under investigation by Ukrainian Prosecutor General Viktor Shokin for corruption.³⁸ In 2015, then-Vice President Biden hosted Mr. Biden, Mr. Archer, and other business associates at the official residence of the Vice President.³⁹ According to Mr. Archer, the topic of discussion was filling the top seat at the United Nations.⁴⁰ The Kazakhstani government official who wanted the U.N. position attended both dinners at Café Milano with then-Vice President Biden.⁴¹

Additional documents obtained by the Committee on Oversight and Accountability demonstrate then-Vice President Biden's involvement in business dealings with Burisma. On December 4, 2015, Eric Schwerin, a business associate of Mr. Biden, wrote to Kate Bedingfield in the Office of the Vice President providing quotes to use in response to media outreach regarding Mr. Biden's role in Burisma.⁴² Later that day, Ms. Bedingfield responded to Mr. Schwerin saying, "VP [Biden] signed off on this[.]"⁴³ In addition, according to Mr. Archer, following a Burisma board of directors meeting in Dubai on the evening of December 4, 2015, Hunter Biden "called D.C." to discuss the pressure that Burisma had asked him to relieve.⁴⁴

In addition, the Committee on Ways and Means obtained communications in which Mr. Biden invoked his father to influence his foreign business deals. For instance, the Committee uncovered a threatening message from Mr. Biden to a Chinese business executive related to a business deal with CEFC China Energy, a now-defunct Chinese conglomerate with close ties to the Chinese Communist Party, in which Mr. Biden wrote, "I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled."⁴⁵ Four days later, on August 3, 2017, Mr. Biden sent another message to a CEFC executive suggesting that now-President Biden may have been involved in his business ventures, boasting that "[t]he Biden's [sic] are the best I know at doing exactly what the Chairman wants from this partnership[.]"⁴⁶ The following day, a CEFC subsidiary wired \$100,000 to a company owned by Mr. Biden.⁴⁷ On August 8, 2017, nine days after Mr. Biden invoked his father in a threatening message to a CEFC executive, a Chinese company affiliated with CEFC wired \$5 million to a company jointly established by Mr. Biden and another CEFC associate.⁴⁸ The same day, Mr. Biden transferred \$400,000 from this joint venture to his personal company.⁴⁹ Through a complicated series of transactions designed to make the funds difficult to trace,

³⁷ *Id.* at 65–66.

³⁸ Press Release, Rep. James Comer, Chairman, H. Comm. Oversight & Accountability, Comer Presses State Department for Information on then-Vice President Joe Biden's Sudden Shift on Ukraine Policy (Sept. 12, 2023).

³⁹ Archer Interview, *supra* note 33, at 45–46, 57, 65–66, 78.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² E-mail from Eric Schwerin to Kate Bedingfield (Dec. 4, 2015, 10:45 AM).

⁴³ E-mail from Kate Bedingfield to Eric Schwerin (Dec. 4, 2015, 2:30 PM).

⁴⁴ Archer Interview, *supra* note 33, at 33–36.

⁴⁵ Shapley Interview, *supra* note 23, Ex. 11.

⁴⁶ *Id.*

⁴⁷ May 10 Memo, *supra* note 21, at 25.

⁴⁸ Nov. 1 Memo, *supra* note 22 at 5.

⁴⁹ *Id.*

laid out in full by the Committee on Oversight and Accountability, now-President Biden ultimately received \$40,000 of the proceeds.⁵⁰

Mr. Biden's business associates have also indicated that now-President Biden was involved in his son's business affairs. For instance, on May 13, 2017, James Gilliar, one of Mr. Biden's business associates, emailed another associate, Tony Bobulinski, and carbon copied Mr. Biden and a third associate named Rob Walker, about "renumeration packages" for six individuals involved in a deal with CEFC.⁵¹ The email listed an equity split in the new business venture that includes "10 held by H for the big guy?"⁵² Although DOJ prosecutors prohibited IRS and FBI investigators from pursuing the identity of "the big guy" during the criminal investigation of Mr. Biden,⁵³ Mr. Bobulinski has publicly confirmed that not only is the email authentic, but also that "the big guy" refers to now-President Biden.⁵⁴ A week later, on May 20, 2017, Mr. Gilliar told Mr. Bobulinski in a WhatsApp message, "Don't mention Joe being involved [in the CEFC deal], it's only when u are face to face, I know u know that but they are paranoid[.]"⁵⁵

Notwithstanding the significant evidence uncovered to date, President Biden has continuously changed the narrative on his involvement in his family's business dealings. Following IRS whistleblower testimony to the Committee on Ways and Means,⁵⁶ the White House issued a statement that President Biden "was not in business with his son."⁵⁷ In August 2023, a reporter asked President Biden if he lied about never speaking to his son about his business dealings.⁵⁸ President Biden replied, "no."⁵⁹ Following contradictory testimony from one of Mr. Biden's former business associates that President Biden was "on speakerphone" with Mr. Biden's former business associates "talking business," President Biden angrily told reporters, "I never talked business with anybody. I knew you'd have a lousy question."⁶⁰ The reporter followed up, asking President Biden to explain why the question was lousy, and President Biden responded, "Because it's not true."⁶¹ In his prepared remarks on December 13, Mr. Biden provided yet another account of President Biden's involvement in his business dealings, claiming that his "father was not *financially* involved in [his] business."⁶²

The Committees are also investigating the national security implications of a Vice President's or President's (and candidates for

⁵⁰*Id.* at 5–10.

⁵¹E-mail from James Gilliar to Tony Bobulinski et. al. (May 13, 2017, 5:48 AM).

⁵²*Id.*

⁵³Shapley Interview, *supra* note 23, at 18, 120.

⁵⁴Michael Goodwin, *Hunter biz partner confirms email, details Joe Biden's push to make millions from China*: Goodwin, N.Y. POST (Oct. 22, 2020).

⁵⁵WhatsApp message from James Gilliar to Tony Bobulinski (May 20, 2017). See also Emma-Jo Morris et al., *Hunter Biden's ex-business partner told 'don't mention Joe' in text message*, N.Y. POST (last updated Oct. 23, 2020) (reporting that the message concerned Joe Biden's involvement in the CEFC deal).

⁵⁶See generally Shapley Interview, *supra* note 23; Ziegler Interview, *supra* note 23.

⁵⁷Press Briefing by Press Secretary Karine Jean-Pierre and FEMA Administrator Deanne Criswell, THE WHITE HOUSE (Aug. 14, 2023).

⁵⁸GOP Oversight, Reporter: "Did you lie about never speaking to Hunter bout his business dealings?", YOUTUBE (Aug. 21, 2023), <https://www.youtube.com/watch?v=p6y5kIQ9N1M>; Steven Nelson, *Biden insists he told truth about not talking foreign biz with Hunter—despite mounting evidence*, N.Y. POST (June 26, 2023).

⁵⁹*Id.*

⁶⁰Alexander Hall, *Biden scorched for response to question about talking to Hunter's business associates: 'Pathological liar'*, FOX NEWS (Aug. 10, 2023).

⁶¹*Id.*

⁶²*Hunter Biden Statement on Subpoena and Investigation*, *supra* note 30.

such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight. Current financial disclosure laws and regulations do not require non-dependent family members of senior elected officials to provide any information to the public. Consequently, the Committees are seeking meaningful reforms to government ethics and disclosure laws that will provide necessary transparency into a Vice President's or President's immediate family members' income, assets, and financial relationships.

The Committees also intend to craft legislation that would strengthen reporting requirements relating to certain foreign transactions involving senior elected officials' family members and that would implement robust financial disclosure requirements that shed light on ownership of opaque corporate entities. Moreover, in order to prevent financial transactions from being structured in a way to evade oversight, the Committees are examining whether certain reporting requirements, including any new reporting requirements for senior elected officials' family members, should extend for a period of time after a President or Vice President leaves office.

The Committees aim to draft legislation that delivers more transparency to the American people, deters foreign interests from attempting to obtain influence over and access to the highest levels of the federal government by entering business deals with Presidential and Vice-Presidential family members, discourages such family members from profiting from their relative's public service, and ensures the nation is safe from our foreign adversaries. Mr. Biden's deposition is critical in achieving these legislative goals. In particular, the Committee must understand precisely how such influence-peddling has occurred. Given the complicated financial transactions surrounding Mr. Biden's foreign business dealings, as well as the apparently close relationship between his foreign business dealings during and after his father's tenure as Vice President, it is imperative for the Committees to depose him to be able to shape effective and targeted legislative solutions that would expose and thus hopefully deter attempts at influence-peddling by similarly situated family members, including activities that could jeopardize national security.

In sum, the Committees have uncovered that the Biden family has accumulated more than \$15 million from foreign entities, with most going to Mr. Biden.⁶³ Mr. Biden was central to these business arrangements and his deposition is vital to properly understanding them. In addition, President Biden's statements regarding his involvement in his son's business ventures are collectively inconsistent and further underscore the need for Mr. Biden's testimony. It is vital to the Committees' investigation that Mr. Biden be deposed, under oath, about how he utilized his father and the power of his father's positions to influence foreign business abroad and enrich the Biden family.

⁶³*Hearing with IRS Whistleblowers About the Biden Criminal Investigation: Before the H. Comm. on Oversight & Accountability, 118th Cong. (July 19, 2023).*

B. Hunter Biden's Refusal To Comply With the Committees' Subpoenas for a Deposition

On November 8, 2023, and November 9, 2023, the Committee on Oversight and Accountability and the Committee on the Judiciary, respectively, issued to Robert Hunter Biden subpoenas to appear for a deposition on December 13, 2023, at 9:30 a.m.⁶⁴ The joint cover letter detailed the Committees' rationale for issuing the subpoenas, including to determine whether President Biden:

(1) took any official action or effected any change in government policy because of money or other things of value provided to himself or his family, including whether he asked then-Vice President Biden to intervene in a Ukrainian investigation of a company that paid your client substantial sums of money; (2) abused his office of public trust by providing foreign interests with access to him and his office in exchange for payments to his family or him; or (3) abused his office of public trust by knowingly participating in a scheme to enrich himself or his family by giving foreign interests the impression that they would receive access to him and his office in exchange for payments to his family or him.⁶⁵

The cover letter noted that the "Biden family used corporate bank accounts of third-party associates to receive wires from foreign companies and nationals."⁶⁶ These "associates then dispersed money to various Biden family members in incremental payments over time."⁶⁷ Mr. Biden "was at the center of many of these transactions and actively involved in the web connecting the Biden family to foreign money."⁶⁸ Mr. Biden was able to bring in millions of dollars for the Biden family and did so by "leveraging the Biden brand and the positions of trust held by his father."⁶⁹ For example, Mr. Biden "arranged and attended meetings between then-Vice President Biden and foreign individuals who directly or indirectly paid [Mr. Biden] millions of dollars, including individuals from Kazakhstan, Russian, and Ukraine."⁷⁰ In short, Mr. Biden has the relevant information that the Committees need to determine whether President Joe Biden abused his oath of office to benefit himself and his family. The Committees also detailed the legislative purpose underlying the subpoena, explaining that Mr. Biden's testimony is "relevant to ongoing efforts to craft legislative reforms to federal ethics and financial disclosure laws."⁷¹

On November 28, 2023, Mr. Biden's attorney, Abbe Lowell, wrote to the Committees regarding the subpoenas to Mr. Biden.⁷² On behalf of Mr. Biden, Mr. Lowell disparaged and attacked the Committees' inquiry, challenged the Committees' legislative purpose in

⁶⁴ Nov. 8 Oversight Subpoena, *supra* note 27; Nov. 9 Judiciary Subpoena, *supra* note 27; Nov. 8 Letter, *supra* note 1.

⁶⁵ Nov. 8 Letter, *supra* note 1, at 4.

⁶⁶ *Id.* at 1.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.* During the transcribed interview of Devon Archer, a Biden business associate, Archer confirmed that then-Vice President Joe Biden was "the brand" that Mr. Biden sold. Archer interview, *supra* note 33, at 29–30.

⁷⁰ Nov. 8 Letter, *supra* note 1, at 2 (citing Aug. 9 Memo, *supra* note 21, at 2).

⁷¹ *Id.* at 4.

⁷² Letter from Abbe D. Lowell, Partner, Winston & Strawn LLP, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Nov. 28, 2023) [hereinafter "Nov. 28 Letter"].

issuing the subpoenas, and demanded that the Committees treat Mr. Biden in a manner unlike any other witness in the investigation.⁷³ In particular, Mr. Lowell represented to the Committees that Mr. Biden would only “appear at a public Oversight and Accountability hearing.”⁷⁴

On December 1, 2023, the Committees responded to Mr. Lowell’s letter.⁷⁵ The Committees informed Lowell about the relevant Supreme Court case law and evidence supporting the subpoenas.⁷⁶ Although the Committees notified Mr. Lowell that Mr. Biden would be allowed to testify at a public hearing at the appropriate time, the Committees denied Mr. Biden’s attempt to receive special treatment, explaining:

The subpoenas Mr. Biden has received compel him to appear before the Committees for a deposition; they are not mere suggestions open to Mr. Biden’s interpretation or preference. Several Justice Department, FBI, and IRS officials have testified in transcribed interview and deposition settings, as has Devon Archer, Mr. Biden’s business associate. Notably, other Hunter Biden business associates are also cooperating with our subpoenas and not demanding a public hearing first. Mr. Biden seems to believe that he should be treated differently than other witnesses before the Committees.⁷⁷

The Committees asked Mr. Lowell to confirm by December 4 whether Mr. Biden would appear for his deposition.⁷⁸

On December 6, 2023, Mr. Lowell responded to the Committees, writing that Mr. Biden had “chosen” to testify only at a public hearing and demanding that the Committees deviate from their standard investigative procedure to provide Mr. Biden with special treatment.⁷⁹ The same day, the Committees again responded to Mr. Lowell, reiterating that the subpoenas do not provide Mr. Biden a choice to make—rather, “the subpoenas compel him to appear for a deposition. . . .”⁸⁰ The Committees warned Mr. Biden that failure to appear pursuant to the terms of the subpoenas would result in the Committees initiating contempt of Congress proceedings.⁸¹

The following day, on December 7, 2023, the Committees issued a joint deposition notice for Mr. Biden to appear on December 13, 2023 at 9:30 a.m.⁸² Biden did not appear for his deposition.⁸³ At 9:39 a.m. on December 13, 2023, the Committees convened the dep-

⁷³ *Id.*

⁷⁴ *Id.* at 3.

⁷⁵ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Abbe D. Lowell, Partner, Winston & Strawn LLP (Dec. 1, 2023) [hereinafter “Dec. 1 Letter”].

⁷⁶ *See id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Letter from Abbe D. Lowell, Partner, Winston & Strawn LLP to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability at 3 (Dec. 6, 2023) [hereinafter “Lowell Dec. 6 Letter”].

⁸⁰ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability and Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Abbe D. Lowell, Partner, Winston & Strawn LLP (Dec. 6, 2023) [hereinafter “Committees Dec. 6 Letter”].

⁸¹ *Id.*

⁸² Biden Joint Deposition Notice, *supra* note 28.

⁸³ *See generally* Deposition of Robert H. Biden (Dec. 13, 2023) [hereinafter “Biden Deposition”]; Jordain Carney, *Hunter Biden defies Public GOP subpoena, demanding public hearing at the Capitol*, POLITICO (Dec. 13, 2023).

osition and opened the record.⁸⁴ The Committees then introduced the following documents into the record: (1) the November 8, 2023 subpoenas issued by Chairmen Comer and Jordan compelling Mr. Biden to appear for a deposition on December 13, 2023, at 9:30 a.m.; (2) the November 28, 2023 letter from Mr. Lowell to Chairman Comer; (3) the December 1, 2023 letter from Chairmen Comer and Jordan to Mr. Lowell; (4) the December 6, 2023 letter from Mr. Lowell to Chairman Comer; (5) the December 6, 2023 letter from Chairmen Comer and Jordan to Mr. Lowell; and (6) the December 7, 2023 joint deposition notice issued by Chairmen Comer and Jordan.⁸⁵ Following further discussion by Members on both Committees, the deposition concluded at 9:58 a.m.⁸⁶

Meanwhile, at around 9:40 a.m., Mr. Biden arrived on the grounds of the U.S. Capitol and read a prepared statement to an assembly of reporters.⁸⁷ In his prepared remarks, Mr. Biden generally denied the allegations against him and his family, attacked the Committees and the inquiry, and renewed his demand for special treatment in how the Committees obtained his testimony.⁸⁸ He read:

Let me state as clearly as I can. My father was not financially involved in my business, not as a practicing lawyer, not as a board member of Burisma, not in my partnership with a Chinese private businessman, not in my investments at home nor abroad, and certainly not as an artist. . . . There is no evidence to support the allegations that my father was financially involved in my business because it did not happen. James Comer, Jim Jordan, Jason Smith and their colleagues have distorted the facts by cherry-picking lines from a bank statement, manipulating texts I sent, editing the testimony of my friends and former business partners, and misstating personal information that was stolen from me. . . . No matter how many times it is debunked, they continue to insist that my father's support of Ukraine against Russia is the result of a non-existent bribe.⁸⁹

Mr. Biden departed the Capitol without ever appearing for his deposition.

C. Hunter Biden's Purported Reasons for Non-Compliance With the Subpoenas Are Without Merit

Through his attorney, Mr. Biden has offered several generalized and amorphous bases for his noncompliance with the Committees' subpoenas. These excuses are unpersuasive, and the Committee rejects them.

First, in Mr. Lowell's November 28 letter to the Committees, he suggested that the Committees' investigation lacks a legitimate legislative purpose.⁹⁰ Contrary to this assertion, the Supreme Court

⁸⁴ Biden Deposition, *supra* note 83, at 1.

⁸⁵ *Id.* at 6–7.

⁸⁶ *Id.* at 17.

⁸⁷ See *Hunter Biden Statement on Subpoena and Investigation*, *supra* note 30.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Nov. 28 Letter, *supra* note 72; see also *Hunter Biden Statement on Subpoena and Investigation*, *supra* note 30 (“I’m here today to answer at a public hearing, any legitimate questions

has recognized that Congress has a “broad and indispensable” power to conduct oversight,⁹¹ and that a legislative purpose is valid if it “concern[s] a subject on which legislation could be had.”⁹² The Committees have repeatedly described the legislative purposes of the investigation,⁹³ including in direct correspondence with Mr. Lowell.⁹⁴ Mr. Lowell has not contested the legitimacy of these stated purposes but rather has taken issue with how the Committees have chosen to conduct their investigation, which is a matter for the Committees to decide, not Mr. Lowell or Mr. Biden.

The Committees are considering legislative reforms such as, but not limited to, meaningful reforms to government ethics and disclosure laws that will provide necessary transparency into a Vice President’s or President’s immediate family members’ income, assets, and financial relationships, as well as potential reforms to the Foreign Agents Registration Act. The Committees are also weighing legislation that would strengthen reporting requirements related to certain foreign transactions involving senior elected officials’ family members and that would implement robust financial disclosure requirements that shed light on ownership of opaque corporate entities. Moreover, to prevent financial transactions from being structured in a way to evade oversight, the Committees are examining whether certain reporting requirements, including any new reporting requirements for senior elected officials’ family members, should extend for a period of time after a President or Vice President leaves office. Additionally, the Committees’ oversight of DOJ’s preferential treatment of Mr. Biden will inform potential legislation which could include strengthening laws protecting whistleblowers from retaliation, reforming the “special attorney” statute,⁹⁵ codifying the special counsel regulations,⁹⁶ and reforming DOJ’s Tax Division.

Second, Mr. Biden has challenged the validity of the ongoing impeachment inquiry.⁹⁷ The House’s constitutionally vested impeach-

Chairman Comer and the House Oversight Committee may have for me. I’m here today to make sure that the House committee’s *illegitimate investigations* of my family did not proceed on distortions, manipulated evidence and lies.” (emphasis added)).

⁹¹ *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020) (quoting *Watkins v. United States*, 354 U.S. 178, 187, 215 (1957) (internal quotation marks omitted)).

⁹² *Id.* (quoting *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 506 (1975) (internal quotation marks omitted)). In the prepared remarks he delivered on the Capitol grounds on December 13, Mr. Biden claimed that the Committees were improperly investigating his personal affairs. This is not the case; however, to the extent that Mr. Biden’s personal affairs bear on the investigation, case law is clear that “Congress may inquire into private affairs and compel their exposure, if this exposure is in pursuit of an independent legislative purpose.” 1 RONALD D. ROTUNDA & JOHN E. NOVAK, *TREATISE ON CONSTITUTIONAL LAW: SUBSTANCE AND PROCEDURE* § 8.4(d)(iii) (2022) (citing *Watkins v. United States*, 354 U.S. 178 (1957)). See also *Barenblatt v. United States*, 360 U.S. 109, 127 (1959) (“Congress may not constitutionally require an individual to disclose his political relationships or other private affairs *except in relation to [a valid legislative] purpose*.” (emphasis added)); *Quinn v. United States*, 349 U.S. 155, 161 (1955) (stating that Congress’s “power to investigate, broad as it may be. . . cannot be used to inquire into private affairs *unrelated to a valid legislative purpose*.” (emphasis added)).

⁹³ See, e.g., H. COMM. ON THE JUDICIARY ET AL., 118TH CONG., *THE JUSTICE DEPARTMENT’S DEVIATIONS FROM STANDARD PROCESSES IN ITS INVESTIGATION OF HUNTER BIDEN*, at 77 (2023); Sept. 27 Memo, *supra* note 9, at 5 (Sept. 27, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al., to Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (July 21, 2023).

⁹⁴ Dec. 1 Letter, *supra* note 75; Nov. 8 Letter, *supra* note 1.

⁹⁵ See 28 U.S.C. § 515.

⁹⁶ See 28 C.F.R. § 600 *et seq.*

⁹⁷ Nov. 28 Letter, *supra* note 72; *Hunter Biden Statement on Subpoena and Investigation*, *supra* note 30. Even if this attack on the legitimacy of impeachment inquiry had merit, which it does not, the subpoenas issued to Mr. Biden by the Committees would still be valid in furtherance of the Committees’ legislative oversight work as discussed above.

ment power is separate and distinct from its legislative powers.⁹⁸ Although the House approved House Resolution 918, which directed the Committees to continue their impeachment inquiry on the same day that Mr. Biden refused to appear for his deposition, such a resolution is not necessary for the House to conduct an impeachment inquiry.⁹⁹ The Constitution includes no requirement that the full House vote to start an impeachment inquiry. In fact, the House has launched several impeachment inquiries without a full House vote,¹⁰⁰ and four years ago a federal district court expressly rejected the argument that a House resolution is required to begin an impeachment inquiry.¹⁰¹ As set forth in the memorandum issued on September 27, 2023, the impeachment inquiry started well before the Committees issued deposition subpoenas to Mr. Biden.¹⁰²

Moreover, by adopting House Resolution 917, the full House has expressly affirmed that “[t]he authority provided by clause 2(m) of Rule XI of the Rules of the House of Representatives to the Chairs of the Committees . . . included, from the beginning of the existing House of Representatives impeachment inquiry . . . the authority to issue subpoenas on behalf of such Committees for the purpose of furthering the impeachment inquiry.”¹⁰³ And the House has also “ratified and affirm[ed] any subpoenas previously issued . . . by the Chairs of the Committees on Oversight and Accountability, Ways and Means, or the Judiciary as part of the impeachment inquiry,”¹⁰⁴ which includes the subpoenas issued to Mr. Biden. Indeed, on June 12, 2023, and August 11, 2023, resolutions setting forth articles of impeachment against President Biden related to Mr. Biden’s business activities were introduced and referred to the Committee on the Judiciary.¹⁰⁵

Finally, Mr. Biden challenges the venue for this testimony, objecting to the subpoenas’ compulsion for a nonpublic deposition and demanding to testify in public instead.¹⁰⁶ As the Committees have informed Mr. Biden, however, it has been the consistent practice of Committees of the House of Representatives in recent Congresses—during both Republican and Democrat majorities—as well as these Committees during this inquiry to obtain testimony initially in a

⁹⁸ GARVEY, *supra* note 7 (“By launching an impeachment inquiry, the House is effectively signaling a transition in the purpose of its investigations. Applied to the current topic, whereas previously, the committee investigations into the Biden family served the committees’ consideration of potential legislation . . . the investigations are now also pursuing evidence relevant to a possible impeachable offense. These two purposes are not mutually exclusive.”).

⁹⁹ See *In re Application of Comm. on Judiciary*, 414 F. Supp. 3d 129, 168 (D.D.C. 2019) (“Even in cases of presidential impeachment, a House resolution has never, in fact, been required to begin an impeachment inquiry.”), *aff’d*, 951 F.3d 589 (D.C. Cir. 2020), *vacated and remanded sub nom. on other grounds DOJ v. House Comm. on the Judiciary*, 142 S. Ct. 46 (2021); H.R. Rep. No. 116–266, at 7 (2019) (“[N]either the Constitution nor House rules requires that the full House vote to authorize an [impeachment] inquiry.”).

¹⁰⁰ For example, in the 1980s, the full House did not vote to authorize the impeachment inquiries involving Judge Harry Claiborne, Judge Alcee Hastings, or Judge Walter Nixon. And in 2019, the Speaker of the House announced the beginning of a formal impeachment inquiry into President Trump more than a month before the full House voted to authorize it.

¹⁰¹ See *In re Application of Comm. on Judiciary*, 414 F. Supp. 3d at 168 (“Even in cases of presidential impeachment, a House resolution has never, in fact, been required to begin an impeachment inquiry.”).

¹⁰² See Sept. 27 Memo, *supra* note 9.

¹⁰³ H.R. Res. 917, 118th Cong. (2023).

¹⁰⁴ *Id.*

¹⁰⁵ See H.R. Res. 493, 118th Cong. (2023); H.R. Res. 652, 118th Cong. (2023).

¹⁰⁶ Nov. 28 Letter, *supra* note 72; Lowell Dec. 6 Letter, *supra* note 79; *Hunter Biden Statement on Subpoena and Investigation*, *supra* note 30.

deposition setting.¹⁰⁷ This practice, which includes alternating hour-long segments of questioning by the majority and minority, allows committees to methodically and thoroughly examine a matter through direct and cross examination without the time constraints of a hearing imposed by House rules. These depositions result in a deeper understanding of the matter and more fulsome assessment of the relevant facts.

As the Committees informed Mr. Biden, the Committees are willing to pursue public testimony at a future date; however, the Committee need not and will not accede to Mr. Biden's demand for special treatment with respect to how he provides testimony. To alleviate Mr. Biden's stated concerns about transparency with respect to his testimony, the Committees informed his attorney that the deposition would be videotaped and that the transcript would be released promptly following the deposition. Mr. Biden's attorney, however, did not acknowledge the Committee's concessions. In any event, it is up to the Committees to choose the investigative methods and tools that will best further their investigation; so long as those choices are lawful, Mr. Biden has no say in the matter.

In no uncertain terms, Mr. Biden has no valid reason for failing to comply with the Committees' duly authorized subpoenas. Conversely, the Committees' need for Mr. Biden's testimony is well-established pursuant to Congress's constitutionally prescribed legislative and impeachment functions. By flagrantly defying the Committees' subpoenas, Mr. Biden has violated federal law.

D. Precedent Supports the Committees' Decision To Proceed With Holding Hunter Biden in Contempt

The Supreme Court has repeatedly noted that "the power to investigate is inherent in the power to make laws because '[a] legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change.'"¹⁰⁸ Further, "[w]here the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed."¹⁰⁹ Accordingly, 2 U.S.C. § 192 provides that a witness summoned before Congress must appear or be "deemed guilty of a misdemeanor" punishable by a fine of up to \$100,000 and imprisonment for up to one year.¹¹⁰ Like the "ordinary federal criminal statute," 2 U.S.C. § 192 "requires a criminal intent—in this instance, a deliberate, intentional refusal to answer."¹¹¹

Congress has frequently held individuals in contempt for failing to comply with a duly issued subpoena. In the 116th and 117th Congress, the Democrat-controlled House "approved six criminal

¹⁰⁷ Dec. 1 Letter, *supra* note 75.

¹⁰⁸ *Eastland*, 421 U.S. at 504 (citing *McGrain v. Daugherty*, 273 U.S. 135, 175 (1927)).

¹⁰⁹ *Id.* at 504–05 (citing *McGrain*, 273 U.S. at 175).

¹¹⁰ The prison term for this offense makes it a Class A misdemeanor. 18 U.S.C. § 3559(a)(6). By that classification, the penalty for contempt of Congress specified in 2 U.S.C. § 192 increased from \$1,000 to \$100,000. 18 U.S.C. § 3571(b)(5).

¹¹¹ *Quinn*, 349 U.S. at 165.

contempt of Congress citations” for such misconduct.¹¹² In fact, after congressional Democrats held White House officials Stephen Bannon and Peter Navarro in contempt of Congress, DOJ successfully pursued criminal charges against them.¹¹³

Mr. Biden has not asserted any claims of privilege, nor has he asserted any basis for immunity from answering questions. In correspondence with his attorney prior to the scheduled date of the deposition, the Committees addressed and rejected Mr. Biden’s justifications for not complying with the terms of the subpoenas, as well as his demand for special treatment.¹¹⁴ The Committees specifically notified Mr. Biden, via his attorney, that his failure to appear for the deposition as required by the subpoenas would lead to the Committees initiating contempt of Congress proceedings.¹¹⁵ Mr. Biden’s failure to appear for the deposition in the face of this clear advisement and warning by the Committees constitutes a willful failure to comply with the subpoena under 2 U.S.C. § 192.

CONCLUSION

The Committees have accumulated significant evidence suggesting that President Biden knew of, participated in, and profited from foreign business interests engaged in by his son, about which the Committees intended to question Mr. Biden during his deposition.¹¹⁶ However, Mr. Biden brazenly defied the Committees’ subpoenas, choosing to read a prepared statement outside of the Capitol instead of appearing for a deposition as required by the subpoenas.¹¹⁷ Mr. Biden’s willful refusal to comply with the Committees’ subpoenas constitutes contempt of Congress and warrants referral to the appropriate United States Attorney’s Office for prosecution as prescribed by law.

COMMITTEE CONSIDERATION

On January 10, 2024, the Committee met in open session, and with a quorum being present, to consider this Report, and adopted by voice vote an amendment in the nature of a substitute offered by Chairman James Comer that made certain technical edits, and ordered the Report and the Resolution contained herein to be favorably reported, as amended, to the House by a recorded vote of 25 ayes to 21 noes.

COMMITTEE VOTES

In compliance with clause 3(b) of House rule XIII, the Committee states that the following recorded votes occurred during the Committee’s consideration of the Report:

1. An amendment offered by Rep. Dan Goldman (D-NY) to strike the Resolution and contents of the Report and insert a new resolution and report text asserting that Robert Hunter Biden has com-

¹¹²TODD GARVEY, CONG. RSCH. SERV., LSB10974, CRIMINAL CONTEMPT OF CONGRESS: FREQUENTLY ASKED QUESTIONS, at 3 (2023).

¹¹³Press Release, U.S. Dep’t of Just., Former White House Advisor Convicted of Contempt of Congress (Sept. 7, 2023); Press Release, U.S. Dep’t of Just., Stephen K. Bannon Found Guilty by Jury of Two Counts of Contempt of Congress (July 22, 2022).

¹¹⁴Dec. 1 Letter, *supra* note 75; Committees Dec. 6 Letter, *supra* note 80.

¹¹⁵Committees Dec. 6 Letter, *supra* note 80.

¹¹⁶Biden Joint Deposition Notice, *supra* note 28.

¹¹⁷See *Hunter Biden Statement on Subpoena and Investigation*, *supra* note 30.

plied with Congress, which was not agreed to by a recorded vote of 18 ayes and 22 noes (Rollcall No. 3).

2. An amendment offered by Rep. Maxwell Frost (D-FL) to strike Section B, and everything after, of the Report and insert a new section in the Report claiming that Chairman Comer has distorted information about President Biden, which was not agreed to by a recorded vote of 20 ayes and 24 noes (Rollcall No. 4).

3. An amendment offered by Rep. Jasmine Crockett (D-TX) to strike Section A of the Report and insert findings claiming that Chairman Comer misrepresented certain witness testimony, which was not agreed to by a recorded vote of 20 ayes and 24 noes (Rollcall No. 5).

4. A motion by Chairman James Comer to report the Report for a Resolution Recommending That the House of Representatives Find Robert Hunter Biden in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Accountability favorably to the House, as amended, was agreed to by a recorded vote of 25 ayes to 21 noes (Rollcall No. 6).

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

118TH CONGRESS

RATIO 26-21

ROLL CALL

Vote on: Goldman Amendment to ANS

Date: 1-10-2024

VOTE #: 3

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>		X		MR. RASKIN (MD) <i>(Ranking Member)</i>	X		
MR. JORDAN (OH)				MS. NORTON (DC)	X		
MR. TURNER (OH)				MR. LYNCH (MA)	X		
MR. GOSAR (AZ)		X		MR. CONNOLLY (VA)			
MS. FOXX (NC)				MR. KRISHNAMOORTHY (IL)	X		
MR. GROTHMAN (WI)		X		MR. KHANNA (CA)	X		
MR. CLOUD (TX)		X		MR. MFUME (MD)			
MR. PALMER (AL)		X		MS. OCASIO-CORTEZ (NY)	X		
MR. HIGGINS (LA)		X		MS. PORTER (CA)	X		
MR. SESSIONS (TX)		X		MS. BUSH (MO)			
MR. BIGGS (AZ)		X		MR. GOMEZ (CA)	X		
MS. MACE (SC)		X		MS. BROWN (OH)	X		
MR. LATURNER (KS)		X		MS. STANSBURY (NM)	X		
MR. FALLON (TX)		X		MR. GARCIA (CA)	X		
MR. DONALDS (FL)		X		MR. FROST (FL)	X		
MR. PERRY (PA)		X		MS. LEE of PENNSYLVANIA (PA)	X		
MR. TIMMONS (SC)		X		MR. CASAR (TX)	X		
MR. BURCHETT (TN)		X		MS. CROCKETT (TX)	X		
MS. GREENE OF GEORGIA (GA)		X		MR. GOLDMAN (NY)	X		
MRS. MCCLAIN (MI)		X		MR. MOSKOWITZ (FL)	X		
MRS. BOEBERT (CO)				MS. TLAIB (MI)	X		
MR. FRY (SC)		X					
MRS. LUNA (FL)		X					
MR. LANGWORTHY (NY)		X					
MR. BURLISON (MO)		X					
MR. WALTZ (FL)		X					

Roll Call Totals:

Ayes: 18

Nays: 22

Present:

Passed: _____

Failed: X

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
118TH CONGRESS
RATIO 26-21
ROLL CALL

Vote on: Frost Amendment to ANS

Date: 1-10-2024

VOTE #: 4

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>		X		MR. RASKIN (MD) <i>(Ranking Member)</i>	X		
MR. JORDAN (OH)				MS. NORTON (DC)	X		
MR. TURNER (OH)		X		MR. LYNCH (MA)	X		
MR. GOSAR (AZ)		X		MR. CONNOLLY (VA)	X		
MS. FOXX (NC)		X		MR. KRISHNAMOORTHY (IL)	X		
MR. GROTHMAN (WI)		X		MR. KHANNA (CA)	X		
MR. CLOUD (TX)		X		MR. MFUME (MD)	X		
MR. PALMER (AL)		X		MS. OCASIO-CORTEZ (NY)	X		
MR. HIGGINS (LA)		X		MS. PORTER (CA)	X		
MR. SESSIONS (TX)		X		MS. BUSH (MO)			
MR. BIGGS (AZ)		X		MR. GOMEZ (CA)	X		
MS. MACE (SC)		X		MS. BROWN (OH)	X		
MR. LATURNER (KS)		X		MS. STANSBURY (NM)	X		
MR. FALLON (TX)		X		MR. GARCIA (CA)	X		
MR. DONALDS (FL)		X		MR. FROST (FL)	X		
MR. PERRY (PA)		X		MS. LEE of PENNSYLVANIA (PA)	X		
MR. TIMMONS (SC)		X		MR. CASAR (TX)	X		
MR. BURCHETT (TN)		X		MS. CROCKETT (TX)	X		
MS. GREENE OF GEORGIA (GA)		X		MR. GOLDMAN (NY)	X		
MRS. MCCLAIN (MI)		X		MR. MOSKOWITZ (FL)	X		
MRS. BOEBERT (CO)				MS. TLAIB (MI)	X		
MR. FRY (SC)		X					
MRS. LUNA (FL)		X					
MR. LANGWORTHY (NY)		X					
MR. BURLISON (MO)		X					
MR. WALTZ (FL)		X					

Roll Call Totals:

Ayes: 20

Nays: 24

Present:

Passed: _____

Failed: X

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
118TH CONGRESS
RATIO 26-21
ROLL CALL

Vote on: Crockett Amendment to ANS
Date: 1-10-2024

VOTE #: 5

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>		X		MR. RASKIN (MD) <i>(Ranking Member)</i>	X		
MR. JORDAN (OH)				MS. NORTON (DC)	X		
MR. TURNER (OH)		X		MR. LYNCH (MA)	X		
MR. GOSAR (AZ)		X		MR. CONNOLLY (VA)	X		
MS. FOXX (NC)		X		MR. KRISHNAMOORTHY (IL)	X		
MR. GROTHMAN (WI)		X		MR. KHANNA (CA)	X		
MR. CLOUD (TX)		X		MR. MFUME (MD)	X		
MR. PALMER (AL)		X		MS. OCASIO-CORTEZ (NY)	X		
MR. HIGGINS (LA)		X		MS. PORTER (CA)	X		
MR. SESSIONS (TX)		X		MS. BUSH (MO)			
MR. BIGGS (AZ)		X		MR. GOMEZ (CA)	X		
MS. MACE (SC)		X		MS. BROWN (OH)	X		
MR. LATURNER (KS)		X		MS. STANSBURY (NM)	X		
MR. FALLON (TX)		X		MR. GARCIA (CA)	X		
MR. DONALDS (FL)		X		MR. FROST (FL)	X		
MR. PERRY (PA)		X		MS. LEE of PENNSYLVANIA (PA)	X		
MR. TIMMONS (SC)		X		MR. CASAR (TX)	X		
MR. BURCHETT (TN)		X		MS. CROCKETT (TX)	X		
MS. GREENE OF GEORGIA (GA)		X		MR. GOLDMAN (NY)	X		
MRS. MCCLAIN (MI)		X		MR. MOSKOWITZ (FL)	X		
MRS. BOEBERT (CO)				MS. TLAIB (MI)	X		
MR. FRY (SC)		X					
MRS. LUNA (FL)		X					
MR. LANGWORTHY (NY)		X					
MR. BURLISON (MO)		X					
MR. WALTZ (FL)		X					

Roll Call Totals:

Ayes: 20

Nays: 24

Present:

Passed: _____

Failed: X

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

118TH CONGRESS

RATIO 26-21

ROLL CALL

Vote on: Favorably Reporting the Resolution Report

Date: 1-10-2024

VOTE #: 6

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>	X			MR. RASKIN (MD) <i>(Ranking Member)</i>		X	
MR. JORDAN (OH)	X			MS. NORTON (DC)		X	
MR. TURNER (OH)	X			MR. LYNCH (MA)		X	
MR. GOSAR (AZ)	X			MR. CONNOLLY (VA)		X	
MS. FOXX (NC)	X			MR. KRISHNAMOORTHY (IL)		X	
MR. GROTHMAN (WI)	X			MR. KHANNA (CA)		X	
MR. CLOUD (TX)	X			MR. MFUME (MD)		X	
MR. PALMER (AL)	X			MS. OCASIO-CORTEZ (NY)		X	
MR. HIGGINS (LA)	X			MS. PORTER (CA)		X	
MR. SESSIONS (TX)	X			MS. BUSH (MO)		X	
MR. BIGGS (AZ)	X			MR. GOMEZ (CA)		X	
MS. MACE (SC)	X			MS. BROWN (OH)		X	
MR. LATURNER (KS)	X			MS. STANSBURY (NM)		X	
MR. FALLON (TX)	X			MR. GARCIA (CA)		X	
MR. DONALDS (FL)	X			MR. FROST (FL)		X	
MR. PERRY (PA)	X			MS. LEE of PENNSYLVANIA (PA)		X	
MR. TIMMONS (SC)	X			MR. CASAR (TX)		X	
MR. BURCHETT (TN)	X			MS. CROCKETT (TX)		X	
MS. GREENE OF GEORGIA (GA)	X			MR. GOLDMAN (NY)		X	
MRS. MCCLAIN (MI)	X			MR. MOSKOWITZ (FL)		X	
MRS. BOEBERT (CO)				MS. TLAIB (MI)		X	
MR. FRY (SC)	X						
MRS. LUNA (FL)	X						
MR. LANGWORTHY (NY)	X						
MR. BURLISON (MO)	X						
MR. WALTZ (FL)	X						

Roll Call Totals:

Ayes: 25

Nays: 21

Present:

Passed: X Failed:

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

The Committee finds the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the *Congressional Budget Act of 1974*, and the requirements of clause 3(c)(3) of rule XIII and section 402 of the *Congressional Budget Act of 1974*, to be inapplicable to this Report. Accordingly, the Committee did not request or receive a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impacts of this Report or costs incurred to carry out the Report.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, no provision of this Report establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, this Report is to enforce the Committee's authority to subpoena and obtain testimony related to determining whether sufficient grounds exist to impeach President Joseph Robinette Biden Jr., and the sufficiency of federal ethics and financial disclosure laws.

ADVISORY ON EARMARKS

In accordance with clause 9 of House rule XXI, this report does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

MINORITY VIEWS

Since becoming Chairman of the Committee on Oversight and Accountability at the beginning of the 118th Congress, Chairman James Comer has wasted Committee resources continuing Republicans' years-long attempt to weaponize Congress at the demand of former President Donald Trump by pursuing a baseless impeachment inquiry focused on President Joe Biden's son, Hunter Biden, who has never held public office. Chairman Comer has received what he has referred to as "mountains of evidence,"¹ including from the Biden-Harris Administration, banks, and private citizens, all of which shows President Biden has done nothing wrong.² Rather than admit his investigation's failure to identify any wrongdoing by President Biden, Chairman Comer has kept nearly all witness interview transcripts under lock and key and attempted to weave cherry-picked and distorted facts to advance false claims and debunked conspiracy theories.³ This effort to hold Hunter Biden in contempt of Congress is just more of the same. Hunter Biden has repeatedly attempted to accept Chairman Comer's offer to answer the Committee's questions under oath and in public, but rather than take "yes" for an answer, Chairman Comer reneged on his offer. As such, this absurd drive to hold Hunter Biden in contempt is an admission that this sham impeachment inquiry is based on keeping the facts, the evidence, and the truth from the American people.

I. CHAIRMAN COMER HAS IDENTIFIED NO PRECEDENT FOR HOLDING IN CONTEMPT A PRIVATE CITIZEN WHO HAS OFFERED TO TESTIFY PUBLICLY UNDER OATH

The Republican Majority has failed to identify any precedent for holding in contempt of Congress a private citizen who—days after receiving a subpoena—offered to answer all the Committee's questions, under oath, in public, and on a day of the Committee's choosing.

The Majority's report cites two recent successful efforts to enforce congressional subpoenas issued to Steven Bannon and Peter Navarro, but it fails to acknowledge plainly obvious differences between Mr. Bannon and Mr. Navarro's flagrant defiance of Congress and Hunter Biden's good faith attempts to engage and cooperate with this Committee's investigation.

Mr. Navarro and Mr. Bannon blatantly defied subpoenas issued by the Select Committee to Investigate the January 6th Attack on the United States Capitol, flatly refusing to produce subpoenaed documents and outright refusing to appear before the Select Committee to answer Members' questions. Hunter Biden, by contrast,

¹Joe Biden's House of Horrors! Benny's Halloween Spooky Special with Chairman James Comer, The Benny Show (Oct. 31, 2023) (online at www.youtube.com/watch?v=1OH1CHaxvY&t=2s).

²See Memorandum from Minority Staff to Interested Parties, *Fact Sheet: Mountain of Evidence Shows No Wrongdoing by President Biden*, House Committee on Oversight and Accountability (Dec. 1, 2023) (online at <https://oversightdemocrats.house.gov/sites/democratsoversight.house.gov/files/20231201%20Oversight%20Democrats%20Staff%20Memo%20on%20Impeachment%20Inquiry.pdf>).

³See, e.g., Biden Continues to Lie to Americans About What He Knew About the Crimes His Family was Committing: Rep. James Comer, Fox Business (Dec. 7, 2023) (online at www.foxbusiness.com/video/6342522748112).

has repeatedly sought to cooperate with Chairman Comer’s investigation.

For nearly a year, Hunter Biden has repeatedly offered to answer questions from Chairman Comer and Committee Republicans—including by testifying under oath at a public hearing of the Committee on Oversight and Accountability. Despite repeatedly inviting Hunter Biden to answer the Committee’s questions in a public hearing, as soon as Hunter Biden took him up on this offer, Chairman Comer rescinded his offer and demanded that Hunter Biden appear in a closed-door deposition instead.⁴

On February 8, 2023, Chairman Comer transmitted a letter to Hunter Biden seeking “documents and communications related to our investigation of President Biden’s involvement in your financial conduct.”⁵ In particular, Chairman Comer sought a wide variety of Hunter Biden’s personal records spanning more than a decade, including personal financial statements and communications with his family.⁶ The next day, Hunter Biden’s attorney responded to Chairman Comer’s requests with an offer “to sit with you and your staff, including the ranking member and his staff, to see whether Hunter Biden has information that may inform some legitimate legislative purpose and be helpful to the Committee.”⁷ Chairman Comer did not respond to this offer.

On September 12, 2023, nearly seven months later, Chairman Comer appeared on *Newsmax* to discuss his investigation of President Biden, falsely stating he “never got a response back” from Hunter Biden.⁸ He further explained:

Hunter Biden is more than welcome to come in front of the Committee. If he wants to clear his good name—if he wants to come and say, you know, these weren’t 20 shell companies, they actually did something—he’s invited today. We will drop everything.⁹

On September 13, 2023, Hunter Biden’s attorney responded to Chairman Comer’s statements, noting, “On February 9, we wrote back to you . . . You never responded to that offer.”¹⁰ Nonetheless, Hunter Biden’s attorney reiterated his offer to sit with Chairman Comer and his staff, explaining that he and his team “remain

⁴ See, e.g., Committee on Oversight and Accountability Democrats, *Press Release: ICYMI—The Messenger: Jamie Raskin Rails Against Republicans at Hunter Biden-less Deposition* (Dec. 13, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/icymi-the-messenger-jamie-raskin-rails-against-republicans-at-hunter-biden-less>).

⁵ Letter from Chairman James Comer, Committee on Oversight and Accountability, to Robert Hunter Biden (Feb. 8, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/02/2023-02-08-Letter-R.H.-Biden.pdf>).

⁶ *Id.*

⁷ Letter from Abbe D. Lowell, Counsel for Robert Hunter Biden, to Chairman James Comer, Committee on Oversight and Accountability (Feb. 9, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.02.09%20Letter%20to%20Rep.%20Comer%20re%20Your%20February%208%2C%202023%20Request%20for%20Documents.pdf>).

⁸ Newsmax (@Newsmax), X (Sept. 13, 2023) (online at <https://twitter.com/newsmax/status/1701928094003511311>).

⁹ *Id.*

¹⁰ Letter from Abbe D. Lowell, Counsel for Robert Hunter Biden, to Chairman James Comer, Committee on Oversight and Accountability (Sept. 13, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.09.13%20Letter%20to%20Rep.%20Comer%20re%20September%2013%2C%202023%20Statement%20on%20Newsmax%E2%80%99s%20Wake%20Up%20America.pdf>); see also *James Comer Is Lying About His Requests for Hunter Biden’s Bank Records*, The New Republic (Sept. 14, 2023) (online at <https://newrepublic.com/post/175558/james-comer-hunter-biden-bank-records-meeting-legal-team>).

available to have the discussion.”¹¹ Chairman Comer again ignored this offer.

In October 2023, Chairman Comer appeared on *The Benny Show* and, again offered Hunter Biden a choice of coming in for a deposition or testifying at a Committee hearing:

We’re, we’re in the downhill phase of this investigation now because we have so many documents and, and we can bring these people in for depositions or committee hearings, whichever they choose, and we can ask these questions with evidence.¹²

On November 8, 2023, the Committee on Oversight and Accountability and the Committee on the Judiciary issued identical subpoenas to Hunter Biden compelling his appearance at a deposition on December 13, 2023.¹³ In a letter accompanying the subpoenas, Chairman Comer and Chairman Jim Jordan wrote, “Given your client’s willingness to address this investigation publicly up to this point, we would expect him to be willing to testify before Congress.”¹⁴

In response to these subpoenas, Hunter Biden’s attorney transmitted a letter on November 28, 2023, to Chairmen Comer and Jordan indicating that Hunter Biden would agree to testify at a public hearing before the Oversight Committee on December 13, 2023, or a date of their choosing.¹⁵ The letter from Hunter Biden’s attorney emphasized the importance of a public proceeding that “would prevent selective leaks, manipulated transcripts, doctored exhibits, or one-sided press statements,” especially in light of Chairman Comer’s repeated use of “closed-door sessions to manipulate, even distort the facts and misinform the public.”¹⁶

Hunter Biden’s willingness to testify publicly under oath—but not behind closed-doors, in secret—is based on the Majority’s demonstrable track record of distorting and misrepresenting testimony provided by witnesses in prior transcribed interviews and depositions. For example, as discussed in more detail in Section II, when Chairman Comer released the transcript of the Committee’s interview of Devon Archer, Hunter Biden’s former business part-

¹¹ *Id.*

¹² *Joe Biden’s House of Horrors! Benny’s Halloween Spooky Special with Chairman James Comer, The Benny Show* (Oct. 31, 2023) (online at www.youtube.com/watch?v=IOH1CHaxvIY&t=2s) (emphasis added).

¹³ Subpoena from Chairman James Comer, Committee on Oversight and Accountability, to Robert Hunter Biden (Nov. 8, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/11/Subpoena-Robert-Hunter-Biden.pdf>).

¹⁴ Letter from Chairman James Comer, Committee on Oversight and Accountability, and Chairman Jim Jordan, Committee on the Judiciary, to Abbe D. Lowell, Counsel for Robert Hunter Biden, (Nov. 8, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/11/Letter-to-HB-Abbe-Lowell-11.8.23-1.pdf>).

¹⁵ Letter from Abbe D. Lowell, Counsel to Robert Hunter Biden, to Chairman James Comer, Committee on Oversight and Accountability (Nov. 28, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/HunterBiden.231128.Response%20to%20Comer%20re%20Impeachment%20Inquiry%20%20Subpoena%20110823.pdf>).

¹⁶ *Id.*; see, also, e.g., Oversight Committee Democrats (@OversightDems), X (Nov. 29, 2023) (online at <https://twitter.com/oversightdems/status/1730011731986927930>) (Chairman Comer selectively releasing one page of a bank record to falsely accuse President Biden of bribery while hiding three other pages in the same document contradicting his claims); Rep. Jamie Raskin (@RepRaskin), X (Dec. 4, 2023) (online at <https://twitter.com/RepRaskin/status/173177276730036702>) (Chairman Comer misrepresenting records to claim then-private citizen-Joe Biden received payments from foreign companies when the records simply show that payments were monthly repayments for a truck Joe Biden had purchased for Hunter Biden).

ner—one of only two transcripts Chairman Comer has publicly released—his misrepresentations about Mr. Archer’s testimony were made plain for all to see, including independent fact-checkers.¹⁷ In fact, Chairman Comer’s mischaracterizations of Mr. Archer’s transcribed interview are repeated in the Majority’s report accompanying this resolution.

On December 1, 2023, Chairmen Comer and Jordan rejected Hunter Biden’s offer to testify publicly under oath, insisting that he appear for a closed-door deposition on December 13, 2023.¹⁸

In a December 6, 2023, letter, Hunter Biden’s attorney again reiterated Hunter Biden’s willingness to appear before the Committee at a public hearing on December 13, or any other date in December, “to answer any question pertinent and relevant to the subject matter stated in your November 8, 2023, letter.”¹⁹ As with prior correspondence, Hunter Biden’s attorney expressed concern that Chairman Comer has “use[d] closed-door sessions to manipulate, even distort, the facts and misinform the American public—a hearing would ensure transparency and truth in these proceedings.”²⁰ That same day, Chairmen Comer and Jordan explained in response: “If Mr. Biden does not appear for his deposition on December 13, 2023, the Committees will initiate contempt of Congress proceedings.”²¹

On December 13, 2023, Chairmen Comer and Jordan proceeded with the closed-door deposition of Hunter Biden.²² Hunter Biden did not appear for the closed-door deposition on that day but instead held a press conference on Capitol Hill to once again express his willingness to testify under oath in a public setting.²³

On January 5, 2024, Chairman Comer officially noticed a business meeting for January 10, 2024, to consider a resolution recommending that the House of Representatives find Robert Hunter Biden in contempt of Congress for failing to appear at the scheduled deposition.²⁴ The business meeting proceeded as scheduled on

¹⁷ FactCheck.Org, *Republicans Oversell Archer’s Testimony About Hunter and Joe Biden* (Aug. 14, 2023) (online at www.factcheck.org/2023/08/republicans-oversell-archers-testimony-about-hunter-and-joe-biden/); Politifact, *Transcript of Devon Archer Testimony Doesn’t Back Key Claims About Joe and Hunter Biden* (Aug. 4, 2023) (online at www.politifact.com/article/2023/aug/04/transcript-of-devon-archer-testimony-doesnt-back-k/).

¹⁸ Letter from Chairman James Comer, Committee on Oversight and Accountability, to Abbe D. Lowell, Counsel for Robert Hunter Biden (Dec. 1, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/12/Response-to-A.-Lowell-1.pdf>).

¹⁹ Letter from Abbe D. Lowell, Counsel to Robert Hunter Biden, to Chairman James Comer, Committee on Oversight and Accountability (Dec. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/HunterBiden.231206.Response%20to%20Comer%20re%20Subpoena%20follow-up%20120623.pdf>).

²⁰ *Id.*

²¹ Letter from Chairman James Comer, Committee on Oversight and Accountability, and Chairman Jim Jordan, Committee on the Judiciary, to Abbe D. Lowell, Counsel for Robert Hunter Biden (Dec. 6, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/12/Response-to-A.-Lowell-12.6.23.pdf>).

²² Although the subpoena to Hunter Biden and the notice for the deposition showed the deposition would take place in Room 2157 of the Rayburn House Office Building, Republicans held the deposition in Room 2154.

²³ *Hunter Biden, Defying Deposition Subpoena, Again Offers Public Testimony*, New York Times (Dec. 13, 2023) (online at www.nytimes.com/2023/12/13/us/politics/hunter-biden-impeachment-testimony.html).

²⁴ Committee on Oversight and Accountability, *Press Release: Comer Announces Markup of Resolution to Hold Hunter Biden in Contempt of Congress* (Jan. 5, 2024) (online at <https://oversight.house.gov/release/comer-announces-markup-of-resolution-to-hold-hunter-biden-in-contempt-of-congress/>); see also Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement on Committee Republicans Contempt Vote* (Jan. 5, 2024) (online at

January 10, 2024, with Committee Republicans voting unanimously to hold Hunter Biden in contempt of Congress despite his good faith efforts to cooperate with the Committee's investigation.²⁵

On January 12, 2024, Hunter Biden's attorney transmitted a letter to Chairmen Comer and Jordan reiterating his client's willingness to comply with the Committees' request, stating, "If you issue a new proper subpoena, now that there is a duly authorized impeachment inquiry, Mr. Biden will comply for a hearing or deposition."²⁶

During consideration of the contempt resolution, Committee Republicans voted against an amendment that detailed Hunter Biden's attempts to cooperate with the Committee's request.²⁷ Committee Republicans also blocked consideration of an amendment to bar three Members of the Committee who have themselves defied congressional subpoenas from voting on the contempt proceedings unless and until they provide the Committee with the firsthand knowledge and information related to the January 6, 2021, attack on the Capitol they continue to withhold.²⁸ By blocking these amendments, Committee Republicans made clear that they are not operating with fairness and consistency in holding Hunter Biden in contempt of Congress for his preference to testify at a public hearing over a closed-door deposition. Again, this stands in stark contrast to Mr. Bannon and Mr. Navarro, who blatantly refused to cooperate with a congressional inquiry and made no attempts to find a reasonable alternative that would provide the Select Committee with the information it sought.

II. THE MAJORITY'S REPORT MISCHARACTERIZES THE EVIDENCE IN THIS SHAM IMPEACHMENT INQUIRY

In an effort to justify the contempt resolution and their refusal of Hunter Biden's offers to answer the Committee's questions under oath and in public, much of the Majority's report is a recitation of false or misleading claims about the ongoing sham impeachment inquiry based on mischaracterized witness statements and cherry-picked facts. The report fails to disclose that the "mountains of evidence" the Majority has obtained during their investigation shows absolutely no wrongdoing by President Biden.²⁹ The Majority rejected efforts by the Minority to amend their report by presenting a full and honest recitation of the facts and evidence.

<https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-committee-republicans-contempt-vote>).

²⁵ Committee on Oversight and Accountability Democrats, *Press Release: Ranking Member Raskin Condemns Committee Republicans Contempt Vote* (Jan. 10, 2024) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-condemns-committee-republicans-contempt-vote>).

²⁶ Letter from Abbe D. Lowell, Counsel for Robert Hunter Biden to Chairman James Comer, Committee on Oversight and Accountability, and Chairman Jim Jordan, Committee on the Judiciary (Jan. 12, 2024) (online at www.justsecurity.org/wp-content/uploads/2024/01/letter-from-a-lowell-to-chairmen-comer-and-jordan-hunter-biden-contempt-subpoenas-january-12-2024.pdf).

²⁷ Committee on Oversight and Accountability, Business Meeting, Vote on the Goldman Amendment to the ANS (Jan. 10, 2024) (21 yeas, 26 nays) (online at <https://docs.house.gov/meetings/GO/GO00/20240110/116732/BILLS-118-ANS-G000599-Amdt-1.pdf>).

²⁸ See Raskin Amendment to the ANS (Jan. 10, 2024) (online at <https://docs.house.gov/meetings/GO/GO00/20240110/116732/BILLS-118-ANS-R000606-Amdt-2.pdf>).

²⁹ *Joe Biden's House of Horrors! Benny's Halloween Spooky Special with Chairman James Comer, The Benny Show* (Oct. 31, 2023) (online at www.youtube.com/watch?v=LOH1CHaxvY&t=2s).

A. The Majority Fails to Fully Account for the “Mountains of Evidence” Provided to the Committee, None of Which Shows Wrongdoing by President Biden

The Majority’s report fails to disclose the large volume of documents and information they have obtained during their sham investigation into President Biden, none of which has revealed any wrongdoing by President Biden. Since launching their investigation at the beginning of the 118th Congress, congressional Republicans have received dozens of hours of testimony from government officials and former Hunter Biden business partners and obtained troves of documents in response to their requests. The information obtained includes more than 37,000 pages of bank records, including personal bank accounts of Biden family members and other private citizens, produced by nine different banks.³⁰ This is in addition to the evidence collected by Senators Ron Johnson and Chuck Grassley as part of their 2020 investigation into Hunter Biden—which, just like the evidence received by Chairman Comer and Committee Republicans, failed to show any wrongdoing by President Biden.³¹

The Biden-Harris Administration has also cooperated extensively with the Majority’s probe, in direct contrast to the Majority’s claims that the Administration is obstructing their investigation into President Biden. For example, the Department of the Treasury has produced more than 2,000 pages of Suspicious Activity Reports (SARs), the National Archives and Records Administration (NARA) has produced more than 62,000 pages of Vice President Biden’s records—in addition to more than 20,000 pages it has already made publicly available—and the Federal Bureau of Investigation (FBI) provided access to and multiple briefings regarding a Form FD-1023 tipsheet, which contained sensitive information provided by a confidential human source.³² Numerous federal officials have also been made available to congressional Republicans for hours of questioning, including four current Senior Special Agents at the FBI and Internal Revenue Service (IRS), the U.S. Attorneys for the District of Columbia and the Central District of California, and the general counsel of NARA. Republicans have also received unprecedented testimony from David Weiss, the Special Counsel in charge of the ongoing Department of Justice (DOJ) investigation into Hunter Biden.³³

This unprecedented and extensive cooperation by private citizens, banks, and the Biden-Harris Administration forced Chairman

³⁰ See Memorandum from Minority Staff to Interested Parties, *Fact Sheet: Mountain of Evidence Shows No Wrongdoing by President Biden*, Committee on Oversight and Accountability (Dec. 1, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/20231201%20Oversight%20Democrats%20Staff%20Memo%20on%20Impeachment%20Inquiry.pdf>).

³¹ See Majority Staff Report, *Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns*, Senate Committee on Finance and Senate Committee on Homeland Security and Governmental Affairs (Sept. 23, 2020) (online at https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/HSGAC_Finance_Report_FINAL.pdf); Majority Staff Report Supplemental, Senate Committee on Finance and Senate Committee on Homeland Security and Governmental Affairs (Nov. 18, 2020) (online at <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/2020-11-18%20HSGAC%20-%20Finance%20Joint%20Report%20Supplemental.pdf>); see also *Republican Inquiry Finds No Evidence of Wrongdoing by Biden*, New York Times (Sept. 23, 2020) (online at <https://www.nytimes.com/2020/09/23/us/politics/biden-inquiry-republicans-johnson.html>).

³² *Id.*

³³ *Id.*

Comer to recognize publicly earlier this year that: “Every subpoena that I have signed, as Chairman of the House Oversight Committee over the last five months, we have gotten 100% of what we requested, whether it’s with the FBI or with the banks or with Treasury.”³⁴

All of this evidence has shown no wrongdoing by President Biden, let alone a high crime or misdemeanor warranting impeachment.³⁵ In the four memoranda the Majority has released describing the bank records they have reviewed, they have provided no evidence that President Biden benefitted from his family members’ business activities.³⁶ Similarly, the more than 2,000 pages of SARs made available for review by the Department of the Treasury do not even suggest, let alone demonstrate, that President Biden was involved in Hunter Biden’s financial and business relationships.³⁷

Witness testimony has repeatedly established that Hunter Biden was not involved in his family members’ business activities. For example:

- In a March 31, 2023, interview with Committee staff, Eric Schwerin, Hunter Biden’s former business associate and then-Vice President Biden’s former financial adviser, who had access to the Vice President’s bank records from 2009 to 2017, stated he was not aware of any involvement by President Biden in the financial conduct of his relatives’ businesses, much less any transactions into or out of the then-Vice President’s bank account related to business conducted by any Biden family member.³⁸
- In his July 31, 2023, interview with the Committee, Devon Archer, repeatedly explained that President Biden was not involved in his son’s business activities; that over his decade-long business relationship with Hunter Biden, he never heard him discuss the substance of his business with his father; and that the hundreds of pages of business bank records Committee Republicans introduced as exhibits didn’t contain any transfer to President Biden.³⁹

³⁴ James Comer: Supreme Court’s Affirmative Action Decision Was a Win for the Constitution and Fairness, Fox Business (June 29, 2023) (online at www.foxbusiness.com/video/6330314725112).

³⁵ See, e.g., Los Angeles Times Editorial Board, *Editorial: No Evidence for Biden Impeachment Inquiry? No problem. The House GOP Doesn’t Seem to Care*, Los Angeles Times (Dec. 7, 2023) (online at www.latimes.com/opinion/story/2023-12-07/editorial-biden-impeachment-inquiry-house-vote).

³⁶ *Comer Releases Biden Family Probe Update Without Showing Link to President*, Politico (May 10, 2023) (online at www.politico.com/news/2023/05/10/james-comer-biden-probe-00096067).

³⁷ Memorandum from Democratic Staff to Democratic Members of the Committee on Oversight and Accountability, *Chairman Comer’s Misuse and Distortion of Confidential Bank Information* (May 10, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023.05.10%20Memo%20to%20Members%20re%20Misuse%20and%20Distortion%20of%20Confidential%20Bank%20Information%20FINAL.pdf>).

³⁸ See *Witness Testimony Casts Doubt on Some Biden Impeachment Allegations*, New York Times (Sept. 15, 2023) (online at <https://www.nytimes.com/2023/09/15/us/politics/biden-impeachment.html>); Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Sept. 19, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-09-19.JBR%20to%20Comer%20re%20Schwerin%20Interview.pdf>).

³⁹ Transcribed Interview of Devon Archer, Committee on Oversight and Accountability (July 31, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/Devon-Archer-Transcript.pdf>); see also Memorandum from Democratic Staff to Democratic Members of the Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>).

- Transcribed interviews on December 19, 2023, and January 9, 2024, with Carol Fox and Georges Berges, the transcripts of which have not yet been publicly released, again established no involvement by President Biden in his son's art sales or his brother's business dealings.⁴⁰
- The testimony of two Internal Revenue Service agents assigned to the Department of Justice's Hunter Biden investigation also acknowledged that they had no evidence that President Biden was involved in his son's business dealings.⁴¹
- In his December 8, 2020, interview with the FBI, Rob Walker, Hunter Biden's former business partner, stated he "certainly never was thinking at any time that the V.P. [Biden] was a part of anything we were doing" and explained that the idea that President Biden would ever get involved was "wishful thinking" on the part of another business partner, James Gilliar, akin to "unicorns and rainbows."⁴²

As to claims of political interference in the DOJ's investigation of Hunter Biden, the two IRS agents who testified before the Committee in July 2023 affirmed that they do not have any evidence of political interference by President Biden or Attorney General Garland.⁴³ Similarly, the former FBI Supervisory Special Agent that Committee Republicans interviewed stated that he never knew U.S. Attorney Weiss—the individual overseeing the DOJ investigation into Hunter Biden—nor any other Assistant U.S. Attorneys to make prosecutorial decisions based on political influence.⁴⁴ Senior DOJ, IRS, and FBI officials likewise stated there was no political interference with the investigation or prosecution of Hunter Biden.⁴⁵

Finally, the Majority's report discusses the 2017 business venture between Hunter Biden and the Chinese company CEFC. The Majority's report, however, omits the fact that Hunter Biden was a private citizen when he pursued the business venture with CEFC and that Joe Biden was also a private citizen at that time. The Majority's report also fails to mention that, even as Hunter Biden was

⁴⁰ See *Gallery Owner Reveals New Details about Hunter Biden Art Sales*, Politico (Jan. 9, 2024) (online at www.politico.com/live-updates/2024/01/09/congress/hunter-bidens-art-sales-00134621); *Witness in House GOP Impeachment Inquiry Says No Evidence Joe Biden Involved in Family Business Dealings*, USA Today (Dec. 19, 2023) (online at www.usatoday.com/story/news/politics/2023/12/19/house-impeachment-inquiry-witness-no-evidence-joe-biden/71973729007/).

⁴¹ See Committee on Oversight and Accountability, *Press Release: While Republicans Work to Undermine Rule of Law and Distract from Trump's Criminal Acts, Oversight Democrats Highlight Witness Testimony Undercutting GOP Narrative* (Jul. 20, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/while-republicans-work-to-undermine-rule-of-law-and-distract-from-trump-s>).

⁴² Transcribed Interview of John Robinson Walker, Federal Bureau of Investigation, Department of Justice (Dec. 8, 2020) (online at https://gop-waysandmeans.house.gov/wp-content/uploads/2023/09/T60-Exhibit-401-John-Robinson-Walker-Interview-Transcript-12.08.2021_Redacted.pdf).

⁴³ *IRS Whistleblowers Testify on Hunter Biden Investigation, Part 3*, CSPAN (July 19, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-statement-on-gop-release-of-fbi-document>).

⁴⁴ Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin's Statement Following Republicans' Release of Month-Old FBI Interview Transcript* (Aug. 14, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-statement-following-republicans-release-of-month-old-fbi>).

⁴⁵ See, e.g., Democratic Staff Memorandum, IRS and FBI Witnesses Debunk Republicans' False Claims About Political Interference in Special Counsel Weiss's Investigation, Committee on the Judiciary and Committee on Oversight and Reform (Sept. 27, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-09-27%20Joint%20Democratic%20Memorandum%20re%20IRS%20and%20FBI%20Witnesses%20Debunk%20Political%20Interference%20Claims.pdf>).

pursuing a business venture with CEFC, President Donald Trump, who was President at the time, was receiving at least \$3,177.20 a month from CEFC for an apartment its subsidiary owned in Trump World Tower. In fact, over the course of his presidency, Trump ultimately received more than \$150,000 from CEFC.⁴⁶

In an attempt to correct the Majority's misleading report and refusal to fully disclose the extent of information they have received in connection with their investigation, Rep. Melanie Stansbury sought to have an amendment to the report adopted during the Committee's business meeting on January 10, 2024. Rep. Stansbury's amendment sought to insert into the report the full extent of the information received during the Majority's investigation, as detailed extensively above. The Majority failed to consider this amendment, with Chairman Comer inexplicably concluding that the amendment "violates the fundamental purpose of the report," despite the amendment containing only a factual recitation of the information obtained during the Majority's own investigation.⁴⁷

B. The Majority Mischaracterizes Witness Statements and Testimony

Not only does the Majority's report withhold the unprecedented extent of cooperation they have received from private citizens, banks, and the Biden-Harris Administration, but the information in the report derived from witnesses is mischaracterized and heavily distorted by the Majority.

The Majority's report asserts that statements made by Devon Archer, a former business associate of Hunter Biden, demonstrate that President Biden knew of and was involved in Hunter Biden's business activities. In his transcribed interview, however, Mr. Archer *repeatedly* explained that President Biden was not involved in his son's business activities and that, during his more than decade-long business relationship with Hunter Biden, Mr. Archer never witnessed President Biden have any involvement in his son's business dealings or take any official actions to benefit Hunter Biden or his businesses. Mr. Archer also stated he never witnessed Hunter Biden discussing the substance of his business with his father or asking his father to take any official actions.⁴⁸

In alleging supposed wrongdoing by President Biden, the Majority claims that Mr. Archer said during his transcribed interview that President Biden was "the Brand" that Hunter Biden was selling to foreign sources.⁴⁹ However, when asked directly if President

⁴⁶ See Democratic Staff Report, *White House for Sale: How Princes, Prime Ministers, and Premiers Paid Off President Trump*, Committee on Oversight and Accountability (Jan. 4, 2024) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2024-01-04.COA%20DEMS%20-%20Mazars%20Report.pdf>).

⁴⁷ See Stansbury Amendment to the ANS (Jan. 10, 2024) (online at <https://docs.house.gov/meetings/GO/GO00/20240110/116732/BILLS-118-ANS-S001218-Amdt-5.pdf>).

⁴⁸ Transcribed Interview of Devon Archer, Committee on Oversight and Accountability (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>); Memorandum from Democratic Staff to Democratic members of the Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03.Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>).

⁴⁹ Committee on Oversight and Accountability Democrats, *Press Release: As the House Returns to Session, Ranking Member Raskin Releases Statement on the "Overwhelming Failure" of Republicans' "Top Priority" Investigation* (Sept. 11, 2023) (online at <https://oversight.house.gov/release/comer-delivers-remarks-on-house-floor-in-support-of-impeachment-inquiry-as-congress->

Biden was “the brand,” Mr. Archer clarified that “D.C. was the brand.”⁵⁰ Mr. Archer explained that Hunter Biden helped to assemble a team of attorneys, lobbyists, and public affairs professionals to handle Burisma’s government relations, and that President Biden was not part of this “D.C. team.”⁵¹ Mr. Archer further explained that Burisma, the Ukrainian energy company on whose board Hunter Biden and Mr. Archer both served, had requested Hunter Biden assist them with their issues in D.C. using this lobbying team—not the then-Vice President.

The Majority has pointed to Mr. Archer’s testimony that then-Vice President Biden was present at two Café Milano dinners, also attended by some of Hunter Biden’s business partners. In reality, Mr. Archer explained in his transcribed interview that then-Vice President Biden did not discuss business and simply made “dinner conversation” with attendees, including conversation about the weather.⁵²

With respect to Ukraine and Hunter Biden’s role with Burisma, Mr. Archer repeatedly and unequivocally explained that Hunter Biden never discussed Burisma with his father and never asked his father to take any official action to benefit him or Burisma. Mr. Archer further explained that then-Vice President Biden’s role in calling for the ouster of the corrupt Ukrainian prosecutor general Viktor Shokin was “bad for Burisma” because of the understanding that Burisma had Mr. Shokin “under control,” especially after January 2015, when British authorities were forced to release assets belonging to Burisma’s owner, Mykola Zlochevsky, because of a lack of cooperation from Ukrainian prosecutors. Mr. Archer explicitly stated he had no reason to believe Vice President Biden’s call for Shokin’s removal was driven by anything other than the U.S. government’s anticorruption policy in Ukraine.⁵³

During the business meeting convened by the Committee on January 10, 2024, Rep. Jasmine Crockett attempted to have a detailed amendment adopted correcting the misrepresentations of Mr. Archer’s testimony contained in the Majority’s report. Despite the veracity of the amendment, Committee Republicans voted against the adoption of Rep. Crockett’s amendment.⁵⁴

The Majority’s report also fails to contextualize information concerning Eric Schwerin, another former business partner of Hunter Biden and former financial advisor to then-Vice President Biden. Mr. Schwerin stated that he was not aware of any involvement by President Biden in the financial conduct of his relatives’ businesses, much less any transactions into or out of the then Vice

faces-obstruction-from-white-house-we-must-take-action-to-hold-president-biden-accountable%E2%80%9C%E2%80%9C).

⁵⁰ Transcribed Interview of Devon Archer, Committee on Oversight and Accountability (July 31, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/08/Devon-Archer-Transcript.pdf>); Memorandum from Democratic Staff to Democratic Members of the Committee on Oversight and Accountability, *Transcribed Interview of Devon Archer* (Aug. 3, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-03-Democratic%20Member%20Memorandum%20re%20Archer%20Transcribed%20Interview%20Final.pdf>).

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Committee on Oversight and Accountability, Business Meeting, Vote on the Crockett Amendment to the ANS (Jan. 10, 2024) (20 yeas, 24 nays) (online at <https://docs.house.gov/meetings/GO/GO00/20240110/116732/BILLS-118-ANS-C001130-Amdt-6.pdf>).

President's bank account related to business conducted by any Biden family member.

The distortions of evidence and statements contained in the Majority's report are consistent with Committee Republicans' repeated and intentional decisions to withhold evidence from the American people.⁵⁵ In particular, Committee Republicans have kept secret the transcripts of the vast majority of transcribed interviews conducted this Congress, publicly releasing transcripts for *only two of 17 transcribed interviews* they have conducted this Congress, allowing them free rein to cherry-pick and distort the evidence unchecked.

III. THE MAJORITY HAS OBSTRUCTED MINORITY EFFORTS TO INVESTIGATE UNCONSTITUTIONAL AND UNETHICAL PAYMENTS BY FOREIGN GOVERNMENTS TO FORMER PRESIDENT TRUMP AND HIS FAMILY

The Majority's report claims that the Committee is investigating "the national security implications of a Vice President's or President's (and candidates for such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight." Yet, Chairman Comer has refused to join the Minority's investigations into the billions of dollars former President Trump and members of his family have received from foreign governments—and has even gone so far as to help bury evidence proving that while he was in office, former President Donald Trump accepted millions of dollars in foreign emoluments in violation of the Constitution.⁵⁶

For example, Chairman Comer has allowed Jared Kushner, former President Trump's son-in-law and senior White House adviser, to ignore and defy repeated requests from Committee Democrats for information and documents regarding Mr. Kushner's receipt of billions of dollars from the sovereign wealth funds of Gulf monarchies shortly after leaving his father-in-law's Administration, where he reshaped U.S. foreign policy toward Saudi Arabia and the Middle East in Saudi Arabia's favor.⁵⁷

Just one day after leaving government service, Mr. Kushner formed a company that would become a private equity firm.⁵⁸ Within six months, Mr. Kushner's firm had secured an investment reportedly worth \$2 billion from the Saudi sovereign wealth fund,

⁵⁵ See Memorandum from Minority Staff to Interested Parties, *Fact Sheet: Mountain of Evidence Shows No Wrongdoing by President Biden*, Committee on Oversight and Accountability (Dec. 1, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/20231201%20Oversight%20Democrats%20Staff%20Memo%20on%20Impeachment%20Inquiry.pdf>).

⁵⁶ See Democratic Staff Report, *White House for Sale: How Princes, Prime Ministers, and Premiers Paid Off President Trump*, Committee on Oversight and Accountability (Jan. 4, 2024) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2024-01-04.COA%20DEMS%20-%20Mazars%20Report.pdf>).

⁵⁷ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Jared Kushner, Founder and Chief Executive Officer, A Fin Management LLC (Feb. 15, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-02-15.%20JBR%20to%20Kushner%20re%20Saudi%20Arabia.fnl.pdf>); Letter from Ranking Member Jamie Raskin to Chairman James Comer, Committee on Oversight and Accountability (Aug. 31, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-08-31.JBR%20to%20Comer%20re%20Kushner%20Subpoena.pdf>).

⁵⁸ *After Helping Prince's Rise, Trump and Kushner Benefit from Saudi Funds*, Washington Post (Feb. 11, 2023) (online at www.washingtonpost.com/politics/2023/02/12/after-helping-princes-rise-trump-kushner-benefit-saudi-funds/).

the Public Investment Fund.⁵⁹ The panel charged with reviewing investment opportunities for the fund reportedly raised several concerns about its proposed deal with Mr. Kushner's company, including "the inexperience of the Affinity Fund management," the prospect of Saudi Arabia bearing responsibility for "the bulk of the investment and risk," due diligence showing the firm's operations to be "unsatisfactory in all aspects," a proposed management fee that "seem[ed] excessive," and "public relations risks" stemming from Mr. Kushner's prior White House role.⁶⁰ Despite these grave objections to the soundness of the transaction, Saudi Crown Prince Mohamed bin Salman reportedly personally "overruled" the panel and approved the investment.⁶¹ Mr. Kushner later received additional investments of \$200 million each from the sovereign wealth funds of the United Arab Emirates and Qatar.⁶²

Chairman Comer has conceded that Mr. Kushner's conduct "crossed the line of ethics," yet he refused to join Committee Democrats' investigation and has rejected Ranking Member Raskin's request that he issue a subpoena to Mr. Kushner to compel him to provide the Committee with the documents and information necessary to understand the full scope of Mr. Kushner's foreign business dealings and the legal, constitutional, and ethical problems they create.⁶³

Chairman Comer has also claimed that he does not "disagree with the Democrats and their criticism of the previous administration" and acknowledged that the Committee would "have some questions for Trump and some of his family members."⁶⁴ He has also asserted that "the influence peddling with respect to the Trump Administration will be a part of our overall investigation."⁶⁵ Yet despite these pledges, Chairman Comer has worked with the former President's attorneys to obstruct a seven-year Committee investigation and help bury evidence of the unconstitutional payments Mr. Trump received from foreign powers while he was Commander-in-Chief.

Immediately upon becoming Chairman of the Committee in January 2023, Rep. Comer began to obstruct a years-long investigation by Committee Democrats into President Trump's unprecedented conflicts of interest, self-dealing, and foreign financial ties, focusing

⁵⁹ *Before Giving Billions to Jared Kushner, Saudi Investment Fund Had Big Doubts*, New York Times (Apr. 10, 2022) (online at www.nytimes.com/2022/04/10/us/jared-kushner-saudi-investment-fund.html).

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Kushner Firm Got Hundreds of Millions From 2 Persian Gulf Nations*, New York Times (Mar. 30, 2023) (online at www.nytimes.com/2023/03/30/us/politics/jared-kushner-qatar-united-arab-emirates.html).

⁶³ *Comer Says Kushner 'Crossed the Line of Ethics' with Saudi Deal*, The Hill (Aug. 11, 2023) (online at <https://thehill.com/blogs/blog-briefing-room/news/4148951-comer-says-kushner-crossed-the-line-of-ethics-with-saudi-deal/>).

⁶⁴ *This Week's Transcript 2-12-23: Sen. Chuck Schumer, Rep. James Comer & Rep. Pete Aguilar*, ABC News (Feb. 13, 2023) (online at <https://abcnews.go.com/Politics/week-transcript-2-12-23-sen-chuck-schumer/story?id=97057961>); CNN Primetime (Apr. 18, 2023) (online at www.realclearpolitics.com/video/2023/04/20/house_oversight_chairman_comer_we_found_a_lot_of_things_that_should_be_illegal_in_hunter_biden_probe.html); *Comer Agrees it Could Be Politically Unsustainable to Investigate Kushner*, The Hill (Mar. 21, 2023) (online at <https://thehill.com/homenews/house/3910467-comer-agrees-it-could-be-politically-unsustainable-to-investigate-kushner/#:~:text=%E2%80%9Cdon't%20disagree%20with%20the%20Democrats%20and%20their%20criticism,be%20hipartisan%2C%E2%80%9D%20Comer%20said>).

⁶⁵ *Democrats Allege Comer Has Withheld Evidence, Misrepresented Witnesses*, Washington Post (Apr. 6, 2023) (online at www.washingtonpost.com/politics/2023/04/06/house-oversight-democrats-comer/).

on his unconstitutional acceptance of payments from foreign governments. After years of litigating with former President Trump, in September 2022, the Committee, then led by Chairwoman Carolyn Maloney, entered into a court-supervised settlement agreement with former President Trump to begin receiving financial documents from Mr. Trump's accounting firm, Mazars.⁶⁶ However, four months later, as soon as he became Chairman, Rep. Comer authorized Mr. Trump's lawyers to speak on behalf of the Committee and block the disclosure of further documents in spite of a court-supervised settlement agreement and a lawful Committee subpoena, reviewed by every level of the federal courts, including the Supreme Court of the United States.⁶⁷ A few months later, in June 2023, Mr. Trump and the Committee—under Chairman Comer's direction—filed a joint motion for dismissal of the case, formally terminating the court-supervised settlement agreement and burying any further documents responsive to the Committee's subpoena.⁶⁸ As a result of these efforts, the ledgers the Committee ultimately received from Mazars covered just three of President Trump's more than 500 businesses and just two years of his presidency—and were themselves incomplete in many respects.

This small subset of documents that Committee Democrats were able to obtain during just four months of discovery and transmission was, however, enough to provide a small window into President Trump's misconduct while in office. The Mazars documents and publicly available information prove former President Trump's businesses accepted more than \$7.8 million from at least 20 foreign governments and one self-declared political entity while he was Commander-in-Chief, in clear violation of the Constitution's Foreign Emoluments Clause.⁶⁹ These payments, detailed in a Minority Staff report entitled *White House for Sale: How Princes, Prime Ministers, and Premiers Paid Off President Trump*, came from foreign powers that sought—and in many cases received—favors and specific policy outcomes from President Trump and his Administration, including:

- The People's Republic of China (P.R.C.), which paid President Trump at least \$5,572,548 in unconstitutional emoluments for:
 - Rent payments from the Chinese state-owned Industrial and Commercial Bank of China's property in Trump Tower in New York between February 2017 and October 31, 2019, while the Trump Administration was reportedly scrutinizing the bank for conducting financial transactions for front companies funneling money to the North Korean regime, including the country's sanctioned nuclear program.

⁶⁶ Committee on Oversight and Reform, *Press Release: Chairwoman Maloney's Statement on Oversight Committee Securing Agreement to Obtain Former President Trump's Financial Records* (Sept. 1, 2022) (online at <https://oversightdemocrats.house.gov/news/press-releases/chairwoman-maloney-s-statement-on-oversight-committee-securing-agreement-to>).

⁶⁷ Email from Patrick Strawbridge, Consovoy McCarthy PLLC, on behalf of Donald Trump, to Counsel for Mazars USA, LLP (Jan. 19, 2023) (on file with Committee).

⁶⁸ See Order, *Trump v. Committee on Oversight and Accountability of the U.S. House of Representatives*, et al., Civil Action No. 1:19-cv-01136-APM (D.D.C. July 5, 2023).

⁶⁹ See Democratic Staff Report, *White House for Sale: How Princes, Prime Ministers, and Premiers Paid Off President Trump*, Committee on Oversight and Accountability (Jan. 4, 2024) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2024-01-04.COA%20DEMS%20-%20Mazars%20Report.pdf>).

- An advance deposit for a stay of unknown length by an “Embassy of China Delegation” at the Trump International Hotel in Washington, D.C., that began in August 2017, just months before President Trump visited with Chinese President Xi Jinping in China and defended Chinese trade practices in stark contrast to his previous public pronouncements blaming China’s policies for the U.S.-China trade imbalance.
- A 14-month stay by the Chinese state-owned Hainan Airlines Holding Company at the Trump International Hotel in Las Vegas, Nevada from November 2016 through December 2018 while Hainan Airlines Holding Company faced increasing scrutiny from U.S. federal regulators due to its opaque ownership structure and ties to the Chinese state apparatus.⁷⁰
- The Kingdom of Saudi Arabia, which paid President Trump at least \$615,422 in unconstitutional emoluments for base charges for Saudi Arabia’s properties in Trump World Tower in New York and for a March 2018 stay by a delegation from the Royal Saudi Embassy at the Trump International Hotel in Washington, D.C. At the same time that President Trump illegally accepted these payments from Saudi Arabia, he was considering numerous foreign policy issues involving Saudi Arabia, including choosing Saudi Arabia as the destination for his first overseas trip against the advice of his then-Secretary of State Rex Tillerson; supporting the blockade imposed by Saudi Arabia against Qatar even though Qatar hosted a major U.S. military installation; and working to cast doubt publicly on the conclusion of the Central Intelligence Agency that Saudi Crown Prince Mohammed bin Salman was responsible for the brutal murder of Jamal Khashoggi.⁷¹
- Qatar, which paid President Trump at least \$465,744 in unconstitutional emoluments for base charges for Qatar’s properties in Trump World Tower in New York even as Qatar was seeking to gain President Trump’s support in its ongoing conflict with Saudi Arabia.⁷²
- The United Arab Emirates (U.A.E.), which paid President Trump at least \$65,225 in unconstitutional emoluments for four stays by delegations from the government of the U.A.E. at the Trump International Hotel in Washington, D.C. between October 2017 and May 2018 even as the U.A.E., which supported the Saudi blockade of Qatar, engaged a former Trump fundraiser to lobby the President personally to take policy positions favorable to the U.A.E., including urging that then-Secretary of State Rex Tillerson be fired.⁷³
- Malaysia, which paid President Trump at least \$248,962 in unconstitutional emoluments for stays by former Prime Minister Najib Razak and other senior officials of the government of Malaysia at the Trump International Hotel in Washington, D.C., in September 2017 even as it was widely reported that

⁷⁰*Id.*⁷¹*Id.*⁷²*Id.*⁷³*Id.*

Prime Minister Razak was under scrutiny by the DOJ as part of an ongoing corruption investigation.⁷⁴

The \$7.8 million detailed in the Democratic Staff report, *White House for Sale: How Princes, Prime Ministers, and Premiers Paid Off President Trump*, is almost certainly only a fraction of Trump's harvest of unlawful foreign state money while he was in office. However, Chairman Comer's decision to collude with former President Trump's attorneys to release Mazars from its obligations under the court-supervised settlement agreement deprived the Committee's Democratic staff of the ability to work with Mazars to conduct further searches for responsive records, including any documents relating to Russia, South Korea, South Africa, and Brazil.

In fact, far from investigating "the national security implications of a Vice President's or President's (and candidates for such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight," the Majority has deliberately obstructed ongoing investigations to prevent Committee Democrats and the American people from learning the full extent of the efforts by former President Trump and members of his family to convert the presidency into a business for self-enrichment by selling out U.S. foreign policy and the interests of the American people to homicidal Saudi monarchs, totalitarian Chinese bureaucratic state capitalists, and other princes, prime ministers, and premiers.

In support of their ongoing effort to block the American people from learning the full extent of the illegal payments from foreign governments that former President Trump accepted while in office, the Majority blocked an amendment offered by Rep. Garcia to:

- require the Committee to issue a subpoena to Jared Kushner's investment firm;
- require Mr. Kushner's firm to produce documents related to its receipt of billions of dollars from Gulf monarchies;
- demand that former President Trump return to the American people, by paying the U.S. Treasury, the \$7,886,072 that he is known to have illegally accepted from foreign powers without obtaining, or even seeking, Congress's approval; and
- demand that former President Trump provide the Committee with a full accounting of the money and benefits or other emoluments of any kind whatever he accepted from foreign governments or their agents during his term as President and that he return to the American people, by paying the U.S. Treasury, the total sum of the foreign emoluments he illegally accepted while in office.

JAMIE RASKIN,
Ranking Member, Committee on Oversight and Accountability.



⁷⁴*Id.*