

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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April 17, 2024

Richard Sauber
Special Counsel to the President
The White House
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

Dear Mr. Sauber:

The Oversight Committee has received your letter April 15, 2024, declining the Committee’s invitation for President Biden to testify about his involvement in his family’s foreign influence peddling.¹ You falsely declare that the “impeachment investigation is over.” As an initial matter, and as you are well aware, the House of Representatives has the *sole* power of impeachment,² and the full House has formalized the impeachment inquiry against President Biden.³ The White House’s view of the merits or status of the impeachment inquiry is thus irrelevant to the House’s exercise of its constitutional authorities in this investigation. The Committee has proven that tens of thousands of dollars from Chinese state-affiliated entities entered Joe Biden’s bank accounts, and that Joe Biden has received hundreds of thousands of dollars from his family members in total. Contrary to your allegation that “[t]he facts do not matter” to the Committee, neither the White House nor the President has ever confronted these facts. Notwithstanding the overwhelming evidence, Joe Biden continues to lie to the American people about his knowledge of and involvement in these schemes to sell his office to the highest bidder. The Committee has demonstrated Joe Biden has placed his family’s wealth over his country’s interests, and the White House’s continued hostility towards Congress’s prerogative to investigate these matters constitutes obstruction and contempt of Congress—which are themselves impeachable offenses.⁴

During the 118th Congress, the Committee has been investigating President Biden’s participation in his family’s foreign influence peddling. The Committee has found that the Bidens did not provide significant services to their foreign business partners but were paid millions of dollars for access to Joe Biden, which Joe Biden then granted, including while he was Vice President. Indeed, Biden family business associates have *continued* to receive access to the

¹ Letter from Richard Sauber, Special Counsel to the President, The White House, to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (April 15, 2024).

² See U.S. Const. art. I, § 2, cl. 5.

³ See H. Res. 918, 118th Cong. (2023).

⁴ See H. Res. 611, Article III (Impeachment of President William J. Clinton); H. Res. 755, Article II (Impeachment of President Donald J. Trump).

White House, as Hunter Biden’s art dealer and benefactor testified. At every stage of the impeachment inquiry, while the White House has denounced the Committee’s investigation as lacking evidence of the President’s wrongdoing, the White House simultaneously has obstructed the Committee from receiving certain evidence of the President’s potential wrongdoing, including potential crimes. In blocking the House from obtaining evidence, the White House has failed to comply with its constitutional obligations. As President Polk stated, an impeachment inquiry “penetrate[s] into the most secret recesses of the Executive Department” and includes the authority to “command the attendance of any and every agent of the Government, and compel them to produce all papers, public or private, official or unofficial, and to testify on oath to all facts within their knowledge.”⁵ To say that the White House has fallen woefully short of this standard during this impeachment inquiry would be an understatement.

Instead of complying with the Committee’s requests that it produce evidence that would demonstrate whether the President has engaged in wrongdoing, the White House in its April 15, 2024, letter to the Committee continued to parrot its rote reply: “the President has done nothing wrong.”⁶ But this mantra of no wrongdoing by the President has been forcefully rejected by Biden family business associates themselves.⁷ And if the President has engaged in no wrongdoing, why has the White House gone to such lengths to prevent the National Archives from releasing specific documents the Committee has requested for nearly eight months and to block certain White House staff (who formerly served as vice presidential staff under Joe Biden) from providing testimony to the Committee?

For example, since May 2023 the Committee has requested that the former White House Counsel, Dana Remus, sit for an interview (and, subsequently, a deposition subject to a subpoena) before the Committee regarding President Biden’s mishandling of classified materials in his home and D.C. office—materials that include information regarding countries in which his family made millions through influence peddling. The White House has prevented Ms. Remus from providing testimony to the Committee and has prevented additional White House personnel—Annie Tomasini, Anthony Bernal, Katharine Reilly, and Ashley Williams—from providing testimony to the Committee regarding this matter.

As another example, the Committee has requested all emails sent to or from an email account used by then Vice President Biden under the name of Robert L. Peters. The White House has permitted the National Archives to produce reams of junk email from this account—

⁵ 4 J. Richardson, *A Compilation of the Messages and Papers of the Presidents*, H. Misc. Doc. 53-210, at 434 (1897).

⁶ *Supra*, fn. 1.

⁷ *See, e.g.*, Hearing: Influence Peddling: Examining Joe Biden’s Abuse of Public Office, Before the H. Comm. on Oversight & Accountability, 118th Cong. 25-26 (2024) (statement of Mr. Tony Bobulinski) (“I want to be crystal clear. From my direct personal experience and what I have subsequently come to learn, it is clear to me that Joe Biden was the brand being sold by the Biden family. His family’s foreign influence peddling operation from China to Ukraine and elsewhere sold out to foreign actors who were seeking to gain influence and access to Joe Biden and the United States Government. Joe Biden was more than a participant in and a beneficiary of his family’s business. He was an active, aware enabler who met with business associates such as myself to further the business, despite being buffered by a complex scheme to maintain plausible deniability.”).

revealing the duration the Vice President used the pseudonym account—but has held back what appear to be thousands of pages of documents with substance, including emails with his family members and business associates. The White House’s claims that it has cooperated with this request while producing no substantive documents are belied by communications the Committee has reviewed from alternative sources—including Hunter Biden’s abandoned laptop.

Specifically, the Committee seeks information related to Joe Biden’s activities in Ukraine in 2015 while his son served on a corrupt energy company’s board of directors. In 2015, the U.S. Ambassador to Ukraine stated in a public speech that the United States “want[ed] to work with” the lead investigator of Ukraine. However, three months later, then-Vice President Biden suddenly demanded that investigator’s ouster after he delivered a speech to the Ukrainian parliament. That investigator was conducting the investigation of the company from which Hunter Biden received over \$80,000 per month, according to bank records. The Committee has requested the drafts of then-Vice President Biden’s December 2015 speech to show the changes to it from September 2015 to December 2015. To date, the White House has refused to permit the production of these drafts.

The White House and Committee Democrats have falsely claimed that questions regarding then-Vice President Biden’s actions in Ukraine are based on an FBI document—an FD-1023 form uncovered by the Committee and Senator Grassley in 2023. This is not at all accurate and seems designed only to be parroted by media allies of the Administration. The question about what changed in the United States’ policy between September and December 2015 is not raised in that document; it is based instead off the speech delivered by the U.S. Ambassador to Ukraine and the actions taken by Joe Biden *as described by Joe Biden*. The Committee’s concerns about Joe Biden’s actions in Ukraine are not based on anything other than the President’s own actions—and the millions of dollars that bank records reveal were paid to his son.

On March 28, 2024, the Committee invited President Biden to provide an explanation for his repeated dishonesty about his role in his family’s covert business dealings;⁸ the White House has declined the Committee’s invitation to the President to provide his explanation for the Committee’s findings. Included in the March 28 letter—in addition to the invitation to President Biden to testify—were questions to which the Committee requested the White House provide answers. Those questions have received no answer from the White House. The White House’s total contempt for congressional investigations—a strategy recently attempted by the Biden Administration’s Department of Justice, and which was excoriated by the judiciary—is puzzling given its insistence on the President’s innocence. Though presidents before Joe Biden have provided testimony to congressional committees, the President has apparently refused to do so, despite the majority of voters agreeing that the President should testify about his family’s pay-for-influence schemes.⁹ While the Committee regrets that, like his son, President Biden appears

⁸ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to President Joseph R. Biden Jr. (March 28, 2024).

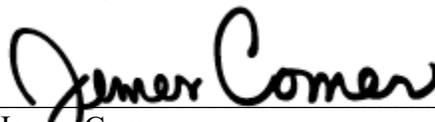
⁹ James Reinl, *Take the stand, Joe! Six-in-ten Americans want Biden to testify to Congress impeachers and bare all about Hunter and the family business, a Daily Mail poll shows*, Daily Mail (April 10, 2024).

to be running from a public accounting of his role in his family's influence peddling, the Committee reiterates its request that the President provide information regarding his interactions with the following foreign individuals:

1. Jonathan Li
2. Ye Jianming
3. Henry Zhao
4. Vadym Pozharskyi
5. Mykola Zlochevsky
6. Kenes Rakishev
7. Yelena Baturina
8. Yuriy Luzhkov

Additionally, given the length of time the White House has had to review all documents, the Committee expects that the White House will now permit the National Archives to release all documents responsive to the Committee's August 17, August 30, and September 6, 2023, requests for productions pursuant to the Presidential Records Act. The White House has held these documents for months, and it is no longer acceptable that it is withholding information required by the impeachment inquiry. Please provide information regarding the President's interactions with the individuals listed above and inform the Committee by April 24, 2024, if the White House intends to raise objections to the release of any of those documents, so the Committee may act accordingly.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability