

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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September 6, 2023

The Honorable Colleen Shogan
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, D.C. 20408

Dear Dr. Shogan:

The Committee on Oversight and Accountability is investigating President Biden's meetings and communications with certain family members and their business associates during his tenure as Vice President. The National Archives and Records Administration (NARA) has published the Biden Vice Presidential Records Collection, which contains information relevant to the Committee's work. Many of these records have been redacted for publication pursuant to the Presidential Records Act (PRA) and the Freedom of Information Act (FOIA). To further our inquiry, it is essential that the Committee review certain documents in their original format, and the Committee requests such information from NARA.

The Committee seeks unrestricted special access under the PRA to Case Number 2022-0121-F, entitled "Records on Hunter Biden, James Biden, and Their Foreign Business Dealings," which has been published on NARA's website.¹ These records (or portions thereof) have been redacted for or withheld from public release pursuant to the PRA and FOIA.

Complete versions of the records are relevant to the Committee's investigation of the Biden family. For example, on December 4, 2015, at 10:45 a.m.—in an email with the subject of "Quotes"—Eric Schwerin (a longtime Biden family business associate) wrote to Kate Bedingfield in the Office of the Vice President providing quotes the White House should use in response to media outreach regarding Hunter Biden's role in Burisma, a Ukrainian energy company.² Later that day—at 2:30 p.m.—Ms. Bedingfield responded to Mr. Schwerin saying, "VP signed off on this[.]"³ The timing of this email traffic is concerning to the Committee. According to Devon Archer (another longtime Biden family business associate), after a Burisma board of directors meeting in Dubai—on the evening of December 4, 2015 (midday in Washington, D.C.)—Hunter Biden "called D.C." to discuss pressure that Burisma asked him to

¹ NAT'L ARCHIVES & REC. ADMIN., BIDEN PUBLICLY AVAILABLE RECORDS, *Records on Hunter Biden, James Biden, and Their Foreign Business Dealings*, Case No. 2022-0121-F, <https://www.archives.gov/research/vice-presidential-records/biden-records/2022-0121-f>.

² *Id.*

³ *Id.*

relieve.⁴ The Committee seeks additional information regarding communications between the Office of the Vice President and Hunter Biden or his business associates.

To further our investigation, the Committee needs to review these documents in their original format. The Committee also requests access to certain other documents and information described below. Please provide these documents no later than September 20, 2023:

1. Complete and unredacted versions of all documents from Case Number 2022-0121-F;
2. All documents and communications to or from the Executive Office of the President (including but not limited to the Office of the Vice President) to, from, copying or regarding Eric Schwerin, Devon Archer, Vuk Jeremic, John Robinson “Rob” Walker, or Jeffrey Cooper;
3. All documents and communications to or from Kate Bedingfield, Michael Carpenter, Kathy Chung, Amos Hochstein, Colin Kahl, and Alexander Mackler to, from, copying or regarding Hunter Biden or James Biden; and
4. All executive calendars created for then-Vice President Joe Biden dating from January 20, 2009 to January 20, 2017.

Special access to Presidential records may be granted “to...Congress” and “to the extent of matter within its jurisdiction, to any committee... if such records contain information that is needed for the conduct of its business and that is not otherwise available...”⁵ Furthermore, the PRA subjects Vice-Presidential records to its provisions “in the same manner as Presidential records.”⁶

In discussions between NARA and Committee staff regarding the Committee’s previous request for special access to Vice-Presidential records, NARA informed the Committee that certain documents in NARA’s custody would not be produced to the Committee—and, indeed, NARA would not inform the Committee of their existence—if NARA deems those records to be “personal records” as defined by the PRA.⁷ However, “personal records” are defined as those records “which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of” the Vice President.⁸ The Committee has made clear that its investigation involves potential abuse by then-Vice President Biden of his official duties;⁹ it cannot be NARA that determines whether certain records “do not relate to or have an

⁴ Transcript of Interview with Devon Archer, H. Comm. on Oversight & Accountability, pp. 35-36 (July 31, 2023).

⁵ 44 U.S.C. § 2205 (2)(C).

⁶ 44 U.S.C. § 2207.

⁷ 44 U.S.C. § 2201(3).

⁸ *Id.*

⁹ Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes; Memorandum (May. 10, 2023), H. Comm. on Oversight &

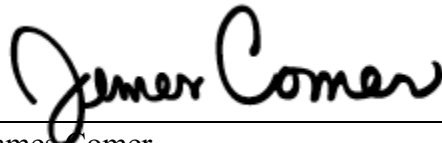
effect upon” those duties.¹⁰ If NARA withholds from the Committee documents responsive to Committee requests, the Committee requests NARA produce a log asserting the basis for withholding the document.¹¹ This log should state the length of the document withheld, its sender(s) and recipient(s), the time and date the document was transmitted, and the justification for NARA’s determination to withhold the document.

The Committee’s need for these Vice-Presidential records is specific and well-documented. The Committee seeks to craft legislative solutions aimed at deficiencies it has identified in the current legal framework regarding ethics laws and 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. The Committee is concerned that foreign nationals have sought access and influence by engaging in lucrative business relationships with high-profile political figures’ immediate family members, including members of the Biden family. For additional information regarding the Committee’s legislative purpose pertaining to this investigation, the Committee directs you to three bank records memoranda it has released this year.¹²

The Committee on Oversight and Accountability has specific jurisdiction over NARA under House Rule X. Additionally, the Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

To schedule the delivery of responsive documents or if you have questions regarding this request, please contact Committee on Oversight and Accountability staff at (202) 225-5074. Thank you for your prompt attention to this important investigation.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability

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

Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes; Memorandum (Aug. 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes.

¹⁰ *Id.*

¹¹ This log should include all documents withheld from the Committee’s previous requests, including the letters the Committee sent to NARA on August 17, 2023, and August 30, 2023.

¹² *Supra*, fn. 9.