

# Congress of the United States

Washington, DC 20515

November 13, 2023

## VIA ELECTRONIC TRANSMISSION

Dear Mr. Bernal:

The House Committee on Oversight and Accountability (Oversight Committee) and the House Committee on the Judiciary (Judiciary Committee, and with the Oversight Committee, the Committees) are investigating President Biden's mishandling of classified documents and whether the White House led an effort to cover up his misconduct as well as mislead the American people about it. In January 2023, news outlets first reported that classified materials originating from President Biden's time as Vice President were discovered at Penn Biden Center and, later, the President's home in Wilmington, Delaware.<sup>1</sup> The Committees have identified you as possessing information relevant to their investigation and seek your testimony regarding these and other related topics.

The Committees are particularly concerned about President Biden's mishandling of classified information given the Oversight Committee's discoveries that the Biden family received millions of dollars from foreign sources for unknown services. For example, reporting has indicated that at least some of these classified materials relate to Ukraine, a country from which Hunter Biden made millions of dollars.<sup>2</sup>

The Oversight Committee has conducted transcribed interviews in connection with this matter, including with individuals who worked at Penn Biden Center, one of whom was present at Penn Biden Center on November 2, 2022—the day that, according to the President's personal attorney, classified materials were first “unexpectedly discovered.”<sup>3</sup> The Committees are now aware that, in addition to Ms. Kathy Chung (a Department of Defense employee), at least five White House employees accessed Penn Biden Center prior to the “discovery” of classified materials on November 2 and accessed boxes stored therein—including yourself on June 30, 2022, with White House Counsel Dana Remus and another White House employee.<sup>4</sup>

Your testimony is relevant to ongoing efforts to craft legislative reforms regarding the security of sensitive or classified materials accessed or held by Executive Branch officials. The Committees are considering legislation that would bolster requirements for the proper storage

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<sup>1</sup> See, e.g., Dustin Jones, *Biden says he was surprised to learn classified documents were found at his old office*, NPR (Jan. 10, 2023); Charlie Savage, *Additional Documents Found at Biden's Wilmington Home*, *White House Says*, N.Y. Times (Jan. 14, 2023).

<sup>2</sup> Jamie Gangel, Marshall Cohen, Evan Perez & Paula Reid, *Exclusive: US intelligence materials related to Ukraine, Iran and UK found in Biden's private office, source tells CNN*, CNN (Jan. 10, 2023).

<sup>3</sup> Statement from Bob Bauer, Personal Attorney for the President (Jan. 14, 2023).

<sup>4</sup> See Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability to Mr. Edward Siskel, White House Counsel (Oct. 11, 2023).

and maintenance of sensitive or classified materials. The Committees are also assessing whether additional requirements are necessary to properly account for sensitive or classified materials in the possession of Executive Branch officials and whether reforms are necessary to the Presidential Records Act and Federal Records Act to ensure sensitive or classified materials are not accessed by unauthorized parties. The Committees are considering whether certain federal agencies, such as the National Archives and Records Administration, require reform to adequately account for records and meant to be returned to the federal government upon an Executive Branch employee's departure from office.

The Committees are also investigating whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House. Along with House Ways and Means Chairman Jason Smith, we set forth in a September 27, 2023 memorandum the evidence justifying the inquiry and the scope of this impeachment investigation.<sup>5</sup> In particular, you have knowledge of why White House personnel began to visit with frequency Penn Biden Center in 2022, where classified materials, including materials related to Ukraine, were later discovered. Therefore, you are in a position to provide information related to whether, among other things, Joe Biden, as Vice President and/or President: (1) took actions to hide or cover up his improper possession of classified materials; (2) abused his office of public trust by knowingly using Executive Branch employees to attempt to ameliorate any political repercussions of having been discovered to have improperly possessed highly sensitive classified materials; or (3) knowingly maintained improper possession of classified materials related to countries from which his family received millions of dollars.

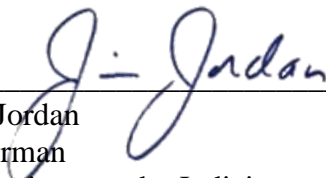
Accordingly, we request you make yourself available for a transcribed interview with Committee counsel. If you have any questions regarding this interview, please coordinate with James Mandolfo and Jake Greenberg with Oversight Committee staff at (202) 225-5074 and Steve Castor with Judiciary Committee staff at (202) 225-6906. Please contact staff by November 20, 2023, to schedule the interview.

Thank you for your prompt attention to this important investigation.

Sincerely,



James Comer  
Chairman  
Committee on Oversight and Accountability



Jim Jordan  
Chairman  
Committee on the Judiciary

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<sup>5</sup> Memorandum (Sept. 27, 2023). From Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, & H. Comm. on Ways & Means. Re: Impeachment Inquiry.

Mr. Anthony Bernal  
November 13, 2023  
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cc: The Honorable Jamie Raskin, Ranking Member  
Committee on Oversight and Accountability

The Honorable Jerrold L. Nadler, Ranking Member  
Committee on the Judiciary