

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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January 12, 2024

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 Committees on Oversight and Accountability, Judiciary, and Ways and Means are investigating whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House.¹ The Oversight Committee has previously requested from the National Archives and Records Administration (NARA) certain records related to President Biden’s tenure as Vice President from 2009 to 2017. NARA has failed to produce the totality of documents requested. The Oversight Committee has engaged with NARA since August 2023 regarding the production of these records, and NARA has responded that the White House has authorized production of only certain tranches of documents. Those documents, in the Committees’ view, include only those that reflect favorably on the President or that are without substance. This is unacceptable.

On August 17, 2023, the Oversight Committee made a special access request for documents to NARA pursuant to the Presidential Records Act (which includes the handling of Vice-Presidential records).² This request included correspondences in NARA’s possession that were sent to or from various pseudonyms identified as being used by then-Vice President Biden—including Robert L. Peters, Robin Ware, and JRB Ware. Additionally, the Committee requested all “drafts from November 1, 2015 to December 9, 2015 of then-Vice President Biden’s speech delivered to the Ukrainian Rada on December 9, 2015.”³ This latter request was a limited one and would presumably capture only a small number of documents produced in the course of barely over a month timeframe in 2015. The Oversight Committee made additional special access requests on August 30, 2023—for documents regarding then-Vice President

¹ See H.R. Res. 918, 118th Cong. (2023); Memorandum 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 (Sept. 27, 2023).

² Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Colleen Shogan, Archivist, Nat’l Archives & Records Admin. (Aug. 17, 2023).

³ *Id.*

Biden's use of Air Force Two⁴—and on September 6, 2023, for documents regarding communications with various Biden family member associates and Obama-Biden Administration officials, among other items.⁵

On September 21, 2023, NARA produced 14 pages of documents to the Oversight Committee for review with NARA personnel present. These 14 pages—cleared for release by the White House—included several media articles Obama-Biden Administration officials had shared opining on the looks of then-Vice President Biden. On December 11, 2023, NARA produced over 60,000 pages of documents—again, cleared for release by the White House—to the Oversight Committee, ostensibly in response to the Committee's request for records related to then-Vice President Biden's use of various pseudonyms and communications with various Biden family business associates. On January 9, 2024, NARA produced additional pages of documents to the Oversight Committee. However, these productions predominantly consisted of junk mail and mass-distributed emails sent to hundreds of recipients. When Oversight Committee staff raised to NARA officials their belief that the production appeared incomplete, NARA officials communicated that this reflected merely those documents that the White House had cleared for release to the Committee.

The Committees are concerned that the White House has permitted NARA to release only Vice-Presidential records that the White House finds either innocuous or flattering towards the President. For example, on December 5, 2023, the Committee on Ways and Means released, among other documents, an 11-page spreadsheet compiled by an IRS criminal investigator that included dozens of email exchanges between or among Hunter Biden, his business associate Eric Schwerin, and pseudonyms attributable to President Biden between 2010 and 2019 (attached as Appendix A). However, these emails were not included in the December 2023 production made by NARA. The Committees seek to understand if NARA's failure to produce these documents is because of White House obstruction or because certain emails were not turned over to NARA at the end of the Obama-Biden Administration that would be classified by law as Vice-Presidential records.

The Committees seek an explanation regarding the disparity between the documents produced to it by NARA and evidence accumulated by criminal investigators showing communications between or among then-Vice President Biden and his family's business associates. The Committees also seek to understand the White House's unwillingness to allow NARA to produce documents in a timely manner—including the small subset of documents reflecting then-Vice President Biden's speech to the Ukrainian Rada in 2015, then-Vice President Biden's use of Air Force Two, and communications between and among Obama-Biden Administration officials and Biden family business associates.

To assess NARA's interactions and coordination with the White House regarding the Oversight Committee's requests, the Oversight Committee invites you to participate in a public

⁴ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Hon. Byron Donalds, to Hon. Colleen Shogan, Archivist, Nat'l Archives and Records Admin. (Aug. 30, 2023).

⁵ Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Colleen Shogan, Archivist, Nat'l Archives and Records Admin. (Sept. 6, 2023).

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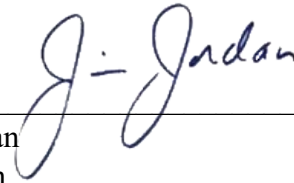
hearing on January 31, 2024. Your testimony is critical to understanding whether and how the White House is obstructing the Committee's investigation. To confirm your attendance at the hearing, please contact Committee on Oversight and Accountability staff at (202) 225-5074 no later than January 24, 2024.

Thank you for your cooperation with the impeachment inquiry.

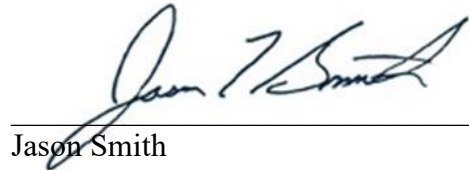
Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Jim Jordan
Chairman
Committee on the Judiciary



Jason Smith
Chairman
Committee on Ways and Means

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

The Honorable Jerrold Nadler, Ranking Member
Committee on Oversight and Accountability

The Honorable Richard E. Neal, Ranking Member
Committee on Ways and Means

Appendix A