

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY Mr. GOLDMAN

Strike page 2 and all that follows through page 17 and insert the following:

“Chairman Comer is seeking to hold Attorney General Merrick Garland in contempt of Congress after the Department of Justice (‘the Department’) has provided the information the Committee on Oversight and Accountability has requested.

“On February 12, 2024, Committee on Oversight and Accountability (the Oversight Committee), the Committee on the Judiciary, and the Committee on Ways and Means wrote to Attorney General Merrick Garland requesting four categories of information from the Department:

1. All documents and communications, including audio and video recordings, related to the Special Counsel’s interview of President Biden;
2. All documents and communications, including audio and video recordings, related to the Special Counsel’s interview of Mark Zwonitzer;
3. The documents identified as ‘A9’ and ‘A10’ in Appendix A of Mr. Hur’s report, which relate to President Biden’s December 11, 2015, call with then-Ukrainian Prime Minister Arseniy Yatsenyuk; and
4. All communications between or among representatives of the Department of Justice, including the Office of the Special Counsel, the Executive Office of the President, and President Biden’s personal counsel referring or relating to Mr. Hur’s report.

“On February 16, 2024, the Department promptly responded to the three committees explaining that it had received their requests and was undertaking a classification and national defense review of potentially responsive materials.

“On February 27, 2024, the House Committee on the Judiciary and the Oversight Committee (collectively, ‘the Committees’) issued a subpoena to the Department of Justice requesting the four categories of materials outlined in their letter of February 12, 2024.

“On March 7, 2024, the Department produced documents satisfying Requests 3 and 4 of the Committees’ February 16 letter and February 27 subpoena, including: ‘the two documents cited in the report that were requested by the Committee,’ which the Department offered to make available ‘through an *in camera* production in a facility appropriate for viewing classified information;’ and ‘communications between the Department and the Executive Office of the President or President Biden’s personal counsel referring or relating to Mr. Hur’s report.’

“To date, no Republican member of the Oversight Committee, including Chairman Comer, or their staff, has elected to review documents responsive to Request 3 *in camera*, as offered by the Department.

“On March 12, 2024, the Department made an additional production to the Committees consisting of the transcripts of President Biden’s voluntary interview with the Special Counsel, which took place over the course of two days, on October 8 and 9, 2023, substantively and materially satisfying Request 1 of the Committees’ subpoena.

“On April 8, 2024, the Department produced a transcript of Special Counsel Hur’s interview with Mark Zwonitzer, substantively and materially satisfying Request 2 of the Committees’ subpoena.

“As of April 8, 2024, the Department had produced information in response to each category of documents subpoenaed and had substantially met or exceeded the Committees’ stated informational needs.

“On April 15, 2024, the Committees wrote to the Department threatening to invoke contempt of Congress proceedings for the Department’s failure to produce requested audio recordings of Special Counsel Hur’s interviews with President Biden and Mark Zwonitzer despite the Department’s provision of transcripts of the interviews to the Committees.

“On April 25, 2024, the Department wrote to the Committees reiterating its record of material accommodation and reemphasizing the Committees’ failure to offer explanations for how the requested audio files would ‘provide any information pertinent to the Committees’ stated purposes,’ and how, even if they did offer pertinent information, such information ‘isn’t already available from the transcripts [the Department] produced as an extraordinary accommodation to the Committees.’ The letter also conveyed the Department’s significant concerns with publicly releasing audio files that contain sensitive law enforcement information and noted that the Committee had failed to provide an explanation as to why ‘any remaining need for these specific files outweighs the serious harms to the Department’s articulated law enforcement interest.’

“The Oversight Committee has now initiated contempt proceedings against Attorney General Garland despite having received or been offered in camera reviews of information responsive to each of the categories of documents outlined in its subpoena and despite the Department’s extraordinary measures to cooperate with the Committees’ requests for information.

“Chairman Comer is attempting to hold the Attorney General in contempt because he is not satisfied with reading the President and Mr. Zwonitzer’s words on a transcript, he insists on being able to hear them on a recording.

“These contempt proceedings are a transparent attempt to distract from the utter failure of this Committee’s impeachment inquiry by falsely claiming the Attorney General is impeding the investigation and falsely asserting that hearing the words of an interview will reveal some secret evidence that reading the words on a transcript will not.”