

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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MEMORANDUM

April 6, 2023

To: Democratic Members of the Committee on Oversight and Accountability

Fr: Democratic Staff

Re: Committee Republicans Conducting Investigation into Biden Family Behind Veil of Secrecy

Since becoming Chair of the Committee on Oversight and Accountability, Chairman James Comer has devoted significant Committee resources to continuing Congressional Republicans' years-long investigation of President Biden's family. Despite this massive investment of time and resources, Republican efforts on this and other congressional committees have failed to yield any evidence of misconduct by President Biden. Nevertheless, Chairman Comer has issued six document subpoenas for financial records as part of this renewed investigation, several of which have been based on information Committee Republicans know to be false. In a break with long-standing Committee precedent, Chairman Comer has issued these subpoenas privately, refusing to provide the Minority proper notice before issuance.

Committee Republicans' decision to conduct this probe behind a veil of secrecy runs counter to the Committee's traditional commitment to transparency and raises serious questions about the integrity of the investigation. Further, Chairman Comer's furtive actions have resulted in at least one misaddressed subpoena and the release of private citizens' personal financial information that was compelled by Committee Republicans without any notice to the affected parties.

This memorandum serves to ensure that Committee Democrats have access to all relevant information, including the six document subpoenas issued to date.

I. BACKGROUND

On January 11, 2023, Chairman Comer announced that the Biden family investigation would be a "top priority" for Committee Republicans in the 118th Congress.¹

¹ *Oversight Chair Comer Reignites GOP's 'Top Priority' Probe into Hunter Biden, Sets Hearing with Twitter Execs*, Fox News (Jan. 11, 2023) (online at www.foxnews.com/politics/oversight-chair-comer-reignites-gops-top-priority-probe-hunter-biden-hearing-twitter-exec).

To justify their investigation, Committee Republicans have raised purported concerns about “the national security implications of a President’s or Vice President’s immediate family members receiving millions of dollars from foreign nationals or companies without any oversight.”² However, this concern is impossible to reconcile with Committee Republicans’ refusal to join Committee Democrats’ investigation into the billions of dollars paid by the Saudi, Qatari and Emirati governments to Jared Kushner—a former senior White House official charged with shaping Middle East policy—shortly after he left office, despite mounting evidence of Mr Kushner’s, as well as former President Trump’s, efforts to use Mr. Trump’s presidency and candidacy for profit.³ Unsurprisingly, Chairman Comer has acknowledged that joining an investigation into former President Trump’s son-in-law might be “politically unsustainable.”⁴

Moreover, Committee Republicans’ stated interest in pursuing legislative solutions related to “ethics laws and disclosure of financial interests related to the immediate family members of Vice Presidents and Presidents” is wholly inconsistent with Chairman Comer’s decision to release former President Trump’s former accounting firm, Mazars USA LLP, from its obligations under a court-supervised settlement to produce documents to the Committee reflecting Mr. Trump’s receipt of millions of dollars from foreign governments while in office.⁵

Notwithstanding Committee Republicans’ shifting explanations, their actions reveal that their real purpose is to do former President Trump’s bidding by damaging President Biden politically while bolstering the former President’s reelection efforts.⁶ As Rep. Jim Jordan

² Committee on Oversight and Accountability, Staff Memo: *New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes* (Mar. 16, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/03/Bank-Records-Memo-3.16.23.pdf>).

³ *Kushner Firm Got Hundreds of Millions From 2 Persian Gulf Nations*, New York Times (Mar. 30, 2023) (online at www.nytimes.com/2023/03/30/us/politics/jared-kushner-qatar-united-arab-emirates.html); *Kushner Firm Got Hundreds of Millions From 2 Persian Gulf Nations*, New York Times (Mar. 30, 2023) (online at www.nytimes.com/2023/03/30/us/politics/jared-kushner-qatar-united-arab-emirates.html) (revealing that “[t]he Emiratis invested more than \$200 million with Mr. Kushner’s firm, Affinity Partners” and that “A Qatari entity invested a similar sum.”).

⁴ *Comer Agrees It Could Be Politically Unsustainable to Investigate Kushner*, The Hill (Mar. 21, 2023) (online at <https://thehill.com/homenews/house/3910467-comer-agrees-it-could-be-politically-unsustainable-to-investigate-kushner/>).

⁵ *E.g.*, Letter from Chairman James Comer, Committee on Oversight and Accountability, to General Counsel May Chan, Cathay Bank (Mar. 17, 2023); *House Republicans Quietly Halt Inquiry Into Trump’s Finances*, New York Times (Mar. 13, 2023) (online at www.nytimes.com/2023/03/13/us/politics/house-trump-finances-investigation.html); *see also* Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Mar. 12, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/FINAL%202023.03.12.%20JBR%20to%20Comer%20re%20Mazars%20BoFA%20Subpoena.pdf>).

⁶ Indeed, last month, Chairman Comer, along with Jim Jordan, Chairman of the Committee on the Judiciary, and another Republican committee chair, launched an unprecedented investigation into Alvin Bragg, the District Attorney for New York leading a criminal investigation into Mr. Trump’s misconduct, less than 24 hours after Mr. Trump called on Republicans to “Investigate the Investigators!” Letter from Chairman Jim Jordan, Committee on the Judiciary, Chairman Bryan Steil, Committee on House Administration, and Chairman James Comer, Committee on Oversight and Accountability, to District Attorney Alvin Bragg, New York County (Mar. 20, 2023) (online at <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-03-20-jdj-bs-jc-to-bragg-re-trump-investigation.pdf>); Donald J. Trump (@realDonaldTrump), Truth Social (Mar. 19, 2023) (online at <https://truthsocial.com/@realDonaldTrump/posts/110051167143996863>). This

explained last Congress, the probe will “frame up the 2024 race, when I hope and I think President Trump is going to run again. And we need to make sure he wins.”⁷ Mr. Jordan’s remarks followed Chairman Comer’s promise to Fox News viewers that impeaching President Biden was already “on the table”—months before the 118th Congress had even begun.⁸

To date, Chairman Comer has issued six subpoenas and sent 39 letters in the Biden family investigation alone. Notably, Mr. Comer has failed to issue a single document subpoena in any other Committee investigation this Congress. This significant use of resources duplicates efforts by Senate Republicans in the 116th Congress, which, after three years, have failed to reveal any wrongdoing by President Biden.⁹

To advance their roving congressional inquisition, Committee Republicans have withheld key information from Committee Democrats, misrepresented key evidence, and knowingly relied on inaccurate reporting to justify their repeated use of compulsory process.¹⁰ For example, despite evidence to the contrary, Chairman Comer has continued to claim that “[p]ublic reporting indicates there are over 150 Suspicious Activity Reports (SARs) related to the Biden family businesses” to justify issuing subpoenas. He has even claimed on Fox News that “there are more suspicious activity reports than previously reported.”¹¹ However, Committee Republicans requested and reviewed banking documents made available by the Department of Treasury that have clearly debunked this “public reporting.”¹²

investigation followed Mr. Trump’s personal lawyers’ reported efforts to lobby Rep. Jim Jordan to investigate Mr. Bragg last month. *For the G.O.P., a Looming Trump Indictment Takes Center Stage*, New York Times (Mar. 20, 2023) (online at www.nytimes.com/2023/03/20/us/politics/trump-indictment-gop.html).

⁷ Sean Hannity, *Rep. Jim Jordan & Others at CPAC Conference in Texas*, C-SPAN (Aug. 4, 2022) (online at www.c-span.org/video/?522151-109/conservative-political-action-conference-rep-jim-jordan); see also *Lauren Boebert Reminded of Trump’s Saudi Ties After CPAC Remarks*, Newsweek (Mar. 5, 2023) (online at www.newsweek.com/lauren-boebert-reminded-trumps-saudi-ties-after-cpac-remarks-1785613); *House G.O.P., Defending Trump, Targets Bragg Ahead of Expected Indictment*, New York Times (Mar. 20, 2023) (online at www.nytimes.com/2023/03/20/us/politics/house-republicans-trump-indictment.html).

⁸ *Mornings with Maria Bartiromo*, Fox News (May 1, 2022) (online at www.realclearpolitics.com/video/2022/05/01/oversight_committee_rep_james_comer_republican_accusations_against_hunter_biden_merit_investigation.html).

⁹ U.S. Senate Committee on Homeland Security and Government Affairs, *Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns* (Sept. 23, 2020) (online at www.finance.senate.gov/imo/media/doc/HSGAC%20-%20Finance%20Joint%20Report%202020.09.23.pdf).

¹⁰ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Apr. 6, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-04-06.JBR%20to%20Comer%20re%20Laptop%20Witnesses%20FINAL.pdf>).

¹¹ Rep. James Comer (@RepJamesComer), Twitter (Mar. 27, 2023) (online at <https://twitter.com/RepJamesComer/status/1640490474619150340?s=20>).

¹² See *House Oversight GOP Gets Access to Financial Activity Reports Tied to Family Business*, The Hill (Mar. 14, 2023) (online at <https://thehill.com/homenews/house/3899349-house-oversight-gop-gets-access-to-financial-activity-reports-tied-to-biden-family-businesses/>).

Despite their vast efforts, Committee Republicans have failed to identify any evidence connecting President Biden to or implicating him in the foreign transactions under investigation.¹³

II. CHAIRMAN COMER'S USE OF SECRET SUBPOENAS TO INVESTIGATE THE AFFAIRS OF PRIVATE CITIZENS

On February 27, 2023, Chairman Comer secretly issued the Committee's first document subpoena as part of Committee Republicans' ongoing investigation into the Biden family to Bank of America.¹⁴ This subpoena sought, among other information, "all financial records" from January 20, 2009, to the present—a staggering 14-year period—for John R. Walker, a private U.S. citizen. This request for private financial information, including statements of his and his wife's joint checking account, marked a significant intrusion into private details of Mr. Walker's and his family's finances.¹⁵

Yet, because of Chairman Comer's use of a secret subpoena, Mr. Walker was never notified that the Committee had subpoenaed his financial records from Bank of America, he was never notified that Bank of America turned over his records to the Committee, and he was never notified that the Committee was publicly releasing information from these records.¹⁶

On March 17, 2023, Chairman Comer secretly issued three additional subpoenas as part of the same investigation. The subpoena recipients consisted of two financial institutions, Cathay Bank and JP Morgan Chase, and a former business associate of Hunter Biden, Mervyn Yan. Three days later, on March 20, 2023, Chairman Comer quietly issued a fifth subpoena to HSBC USA N.A.—a multinational bank. In all, the four subpoenas issued to separate financial institutions and a private citizen on March 17 and March 20 sought private financial records, in most cases stretching more than 14 years, relating to six individuals (Shan Gao, Ye Jianming, JiaQi "Jackie" Bao, Ling Liu, Gongwen Dong, and Patrick Ho) and at least ten entities (FRLV Asset Management LLC, FRLV Investments LLC, CEFC Infrastructure Investments US, CEFC Limited, any CEFC China Energy-related entity, State Energy HK Limited, Cold Harbour Capital LLC, Monochrome Capital Partners LLC, Northern International Capital, BREF IV Series A LLC, and Silver Suites 7WTC LLC).

¹³ Chairman Comer has repeatedly stated that the Committee's purpose for investigating the Biden family is to identify any ways in which President Biden might be involved in his family's business deals. Last fall, Chairman Comer stated, "I want to be clear: This is an investigation of Joe Biden[.]" *House Republicans Vow to Investigate Biden And His Family's Business Dealings*, CNN (Nov. 17, 2022) (online at www.cnn.com/2022/11/17/politics/house-republicans-white-house-hunter-biden/index.html).

¹⁴ Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (Mar. 12, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/FINAL%202023.03.12.%20JBR%20to%20Comer%20re%20Mazars%20BofA%20Subpoena.pdf>).

¹⁵ *Id.*

¹⁶ Letter from Edward McAndrew, Baker & Hostetler, Counsel for John R. Walker, to Chairman James Comer, Committee on Oversight and Accountability (Mar. 24, 2023) (on file with the Committee).

Apparently, upon discovering that Committee Republicans had misaddressed one of the subpoenas, Chairman Comer was forced to issue a sixth subpoena addressed to HSBC *Bank USA N.A.*, on March 22, 2023.

Committee Republicans' mistake in addressing the March 20, 2023, subpoena highlights one of the many consequences of Chairman Comer's troubling decision to issue secret subpoenas without proper notice to Committee Democrats. Long-standing Committee practice, honored by chairs of both parties, has provided the Minority proper notice prior to issuing a unilateral subpoena. Chairman Comer has inexplicably abandoned the practice of providing 48 hours' notice to the minority party—one adopted in the 116th Congress—choosing to provide only hours' notice, or, in the case of the March 22, 2023, subpoena, providing it to Committee Democrats only after it had already been sent to its recipient and upon the request of the Minority. Had Committee Democrats received proper notice, we may have been in a position to prevent Chairman Comer from issuing a subpoena to the wrong entity—an issue that previously caused harm to the integrity of Committee investigations under a prior Republican chair.¹⁷

In light of Chairman Comer's troubling decision to conduct his "top priority" investigation in secret—shielding it from critical public scrutiny—the Committee's Democratic staff will endeavor to provide ongoing updates to all Democratic Members on the status of this investigation to ensure the Committee's work is carried out in a transparent fashion.¹⁸

¹⁷ *House Panel Subpoenas Wrong Person by Confusing Asian Names*, New York Times (Apr. 16, 1997) (online at <https://archive.nytimes.com/www.nytimes.com/library/politics/0416fundraising-probe.html>).

¹⁸ *Oversight Chair Comer Reignites GOP's 'Top Priority' Probe into Hunter Biden, Sets Hearing with Twitter Execs*, Fox News (Jan. 11, 2023) (online at www.foxnews.com/politics/oversight-chair-comer-reignites-gops-top-priority-probe-hunter-biden-hearing-twitter-exec).