

DIRECTING CERTAIN COMMITTEES TO CONTINUE THEIR ONGOING INVESTIGATIONS AS PART OF THE EXISTING HOUSE OF REPRESENTATIVES INQUIRY INTO WHETHER SUFFICIENT GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH JOSEPH BIDEN, PRESIDENT OF THE UNITED STATES OF AMERICA, AND FOR OTHER PURPOSES

DECEMBER 12, 2023.—Referred to the House Calendar and ordered to be printed

Mr. COLE, from the Committee on Rules,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H. Res. 918]

The Committee on Rules, to whom was referred the resolution (H. Res. 918) directing certain committees to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Joseph Biden, President of the United States of America, and for other purposes.

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PURPOSE AND SUMMARY

H. Res. 918, introduced by Rep. Kelly Armstrong (R-ND), directs certain committees to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether suffi-

cient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Joseph R. Biden, President of the United States of America. The resolution lays out the procedure for the Committees on the Judiciary, Ways and Means, and Oversight and Accountability to continue their ongoing investigation in open hearings, authorizes the release of deposition transcripts, and provides additional procedures in furtherance of the impeachment inquiry. The resolution hereby adopted in H. Res. 918 also authorizes the chairs of the Committees on the Judiciary, Ways and Means, and Oversight and Accountability to initiate or intervene in judicial proceedings to enforce certain subpoenas, allows the Office of General Counsel of the House of Representatives, with authorization of the Speaker, to represent any of the above-mentioned committees in any judicial proceeding initiated or intervened in pursuant to the authority described in the resolution, and permits that the Office of General Counsel of the House of Representatives to retain private counsel, either for pay or pro bono, to assist in the representation of any such committees in any judicial proceeding initiated or intervened in pursuant to the authority described in the resolution.

BACKGROUND AND NEED FOR LEGISLATION

The Constitution vests the House of Representatives with the “sole Power of Impeachment” and provides that the “President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”

As Alexander Hamilton explained in Federalist No. 65, impeachment involves “those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.” In our nation’s history, such offenses have included bribery, abuse of power, obstruction of justice, obstruction of Congress, perjury, and using one’s office for personal gain. Hamilton described impeachment as a “bridle in the hands of the legislative body upon the executive servants of the government.” As an exclusive Congressional authority, impeachment serves as a critical check on the other branches of the federal government. It also protects our constitutional republic from officers who engage in malfeasance. Once an officer is impeached and convicted, he is automatically removed from office and can be disqualified from ever holding office again.

As the U.S. Court of Appeals for the District of Columbia Circuit has stated, “To level the grave accusation that a President may have committed ‘Treason, Bribery, or other high Crimes and Misdemeanors,’ U.S. Const. art. II, § 4, the House must be appropriately informed.” And an impeachment inquiry is the traditional means by which the House assembles and evaluates that information. Throughout our nation’s history, it has been recognized that an impeachment inquiry strengthens the House’s authority to obtain information from the Executive Branch. For example, President James K. Polk stated that the authority of the House in an impeachment investigation “would penetrate into the most secret recesses of the Executive Departments” and would include the power to “command the attendance of any and every agent of the Government, and compel them to present all papers, public or pri-

vate, official or unofficial, and to testify on oath to all facts within their knowledge.”

On September 12, 2023, the Speaker of the House directed the Committees on the Judiciary, Ways and Means, and Oversight and Accountability to conduct an inquiry to determine whether sufficient grounds existed for the impeachment of President Biden.

On September 27, 2023, the Chairs of these Committees released a memorandum entitled “Impeachment Inquiry.” In that memorandum, the Chairs explained that for the past several months, they had been investigating “(1) foreign money received by the Biden family, (2) President Joe Biden’s involvement in his family’s foreign business entanglements, and (3) steps taken by the Biden Administration to slow, hamper, or otherwise impede the criminal investigation of the President’s son, Robert Hunter Biden, which involves funds received by the Biden family from foreign sources.” And they reported that, “[a]s a result of these investigations, the Committees ha[d] uncovered significant new information that raises serious concerns as to whether the President has abused his federal office to enrich his family and conceal his and/or his family’s misconduct.” Among other things, the Committees found that (1) the Biden family and their business associates received over \$24 million from foreign sources over the course of approximately five years; (2) President Biden was personally involved in his family’s foreign business dealings, and those business arrangements intersected with his official duties; and (3) the President had not been truthful about his family’s foreign business entanglements. The Chairs also stated that they had uncovered substantial information, including through whistleblowers, indicating that the Biden Administration has obstructed the criminal investigation into Hunter Biden. This information includes evidence that Department of Justice personnel blocked avenues of inquiry that could have led to evidence incriminating President Biden and impeded efforts to prosecute Hunter Biden for tax crimes relating to foreign business arrangements that could have implicated President Biden.

Given the evidence already assembled by the Committees, the Chairs concluded that a formal impeachment inquiry was appropriate and necessary. In particular, the Impeachment Inquiry memorandum set forth in detail “information indicating that President Biden may have: (1) performed official acts or changed United States policy as a direct result of the foreign money received by his family; (2) provided access to his federal office in exchange for his family’s receipt of foreign money; and/or (3) knowingly participated in a scheme where foreign business interests were led to believe that they would gain access to him (in his official capacity) if they were to pay substantial amounts of money to his family.” And if any of these things had occurred, the Chairs noted that “they would constitute a grave abuse of the high office to which the American people have entrusted President Biden.”

In light of the evidence amassed by the Committees at that point, the Chairs stated that the impeachment inquiry would focus on the following questions:

1. Did Joe Biden, as Vice President and/or President, take any official action or effect any change in government policy because of money or other things of value provided to his family or him from foreign interests?

2. Did Joe Biden, as Vice President and/or President, abuse his office of public trust by providing foreign interests with access to him and his office in exchange for payments to his family or him?

3. Did Joe Biden, as Vice President and/or President, abuse his office of public trust by knowingly participating in a scheme to enrich himself or his family by giving foreign interests the impression that they would receive access to him and his office in exchange for payments to his family or him?

4. Did Joe Biden abuse his power as President to impede, obstruct, or otherwise hinder investigations (including Congressional investigations) or the prosecution of Hunter Biden?

However, the Chairs indicated that “because the impeachment inquiry will go where [the] evidence leads, the investigation could head in directions that the Committees do not currently foresee.”

Since beginning the impeachment inquiry, the Committees have taken a significant number of investigative steps, including but not limited to, subpoenaing bank records of individual Biden family members as well as entities related to them, issuing deposition subpoenas to Hunter Biden and James Biden, conducting transcribed interviews with Department of Justice and Internal Revenue Service officials involved in the Hunter Biden investigation, and requesting numerous transcribed interviews of witnesses to the Biden family’s business dealings. These investigative activities have already uncovered additional information suggesting that President Biden was directly involved in and personally benefitted from his family’s business entanglements.

Given the progress that has been made in the impeachment inquiry to date, the Rules Committee believes that the inquiry is now at the stage where it would be helpful to establish a formal procedural framework for its conduct.

Additionally, the White House has argued that the impeachment inquiry lacks constitutional legitimacy because it commenced without a House vote. In particular, on November 17, 2023, Richard Sauber, Special Counsel to the President, wrote to the Chairs of the Committees on the Judiciary and Oversight and Accountability and expressed the view that the House may not utilize compulsory process pursuant to the impeachment power absent a vote of the full House to authorize such an inquiry.

The White House’s position is inconsistent with the Constitution, relevant law, and House precedents. The Constitution, which delegates to the House the sole power of impeachment, includes no requirement that the full House vote to start an inquiry. In fact, Article I, Section 5 provides that the House has the sole authority to determine its “Rules of its Proceedings,” which would include rules governing impeachment. Neither do the Rules of the House of Representatives contain such a requirement. Moreover, the House has launched several impeachment inquiries without a full House vote, including those involving Judge Harry Claiborne, Judge Alcee Hastings, Judge Walter Nixon, and President Donald J. Trump. And four years ago, a federal district court expressly rejected the argument that a House resolution is required to begin an impeachment inquiry. *See In re Application of Comm. On Judiciary*, 414 F. Supp. 3d 129, 168 (D.D.C. 2019) (“Even in cases of presidential impeachment, a House resolution has never, in fact, been required to begin

an impeachment inquiry.”), *aff’d*, 951 F.3d 589 (D.C. Cir. 2020), *vacated and remanded sub nom. on other grounds, Dep’t of Justice v. House Comm. on the Judiciary*, 142 S. Ct. 46 (2021).

Nevertheless, given that the White House has indicated that it will brandish this faulty argument in an effort to stonewall the investigation, the Rules Committee believes that it is prudent at this time for the full House to vote to direct the Committees on Oversight and Accountability, Ways and Means, and the Judiciary to continue this impeachment inquiry.

COMMITTEE CONSIDERATION

The Committee on Rules met on December 12, 2023, in open session and ordered H. Res. 918 favorably reported to the House by a record vote of 9 yeas and 4 nays, a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report the legislation and amendments thereto. A motion by Mr. Cole to report the resolution to the House with a favorable recommendation was agreed to by a record vote of 9 yeas and 4 nays, a quorum being present. The names of Members voting for and against follow:

Rules Committee record vote No. 185

Date: December 12, 2023

Motion to order H. Res. 918 reported favorably to the House.
Agreed to: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Yea	Mr. McGovern	Nay
Mr. Reschenthaler	Yea	Ms. Scanlon	Nay
Mrs. Fischbach	Yea	Mr. Neguse	Nay
Mr. Massie	Yea	Ms. Leger Fernandez	Nay
Mr. Norman	Yea		
Mr. Roy	Yea		
Mrs. Houchin	Yea		
Mr. Langworthy	Yea		
Mr. Cole, Chairman	Yea		

The committee also considered the following amendments on which record votes were requested. The names of Members voting for and against follow:

Rules Committee record vote No. 176

Date: December 12, 2023

Amendment (no. 1) offered by Mr. McGovern. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 177

Date: December 12, 2023

Amendment (no. 2) offered by Ms. Leger Fernandez. Defeated:
4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 178

Date: December 12, 2023

Amendment (no. 3) offered by Ms. Scanlon. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 179

Date: December 12, 2023

Amendment (no. 4) offered by Mr. Neguse. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 180

Date: December 12, 2023

Amendment (no. 5) offered by Ms. Leger Fernandez. Defeated:
4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 181

Date: December 12, 2023

Amendment (no. 6) offered by Ms. Scanlon. Defeated: 4–6

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 182

Date: December 12, 2023

Amendment (no. 7) offered by Mr. McGovern. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 183

Date: December 12, 2023

Amendment (no. 8) offered by Mr. McGovern. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 184

Date: December 12, 2023

Amendment (no. 9) offered by Mr. Neguse. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Resenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings and recommendations that are reflected in this report.

PERFORMANCE GOALS AND OBJECTIVES

In furtherance of Congress' legitimate investigative function, the standing rules of the House provide its committees with the general authority and tools needed to carry out most investigations of matters that properly fall within their jurisdiction. The Rules Committee continues to believe that these rules have served the House of Representatives well and have served the public interest when the House conducts investigations. However, the Rules Committee is occasionally asked to provide committees with additional tools, beyond those expressly conferred by House rules, for a specific purpose. The resolution directs certain committees to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Joseph R. Biden, President of the United States of America; authorizes public hearings and the disclosure of deposition transcripts; and sets forth additional procedures in furtherance of the impeachment inquiry. The resolution moves the House's impeachment inquiry into the next phase while providing rights to the minority and to the President and his counsel, consistent with previous impeachment inquiries.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

H. Res. 918 directs the House Committees on Oversight and Accountability, Ways and Means, and the Judiciary (hereinafter the three committees or three chairs) to continue their investigations into whether sufficient grounds exist for the House to exercise its Constitutional power to impeach President Joseph R. Biden.

Section 2:

This section provides procedures under which the Committee on Oversight and Accountability may conduct itself for the purpose of continuing its ongoing investigation as part of the existing House inquiry into whether sufficient grounds exist for the House to exercise its Constitutional power to impeach President Biden. These procedures are consistent with the procedures adopted in the most recent Presidential impeachment inquiry. See H. Res. 660 (116th).

This section directs the chair of the Committee on Oversight and Accountability to designate one or more open hearings pursuant to

the section and provides a specific process for questioning witnesses in those hearings, notwithstanding clause 2(j)(2) of rule XI. At the start of questioning, the chair announces how many minutes the chair and ranking minority member are permitted to question the witness during that round, longer than five minutes and up to 45 minutes per side. The time available for each period of questioning must be equal for the chair and ranking minority member. Only the chair and ranking minority member, or a Committee employee if yielded to by the chair or ranking member, may question witnesses during these periods. The chair may announce additional rounds using the same process. Following these extended questioning periods, the Committee will proceed with questioning by members of the Committee under the five-minute rule. The section also provides that the ranking minority member of the Committee may submit written requests for witness testimony to the chair within 72 hours after notice is given for the first open hearing held pursuant to these procedures. The requested witness testimony must be relevant to the investigation described in the first section and must be accompanied by a detailed written justification of the relevance of such testimony. This notice requirement will allow for a full evaluation of minority witness requests.

This section also authorizes the ranking minority member of the Committee, with concurrence of the chair of the committee, to require, as deemed necessary to the investigation—by subpoena or otherwise—the attendance and testimony of any person (including at the taking of a deposition), the production of documents, and by interrogatory, the furnishing of information. If the chair declines to concur in a proposed action of the ranking minority member, the ranking minority member shall have the right to refer to the Committee for decision the question of whether such authority shall be exercised and the chair shall convene the Committee promptly to render that decision, subject to the notice requirements and good-cause exception for a committee meeting under clause 2(g)(3)(A) and (B) of rule XI. Subpoenas and interrogatories authorized by this section may be signed by the ranking minority member and may be served by any person designated by the ranking member. The section authorizes the chair of the Committee to make transcripts of depositions conducted by the Committee in furtherance of its investigation publicly available in electronic form, with appropriate redactions for classified and other sensitive information. The section also permits the Committee to issue a report with its findings and any recommendations, appending any appropriate information and materials with respect to their investigation. The report may be prepared in consultation with the chairs of the Committees on Ways and Means and on the Judiciary. The chair of the Committee may transmit any committee report and appendices, along with any views filed pursuant to clause 2(1) of rule XI, to the Committee on the Judiciary and make the report publicly available in electronic form, with appropriate redactions to any part of the report to protect classified and other sensitive information.

Section 3:

This section provides procedures under which the Committee on Ways and Means may conduct itself for the purpose of continuing its ongoing investigation as part of the existing House inquiry into

whether sufficient grounds exist for the House to exercise its Constitutional power to impeach President Biden. These procedures mirror the procedures set forth in section two with respect to the Committee on Oversight and Accountability.

Section 4:

This section provides procedures under which the Committee on the Judiciary may conduct itself for the purpose of continuing its ongoing investigation as part of the existing House inquiry into whether sufficient grounds exist for the House to exercise its Constitutional power to impeach President Biden. These procedures mirror the procedures set forth in section two with respect to the Committee on Oversight and Accountability but do not contain provisions regarding the transmission of a report to the Committee on the Judiciary.

Section 5:

This section authorizes the Committee on the Judiciary to conduct impeachment proceedings pursuant to the procedures, including those that allow for the participation of the President and his counsel, issued by the chair of the Committee on Rules and printed in the Congressional Record. Any such proceedings would likely be conducted subsequent to the investigative activities described in sections two, three, and four.

The Judiciary Committee is also authorized to promulgate additional procedures for hearings held pursuant to this section of the resolution as it deems necessary, provided that they are not inconsistent with the procedures inserted in the Congressional Record by the chair of the Committee on Rules, the rules of the Committee, and the rules of the House. In similar language to the subpoena power referenced in section four, the section also authorizes the ranking member of the Judiciary Committee, with concurrence of the chair of the committee, to require, as deemed necessary to the investigation—by subpoena or otherwise—the attendance and testimony of any person (including at the taking of a deposition), the production of documents, and by interrogatory, the furnishing of information. If the chair declines to concur in a proposed action of the ranking minority member, the ranking minority member shall have the right to refer to the committee for decision the question of whether such authority shall be exercised and the chair shall convene the committee promptly to render that decision, subject to notice requirements and good-cause exception for a committee meeting under clause 2(g)(3)(A) and (B) of rule XI. Subpoenas and interrogatories authorized by this section may be signed by the ranking minority member and may be served by any person designated by the ranking member. These procedures are consistent with the procedures adopted in previous Presidential impeachment inquiries. See H. Res. 660 (116th).

Finally, the section authorizes the Judiciary Committee to report to the House such resolutions, articles of impeachment, or other recommendations as it deems proper.

Section 6:

This section provides that H. Res. 917 is adopted upon the adoption of H. Res. 918.

CHANGES IN EXISTING HOUSE RULES MADE BY THE RESOLUTION,
AS REPORTED

In compliance with clause 3(g) of rule XIII of the Rules of the House of Representatives, the Committee finds that this resolution does not propose to repeal or amend a standing rule of the House.

DISSENTING VIEWS

This resolution is nothing but an act of political vengeance by the House Republican Majority. Rather than working with Democrats to help the American people, House Republicans have decided—after nearly a year of failed investigations that have yielded no evidence of wrongdoing by President Biden—that they will now vote to authorize an impeachment inquiry. In doing so, they are wasting the House’s precious time and resources on an extreme political stunt that will do nothing to make people’s lives better.

Article II, Section 4 of the United States Constitution states: “The President, Vice President and all Civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.” Initiating an inquiry into whether the President of the United States has committed impeachable high Crimes and Misdemeanors is one of the most serious and somber actions the House of Representatives can undertake. Given the gravity of impeachment, it is disgraceful that this House Republican Majority has chosen to initiate this vengeful impeachment inquiry with such a shocking disregard for the facts.

The goal of this inquiry resolution is not to safeguard our democracy against wrongdoing by the President. Their true motives are clear: House Republicans and former President Trump cannot accept that the twice-impeached former President lost the 2020 election. And so now, after the insurrection on January 6th failed, the Republican Majority is attempting to mire President Biden in the cloud of an impeachment inquiry to aid in the disgraced former President’s re-election efforts. Ironically, this resolution, and the effort it is abetting, will only serve to further stain this House Republican Majority as extreme, unserious, ineffective, and unable to govern.

After almost a year of investigation, dozens of hours of testimony, and tens of thousands of pages of documents turned over and examined, the facts tell the same story: there is no wrongdoing by President Biden, let alone an impeachable offense. The House Republican Majority has resorted to cherry-picking and distorting information to justify continuing this sham investigation aimed at satisfying President Trump’s demands for retribution. Since his impeachments, he has been indicted multiple times and now faces 91 felony counts. This impeachment inquiry is clearly not about evidence. The former President has said as much, stating: “Either IMPEACH the BUM, or fade into OBLIVION. THEY DID IT TO US!”

The contrast between the House Democratic Majority’s impeachments of President Trump and the House Republican Majority’s impeachment inquiry into President Biden could not be clearer. President Trump was first impeached for attempting to extort the President of Ukraine into digging up political dirt on President

Biden amid the 2020 Presidential Election. He was then impeached once more for inciting an insurrection that took place on January 6, 2021, to overturn the 2020 Presidential Election. President Biden is now facing an impeachment inquiry simply so House Republicans can try to help President Trump get back to the White House. Democrats took impeachment seriously and with the gravity it demands. Republicans are playing political games with one of the most awesome powers at their disposal.

In doing so, House Republicans are also trying to confuse and conceal the truth about this impeachment inquiry from the American people. When the Democratic Majority in the 116th Congress passed its impeachment inquiry resolution, it required an “open and transparent” investigative proceeding by the House Permanent Select Committee on Intelligence (HPSCI). The Democratic impeachment inquiry resolution required HPSCI to hold at least one public hearing (HPSCI eventually held a total of seven hearings), and the resolution required HPSCI to issue a report setting forth its findings and transmitting that report to the Judiciary Committee to make public and consider in their decision on whether to draw up articles of impeachment.

In contrast, this Republican Majority’s impeachment inquiry resolution deleted references to an “open and transparent” investigation, which was featured in the Democratic resolution language, and does not require any investigative committee to hold even one single public hearing, nor does it require any investigative committee to issue a final report on their findings. Those committees may do so currently, and if this impeachment inquiry resolution passes the House, they may do so after. Openness and transparency appear to be simply optional during this Republican Majority’s impeachment inquiry. But it should come as no surprise that Republicans do not want to require these investigating committees to hold open hearings or require them to issue a final report of their alleged findings because when they have tried to be open and transparent with the American people thus far, their sham investigation has fallen flat.

Republicans have admitted how poorly their attempts to have public hearings to make their case to the American people have gone. On September 28, 2023, following the only public hearing held thus far by the Committee on Oversight and Accountability during this investigation, a senior Republican aide remarked, “Picking witnesses that refute House Republicans” arguments for impeachment is mind-blowing. This is an unmitigated disaster.” After this “unmitigated disaster,” Hunter Biden himself has since offered to come and testify publicly in front of the House Oversight and Accountability Committee. Yet, Chairman Comer has refused that offer. It is clear—given the weakness of their impeachment arguments—why Republicans do not want to require any more public hearings or reports. When Republicans cannot distort facts and cherry-pick evidence attained behind closed doors, their partisan political plot is laid bare to the American people, and it becomes clear what the facts truly show: President Biden has done nothing wrong.

This impeachment inquiry resolution also deems as passed a second resolution that, among other things, authorizes the inves-

tigating committees to initiate proceedings before a Federal court to enforce subpoenas issued to two career Department of Justice prosecutors regarding ongoing prosecutions. Although it is a long-standing policy for the Department of Justice to not comment on ongoing investigations, the Department of Justice has made Special Counsel David Weiss, two U.S. Attorneys, and the Acting Deputy Assistant Attorney General for Criminal Matters at the Department of Justice, Tax Division, who supervises the two career line prosecutors, available for transcribed interviews. Despite this, and with complete disregard for the credible threats that career prosecutors and FBI agents have faced, House Republicans—without even a separate vote of the House on this matter—are authorizing the committees to ask a court to force these two career line prosecutors, who have served multiple Administrations of both parties, to answer questions about an ongoing prosecution. Sadly, it is clear that not only are House Republicans determined to continue this sham political impeachment inquiry to help the re-election of former President Trump, but they are even willing to interfere in ongoing criminal investigations in order to do so.

After nearly a year of investigating, House Republicans have already collected an extraordinary amount of testimony, bank records, and reports in their investigation of Hunter Biden's business activities. And this material is in addition to the material already collected by Senate Republicans who conducted their own investigation of Hunter Biden in 2020. The Biden-Harris Administration, private banks, and private citizens have fully accommodated these congressional requests. For example, the enormous body of existing information collected as part of this investigation includes: more than 38,000 pages of subpoenaed bank records; more than 2,000 pages of suspicious activity reports (SARs) provided by the U.S. Department of the Treasury; dozens of hours of testimony from two of Hunter Biden's business partners, a senior official from the National Archives and Records Administration, seven federal agents assigned to the investigation of Hunter Biden from the IRS and FBI, a Special Counsel, two U.S. Attorneys, and a high-ranking official from the Tax Division of the U.S. Department of Justice; and hundreds of pages of documents from the Hunter Biden investigation released by the Committee on Ways and Means.

All the testimony and documents that are available prove again and again that House Republicans have zero evidence of wrongdoing by President Biden. Still adamant that this sham inquiry continue, House Republicans are now attempting to weaponize the inquiry process itself. It seems that nothing—including the facts—will stop House Republicans on their quest to try and aid the former, twice-impeached President's election chances by trumping up a bogus impeachment case against the current President. This impeachment inquiry resolution is just the next step in this plan.

The unfortunate reality is that this inquiry effort is also just another in a long line of disasters for this Republican Majority. Over the course of their first year in charge, House Republicans have demonstrated that they are utterly incapable of governing and are not up to the task of being in the majority. At this point in the 117th Congress, Democrats had passed 71 bills into law to improve the lives of the American people. At this point in the 116th Con-

gress under divided government, Democrats had passed 78 bills into law. Contrast that with this Republican Majority, which has only passed 22 bills into law. When it has come time to fund the government or to ensure the full faith and credit of the United States, the Republican Majority has had to turn to Democratic Members of Congress to pass critical, must-pass pieces of legislation. Republican Leaders are failing the American people, and they are using this impeachment inquiry to distract from their own incompetence and inability to govern.

We urge our Republican colleagues to abandon their extreme agenda, abandon the demands of former President Trump to “either impeach the bum, or fade into oblivion,” and instead to work with Democrats and the Administration in a bipartisan way to address the needs of the American people.

JAMES P. MCGOVERN,
Ranking Member.

JOE NEGUSE,
MARY GAY SCANLON,
TERESA LEGER FERNANDEZ,
Members of Congress.

