



May 27, 2025

Chairman James Comer
U.S. House of Representatives
Committee on Oversight and Accountability
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Comer,

On behalf of Power The Future, a non-profit dedicated to ensuring an informed, robust discussion about U.S. energy policy and security, I write to follow-up on recent revelations and your announcement that you are investigating “the cover up of Biden’s Mental Decline and Use of Autopen.”¹ These amplify concerns, detailed in February and April letters (both attached), which warrant not just congressional oversight but prompt exercise of the congressional right of Special Access under the Presidential Records Act.

Power The Future remains concerned that key policies of major economic and national security significance directed by the White House during the Biden administration may have been undertaken without presidential awareness and approval, but perhaps instead by a small coterie of staff. Although this likelihood has become more apparent by claims made in a recent book titled *Original Sin*, those claims merely support information that had already emerged.

As you are aware, House Speaker Mike Johnson stated publicly in 2024 that President Biden expressed to him no awareness of the “pause” in LNG exports imposed by the Biden administration, policy action with grave domestic and geopolitical consequences touted by a public statement attributed to the President. This raised in the Speaker’s mind “[t]he loudest public alarm about Joe Biden’s mental acuity.”² In light of this revelation, and further reporting that a particular White House “advisor,” reportedly “the person behind [the pause]”—despite or because of familial ties to clients who stood to benefit³—was John Podesta,⁴ there are legitimate and troubling bases to examine whether the LNG

¹ Press release, *Comer Announces the Oversight Committee Will Continue Investigating the Cover-Up of Biden’s Mental Decline & Use of Autopen*, <https://oversight.house.gov/release/comer-announces-the-oversight-committee-will-continue-investigating-the-cover-up-of-bidens-mental-decline-use-of-autopen/>.

² See video at “WATCH: When Mike Johnson Knew Joe Biden Was Not in Charge,” Free Press, January 17, 2025, <https://www.thefp.com/p/when-mike-johnson-knew-joe-biden-not-in-charge>.

³ See, e.g., Alana Goodman, “John Podesta Was Behind Biden’s Decision To Pause Natural Gas Exports. His Lobbyist Brother Stands To Benefit,” FreeBeacon.com, February 15, 2024, <https://www.congress.gov/118/meeting/house/117746/documents/HHRG-118-GO05-20241204-SD003.pdf>.

⁴ See, e.g., Letter from House Committee on Oversight and Accountability Chairman James Comer to The Hon. Antony Blinken, March 13, 2024, <https://oversight.house.gov/wp-content/uploads/2024/03/031324-SPEC-Letter.pdf>.

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“pause” is not the only well-known and facially suspect action taken in the President’s name of which the former President may well have been ignorant.

Indeed, Power The Future has been litigating for approximately two years in the U.S. District Court for the District of Columbia to obtain records regarding the State Department’s secretive “Special Presidential Envoy for Climate”—run out of the White House purportedly on Mr. Biden’s behalf by the same Mr. Podesta—which we have learned was staffed in part by privately compensated individuals. State’s uniquely aggressive campaign to stall release of information about this *ad hoc* operation warrants scrutiny given the above-described developments.

According to the aforementioned recent book by CNN host Jake Tapper, the president himself was not being “advised” by so-called advisers in his inner circle, but instead his advisers were themselves controlling key presidential decisions. Even before the recent revelations, there was ample reason to believe that the former President was not the decisionmaker behind numerous high-profile decisions made by the former Administration. Further, as Tapper explained in a recent interview,⁵ Hunter Biden was effectively serving as “Chief of Staff” towards the end of his father’s presidency.

A quick review of executive orders issued in President Biden’s term in office shows that the president is not documented to have signed (or even been aware of), many key policies enacted ostensibly under his name. For example:

- There is no evidence in the public domain indicating the president was aware of Executive Orders 14013, 14027, 14030, 14057, 14143, 14126. These orders span almost the entirety of President Biden’s term. As such, it is possible that the former administration’s use of executive power in possibly without the president’s knowledge began prior to 2023 when, certain media figures are only now saying, Biden’s capacities began to more rapidly deteriorate with the escalation of Hunter Biden’s legal troubles.
- Similarly, un-numbered, purported Executive Orders⁶ such as one entitled “EO on AI Data Centers and Clean Energy Infrastructure,” and other executive proclamations such as the “Defense Production Act Invocation for Clean Energy,” “Memorandum on Withdrawal of Certain Areas off the United States Arctic Coast of the Outer Continental Shelf from Oil or Gas Leasing,” and “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Oil or Natural Gas Leasing” were not signed in any public way by the former president, and there are no public or media

⁵ Josh Marcus, Yahoo News, “Jake Tapper tears into ‘unethical, sleazy’ Hunter who acted like Biden family’s ‘chief of staff’ despite being ‘prone to horrible decisions’,” <https://www.yahoo.com/news/jake-tapper-tears-unethical-sleazy-003351381.html> (May 20, 2025).

⁶ Certain purported “Executive Orders” were not published in the Federal Register as required by law, but were instead published on the former President’s official website as “presidential actions” or otherwise. See, e.g., <https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2025/01/14/executive-order-on-advancing-united-states-leadership-in-artificial-intelligence-infrastructure/> (last visited May 22, 2025).

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appearances suggesting that the president was aware of such actions. These similarly span the entirety of President Biden's term.

The policies launched by the above-cited executive actions are not insignificant. There is no doubt that only the president has executive authority which, although delegable, its exercise in the absence of awareness or delegation by the president is facially unlawful and illegitimate. EO14013, for example, purported to integrate our nation's climate policy into its migration and refugee policy (during a time when the Biden Administration was allowing virtually unchecked migration at our Southern border). And EO14027 purported to create an entirely new office in the federal bureaucracy to support federal climate change initiatives, while EO 14057 committed the federal government to have net zero emissions by 2050 and to obtain zero electricity from carbon-emitting sources by 2030.

The less formalized "executive actions" similarly instigated the imposition of sweeping policy changes under the former President's name. The "Defense Production Act Invocation for Clean Energy" used the Defense Production Act to favor certain contractors over others using "green" criteria. And two of these actions withdrew large swaths of land from oil exploration, restricting the ability of the American public to rely on our own abundant energy resources. Regardless of the wisdom of such policies (or even whether they are lawful at all), neither family nor staff, no matter how senior, are legally permitted to declare such policies on their own in the name of the president. But there is no public indication that the president ever discussed their contents, purposes or even existence in any public way.

In light of the growing evidence that actions purportedly taken by the former president may not have been approved or signed by him, but instead promulgated by a small coterie of advisers in his name without his knowledge or over his signature using an "autopen," the need for congressional access to information has grown in importance with these revelations. Congress deserves to know how or whether these executive actions were authorized, and whether the former President was aware of such orders before they were implemented by the federal bureaucracy. *Were these actions taken on behalf of the president and purporting to execute his authority undertaken with the president's knowledge and approach?* It appears incumbent upon Congress to inquire, about all parties involved in these actions, who instructed them to do what, when.

Fortunately, presidential records reflecting these important matters are accessible to the Committee using its right of Special Access to presidential records under the Presidential Records Act ("PRA"), 44 USC 2201 *et seq.*, without the years of delay that otherwise accompanies requests to review such records. We also reiterate that the courts recently affirmed President Biden's position that a former president's claim of executive privilege for records sought by Congress does not inherently apply, nor should it be automatically claimed or upheld, when a new president takes office. Thanks to the Biden White House, we know that an incoming administration will not reflexively claim privilege to protect the personal ambitions of predecessors in office.

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In light of the mounting evidence of significant executive actions with serious economic and national and global security implications being undertaken in President Biden's name apparently without his knowledge by unelected officials, we respectfully request that the Committee to exercise its statutory right to Special Access to investigate whether former President Biden authorized the LNG pause or enlargement of the offshore ban, or whether any documentation formalizing the White House's position was instead prepared and published or signed by staff as seems to be indicated in Mr. Tapper's recent acknowledgements. Congress and the public deserve to know whether key executive actions were signed by an autopen or otherwise published without the former President's knowledge. If your investigation determines that former President Biden did not authorize any such action, such as the LNG pause or enlargement of the offshore ban, Congress of course has a duty to act to the best of its ability to try and ensure such abuses are avoided in the future, and to make an appropriate referral to the Department of Justice.

Power The Future strongly urges the Committee to examine the executive record involving instances of credible and grave violations of executive authority and responsibilities, as in those examples cited above and any other extant investigations. While President Trump can also obtain President Biden's records for the purposes of the new administration, which use is specifically contemplated by 44 USC 2205 (2)(b), the Committee should maintain a consistent position for Congress as most recently articulated (and approved by the courts): a former president's claims of privilege are neither absolute nor anything that should deter Congress in executing its own legitimate, constitutional oversight role. This is especially important when it appears that the former president may not have been acting at all, and that actions taken in his name may reflect a usurpation of executive power by politically unaccountable individuals using an autopen nominally on behalf of the president or the White House.

If we can provide any assistance in those matters for which we possess particular knowledge, please do not hesitate to contact me.

Sincerely,



Daniel Turner
Founder and Executive Director, Power The Future

Enc: February letter to the Committee
April letter to the Committee