PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: BRIAN MCCORMACK

Monday, November 4, 2019
Washington, D.C.

The deposition in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 2:13 p.m.

1 Present: Representatives Schiff and Demings.

2 Also Present: Representatives Raskin, Jordan, and Meadows.

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2 Appearances:

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5 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

6

7 [redacted]

8 [redacted]

9 [redacted]

10 [redacted]

11 [redacted]

12 [redacted]

13 [redacted]

14 [redacted]

15 [redacted]

16 [redacted]

17 [redacted]

1 For the COMMITTEE ON OVERSIGHT AND REFORM:

2

3 [redacted]

4 [redacted]

5 [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

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11 For the COMMITTEE ON FOREIGN AFFAIRS:

12

13 [redacted]

14 [redacted]

1 THE CHAIRMAN: This is a deposition of Brian McCormack, Associate
2 Director for Natural Resources, Energy, and Science at the Office of
3 Management and Budget.
4 The deposition is conducted by the House Permanent Select
5 Committee on Intelligence, in coordination with the Committees on
6 Foreign Affairs and Oversight and Reform, pursuant to the impeachment
7 inquiry announced by the Speaker of the House on October 24, 2019, and
8 affirmed by the House Resolution 660 on October 31, 2019.
9 Mr. McCormack served until recently as Chief of Staff to Secretary
10 of Energy Rick Perry and participated in a meeting at the White House
11 on July 10, 2019, which is under investigation as part of the House's
12 impeachment inquiry.
13 On October 24, 2019, the committees sent a letter to
14 Mr. McCormack requesting that he voluntarily appear for a deposition
15 today, Monday, November 4, as part of the inquiry. Mr. McCormack
16 confirmed receipt of the committees' deposition request but never
17 followed up directly or through personal counsel as to whether he would
18 appear.
19 On October 31, an official at OMB, writing on behalf of Mr.
20 McCormack, requested that all communications regarding the inquiry be
21 directed to her.
22 Because the committees never received a substantive response from
23 Mr. McCormack or his personal counsel, the Permanent Select Committee
24 on Intelligence issued on November 1 a duly authorized subpoena on Mr.
25 McCormack commanding his appearance today.

1 Despite his legal obligations to comply, Mr. McCormack is not
2 present here today and has therefore defied a duly authorized
3 congressional subpoena.
4 At approximately 11:30 a.m. today, committee staff received via
5 email a letter from the Associate Director for Legislative Affairs at
6 OMB. The letter states that, quote, "As directed by the White House
7 counsel's October 8, 2019, letter," unquote, OMB will not participate
8 in the House's impeachment inquiry.
9 The letter further states that, based on the advice of the Office
10 of Legal Counsel that, quote, "the committee cannot lawfully bar agency
11 counsel from these depositions," unquote, Mr. McCormack will not appear
12 at his deposition today without agency counsel present.
13 As Mr. McCormack was informed, the committees may consider his
14 noncompliance with the subpoena as evidence in a future contempt
15 proceeding. His failure or refusal to appear, moreover, shall
16 constitute evidence of obstruction of the House's impeachment inquiry
17 and may be used as an adverse inference against the President.
18 The subpoena remains in full force.
19 The committees reserve all of their rights, including the right
20 to raise this matter at a future Intelligence Committee proceeding,
21 at the discretion of the chair of the committee.
22 Mr. McCormack has no basis for evading a lawful subpoena. To the
23 extent the White House believes that an issue could be raised at the
24 deposition that may implicate a valid claim of privilege, the White
25 House may seek to assert that privilege with the committee in advance

of the deposition. To date, as has been the case in every other deposition as part of this inquiry, the White House has not done so.

Mr. McCormack's failure to appear today also flies in the face of historical precedent. Even absent impeachment proceedings, congressional committees have deposed senior officials across the executive branch without agency counsel present.

I am therefore entering into the record for the impeachment inquiry the following documents.

Exhibit 1 is the committee's October 24, 2019, letter to Mr. McCormack requesting his voluntary appearance at a deposition.

Exhibit 2 is the committee's cover letter to the subpoena dated November 1, 2019.

Exhibit 3 is the subpoena to Mr. McCormack, which was served on Mr. McCormack on November 1 and also sent to OMB on November 3.

Exhibit 4 is the letter received from OMB Legislative Affairs dated November 4, 2019.

[Majority Exhibit No. 1
was marked for identification.]

[Majority Exhibit No. 2
was marked for identification.]

[Majority Exhibit No. 3
was marked for identification.]

[Majority Exhibit No. 4
was marked for identification.]

THE CHAIRMAN: Mr. McCormack's role in facilitating the White

1 House's obstruction of the impeachment inquiry does not occur in a
2 vacuum. Over the past several weeks, we have gathered extensive
3 evidence of the President's abuse of power related to pressuring
4 Ukraine to initiate investigations that would benefit the President
5 personally and politically and sacrifice the national interest in
6 attempting to do so.
7 Some of that evidence has revealed that Mr. McCormack was a
8 percipient witness to certain events under investigation and may have
9 information and knowledge pertinent to the inquiry.
10 We can only infer, therefore, that Mr. McCormack's refusal to
11 testify is intended to prevent the committees from learning additional
12 evidence of Presidential misconduct and that Mr. McCormack's testimony
13 would corroborate and confirm other witnesses' accounts of such
14 misconduct.
15 At this point, I will yield to the ranking member of Intelligence
16 or, in his absence, Mr. Jordan.
17 MR. JORDAN: Mr. Castor.
18 MR. CASTOR: I'm not sure Mr. McCormack has a private counsel,
19 and there may be an issue on that front. So I think had he been afforded
20 the opportunity to participate with agency counsel, he may very well
21 have been able to provide testimony.
22 THE CHAIRMAN: I would just say to the minority counsel, he was
23 given every opportunity to retain counsel. He was given notice of our
24 interest in interviewing him. That he would choose not to do so and
25 hide behind only the latest rationalization of the White House for a

witness nonappearance is Mr. McCormack's decision, but that will not shield him from his nonappearance being used as evidence in a contempt proceeding.

If there's nothing further, this will conclude the proceeding, and we are adjourned.

[Whereupon, at 2:18 p.m., the deposition was concluded.]