

## MEMORANDUM

**TO:** Members of the Committee on Oversight and Accountability, Committee on Judiciary, and Committee on Ways and Means

**FROM:** Chairman James Comer, Chairman Jim Jordan, and Chairman Jason Smith

**DATE:** September 27, 2023

**RE:** Impeachment Inquiry

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### **I. Introduction**

For the past several months, the House Committees on Oversight and Accountability (Oversight Committee), Ways and Means (Ways and Means Committee), and the Judiciary (Judiciary Committee) (collectively, Committees) have 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. As a result of these investigations, the Committees have 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. This information includes:

***The Biden family and their business associates received over \$24 million from foreign sources over the course of approximately five years.***

- From 2014 to 2019, Biden family members and their affiliate companies received over \$15 million from foreign companies and foreign nationals in Ukraine, Russia, Kazakhstan, Romania, and China. Biden business associates received an additional \$9 million.
- This money was transmitted to Biden family members from foreign sources through an exceedingly complex chain of transactions that made it difficult to track the flow of these funds.

***President Biden was personally involved in his family's foreign business dealings, and those business arrangements intersected with his official duties.***

- The President had knowledge of many of his family's business dealings, and indeed participated in them by having phone calls and attending private dinners—including while he was Vice President—with his family's business associates and foreign business associates who would pay his family millions of dollars for no identifiable product or service.

- These foreign business associates of the President’s family had interests in countries where then-Vice President Biden—and as President—played, and continues to play, an active role in formulating and implementing the foreign policy of the United States.

***The President has not been truthful about his family’s foreign business entanglements.***

- Weeks before the 2020 Presidential election, then-candidate Joe Biden said on national television that his family did not receive any money from China. That was a lie. Joe Biden not only knew about his family’s work with Chinese nationals, business associates have confirmed that Joe Biden met with his family’s Chinese associates—including while he was Vice President.
- President Biden’s assertions that he never discussed business with his family are false.

The Committees have also 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.

As a result of the information assembled by the Committees, on September 12, 2023, Speaker Kevin McCarthy directed the Committees to open a formal impeachment inquiry into President Joe Biden. While work on legislative reforms to address the deficiencies in current law revealed by the Committees’ investigations will continue, the Committees will now additionally focus on determining whether to recommend articles of impeachment against President Biden as detailed below.

This Memorandum further explains the purpose of the inquiry, summarizes the evidence justifying the inquiry, and outlines the scope of this impeachment investigation.

## **II. Purpose of Impeachment Inquiry**

We begin with a brief overview of the impeachment power before turning to the purpose of this specific impeachment inquiry.

The Constitution vests the House of Representatives with the “sole Power of Impeachment”<sup>1</sup> 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.”<sup>2</sup> While removal is automatic once an officer is impeached and convicted, Congress may, in its discretion, go further and disqualify the officer from ever “hold[ing] ... any Office of honor, Trust or Profit under the United States.”<sup>3</sup>

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<sup>1</sup> U.S. Const. art. I, § 2, cl. 5.

<sup>2</sup> *Id.* art. II, § 4.

<sup>3</sup> *See id.* art. I, § 3, cl. 7.

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.”<sup>4</sup> 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.<sup>5</sup> Hamilton described impeachment as a “bridle in the hands of the legislative body upon the executive servants of the government.”<sup>6</sup> As an exclusive Congressional authority, impeachment serves as a critical check on the other branches of the federal government.<sup>7</sup> It also protects our constitutional republic from officers who engage in malfeasance.<sup>8</sup> After all, once an officer is impeached and convicted, he is automatically removed from office and can be disqualified from ever holding office again.

Given that impeachment is designed, among other things, to protect the American people from corrupt public officials, it makes sense that the Constitution does not limit impeachable offenses to those an officer committed while serving in his current office. In fact, the Constitution says nothing at all about the timing of impeachable acts. An officer may be impeached for conduct in a former office as well as his current office. Indeed, the House has adopted articles of impeachment based on conduct occurring prior to an officer assuming his current position.<sup>9</sup> As a result, President Biden may be impeached for any impeachable offenses he committed as Vice President in addition to any such offenses he has committed as President.

The purpose of this inquiry—and at this stage, it is just that, an inquiry—is to determine whether sufficient grounds exist for the Committees to draft articles of impeachment against President Biden for consideration by the full House. This impeachment inquiry will enable the Committees to gather information necessary to assess whether President Biden has engaged in impeachable conduct.<sup>10</sup> The decision to begin this inquiry does not mean that the Committees

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<sup>4</sup> See, e.g., *The Federalist No. 65* (Hamilton).

<sup>5</sup> See, e.g., H. Rep. No. 100-810, at 1 (1988) (first article explaining a conspiracy where a district court judge took money from criminal defendants and, in return, imposed sentences that did not require incarceration); H.R. Res. 755, 116th Cong. (2019) (abuse of power and obstruction of Congress); H. Rep. No. 105-830, at 32-105 (1998) (describing articles based on perjury, obstruction of justice, and abuse of power); H. Doc. No. 62-1140, at 1701 (1912) (“He [the impeached officer] has prostituted his high office for personal profit. He has attempted by various transactions to commercialize his potentiality as a judge.”).

<sup>6</sup> *The Federalist No. 65* (Hamilton).

<sup>7</sup> See, e.g., *The Federalist No. 66* (Hamilton) (“[T]he powers relating to impeachments are ... an essential check in the hands of [Congress] upon the encroachments of the executive.”); see also U.S. Const. art. II, § 2, cl. 1 (“The President ... shall have Power to grant Reprieves and Pardons for Offenses against the United States, *except in Cases of Impeachment.*” (emphasis added)).

<sup>8</sup> See, e.g., 1 Joseph Story, *Commentaries on the Constitution of the United States* § 803, at 568 (4th ed. 1873) (“[Impeachment] is not so much designed to punish an offender as to secure the state against gross official misdemeanors. It touches neither his person nor his property, but simply divests him of his political capacity.”).

<sup>9</sup> In 1912, the House impeached Judge Robert Archbald, who was a federal district court judge and then a federal circuit court judge. When the House adopted thirteen articles of impeachment against him, Archbald was a federal circuit court judge, but six articles were based solely on his conduct as a district court judge, and another was based on his conduct both as a district court judge and as a circuit court judge. More recently, in 2010, the House impeached Judge G. Thomas Porteous, Jr., who was a state court judge before being appointed to the federal bench. One of the articles of impeachment that the House adopted against him was based solely on events that occurred while Porteous was still a state court judge, and a separate article was based on his conduct both while a state court judge and while a federal judge.

<sup>10</sup> See, e.g., *In re Request for Access to Grand Jury Materials Grand Jury No. 81-1, Miami*, 833 F.2d 1438, 1445 (11th Cir. 1987) (“[The House] holds investigative powers that are ancillary to its impeachment power.”).

have reached a conclusion on this question. 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.”<sup>11</sup> And an impeachment inquiry is the traditional means by which the House assembles and evaluates that information.<sup>12</sup> There is no artificial deadline for concluding this inquiry. The Committees will follow the facts and will take the necessary time to determine whether articles of impeachment should be drafted and referred to the full House for consideration.

While the full House must vote to adopt any articles of impeachment, the full House need not vote to launch this impeachment inquiry. The Constitution, which, again, gives the House the sole power of impeachment, includes no requirement that the full House vote to start an impeachment inquiry. Neither do the Rules of the House of Representatives. In fact, the House has launched several impeachment inquiries without a full House vote,<sup>13</sup> and four years ago a federal district court expressly rejected the argument that a House resolution is required to begin an impeachment inquiry.<sup>14</sup>

### **III. Basis of Impeachment Inquiry and Information Obtained to Date**

The Committees have accumulated significant evidence suggesting that President Biden knew of, participated in, and profited from his family’s international business activities. The evidence further suggests the President may have used certain members of his family—particularly his son, Hunter Biden—to accumulate millions of dollars from foreign individuals and entities for the benefit of his family and himself. In particular, the Committees have assembled 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. If any of these things did occur, that would

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<sup>11</sup> *Comm. on Judiciary of U.S. House of Representatives v. McGahn*, 968 F.3d 755, 765 (D.C. Cir. 2020) (en banc).

<sup>12</sup> See, e.g., H. Rep. No. 116-346, at 28 (2019) (“Here, consistent with historical practice, the House divided its impeachment inquiry into two phases, first collecting evidence and then bringing that evidence before the Judiciary Committee for its consideration of articles of impeachment.”), <https://www.congress.gov/116/crpt/hrpt346/CRPT-116hrpt346.pdf>; H. Rep. No. 111-427, at 7 (2010) (“[T]he impeachment inquiry was referred by the Committee on the Judiciary to a Task Force on Judicial Impeachment . . . , comprised of 12 Committee Members, to conduct the investigation.”), <https://www.congress.gov/111/crpt/hrpt427/CRPT-111hrpt427.pdf>; H.R. Rep. No. 101-8, at 292 (1989) (explaining that the relevant committee reviewed materials that had been compiled in other proceedings and “began its own investigation” “in connection with the impeachment inquiry”).

<sup>13</sup> For example, in the 1980s, the full House did not vote to authorize the impeachment inquiries involving Judge Harry Claiborne, Judge Alcee Hastings, or Judge Walter Nixon. And in 2019, the Speaker of the House announced the beginning of a formal impeachment inquiry into President Trump more than a month before the full House voted to authorize it.

<sup>14</sup> 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 DOJ v. House Comm. on the Judiciary*, 142 S. Ct. 46 (2021).

constitute a grave abuse of the high office to which the American people have entrusted President Biden.

The evidence also suggests President Biden has attempted to conceal his association with and participation in various foreign business deals his family members arranged to capitalize on his positions of public trust. And during the few instances in which the President has been given an opportunity to explain his role in his family's foreign business deals, the President has either lied or made assertions that are highly implausible in light of the record before the Committees.

The evidence about the Biden family's business practices the Committees have accumulated, and Joe Biden's participation in those activities, is significant and includes bank records, discussions with former business associates, interviews with investigators from the Hunter Biden criminal investigation, and government records from the Department of the Treasury (Treasury Department), National Archives and Records Administration (National Archives), the Federal Bureau of Investigation (FBI), and Internal Revenue Service (IRS). The Committees have also reviewed records abandoned by the President's son, including messages among Biden family members. These messages appear to confirm President Biden has fostered a system in which he uses his family members as agents that offer access to his positions of public trust, influence on American policy, and protection from investigations or prosecution. Moreover, this system appears to not only financially benefit the President's family but also himself. As recently as 2019, Hunter Biden texted a member of his own family "I Hope you all can do what I did and pay for everything for this entire family Fro [sic] 30 years . . . [U]nlike Pop I won't make you give me half your salary."<sup>15</sup>

Devon Archer, a longtime Biden business associate, during an interview with the Oversight Committee, described the Biden "brand" as well as how Hunter Biden placed Joe Biden on phone calls, including on speaker phone, approximately "20 times" with business associates.<sup>16</sup> Rob Walker, another longtime Biden associate, described Joe Biden taking meetings with certain business partners. Archer also explained how then-Vice President Biden sat at dinners with oligarchs who paid his son millions of dollars and met for coffee in Beijing with his son's Chinese business partner. Tony Bobulinski, another Biden associate, has confirmed that Joe Biden was the "big guy" referenced in an email explaining how he and others would divide equity in a joint venture with a corrupt Chinese company. This reference to the "big guy" has been corroborated by reference to Joe Biden as the "big guy" in an FBI document generated prior to the publicization of the email Bobulinski referenced. That same FBI document details a bribery scheme in which the President allegedly participated with his son.

As part of its legislative and oversight work, the Oversight Committee has sought to prevent potential future corruption by a President's or Vice President's family through consideration of legislation aimed at imposing disclosure requirements regarding the financial interests of the family members of Presidents and Vice Presidents. The Oversight Committee has explained its legislative purposes in a series of investigative letters, hearings, and memoranda that also detail through bank records the transfers of funds to the Biden family and its business associates from Ukrainian, Russian, Kazakhstani, Romanian, and Chinese sources.

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<sup>15</sup> Text message from Hunter Biden to Naomi Biden, Jan. 3, 2019 (7:39 P.M.).

<sup>16</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 29 and 51.

The information and evidence the Committees have gathered establishes a good faith basis to conclude that the President has been dishonest with the American people. There is significant evidence that the President had involvement in his family's foreign business entanglements and his Administration has taken steps to impede the criminal investigation into his family relating to those entanglements. For these reasons a formal impeachment inquiry into his role in these matters is appropriate and necessary. Below is a summary of the evidence accumulated by the Committees to date.

#### A. Summary of the Oversight Committee's Financial Investigation

The Oversight Committee has reviewed Suspicious Activity Reports (SARs) from the Treasury Department related to certain companies and business associates affiliated with the Bidens.<sup>17</sup> These SARs included detailed banking information that was flagged by financial institutions involving Biden family members and their business associates.

Based in part on information from these SARs, the Oversight Committee has issued subpoenas to six different banks for records related to companies and individuals who conducted business with certain Biden family members and their related companies. A pattern of incredible financial complexity emerged from Biden associates' bank records and other evidence that spanned from approximately 2014 to 2019. The Biden family used the corporate bank accounts of third-party associates to receive wires from foreign companies and foreign nationals. The Biden business associates would then disperse money to various Biden family members in incremental payments over time. While much of this money went to Hunter Biden's professional corporation, Owasco P.C., and his other bank accounts, other Biden family members and their companies also received significant payments.<sup>18</sup>

During the five-year period from 2014 to 2019, Biden family members and their associates received over \$24 million from foreign companies and foreign nationals, with more than \$15 million received by the Biden family and \$9 million by business associates.<sup>19</sup> The Committees have not identified legitimate services that would warrant the lucrative payments from these foreign sources.

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<sup>17</sup> Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Hon. Janet Yellen, Secretary, U.S. Dep't of Treasury (Jan. 11, 2023).

<sup>18</sup> The Oversight Committee has identified specific companies that require further investigation based on the financial documents that revealed a pattern of influence peddling and serious ethics issues. Some of these entities are discussed in detail below and include Owasco P.C; Owasco, LLC; Rosemont Seneca Partners, LLC; Rosemont Seneca Advisors, LLC; Skaneateles, LLC; Hudson West III, LLC; Hudson West V, LLC; Robinson Walker, LLC; Rosemont Seneca Bohai, LLC; Rosemont Seneca Thornton, LLC; Lion Hall Group, LLC; and JBBSR, INC.

<sup>19</sup> Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes; Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes; Memorandum (Aug. 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes.

B. Biden Influence Peddling with Ukrainian, Russian, and Kazakhstani Companies and Nationals

(i) *Influence Peddling in Ukraine and Payments from Burisma*

With regard to Ukraine, the Oversight Committee has developed a significant body of evidence consisting of financial records and testimony to suggest then-Vice President Biden's family used his position as Vice President to accumulate millions of dollars from Burisma, a company then implicated in a years-long corruption investigation conducted by Ukrainian authorities. The evidence also indicates that then-Vice President Biden took official action that had the effect of benefiting Burisma. The evidence the Oversight Committee has developed through testimony and bank records is bolstered by an FBI FD-1023 form that alleges the President directly participated in a bribery scheme.

(ii) *Financial Records and Testimony Regarding Burisma Payments*

Hunter Biden joined Burisma as counsel in early 2014 and assumed a position on the board of directors by April/May 2014.<sup>20</sup> Devon Archer testified that Hunter Biden became a member of the board of directors after a meeting in Lake Como, Italy, with Vadym Pozharsky, Burisma's corporate secretary, and Mykola "Nikolay" Zlochevsky, Burisma's president.<sup>21</sup> Pozharsky often communicated with Biden/Archer on behalf of Zlochevsky.<sup>22</sup>

For their positions on the board of Burisma, Hunter Biden and Devon Archer were each paid \$1 million per year, equating to each receiving approximately \$83,333 per month.<sup>23</sup> For 2014 and 2015, Hunter Biden and Devon Archer received approximately \$3.32 million. Based on IRS whistleblower testimony provided to the Ways and Means Committee, Hunter Biden and Devon Archer earned \$6.5 million from Burisma.<sup>24</sup> This finding is consistent with the Oversight Committee's financial investigation thus far. Money wired by Burisma to the Rosemont Seneca Bohai account was often later transferred to Hunter Biden directly and his professional corporation, Owasco, P.C., in small increments.<sup>25</sup> Hunter Biden did not have any relevant qualifications for serving on the board of a Ukrainian energy company (other than his connection to his father).

In February 2015, Viktor Shokin became the prosecutor general of Ukraine, inheriting an ongoing investigation of Burisma's President.<sup>26</sup> Devon Archer testified about how Burisma faced "government pressure from [the] Ukrainian Government investigations into Mykola, et cetera."<sup>27</sup> On December 4, 2015, the Burisma board of directors met in Dubai.<sup>28</sup> After that

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<sup>20</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 19.

<sup>21</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 17.

<sup>22</sup> See, e.g., Email from Vadym Pozharsky to Hunter Biden dated May 7, 2014 ("Dear Hunter...[G]ood luck to you in China, will convey your message to Nikolay.").

<sup>23</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 18.

<sup>24</sup> See Transcript of Special Agent, Internal Revenue Service, H. Comm. on Ways and Means, at 99.

<sup>25</sup> Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 16.

<sup>26</sup> Oleg Sukhov, *Political survivor Shokin takes over general prosecutor office*; KYIV POST (Feb. 10, 2015).

<sup>27</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 34.

<sup>28</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 31.

meeting, Hunter Biden was asked to alleviate “pressure” Burisma was facing from the Ukrainian government’s investigation into Zlochevsky, and Hunter Biden “called D.C.”<sup>29</sup> Five days later—on December 9, 2015—Vice President Biden delivered a speech to the Verkhovna Rada (the Ukrainian parliament), in which he claimed the “Office of the General Prosecutor desperately needs reform.”<sup>30</sup> Indeed, on the flight to Ukraine, Vice President Biden reportedly “called an audible” and “changed the plan” regarding the Obama-Biden Administration’s policy concerning the renewal of a \$1 billion loan guarantee for Ukraine, making it contingent upon the firing of Shokin, which could help alleviate some of the pressure that Burisma was getting from Ukraine’s government.<sup>31</sup>

In March 2016, the Rada voted to remove Shokin despite “veteran observers of Ukrainian politics [saying] that the prosecutor . . . had played an important role in balancing competing political interests, helping maintain stability during a treacherous era in the divided country’s history.”<sup>32</sup> In a 2018 public appearance before the Council on Foreign Relations, Joe Biden described these events—albeit with inaccuracy regarding certain details:

I’m desperately concerned about the backsliding on the part of Kiev in terms of corruption. They made—I mean, I’ll give you one concrete example. I was—not I, but it just happened to be that was the assignment I got. I got all the good ones. And so I got Ukraine. And I remember going over, convincing our team, our leaders to—convincing that we should be providing for loan guarantees. And I went over, I guess, the 12th, 13th time to Kiev. And I was supposed to announce that there was another billion-dollar loan guarantee. And I had gotten a commitment from Poroshenko and from Yatsenyuk that they would take action against the state prosecutor. And they didn’t.

So they said they had—they were walking out to a press conference. I said, nah, I’m not going to—or, we’re not going to give you the billion dollars. They said, you have no authority. You’re not the president. The president said—I said, call him. I said, I’m telling you, you’re not getting the billion dollars. I said, you’re not getting the billion. I’m going to be leaving here in, I think it was about six hours. I looked at them and said: I’m leaving in six hours. **If the prosecutor is not fired, you’re not getting the money. Well, son of a bitch. He got fired. And they put in place someone who was solid at the time.**<sup>33</sup>

The “solid” new prosecutor general of Ukraine who replaced Viktor Shokin was Yuriy Lutsenko, who was not a lawyer and whose “one shining qualification appeared to be his loyalty

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<sup>29</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 34, 36.

<sup>30</sup> Remarks by Vice President Joe Biden to The Ukrainian Rada, Dec. 9, 2015, The White House, *available at* <https://obamawhitehouse.archives.gov/the-press-office/2015/12/09/remarks-vice-president-joe-biden-ukrainian-rada>.

<sup>31</sup> Glenn Kessler, *Inside VP Biden’s linking of a loan to a Ukraine prosecutor’s ouster*, Wash. Post (Sep. 15, 2023).

<sup>32</sup> Andrew E. Kramer, *Ukraine Ousts Viktor Shokin, Top Prosecutor; and Political Stability Hangs in the Balance*, N.Y. Times (March 29, 2016).

<sup>33</sup> *Foreign Affairs Issue Launch with Former Vice President Joe Biden*, Council on Foreign Relations (Jan. 23, 2018) (emphasis added).



to [President Petro Poroshenko].”<sup>34</sup> Within a year of the elevation of Lutsenko, Ukrainian prosecutors closed the investigation of Zlochevsky.<sup>35</sup>

In addition to this sudden change in the Obama-Biden Administration’s strategy regarding Ukraine, Vice President Biden provided further value to his family’s business associates by protecting them from anti-corruption efforts. Devon Archer testified that “people would be intimidated to mess with [Burisma]...legally” because of the Biden “brand.”<sup>36</sup> During the transcribed interview with Devon Archer, he described the Biden “brand” and its value to a company such as Burisma:

Q: You keep saying “the brand,” but by “brand” you mean the Biden family, correct?

A: Correct.

Q: And that brand is what, in your opinion, was the majority of what the value that was delivered from Hunter Biden to Burisma?

A: I didn’t say majority, but I wouldn’t speculate on percentages. But I do think that was an element of it.

Mr. Biggs: When you say “Biden family” – sorry to cut in here. I just want to get a clarification.

You aren’t talking about Dr. Jill or anybody else. You’re talking about Joe Biden. Is that fair to say?

A: Yeah, that’s fair to say. Listen, I think it’s – I don’t think about it as, you know, Joe directly, but it’s fair. That’s fair to say. Obviously, that brought the most value to the brand.<sup>37</sup>

On April 16, 2015, Hunter Biden, Devon Archer, and Vice President Joe Biden attended a private dinner at Café Milano in Washington, D.C. with Vadym Pozharsky (a Burisma executive) and others.<sup>38</sup>

Additional information about the Ukrainian payments can be found in the Third Bank Records Memorandum released by the Oversight Committee.

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<sup>34</sup> Oleg Sukhov, *Powerful suspects escape justice on Lutsenko’s watch*, Kyiv Post (April 13, 2018).

<sup>35</sup> Oleg Sukhov, *Powerful suspects escape justice on Lutsenko’s watch*, Kyiv Post (April 13, 2018).

<sup>36</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 105.

<sup>37</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 29-30.

<sup>38</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 66.

(iii) *FBI FD-1023 Form*

A June 30, 2020 FBI FD-1023 form subpoenaed by the Oversight Committee alleges that President Biden directly participated in a bribery scheme involving Burisma. The confidential human source (CHS) who provided its contents has been developed and trusted by the FBI since the Obama-Biden Administration and was paid significant money for the information he or she provided.

The FD-1023 form provides a detailed description of two in-person meetings and telephone calls between the CHS and Burisma executives and/or then-president of Burisma, Mykola Zlochevsky over the course of several years. The first meeting described in the FD-1023 form allegedly occurred in late 2015 or 2016. During that meeting with Burisma employee Vadym Pozharsky and others, Pozharsky stated that members of the Burisma board of directors included former Polish President Aleksander Kwasniewski and Hunter Biden. Pozharsky allegedly said Hunter Biden was hired to “protect us, through his dad, from all kinds of problems[.]”<sup>39</sup> He also allegedly indicated that Hunter Biden “was not smart” and Burisma therefore wanted to get additional counsel to advise on whether Burisma should purchase a United States oil and gas business.<sup>40</sup>

In 2016, the FD-1023 form details that the CHS traveled to Vienna, Austria, and met with Zlochevsky.<sup>41</sup> During that meeting, the CHS advised against an initial public offering for Burisma in the United States due to an ongoing Ukrainian corruption investigation focused on Burisma, led by then-Prosecutor General Viktor Shokin. Zlochevsky replied something to the effect of, “Don’t worry Hunter will take care of all of those issues through his dad.”<sup>42</sup> During this conversation, Zlochevsky allegedly told the CHS he had paid \$5 million to two Bidens and that both Hunter Biden and Joe Biden had told Zlochevsky to hire Hunter Biden to the board of directors.<sup>43</sup> The CHS understood the conversation to mean Zlochevsky “already had paid the Bidens, presumably to ‘deal with Shokin.’”<sup>44</sup>

In 2016 or 2017, the CHS again spoke by phone with Zlochevsky. Zlochevsky stated he was not happy about the outcome of the 2016 U.S. presidential election because of his association with the Bidens. Zlochevsky stated “he didn’t want to pay the Bidens and he was ‘pushed to pay’ them.”<sup>45</sup> Zlochevsky stated he had “many text messages and ‘recordings’ that show he was coerced to make such payments[.]”<sup>46</sup>

In 2019, the CHS again spoke with Zlochevsky over the phone.<sup>47</sup> The CHS stated Zlochevsky could face difficulty explaining suspicious wire transfers “that may evidence any (illicit) payments to the Bidens.”<sup>48</sup> Zlochevsky stated that he did not directly transfer funds to

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<sup>39</sup> FBI Form FD-1023 (dated June 30, 2020), at 1.

<sup>40</sup> *Id.*

<sup>41</sup> FBI Form FD-1023 (dated June 30, 2020), at 1-2.

<sup>42</sup> FBI Form FD-1023 (dated June 30, 2020), at 2.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> FBI Form FD-1023 (dated June 30, 2020), at 3.

<sup>48</sup> *Id.* (Parenthetical in original).

the “Big Guy,” which the CHS understood to mean Joe Biden, but used a series of transactions that would take investigators years to trace.<sup>49</sup>

(iv) *Payment from Russia*

On December 6, 2013, a bank account for a company called Rosemont Seneca Thornton was opened and listed Devon Archer and Rosemont Seneca Partners as beneficiaries of the account.<sup>50</sup> Hunter Biden, through his stake in Rosemont Seneca Partners, was a beneficiary of funds deposited in the Rosemont Seneca Thornton bank account. On February 13, 2014, Rosemont Seneca Bohai, LLC (Rosemont Seneca Bohai) was opened in Delaware.<sup>51</sup> Devon Archer confirmed to the Committee that he and Hunter Biden were 50-50 owners of Rosemont Seneca Bohai.<sup>52</sup>

The next day, on February 14, 2014, the Russian oligarch Yelena Baturina—the wealthiest woman in Russia at the time,<sup>53</sup> and then married to the former Mayor of Moscow—wired the Rosemont Seneca Thornton bank account \$3.5 million.<sup>54</sup> On March 11, 2014, Rosemont Seneca Thornton transferred \$2,752,711 to a Rosemont Seneca Bohai account.<sup>55</sup> In early February 2014—around the time of Baturina’s transfer of \$3.5 million into the Rosemont Seneca Thornton bank account—Devon Archer, Hunter Biden, and Vice President Biden had dinner with Yelena Baturina and others at Café Milano in Washington, D.C.<sup>56</sup> There is no evidence that Hunter Biden performed any legitimate service in exchange for the money that Baturina sent to companies affiliated with him.

Following Russia’s invasion of Ukraine in 2022, the Biden Administration placed several Russian oligarchs on the public sanctions list. Notably, Yelena Baturina was not on the list.<sup>57</sup>

Additional information about the Russian payment can be found in the Third Bank Records Memorandum released by the Oversight Committee.

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<sup>49</sup> *Id.*

<sup>50</sup> Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 6.

<sup>51</sup> OpenCorporates.com, Rosemont Seneca Bohai, LLC, [https://opencorporates.com/companies/us\\_de/5481769](https://opencorporates.com/companies/us_de/5481769) (last accessed Aug. 8, 2023).

<sup>52</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 64.

<sup>53</sup> *Владелица Wildberries стала богатейшей россиянкой по версии Forbes*, Forbes.ru (Feb. 20, 2020), <https://www.forbes.ru/milliardery/393387-vladelica-wildberries-stala-bogateyshey-rossiyankoy-po-versii-forbes>.

<sup>54</sup> Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 8.

<sup>55</sup> Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 8.

<sup>56</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 46.

<sup>57</sup> John Hyatt, *The Russian Oligarch Billionaires Who Haven’t Been Sanctioned*, Forbes (April 7, 2022).

(v) \$142,300 Sportscar from Kazakhstan

On February 5, 2014, an email indicates Hunter Biden met Kazakhstani oligarch Kenes Rakishev at the Hay Adams Hotel in Washington, D.C.<sup>58</sup> Rakishev was a Kazakhstani oligarch and director of Kazakhstan's state-owned oil company KazMunayGas.<sup>59</sup> Rakishev maintained ties to Karim Massimov,<sup>60</sup> who became the prime minister on April 2, 2014.<sup>61</sup> In email correspondence with Biden business associate Devon Archer surrounding the meeting, Rakishev requested that Secretary of State John Kerry visit Kazakhstan.<sup>62</sup> Devon Archer replied, "If we have some business started as planned I will ensure its [sic] planned soonest."<sup>63</sup> The Oversight Committee continues to investigate the details of Secretary Kerry's eventual visit to Kazakhstan in November 2015.<sup>64</sup>

On April 22, 2014, Rakishev used his Singaporean entity, Novatus Holdings, to wire the Rosemont Seneca Bohai bank account \$142,300.<sup>65</sup> The next day, the exact same amount was wired out to a car dealership in New Jersey for an expensive sportscar for Hunter Biden. After receiving the payment for the sportscar, in May and June of 2014, Hunter Biden and Devon Archer represented Burisma on a trip to Kazakhstan to evaluate a deal between Burisma and KazMunayGas.<sup>66</sup>

In early 2014, Devon Archer, Hunter Biden, and Vice President Biden had dinner with Kenes Rakishev and Karim Massimov and others at Café Milano in Washington, D.C.<sup>67</sup> Massimov would also attend the April 16, 2015, dinner with Hunter Biden, Devon Archer, Vice President Biden, and others.<sup>68</sup>

Additional information about the Kazakhstani payment can be found in the Third Bank Records Memorandum released by the Oversight Committee.

C. Biden Influence Peddling in Romania

On May 21, 2014, then Vice President Biden visited Romania and delivered a speech addressed to the Romanian Prime Minister, judges, prosecutors, and leaders of the parliament.<sup>69</sup> During his speech, Vice President Biden stated the following:

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<sup>58</sup> Email from Kenes Rakishev to Hunter Biden and Devon Archer dated February 5, 2014.

<sup>59</sup> *Ракисhev Кенес Хамитович*, <https://kapital.kz/dossier/rakishev-kenes>.

<sup>60</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 63.

<sup>61</sup> Rausan Nurshayeva, *Masimov returns as Kazakh PM to face economic crisis*, Reuters (Apr. 2, 2014), <https://www.reuters.com/article/us-kazakhstan-government/masimov-returns-as-kazakh-pm-to-face-economic-crisis-idUSBREA311AI20140402>.

<sup>62</sup> Email from Kenes Rakishev to Hunter Biden and Devon Archer dated February 5, 2014.

<sup>63</sup> Email from Devon Archer to Kenes Rakishev, copying Hunter Biden dated February 5, 2014.

<sup>64</sup> *See, e.g.*, Matt Spetalnick, *Kerry courts Kazakh leader as U.S. eyes stronger Central Asia ties*, Reuters (Nov. 2, 2015).

<sup>65</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 61-62.

<sup>66</sup> Email from Devon Archer to Hunter Biden and Vadym Pozharsky dated May 7, 2014.

<sup>67</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 46.

<sup>68</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 45.

<sup>69</sup> Remarks by vice President Joe Biden to Romanian Civil Society Groups and Students (Cotroceni Palace, Bucharest, Romania), The White House – Office of the Vice President (May 21, 2014), *available at*

Corruption is a cancer, a cancer that eats away at a citizen's faith in democracy, diminishes the instinct for innovation and creativity; already-tight national budgets, crowding out important national investments. It wastes the talent of entire generations. It scares away investments and jobs. And most importantly it denies the people their dignity. It saps the collective strength and resolve of a nation. Corruption is just another form of tyranny.

*And corruption can represent a clear and present danger not only to a nation's economy, but to its very national security.*<sup>70</sup>

In 2014 and 2015, one of the most high-profile corruption prosecutions in Romania revolved around Gabriel Popoviciu.<sup>71</sup> On September 28, 2015, Vice President Biden welcomed Romanian President Klaus Iohannis to the White House.<sup>72</sup> During the meeting, Vice President Biden discussed anti-corruption issues and promoting the rule of law to strengthen Romania's national security.<sup>73</sup> Within approximately five weeks of this meeting, Bladon Enterprises Limited (Bladon Enterprises) began making deposits into the bank account of Robinson Walker, LLC.<sup>74</sup> Robinson Walker, LLC was formed by longtime Biden business associate John "Rob" Walker. Bladon Enterprises is reported to be Gabriel Popoviciu's company used to conduct business in Romania.<sup>75</sup>

From November 2015 to May 2017, Bladon Enterprises paid Robinson Walker, LLC over \$3 million.<sup>76</sup> Biden family accounts then received approximately \$1.038 million from the Robinson Walker, LLC account after the Bladon Enterprises deposits.<sup>77</sup> The recipients of the money from the Bladon Enterprises deposits included EEIG (James Gilliar), Hunter Biden, Hallie Biden, Owasco, P.C., and an unknown Biden bank account.<sup>78</sup> These payments appear to be separate from any legal fees Hunter Biden received through the law firm, Boies Schiller, as

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<https://obamawhitehouse.archives.gov/the-press-office/2014/05/21/remarks-vice-president-joe-biden-romanian-civil-society-groups-and-stude>.

<sup>70</sup> *Id.* (emphasis added).

<sup>71</sup> Laura Strickler & Rich Schapiro, *Hunter Biden's legal work in Romania raises new questions about his overseas dealings*, NBC News (Oct. 24, 2019).

<sup>72</sup> The White House, Office of the Vice President, Readout of the Vice President's Meeting with Romanian President Klaus Iohannis (Sept. 28, 2015).

<sup>73</sup> The White House, Office of the Vice President, Readout of the Vice President's Meeting with Romanian President Klaus Iohannis (Sept. 28, 2015).

<sup>74</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 12.

<sup>75</sup> *Romanian investor develops large residential complex in office area* (Oct. 6, 2016), available at <https://www.romania-insider.com/romanian-investor-develops-large-residential-complex-office-area>.

<sup>76</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 12.

<sup>77</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 12.

<sup>78</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 12.

the payments were directly from Rob Walker’s company. The Oversight Committee has not identified legitimate services that would warrant these lucrative payments to Biden family members.

Additional information about Romanian payments can be found in the Second Bank Records Memorandum released by the Oversight Committee.

D. Joe Biden and His Family Have Had Financial Dealings with Concerning Chinese Nationals, and Joe Biden Has Made False Statements About Those Entanglements

On October 22, 2020, President Biden (then a candidate) answered a question about whether there was anything inappropriate or unethical about his son’s business dealings in Ukraine or China. President Biden denied that his son or anybody else from his family had received money from China and stated:

My son has not made money in terms of this thing about, what are you talking about, China. I have not had—the only guy who made money from China is this guy [Donald Trump]. He’s the only one. Nobody else has made money from China.<sup>79</sup>

Evidence shows this was not true. In fact, the evidence demonstrates Joe Biden knew his statement was false. Evidence indicates President Biden has participated in his family’s dealings with Chinese entities. All of this raises questions about why President Biden concealed his family’s involvement with certain Chinese nationals and companies and whether any of his official acts have been influenced by these prior business interactions and/or concern that evidence regarding his family’s business dealings with China could be released.

(i) *CEFC China Energy and Related Chinese Companies*

CEFC China Energy (CEFC) was a Chinese energy conglomerate that quickly rose from obscurity to becoming one of China’s largest ostensibly private companies. CEFC was closely affiliated with China’s Belt and Road Initiative, and its chairman, Ye Jianming, told Chinese media that CEFC “aims to serve the state’s strategy.”<sup>80</sup> By 2017, Chairman Ye had “transformed [CEFC] from a little-known fuel trader to a fast-expanding oil and finance giant with assets in Europe, the Middle East, Central Asia and Africa.”<sup>81</sup> Chairman Ye and CEFC reportedly had connections to the Chinese military.<sup>82</sup> Though it was in theory a private company, CEFC “has layers of Communist Party committees, which are usually staples of state-owned enterprises.”<sup>83</sup>

The Bidens’ introduction to CEFC began while Joe Biden was Vice President, in late 2015, when Vuk Jeremic—a Serbian politician and recipient of millions of dollars from CEFC

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<sup>79</sup> Justin McCormack, *Biden at Last Presidential Debate: ‘My son Has not Made Money’ from China,* Nat’l Review (Dec. 10, 2020) (emphasis added).

<sup>80</sup> Ji Tianqin & Han Wei, *In Depth: Investigation Casts Shadow on Rosneft’s China Investor CEFC,* Caixin Global (March 1, 2018).

<sup>81</sup> Ji Tianqin & Han Wei, *In Depth: Investigation Casts Shadow on Rosneft’s China Investor CEFC,* Caixin Global (March 1, 2018).

<sup>82</sup> See, e.g., “The Belt, The Road And The Money,” Transcript, NPR (Apr. 20, 2018).

<sup>83</sup> Ji Tianqin & Han Wei, *In Depth: Investigation Casts Shadow on Rosneft’s China Investor CEFC,* Caixin Global (March 1, 2018).

related entities<sup>84</sup>—invited Hunter Biden to attend a “private dinner” with Chairman Ye.<sup>85</sup> Principals of CEFC who engaged in business with the Bidens were the subjects of corruption arrests and prosecutions. According to the U.S. Department of Justice (DOJ or Department), Chairman Ye used CEFC to bribe and corruptly influence foreign officials. One of Chairman Ye’s agents in the United States and abroad—Patrick Ho—was convicted of international bribery and money laundering offenses because of his work for CEFC in Africa.<sup>86</sup> DOJ referenced part of Chairman Ye’s role in that bribery scheme in a press release:

HO also advised his boss, Ye Jianming, the then-chairman of CEFC China, to provide \$500,000 in cash to [President of Uganda Yoweri] Museveni, ostensibly as a campaign donation, even though Museveni, had already been reelected. HO intended these payments to influence [Uganda Minister of Foreign Affairs Sam] Kutesa and Museveni to use their official power to steer business advantages to CEFC China.<sup>87</sup>

On March 1, 2017, State Energy HK Limited, a company affiliated with Chairman Ye, sent a wire to Robinson Walker, LLC for \$3 million.<sup>88</sup> John “Rob” Walker was a longtime Biden business associate who formed Robinson Walker, LLC in Delaware.<sup>89</sup> The day after receiving the \$3 million wire from China, Robinson Walker, LLC sent a wire to EEIG, a company associated with James Gilliar, in Abu Dhabi for \$1.065 million.<sup>90</sup> Over the next approximately three months, Robinson Walker, LLC sent 16 incremental payments totaling \$1,065,692 to various Biden family members and their corporate accounts: Hunter Biden, Hunter Biden’s professional corporation, Owasco, P.C., one of James Biden’s companies (JBBSR Inc.), Hallie Biden, and an unknown Biden account.<sup>91</sup> The Committee can identify no legitimate services rendered by these individuals or legitimate reason for payments being made in this manner.

After the Oversight Committee revealed the payments from China, President Biden continued making false statements. On March 18, 2023, in response to a reporter’s question

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<sup>84</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 19 and 29.

<sup>85</sup> Email from Vuk Jeremic to Eric Schwerin, Dec. 1, 2015 (11:14 A.M.).

<sup>86</sup> U.S. Dep’t of Justice, *Patrick Ho, Former Head of Organization Backed by Chinese Energy Conglomerate, Sentenced to 3 Years in Prison for International Bribery and Money Laundering Offenses*, U.S. Attorney’s Offices (Southern District of New York), Mar. 25, 2019.

<sup>87</sup> *Id.*

<sup>88</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 31.

<sup>89</sup> See Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes.

<sup>90</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 31.

<sup>91</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 31.

regarding the over \$1 million paid to the Biden family from this Chinese company, President Biden claimed, “That’s not true.”<sup>92</sup>

However, President Biden not only knew of his family’s business practices in China; evidence indicates he participated in them. On December 8, 2020, the FBI and IRS conducted a recorded interview of Rob Walker. A transcript of that interview confirmed that Joe Biden met with individuals from CEFC:

FBI Agent: Okay. Did um .., did the V.P. ever show up at any CEFC meeting or anything like that.., even once he was out of office?

Walker: Yes.

FBI Agent: Okay.

Walker: It was out-of-office. Ah, we were in ah.., D.C. at the Four Seasons...

IRS Agent: Hmph hmph.

Walker: ...and ah.., we were having lunch and he.., he stopped in...

IRS Agent: Hmph hmph.

Walker: ...then he’d ah, leave.

FBI Agent: Okay.

Walker: That was it.

FBI Agent: Just said hello to everybody and then...

Walker: Yes.

FBI Agent: ...took off?

Walker: He literally sat down. I don’t even think he drank water. I think Hunter said um.., I may be tryin’ to start a company, ah, or tried to do something with these guys and could you.., and think he was like “if I’m around” .... and he’d show up.

FBI Agent: Okay. So I mean you definitely got the feeling that, that was orchestrated by Hunter to.., to have like a.., an appearance by his Dad at that meeting just to kind of..,

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<sup>92</sup> Chris Pandolfo, Biden denies \$1M in payments to family from Hunter associate, despite bank records: ‘Not true’, Fox News (Mar. 18, 2023).



Walker: Hmph hmph.

FBI Agent: ...bolster your chances at...

Walker: Hmph hmph.

FBI Agent: ...makin' a deal work out.

Walker: Sure.

FBI Agent: Okay. Um., any other... So that was the..., ah..., Four Seasons in D.C. after he was out of office?

Walker: Yeah.

FBI Agent: Um, where... Any times when he was in office or did you hear Hunter say that he was settin' up a meeting with his dad with them while dad was still in office?

Walker: Yeah.<sup>93</sup>

The President's statement that the Oversight Committee's bank records were "not true" is false and even more egregious, given evidence that he stood to profit directly from the arrangement. Originally—in early 2017—the deal with CEFC included other associates of Hunter Biden and James Biden, namely: Rob Walker, Tony Bobulinski, and James Gilliar. Bobulinski has spoken publicly about meeting with Joe Biden in 2017 about the CEFC deal.<sup>94</sup> On May 13, 2017, Gilliar wrote in an email to Bobulinski (copying Rob Walker and Hunter Biden): "At the moment there s [sic] a provisional agreement that the equity will be distributed as follows[:] 20 H[:] 20 RW[:] 20JG[:] 20 TB[:] 10 Jim[:] 10 held by H for the big guy?"<sup>95</sup> A week after Gilliar's email, Gilliar wrote Bobulinski, "Don't mention Joe being involved, it's only when u are face to face, I know u know that but they are paranoid[.]"<sup>96</sup>

The original equity structure for the joint venture with CEFC was changed to remove Gilliar, Walker, and Bobulinski, with only Hunter Biden and James Biden remaining of the original group.<sup>97</sup> Joe Biden's participation in the venture appears to have continued. In one WhatsApp message dated July 30, 2017, Hunter Biden wrote to a CEFC business associate, "I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled."<sup>98</sup> He continued:

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<sup>93</sup> Transcript of recorded interview with Rob Walker, Dec. 8, 2020, at 81-82.

<sup>94</sup> See, e.g., Brian Flood, *Tony Bobulinski tells Tucker Carlson Joe Biden was 'chairman' of Hunter Biden's overseas business dealings*, Fox News (Oct. 4, 2022). <https://www.foxnews.com/media/tony-bobulinski-tucker-carlson-joe-biden-chairman-hunter-biden-overseas-business-dealings>.

<sup>95</sup> Email from James Gilliar to Tony Bobulinski, May 13, 2017 (6:48 A.M.), copying Rob Walker and Hunter Biden.

<sup>96</sup> Message from James Gilliar to Tony Bobulinski, May 20, 2017.

<sup>97</sup> Transcript of recorded interview with Rob Walker, Dec. 8, 2020, at 83.

<sup>98</sup> WhatsApp message, dated July 30, 2017, between Hunter Biden and Associate, provided in testimony provided by Mr. Gary Shapley to the H. Comm. on Ways & Means (May 26, 2023).

Tell the director that I would like to resolve this now before it gets out of hand. And now means tonight.... [I]f I get a call or text from anyone involved in this other than you, Zhang, or the Chairman I will make certain that between the man sitting next to me and every person he knows and my ability to forever hold a grudge that you will regret not following my direction.<sup>99</sup>

After the CEFC associate responded, Hunter Biden said again: “I am sitting here waiting for the call with my father. I sure hope whatever it is you are doing is very very very important.”<sup>100</sup> The next day, the CEFC associate sent a message stating, “CEFC is willing to cooperate with the family.”<sup>101</sup> Then, on August 3, 2017, Hunter Biden wrote “The Biden’s [sic] are the best I know at doing exactly what the Chairman wants from this partnership [sic].”<sup>102</sup>

Bank records obtained by the Oversight Committee establish that on August 4, 2017—the day after Hunter Biden’s WhatsApp message above—CEFC Infrastructure Investment (US) (CEFC Infrastructure) wired \$100,000 to Hunter Biden’s professional corporation, Owasco, P.C. The Committee was able to trace this money to a Chinese company and Chinese national, Gongwen “Kevin” Dong.<sup>103</sup>

On August 2, 2017, CEFC (through Hudson West V) and Hunter Biden (through Owasco, P.C.) established another company, Hudson West III, LLC.<sup>104</sup> Dong and Biden were each 50 percent owners of Hudson West III.<sup>105</sup> Bank records show between August 2017 and October 2018, Hudson West III sent over \$4 million to Hunter Biden-related companies and over \$75,000 to a James Biden company, Lion Hall Group, LLC.<sup>106</sup>

The next month, on September 21, 2017, Hunter Biden wrote an email to the general manager of the House of Sweden, a building in Washington, D.C., in which he requested “keys [be] made available for new office mates: Joe Biden Jill Biden Jim Biden Gongwen Dong (Chairman Ye CEFC emissary)[.]”<sup>107</sup> Hunter Biden also requested “the office sign ton [sic]

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<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> WhatsApp message, dated July 31, 2017, between Hunter Biden and Associate, provided in testimony provided by Mr. Gary Shapley to the H. Comm. on Ways & Means (May 26, 2023).

<sup>102</sup> WhatsApp message, dated August 3, 2017, between Hunter Biden and Associate, provided in testimony provided by Mr. Gary Shapley to the H. Comm. on Ways & Means (May 26, 2023).

<sup>103</sup> Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 23.

<sup>104</sup> Amended and Restated Limited Liability Company Agreement of Hudson West III, LLC between Hudson West V, LLC and Owasco, P.C. (Aug. 2, 2017). Executed by Dong Gongwen, President, and R. Hunter Biden, Co-Chairman (*See* Schedule I, showing Hudson West V, LLC as 50 percent equity holder and Owasco, P.C. as 50 percent equity holder), *available at* <https://www.grassley.senate.gov/imo/media/doc/2.%20Hudson%20West%20III%20LLC%20Agreement.pdf>.

<sup>105</sup> *Id.*

<sup>106</sup> Letter from Hon. Charles E. Grassley, Ranking Member, S. Comm. on the Judiciary, and Hon. Ron Johnson, Ranking Member, Perm. Subcomm. On Investigations to Hon. David Weiss, U.S. Att’y (D. Del.), U.S. Dep’t of Justice (Oct. 26, 2022), *available at* [https://www.grassley.senate.gov/imo/media/doc/grassley\\_johnson\\_to\\_us\\_attorney\\_weiss\\_-\\_hunter\\_biden\\_investigation.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_us_attorney_weiss_-_hunter_biden_investigation.pdf).

<sup>107</sup> E-mail from Hunter Biden to House of Sweden management (Sep. 21, 2017) (parenthetical in original).

reflect the following[:] The Biden Foundation Hudson West (CEFC US)[.]”<sup>108</sup> Hunter Biden then provided the personal phone number of Joe Biden, to whom Hunter Biden refers as his “partner” along with Dong and Jim Biden.<sup>109</sup> The management was told to call Joe Biden if they chose.<sup>110</sup> In 2018, Chairman Ye was detained by Chinese authorities, and it was initially reported by Chinese media that his “detention in China was ordered directly by the Chinese president, Xi Jinping.”<sup>111</sup>

All of the evidence reviewed above indicates that CEFC officials may have targeted certain Biden family members for their connections to Joe Biden. The Biden family profited from these lucrative financial arrangements, and this raises questions about whether this money, and/or concerns that Chinese sources may release additional evidence about these business relationships with the Biden family, have had any impact on official acts performed by President Biden or United States foreign policy.

Additional information about CEFC payments can be found in the First Bank Records Memorandum and the Second Bank Records Memorandum released by the Oversight Committee.

(ii) *BHR Partners and Jonathan Li*

As outlined below, President Biden became familiar with another of Hunter Biden’s business associates in China, Jonathan Li, while he was Vice President. Jonathan Li was affiliated with a Chinese government-linked private-equity fund, Bohai Capital.<sup>112</sup> On December 16, 2013, Bohai Harvest RST (Shanghai) Equity Investment Fund Management Co., Ltd. (BHR Partners) was formed, a venture between Rosemont Seneca Thornton, a Biden-affiliated business, and Chinese entities.<sup>113</sup>

On July 31, 2023, the Oversight Committee conducted a transcribed interview of Devon Archer, who discussed Vice President Biden’s interactions with Jonathan Li.<sup>114</sup> In December 2013, then-Vice President Biden and Hunter Biden traveled on Air Force Two to China.<sup>115</sup> Devon Archer stated Vice President Biden had coffee with Jonathan Li in Beijing:

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<sup>108</sup> *Id.* (parenthetical in original).

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> Eric Ng & Xie Yu, *China detains CEFC’s founder Ye Jianming, wiping out US \$153 million in value of stocks*, S. China Morning Post, Mar. 1, 2018, available at <https://web.archive.org/web/20180301105430/https://www.scmp.com/business/companies/article/2135238/china-detain-cefc-founder-ye-jianming-stocks> (accessed Apr. 27, 2023).

<sup>112</sup> Adam Entous, *Will Hunter Biden Jeopardize His Father’s Campaign? Joe Biden’s son is under scrutiny for his business dealings and tumultuous personal life*, *The New Yorker* (July 1, 2019); Report (September 23, 2020), S. Comm. on Homeland Security and Governmental Affairs and U.S. Senate Committee on Finance From Maj. Comm. staff to Comm. Members. Re: Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns, at 3.

<sup>113</sup> National Enterprise Credit Information Publicity System Records for Bohai Huamei (Shanghai) Equity Investment Fund Management Co., Ltd.

<sup>114</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023).

<sup>115</sup> The Vice President’s 2013 Asia Trip – Japan, China and the Republic of Korea, The White House, *available at* <https://obamawhitehouse.archives.gov/issues/foreign-policy/asia-trip-2013>.

Q: Jonathan Li –

A: Yes.

Q: – that call, was that an inbound call, an outbound call? To the extent you remember.

A: Yeah, to the extent I remember, that – I don't know, but I know there was a "hello." There was, like – you know, they ended up having coffee, I think, so he might've known him.

Q: Jonathan –

A: Jonathan Li and President Biden had coffee. So it might've been, like, after they had coffee, and he was saying hello, so there was, like, some familiarity.

Q: Where was that, that they had coffee?

A: They had coffee in Beijing.<sup>116</sup>

Devon Archer also stated that Vice President Biden wrote a college admission letter for Jonathan Li's daughter.<sup>117</sup> The Oversight Committee has also identified an email indicating Joe Biden, after his vice presidency, wrote a recommendation letter for Jonathan Li's son to attend Brown University.<sup>118</sup> Vice President Biden knew Jonathan Li, met with him, had at least one phone call with him, and wrote college recommendation letters for his children.

Additional information about BHR Partners and Jonathan Li will be released in a future Oversight Committee Bank Records Memorandum.

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<sup>116</sup> *Id.* at 124.

<sup>117</sup> *Id.* at 125-126.

<sup>118</sup> Email from Jonathan Li to Eric Schwerin copying Hunter Biden, James Bulger, and Devon Archer dated Feb. 20, 2017.

E. Obstruction of Investigation of President Biden’s Son, Including Biden Family Business Dealings, by His Own Administration

(i) *Testimony of IRS Whistleblowers*

Two whistleblowers from the IRS came forward to the Ways and Means Committee to provide protected disclosures about a sensitive, high-profile matter. That high-profile matter is an investigation into whether Hunter Biden committed tax-related crimes and other federal offenses. The investigation, which looked into Hunter Biden’s financial dealings, implicated transactions that involved foreign entities like Burisma, among others, and Hunter Biden. In addition to providing information relevant to the Oversight Committee’s investigation, the IRS whistleblowers raised grave concerns that certain people within DOJ, and potentially within the IRS, have sought to hinder, obstruct, and sabotage the investigation by David Weiss, U.S. Attorney for the District of Delaware, of the President’s son, Hunter Biden, an investigation that could implicate Joe Biden in his son’s foreign business dealings. The whistleblowers also alleged that DOJ and IRS officials have retaliated against the whistleblowers for raising these concerns to Congress. The actions by DOJ and the IRS raise concerns about whether the Biden Administration has obstructed justice and Joe Biden’s knowledge of, influence over, and/or involvement with such obstruction.

Supervisory Special Agent Gary Shapley provided this information in a transcribed interview (Shapley Interview) to the Ways and Means Committee on May 26, 2023.<sup>119</sup> On June 1, 2023, an additional IRS whistleblower—the primary IRS criminal investigator on the Hunter Biden investigation, Mr. Joseph Ziegler—provided additional disclosures to the Ways and Means Committee in a separate transcribed interview (Ziegler Interview).<sup>120</sup> The whistleblowers made allegations of a wide range of problems with DOJ’s handling of this case. Just one of those issues includes allegations that whenever investigators sought to take an investigative step that might relate to, involve, or implicate Joe Biden, they were curtailed or prevented from taking that step. The whistleblowers provided numerous examples of the roadblocks they faced throughout the investigation. For instance, Mr. Shapley testified that in a May 3, 2021, memo he wrote: “Through interviews and review of evidence obtained, it appears there may be campaign finance criminal violations. AUSA Wolf stated on the last prosecution team meeting that she did not want any of the agents to look into the allegation.”<sup>121</sup>

Further, IRS investigators wanted to interview Hunter Biden’s adult children about payments that Hunter Biden purportedly made to them or for their benefit (e.g., clothes, tuition, etc.), which he had deducted from his taxes.<sup>122</sup> However, on October 21, 2021, AUSA Wolf told investigators that they would be in “hot water” if they interviewed Hunter Biden’s adult children.<sup>123</sup> One of the whistleblowers, Special Agent Joseph Ziegler, described this restriction as “completely abnormal” because it is “part of [the] normal process” to interview people who are receiving money from the case subject.<sup>124</sup> Despite investigators discovering evidence that

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<sup>119</sup> See Transcribed interview of Gary Shapley, Internal Revenue Service (May 26, 2023).

<sup>120</sup> See Transcribed interview of Joseph Ziegler, Internal Revenue Service (June 1, 2023).

<sup>121</sup> *Id.* at 22.

<sup>122</sup> Ziegler Interview at 32, 129; See Reese Gorman, *Hunter Biden investigation: Agents warned against interviewing his adult children*, WASH. EXAM. (July 19, 2023).

<sup>123</sup> *Id.* at 32.

<sup>124</sup> *Id.* at 32.

Hunter Biden may have deducted from his taxes payments to family members for personal expenses, IRS investigators were also prohibited from interviewing other Biden family members, including Valerie Biden Owens (President Biden’s sister), James Biden (President Biden’s brother), Sara Biden (President Biden’s sister-in-law), Hallie Biden (Beau Biden’s widow), and Kathleen Buhle (Hunter Biden’s ex-wife).<sup>125</sup>

These whistleblowers provided extensive testimony, and Mr. Shapley provided several documents, that corroborate his account of events. This testimony necessitated further congressional investigation into the handling of the tax investigation of Hunter Biden by both the IRS and DOJ. The Committee on Ways and Means has conducted interviews of two additional IRS employees regarding the whistleblower allegations, and the three Committees have partnered to send numerous investigative letters requesting documents from, and interviews of, numerous Biden Administration officials.

Subsequent to the release of the two transcripts from the IRS whistleblowers, the Oversight Committee held a hearing on July 19, 2023.<sup>126</sup> In addition to raising serious concerns about the Biden Administration’s handling of the investigation of President Biden’s son, the whistleblowers’ testimony corroborated the Oversight Committee’s findings, including the Biden family and their associates’ use of over twenty companies; their receipt of millions of dollars from countries including Ukraine, Romania, and China; and Joe Biden’s participation in a meeting with CEFC.<sup>127</sup>

(ii) *The Biden Justice Department allowed the statute of limitations to expire on certain alleged criminal conduct that could implicate President Biden.*

The Judiciary Committee has also gathered evidence that the Biden Administration has improperly influenced the course of the IRS and DOJ investigation into Hunter Biden by allowing the statute of limitations to lapse on certain charges.

According to IRS whistleblower Supervisory Special Agent Gary Shapley, the Department allowed the statute of limitations to lapse on the 2014 and 2015 tax crimes committed by Hunter Biden. Shapley testified that, up until October 7, 2022, he believed that prosecutors “were deciding whether to charge 2014 and 2015 tax violations” based on statements made by Attorney General Merrick Garland and Weiss.<sup>128</sup> During this time period, prosecutors and Hunter Biden’s counsel entered into agreements to toll the statute of limitations for crimes pertaining to the 2014 and 2015 tax years.<sup>129</sup>

On October 7, 2022, Weiss, in a meeting with senior managers, indicated that he was ultimately “not the deciding official on whether charges are filed.”<sup>130</sup> Shapley later learned that the U.S. Attorney for the District of Columbia, Matthew Graves, an appointee of President

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<sup>125</sup> *Id.* at 53, 144.

<sup>126</sup> *Hearing with IRS Whistleblowers About the Biden Criminal Investigation*, H. Comm. on Oversight and Accountability (July 19, 2023).

<sup>127</sup> *Hearing Wrap Up: IRS Whistleblowers Expose How Bidens Were Treated Differently*, H. Comm. on Oversight and Accountability (July 19, 2023).

<sup>128</sup> Shapley Interview at 25.

<sup>129</sup> *Id.* at 54.

<sup>130</sup> *Id.* at 28.

Biden, “would not allow [Weiss] to charge in his district.”<sup>131</sup> As a result, Weiss went to Main Justice to request special counsel authority in the District of Columbia, which Main Justice denied.<sup>132</sup> Weiss was instead told to “follow DOJ’s process.”<sup>133</sup>

In November 2022, despite defense counsel’s willingness to again toll the statute of limitations again, the Department allowed the statute of limitations to lapse on the 2014 and 2015 charges.<sup>134</sup> As a result, no charges were ever brought.<sup>135</sup> The expiration of the tax charges for 2014 and 2015 is significant because during those years, Hunter Biden took on a lucrative role serving on the board of Burisma.<sup>136</sup> Also during that period, his father, then-Vice President Joe Biden, sought to have the Ukrainian prosecutor investigating Burisma fired.<sup>137</sup> That prosecutor, Viktor Shokin, “was fired after then-Vice President Joe Biden threatened to pull \$1 billion in US aid.”<sup>138</sup> Ultimately, the “exclusion of the 2014 and 2015 years sanitized the most substantive criminal conduct and concealed material facts” relating to Hunter Biden’s foreign income, “a scheme to evade income taxes through a partnership with a convicted felon[,]” and “potential FARA issues”—all of which implicates his father, Joe Biden.<sup>139</sup> Simply put, the Biden Administration’s DOJ appears to have intentionally slow-walked the investigation that potentially implicated President Biden by allowing the statute of limitations to expire.<sup>140</sup>

(iii) *The Biden Justice Department afforded Hunter Biden special treatment and a lenient plea deal for which the Department could offer no comparable precedent.*

When the Department was compelled to take some prosecutorial action against Hunter Biden, it tried to push through an apparently unprecedented plea deal, which imploded in open court. In May 2023, around the time that the IRS whistleblowers initially testified to Congress about irregularities in the Department’s investigation and shortly after a meeting between Hunter Biden’s former lawyer Chris Clark, Weiss, and Associate Deputy Attorney General Bradley Weinsheimer,<sup>141</sup> the Department began formally negotiating with Hunter Biden’s lawyers about potential plea and pretrial diversion agreements.<sup>142</sup> The negotiations culminated in a plea agreement publicly announced on June 20, 2023.<sup>143</sup>

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<sup>131</sup> *Id.*

<sup>132</sup> *Id.* at 25.

<sup>133</sup> Shapley Interview at 25.

<sup>134</sup> *Id.* at 100.

<sup>135</sup> *Id.*

<sup>136</sup> Steven Nelson, *Ukrainian prosecutor whose ouster Biden pushed was ‘threat,’ says Devon Archer*, N.Y. POST (Aug. 4, 2023).

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> Shapley Interview at 25.

<sup>140</sup> *Id.* at 26.

<sup>141</sup> See Betsy Woodruff Swan, *In talks with prosecutors, Hunter Biden’s lawyers vowed to put the president on the stand*, POLITICO (Aug. 19, 2023) (reporting that Clark, Weiss, and Weinsheimer met on April 26, 2023 to discuss the charges, but noting that it is “not clear what happened in the meeting, which came at a sensitive moment for the probe”).

<sup>142</sup> Defendant’s Response to the U.S. Motion to Vacate the Court’s Briefing Order, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. Aug. 13, 2023). See also Jessica Lynch, *Hunter Biden began negotiating plea deal with DOJ right after IRS whistleblower first came forward, court docs show*, DAILY CALLER (Aug. 14, 2023).

<sup>143</sup> Swan, *supra* note 141.

However, according to public reporting, Clark began pressuring the Department to settle Hunter Biden’s case as early as spring of 2022.<sup>144</sup> Specifically, Clark threatened investigators that they faced career “suicide” if they pursued the investigation,<sup>145</sup> asked for meetings “with people at the highest levels of the [ ] Department,”<sup>146</sup> and threatened to call President Biden to testify as a fact witness for the defense.<sup>147</sup> Clark even went so far as to tell prosecutors that they would be creating a “Constitutional crisis” by pitting the President against the Department he runs.<sup>148</sup>

The deal reached by Weiss’s team and Hunter Biden’s lawyers would have had Hunter Biden plead guilty to two misdemeanor tax charges, plus a diversion agreement to dismiss a separate felony gun charge if Hunter Biden complied for two years with the conditions set forth in the agreement.<sup>149</sup> The one-of-its-kind agreement shifted a broad immunity provision from the plea agreement to the pretrial diversion agreement, benefiting Hunter Biden with the aim of preventing the District Court from being able to scrutinize and reject that immunity provision.<sup>150</sup> It also gave the District Court the sole power to determine whether Hunter Biden breached the pretrial diversion agreement—a prerequisite for the Department to file the diverted charges against him in the future and a provision benefitting Hunter Biden.<sup>151</sup>

On July 26, 2023, Hunter Biden appeared before Judge Maryellen Noreika of the U.S. District Court for the District of Delaware for a hearing on the plea deal.<sup>152</sup> The plea deal fell apart when prosecutors and defense attorneys could not provide answers to routine questions about the agreement posed by Judge Noreika.<sup>153</sup> Judge Noreika described the Department’s deal as “not standard” and “different from what I normally see.”<sup>154</sup> Judge Noreika raised concerns about two provisions of the deal: (1) a provision of the pretrial diversion agreement for the gun charge that would prohibit the Department from bringing charges within the scope of the agreement unless and until Judge Noreika first determined that the diversion agreement had been breached,<sup>155</sup> and (2) a grant of immunity within the pretrial diversion agreement that would immunize Hunter Biden for not only the gun-related conduct, but also his unrelated tax crimes.<sup>156</sup>

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<sup>144</sup> *Id.*

<sup>145</sup> See Shapley Interview at 27 (stating that Clark told prosecutors that they would be committing “career suicide” if they filed criminal charges against Hunter Biden); Ziegler Interview at 122.

<sup>146</sup> Swan, *supra* note 141.

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> Josh Gerstein et al., *Hunter Biden reaches plea deal with feds to resolve tax issues, gun charge*, POLITICO (June 20, 2023).

<sup>150</sup> See Letter from Chairmen Jim Jordan, Jason Smith, and James Comer, to Merrick B. Garland, Att’y Gen., U.S. Dep’t of Just. (July 31, 2023). See also Transcript of Record at 46-47, 107, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023).

<sup>151</sup> Transcript of Record at 95, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July, 26, 2023).

<sup>152</sup> See Michael S. Schmidt et al., *Inside the Collapse of Hunter Biden’s Plea Deal*, N.Y. TIMES (Aug. 19, 2023) ; Swan, *supra* note 141.

<sup>153</sup> Schmidt, *supra* note 152; Swan, *supra* note 141.

<sup>154</sup> Transcript of Record at 10, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July, 26, 2023).

<sup>155</sup> *Id.* at 92-93.

<sup>156</sup> *Id.* at 46-47.



When Judge Noreika asked if there was precedent for either of these provisions, prosecutors were unable to provide any.<sup>157</sup>

At the conclusion of the hearing, Judge Noreika expressed discomfort with the structure of the plea and pretrial diversion agreements and the constitutionality of the provision that would prevent prosecutors from filing future charges against Hunter Biden without judicial approval.<sup>158</sup> Ultimately, Judge Noreika concluded that she could not accept the plea agreement and postponed the proceedings.<sup>159</sup> Negotiations to modify the plea agreement were abandoned before the announcement of Weiss's special counsel appointment.<sup>160</sup>

(iv) *The Biden Justice Department made inconsistent and false statements to Congress about the independence of its investigations into Hunter Biden.*

The Department has made inconsistent statements to the Judiciary Committee about the independence of its investigation into Hunter Biden, raising serious concerns that political appointees of Joe Biden have obstructed the investigation.

On March 1, 2023, Attorney General Garland told the Senate Judiciary Committee that U.S. Attorney David Weiss “has full authority . . . to bring cases in other jurisdictions if he feels it’s necessary.”<sup>161</sup> Then, on June 7, 2023, Weiss wrote to the Judiciary Committee, stating: “I have been granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges . . . .”<sup>162</sup> On June 30, however, Weiss claimed in a second letter to the Judiciary Committee that “my charging authority is geographically limited to my home district.” He expanded:

If venue for a case lies elsewhere, common Departmental practice is to contact the United States Attorney’s Office for the district in question and determine whether it wants to partner on the case. If not, I may request Special Attorney status from the Attorney General pursuant to 28 U.S.C. § 515. Here, I have been assured that, if necessary after the above process, I would be granted § 515 Authority in the District of Columbia, the Central District of California, or any other district where charges could be brought in this matter.<sup>163</sup>

In transcribed interviews of two senior leaders of the FBI Baltimore Field Office, however, the Judiciary Committee learned that Weiss had to follow a “cumbersome” and

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<sup>157</sup> *Id.* at 46, 103.

<sup>158</sup> *Id.* 95-98.

<sup>159</sup> *Id.*; see also, Transcript of Record at 54-55, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023).

<sup>160</sup> U.S. Motion to Voluntarily Dismiss Criminal Tax Information Without Prejudice so that Tax Charges Can Be Brought in a District Where Venue Lies, *U.S. v. Robert Hunter Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. Aug. 11, 2023).

<sup>161</sup> *Oversight of the Department of Justice: Hearing Before the S. Comm. on the Judiciary*, 118th Cong. (2023) (statement of Merrick Garland, Att’y Gen., U.S. Dep’t of Justice).

<sup>162</sup> Letter from David C. Weiss, U.S. Att’y, Dist. of Del., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (June 7, 2023).

<sup>163</sup> Letter from David C. Weiss, U.S. Att’y, Dist. of Del., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (June 30, 2023).

“bureaucratic” process to bring charges against Hunter Biden outside of Delaware.<sup>164</sup> The testimony from these two FBI witnesses buttresses the existing evidence that Weiss did not have full and sole authority over the Justice Department’s Hunter Biden investigation. In addition, Shapley testified that two U.S. Attorneys denied partnering with Weiss to bring charges against Hunter Biden. According to Shapley, in March 2022, the Justice Department’s Tax Division presented the case against Hunter Biden to the U.S. Attorney’s Office in the District of Columbia.<sup>165</sup> Although the office’s First Assistant was “optimistic” about the case and willing to “assign an AUSA to assist[,]” U.S. Attorney Matthew Graves, appointed by President Biden, “personally reviewed the report and did not support it.”<sup>166</sup> Shapley testified that he learned about Graves’s decision to not partner with Weiss in the October 7, 2022 meeting during which Weiss indicated that Graves “would not allow him to charge in his district.”<sup>167</sup> At that same meeting, Weiss also stated that “he has no authority to charge in California” and if he wanted to bring charges in California, “he would have to request special counsel authority in order to charge it.”<sup>168</sup> In January 2023, Shapley learned that U.S. Attorney Martin Estrada, also appointed by President Biden, refused to partner with Weiss and “had declined to bring charges in the Central District of California.”<sup>169</sup>

- (v) *President Biden has made repeated statements about Hunter Biden’s innocence and his own purported lack of involvement in his son’s business dealings, prejudicing the Department’s investigation.*

President Biden, by himself and through his staff, has prejudiced the Department’s investigation by making repeated public statements about Hunter Biden’s innocence. These statements could represent attempts to use the authority of his office to influence the Department’s actions and decision-making in the criminal investigation of his son, an investigation which could implicate the President himself.

Since becoming president, President Biden has continued to use his office to promote his and Hunter Biden’s innocence. On October 11, 2022, a reporter asked President Biden about potential charges against Hunter.<sup>170</sup> While acknowledging that Hunter Biden lied on his application to purchase a gun, President Biden stated, “I’m confident that he is—what he says and does are consistent with what happens.”<sup>171</sup> President Biden then reiterated that he has “great confidence in [his] son.”<sup>172</sup> In May 2023, President Biden again defended his son, stating, “[M]y

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<sup>164</sup> Transcribed Interview of Thomas Sobocinski at 44, 68, 103 (Sept. 7, 2023).

<sup>165</sup> Shapley Interview at 24.

<sup>166</sup> *Id.*

<sup>167</sup> *Id.* at 28.

<sup>168</sup> *Id.* at 102.

<sup>169</sup> *Id.* at 31. In testimony to the Judiciary Committee on September 20, 2023, Attorney General Garland stated that Weiss had full authority over the investigation because Garland “promised” Weiss that he would have full authority. In particular, Garland testified that Weiss “had the authority because I promised that he would have the authority.” This statement—that Weiss had full authority because he *would* have full authority if he sought it—appears to be self-contradictory and inconsistent with Garland’s prior statement in March 2023 that Weiss *had* full authority at the time of the statement.

<sup>170</sup> Kevin Liptak & Evan Perez, *Biden addresses possible criminal charges against Hunter Biden and says he’s ‘proud’ of son’s fight against drug addiction*, CNN (Oct. 12, 2022).

<sup>171</sup> *Id.*

<sup>172</sup> *Id.*

son has done nothing wrong.”<sup>173</sup> He added, “I trust him. I have faith in him.”<sup>174</sup>

In August 2023, a reporter brought up testimony that President Biden was “on speakerphone” with Hunter Biden’s former business associates “talking business,” potentially implicating President Biden in these crimes.<sup>175</sup> President Biden shot back, “I never talked business with anybody. I knew you’d have a lousy question.”<sup>176</sup> When the reporter asked President Biden to explain why the question was lousy, he responded, “Because it’s not true.”<sup>177</sup>

Senior employees of the Executive Office of the President have also publicly commented on Hunter Biden’s innocence and President Biden’s purported lack of involvement in his son’s foreign business dealings. For example, former White House Chief of Staff Ron Klain stated, “Of course the president is confident that his son didn’t break the law” and that President Biden “is confident that his family did the right thing.”<sup>178</sup> Klain added, “[t]hese are actions by Hunter and his brother. They’re private matters. They don’t involve the president. And they certainly are something that no one at the White House is involved in.”<sup>179</sup> On April 5, 2022, then-White House Press Secretary Jen Psaki agreed with a reporter’s question that the President has “never spoke[n] to his son about his overseas business dealings.”<sup>180</sup> On July 24, 2023, in an exchange with a reporter, White House Press Secretary Karine Jean-Pierre stated that President Biden “was never in business with his son.”<sup>181</sup> Two days later, Jean-Pierre again reiterated at a press briefing, that “nothing has changed,” again denying that President Biden had any involvement with his son’s foreign business dealings.<sup>182</sup> Yet these statements seem flatly inconsistent with evidence that the Committee has gathered thus far.

#### **IV. Scope of Impeachment Inquiry**

The Committees’ inquiry into possible impeachable offenses committed by President Biden requires pursuing investigative leads generated by the Committees in the course of their oversight work to date. In addition to the thousands of documents the Committees have already reviewed and many interviews that the Committees have already conducted, the Committees will obtain additional evidence. Because the impeachment inquiry will go where that evidence leads, the investigation could head in directions that the Committees do not currently foresee. However, given the evidence gathered to date, the impeachment inquiry will initially focus on the following questions.

***First, 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***

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<sup>173</sup> Katherine Doyle, *Biden defends son Hunter ahead of possible federal tax, gun charges*, NBC News (May 5, 2023).

<sup>174</sup> *Id.*

<sup>175</sup> Alexander Hall, *Biden scorched for response to question about talking to Hunter’s business associates: ‘Pathological liar’*, FOX NEWS (Aug. 10, 2023)

<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> *Press Briefing by Press Secretary Jen Psaki, April 5, 2022*, THE WHITE HOUSE (April 5, 2022).

<sup>181</sup> *Press Briefing by Press Secretary Karine Jean-Pierre*, THE WHITE HOUSE (July 24, 2023).

<sup>182</sup> *Press Briefing by Press Secretary Karine Jean-Pierre and National Security Council Coordinator for Strategic Communications John Kirby*, THE WHITE HOUSE (July 26, 2023).

***his family or him from foreign interests?*** The Committees have uncovered that payments: (1) went to members of Joe Biden’s family, and (2) occurred or began during Joe Biden’s Vice Presidency; and (3) originated from certain countries in which then-Vice President Biden played an official role on behalf of the Obama-Biden Administration. Moreover, this money reached the Biden family through a layered and obfuscated payment structure, which usually involved intermediaries and incremental distributions of funds.<sup>183</sup> In certain countries, during or shortly after then-Vice President Biden delivered speeches and messages on behalf of the Obama-Biden Administration about fighting corruption (e.g., Romania, Ukraine), his son engaged in business deals with individuals (e.g., Gabriel Popoviciu, Mykola Zlochevsky) who were under investigation for corruption by those countries.<sup>184</sup> The Committees will investigate whether the foreign money paid to the Biden family had any impact on Joe Biden’s conduct as President or Vice President, including the bribery allegations set forth in the FBI FD-1023 form. The Committees will also investigate whether any of this foreign money reached Joe Biden directly or was used to directly benefit him, such as by paying his bills.

***Second, 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?*** During his Vice Presidency, Joe Biden spoke, met, and socialized with his son’s foreign business associates. On at least two occasions—2014 and 2015—Joe Biden attended small, private dinners in Washington, D.C. with foreign individuals who had paid or would pay his son millions of dollars.<sup>185</sup> In 2014, one of the individuals who attended the dinner was Yelena Baturina—a Russian oligarch and the wealthiest woman in Russia—who around the timeframe of the dinner wired \$3.5 million to Rosemont Seneca Thornton.<sup>186</sup> In 2015, one of the individuals who attended the dinner with the Vice President—Vadym Pozharsky—was an executive of Burisma, the Ukrainian company that paid Hunter Biden \$1 million per year and whose president—Mykola Zlochevsky—was under investigation for corruption. In the spring of 2015, Hunter Biden and his business associates attended a breakfast at the Naval Observatory, where the discussion focused on who would be the next Secretary General of the United Nations; one of the participants was a lobbyist for a Kazakhstani individual who was seeking the position.<sup>187</sup> The Committees will investigate whether these foreign interests were given access to Joe Biden as a result of payments made to his family or him.

***Third, 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?*** As reviewed above, Joe Biden called into business meetings

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<sup>183</sup> See, Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes; see also, Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes.

<sup>184</sup> *Id.*

<sup>185</sup> See, Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes.

<sup>186</sup> Memorandum (August 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes.

<sup>187</sup> Transcribed interview of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 78-79.

held by his son and spoke to the attendees on speakerphone. He also attended dinners with Hunter Biden and his son's foreign business associates. The evidence suggests that Joe Biden knew or must have known that these interactions would give his son's foreign business associates the appearance that they would have access to him and his office if they were to make substantial payments to his son. And if this is true, then Joe Biden was using his office to enrich his family, even if he ended up not providing his son's foreign business associates with such access. The Committees will therefore investigate whether Joe Biden engaged in a scheme with his son to secure foreign money by giving foreign business interests the impression that they would be provided with access to Biden and his office if they made payments to his son.

***Fourth, did Joe Biden abuse his power as President to impede, obstruct, or otherwise hinder investigations (including Congressional investigations)<sup>188</sup> or the prosecution of Hunter Biden?*** To answer this question, the Committees will need to obtain information regarding the federal criminal investigation of Hunter Biden, such as the failure by the Department of Justice to bring felony tax charges against Hunter Biden for tax years 2014 and 2015, despite IRS investigators' disclosures to Congress that the U.S. Attorney's Office in Delaware had ample evidence to support those charges. The Committees will also need to procure information regarding possible retaliation against those investigators. The inquiry will also review the understanding that was eventually struck by Hunter Biden's legal team and federal prosecutors (including the plea agreement and pretrial diversion agreement)<sup>189</sup> after the IRS whistleblowers' disclosures to Congress and before that understanding being questioned by a federal judge.<sup>190</sup> And it will review whether any political appointees of Joe Biden obstructed the criminal investigation of Hunter Biden and whether Joe Biden or anyone at the White House had any involvement in that obstruction directly or indirectly, such as through the issuance of public statements.

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Necessarily, the impeachment inquiry will span the time of Joe Biden's Vice Presidency to the present, including his time out of office. The impeachment inquiry will focus on whether the President has engaged in corruption, bribery, and influence peddling during his time as Vice President and President. The impeachment inquiry will simultaneously investigate whether actions have been taken by the Biden Administration to obstruct or hinder accountability for the same potential corruption, bribery, and influence peddling. Due to the existing evidence of self-dealing and personal and familial enrichment by Joe Biden through the abuse of his official roles, the impeachment inquiry will require access to records of not only President Biden but the

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<sup>188</sup> For example, the Oversight Committee has requested information regarding the classified materials discovered in the President's home—where his son has resided during the time period relevant to this investigation—and personal office, but the White House has provided no information to the Committee regarding the contents of or its full approach towards those documents. The refusal to cooperate is despite growing evidence accumulated by the Oversight Committee that the White House has not been forthcoming regarding the classified materials discovered in 2022 and that such actions represent potentially a serious violation of federal law for which a former president has faced federal indictment. *See* Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability to Stuart Delery, White House Counsel (Jan. 10, 2023); *see also* Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability to Ron Klain, White House Chief of Staff (Jan. 15, 2023).

<sup>189</sup> Betsy Woodruff Swan, *Read the proposed Hunter Biden plea agreement*, POLITICO (July 26, 2023), <https://www.politico.com/news/2023/07/26/proposed-hunter-biden-plea-agreement-00108426>.

<sup>190</sup> Betsy Woodruff Swan, *Read the proposed Hunter Biden plea agreement*, POLITICO (July 26, 2023), <https://www.politico.com/news/2023/07/26/proposed-hunter-biden-plea-agreement-00108426>.

people and entities in his proximity throughout the relevant time period, including those of his family members and Obama-Biden and Biden-Harris Administration officials.

Because of the nature of the Biden family's business practices, the Committees anticipate the impeachment inquiry will require access to a variety of sources of information. In addition to bank records and other financial documents the Committees will obtain through subpoena, if necessary, the Committees anticipate the impeachment inquiry will require the production of documents by the United States Departments of State, Justice, Treasury, and Homeland Security, the National Archives, and other government agencies, as well as certain documents from state governments and international sources. The Committee will also conduct depositions or transcribed interviews of people with firsthand knowledge of the Biden family's business practices and finances, in addition to former and current Administration officials. When possible, the Committees will request that this information be provided voluntarily, but the Committees anticipate—based on statements made to the Committees during their regular oversight work—that certain individuals will require subpoenas to appear or cooperate with the Committees' impeachment inquiry in a timely manner. The Committees will use all of the tools at their disposal to conduct a thorough and needed investigation and fulfill the constitutional responsibility of determining whether articles of impeachment against President Biden should be drafted and referred to the full House.