

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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January 11, 2024

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 205325

Dear Director Wray:

Pursuant to the House's impeachment inquiry into President Biden,¹ as well as the Committee's Constitutional oversight authority over the Department of Justice, we write to request that you produce an FBI FD-1023 form ("FD-1023") dated March 1, 2017, concerning a confidential human source (CHS) report about payments made to the Biden family from foreign entities. The requested FD-1023 is referenced in a second FD-1023 from June 2020² detailing bribery allegations that involve President Biden and his son, Hunter. The Committee requires this document to evaluate whether sufficient grounds exist to consider drafting articles of impeachment.

The Committee first learned about the 2017 FD-1023 during a transcribed interview of Scott Brady, former U.S. Attorney for the Western District of Pennsylvania.³ Mr. Brady explained to the Judiciary Committee that he was selected to accept and vet Ukraine-related information for indicia of credibility using publicly available resources and pre-existing FBI records.⁴ During this assignment, Mr. Brady's office found information that had not been "developed" from a previous CHS report, which led to Mr. Brady requesting another interview with the CHS.⁵ Specifically, Mr. Brady testified:

Q. In the last hour, you were talking about how the original 1023 came to you. So I'm talking about the [FD-]1023

¹ See H.R. Res. 918, 118th Cong. (2023); Memorandum from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, & H. Comm. on Ways & Means. Re: Impeachment Inquiry (Sept. 27, 2023)

² See FBI Form FD-1023, at 2 (dated June 30, 2020) ("Note: See previous CHS report dated 3/1/2017...").

³ See generally, Transcribed Interview of Scott Brady, former U.S. Att'y, W. Dist. of Penn. (Oct. 23, 2023).

⁴ *Id.* at 11-12.

⁵ *Id.* at 90.

from 2017.

A. Yes.

Q. And you said that you asked the FBI to search its files for the word “Burisma.”

A. Yes. I believe that’s how that was identified.

Q. Okay. What led you to ask the FBI to search its files for “Burisma”?

* * *

A. I don’t remember if this was identified because we asked specifically for “Burisma,” but “Burisma” appeared in a lot of the material we received from Mr. Giuliani. So, to try to narrow the scope of . . . the universe of information, we thought that would be one of the work streams that we would try to at least wrap our arms around.

* * *

Q. And so the 1023, the original 1023, was not information provided from the public, correct?

A. That’s correct . . .⁶

Prior to Mr. Brady’s engagement on the 2017 FD-1023, the FBI knew that it had a CHS that had information related to Hunter Biden’s work on Burisma’s Board of Directors, but it was not until U.S. Attorney Brady and his team found this link that the FBI reached out to the CHS for additional information. Mr. Brady testified:

Q. According to public statements by Attorney General Barr, your office in vetting the information provided by the CHS for the [June 2020] FD-1023, you went back and developed more information that apparently had been overlooked by the FBI. Is that an accurate statement?

A. I can’t say “overlooked.” I don’t know that I agree with that characterization because I don’t know what—again, because this was referenced in a previous CHS report, I don’t know what the focus of that investigation was. So it might have

⁶ Transcribed Interview of Scott Brady, former U.S. Att’y, W. Dist. of Penn. (Oct. 23, 2023). At 112-13.

been ancillary information that wasn't directly related to what they were looking at in 2017. But it had not been developed. It's fair to say that it had not been looked into or developed any further.

Q. And so it was by your directive that the information that's included in the [June 2020] FD-1023 was developed; is that correct?

A. That's correct. Once we were made aware of it . . . the AUSAs who were running point on this project requested to see that underlying 1023, the previous one, identified that line relating to Mr. Biden and his role at Burisma. They brought that to my attention, and we then engaged the FBI and said we need to understand what this is or what this is not; can you please go out and re-interview the CHS and develop this. That then led to this June of 2020 1023.

Q. And when did you make the request for the re-interview of the CHS?

A. I think we identified that in early June [2020], so perhaps the first week of June. And then there was some back and forth between us and the FBI. And then they interviewed him and memorialized this on 6/30.

Q. When you say "back and forth," are you referring to some sort of reluctance on the part of the FBI, or there was just conversations that needed to be engaged in?

A. There were conversations. There was reluctance. Again, this was a CHS that was known to the FBI, was credible, had been used—had provided information that was used in other investigations. And so, there's always a sensitivity in engaging CHSs. You know, the FBI wants to make sure it's for a purpose that they agree with. So we had discussions. I think there was initial reluctance, and then through, you know, a series of conversations they agreed to go out and re-interview.⁷

The subsequent re-interview of the CHS—whom the FBI considered "highly credible" and had previously used in multiple investigative matters⁸—resulted in the creation of now

⁷ *Id.* at 90-91.

⁸ *Id.* at 19-20. Brady further confirmed that the information contained the 1023 at issue did not come from Rudy Giuliani or any known sources of Russian disinformation. *See id.* at 96 ("[T]hat was already communicated to

publicly available FD-1023, dated June 30, 2020, containing information implicating then-Vice President Biden in a multimillion-dollar bribery scheme. As memorialized in this FD-1023, during a meeting in late 2015 or early 2016, an executive from Burisma told the CHS that Burisma had hired Hunter Biden to “protect us, through his dad, from all kinds of problems.”⁹ At a subsequent meeting, then-President of Burisma Mykola Zlochevsky told the CHS that he had paid \$5 million to two Bidens, and that both Hunter Biden and then-Vice President Biden told Zlochevsky to hire Hunter Biden to Burisma’s board of directors.¹⁰ When the CHS brought up the issue of the Ukrainian Prosecutor General’s investigation of Burisma, Zlochevsky said that the investigation “will go away anyway,” and that it was “too late to change his decision” regarding how to deal with the investigation, which the CHS understood “to mean that Zlochevsky had already . . . paid the Bidens, presumably to deal with [the Prosecutor General].”¹¹ Zlochevsky later informed the CHS that “he didn’t want to pay the Bidens and he was pushed to pay them.”¹² Zlochevsky explained that he “did not send any funds directly to the ‘Big Guy’ (which CHS understood was a reference to Joe Biden)” and instead used a complex web of payments.¹³

Based on the information in the 2020 FD-1023 and Mr. Brady’s testimony on the CHS’s credibility, it is crucial for the Committee to obtain the original 2017 FD-1023. Because the 2020 FD-1023 includes such serious allegations of bribery and the involvement of President Biden in Hunter Biden’s foreign business dealings and because material in the 2017 FD-1023 led to the development of the 2020 FD-1023, the Committee needs access the 2017 FD-1023. In sum, the 2017 FD-1023 is necessary to inform potential legislation and to inform the Committee’s impeachment investigation into President Biden.

Accordingly, please provide this document as soon as possible but not later than 5:00 p.m. on January 19, 2024. In addition to the impeachment authority vested in the House by the Constitution,¹⁴ the Committee on the Judiciary has legislative and oversight jurisdiction over the Department pursuant to Rule X of the Rules of the House of Representatives.¹⁵ If you have any questions about this request, please contact Committee staff at (202) 225-6906.

[Weiss’s] office, that the 1023 was from a credible CHS that had a history with the FBI, and that it was not derived from any of the information from Mr. Giuliani.”); *id.* at 103 (“[Attorney] General Barr’s statements are all accurate, including his statement that the information contained in the 1023 was not derived from any Giuliani-related information and are not from . . . known sources of Russian disinformation.”).

⁹ FBI Form FD-1023 re Confidential Human Source’s Meetings with Burisma Executives, at 1 (June 30, 2020).

¹⁰ *Id.* at 2.

¹¹ *Id.* (internal quotation marks omitted).

¹² *Id.* (internal quotation marks omitted).

¹³ *Id.*

¹⁴ U.S. CONST. art. I, § 2, cl. 5.

¹⁵ Rules of the U.S. House of Representatives, R. X (2023).

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Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive, flowing style. Below the signature, the name and title are printed in a standard black font.

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member