

**Congress of the United States**  
Washington, DC 20515

March 25, 2024

Mr. Edward Siskel  
White House Counsel  
1600 Pennsylvania Avenue, NW  
Washington, DC, 20500

Dear Mr. Siskel:

The House Committees on Oversight and Accountability, Judiciary, and Ways and Means (collectively, the “Committees”) are investigating whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House.<sup>1</sup> On January 31, 2024, as part of this impeachment inquiry, the Committees wrote to the White House requesting that it permit the National Archives and Records Administration to release, among other documents, drafts of then-Vice President Biden’s December 9, 2015 speech to the Ukrainian Rada.<sup>2</sup> The Special Counsel to the President responded on February 21, 2024, offering to provide Committee staff “a substantive briefing regarding the development of the speech, as well as additional, non-public context.”<sup>3</sup> The Committees accepted the White House’s offer as an accommodation, and the briefing occurred on March 1, 2024. Unfortunately, the briefing was inadequate, and White House lawyers peddled demonstrable falsehoods rather than providing substantive and verifiable information. As such, the Committees are now compelled to request documents concerning the matters discussed during the March 1 briefing.

On December 9, 2015, in an address before the Ukrainian Rada, then-Vice President Biden criticized the Prosecutor General’s Office for failing to fight corruption.<sup>4</sup> He said: “The Office of the General Prosecutor desperately needs reform.”<sup>5</sup> Later, Vice President Biden bragged about forcing the Ukrainian government to fire Prosecutor General Viktor Shokin by threatening to withhold a \$1 billion loan guarantee unless Shokin was fired.<sup>6</sup> Evidence suggests that Vice President Biden had Shokin fired to alleviate the pressure on Burisma—the Ukrainian energy company for which Vice President Biden’s son, Hunter Biden, worked—caused by

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<sup>1</sup> See H. Res. 918, 118th Cong. (2023); Memorandum from Chairmen James Comer, Jim Jordan, and Jason Smith to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, and H. Comm. on Ways & Means (Sept. 27, 2023).

<sup>2</sup> Letter from Chairmen James Comer, Jim Jordan, and Jason Smith to Edward Siskel, White House Counsel, Off. of White House Counsel (Jan. 31, 2024).

<sup>3</sup> Letter from Richard Sauber, Special Counsel to the President, White House, to Chairmen James Comer, Jim Jordan, and Jason Smith (Feb. 21, 2024).

<sup>4</sup> Remarks by Vice President Joe Biden to The Ukrainian Rada, White House (Dec. 9, 2015).

<sup>5</sup> *Id.*

<sup>6</sup> *Foreign Affairs Issue Launch with Former Vice President Joe Biden*, COUNCIL ON FOREIGN REL. (Jan. 23, 2018).

Shokin’s investigation of Burisma and its owner, Mykola Zlochevsky.<sup>7</sup>

The assertions in the White House’s February 21 letter and statements made during the March 1 briefing suggest that the White House either does not understand the relevant facts about the December 9 speech or is deliberately misrepresenting them. First, the White House claims that “Vice President Biden did not alter United States policy to benefit his son.”<sup>8</sup> However, the White House has produced no contemporaneous, documentary evidence that suggests firing Ukrainian Prosecutor General Viktor Shokin was official U.S. policy. In fact, the available evidence shows that an interagency committee of policy experts recommended the exact opposite course of action.<sup>9</sup> In an email dated October 1, 2015, two months before Vice President Biden’s address, the interagency committee “recommend[ed] moving forward with a third loan guarantee for Ukraine” because “(1) Ukraine has made sufficient progress on its reform agenda to justify a third guarantee and (2) Ukraine has an economic need for the guarantee and it is in our strategic interest to provide one.”<sup>10</sup> Additionally, in a November 5, 2015 call with Ukrainian President Petro Poroshenko, Vice President Biden expressed that the loan guarantee was “contingent on continued Ukrainian progress to investigate and prosecute corruption”—not, specifically, on firing Shokin.<sup>11</sup> Despite the White House’s claims that Shokin was standing in the way of corruption,<sup>12</sup> the reference to “continued” progress implies that Ukraine was already making progress to investigate and prosecute corruption during Shokin’s term as Prosecutor General.<sup>13</sup>

The White House next claimed that “independent reporting”—two far-left media outlets—found that Shokin was not actively investigating the Ukrainian energy company Burisma, where Hunter Biden served on the Board of Directors.<sup>14</sup> Contemporaneous documentary evidence showing that Shokin was indeed actively investigating Burisma rebuts this assertion. On March 12, 2015, one of Shokin’s deputy prosecutors sent a letter stating that “the pretrial investigations in the criminal proceedings [against Zlochevsky] are ongoing.”<sup>15</sup> On October 30, 2015, the Democrat lobbying firm Blue Star Strategies sent a memorandum to Burisma noting that while the investigation of Zlochevsky had previously been suspended, at the moment “the criminal case against Mr. Zlochevsky by the Prosecutor General’s Office is

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<sup>7</sup> See, e.g., Memorandum from Chairmen James Comer, Jim Jordan, and Jason Smith to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, and H. Comm. on Ways & Means, at 7–8 (Sept. 27, 2023).

<sup>8</sup> Letter from Richard Sauber, Special Counsel to the President, White House, to Chairmen James Comer, Jim Jordan, and Jason Smith (Feb. 21, 2024).

<sup>9</sup> E-mail from Christina Segal-Knowles, Special Assistant for Int’l Econ., Exec. Off. of the Pres., to Members of the Interagency Policy Comm. (Oct. 1, 2015, 8:05 AM).

<sup>10</sup> *Id.*

<sup>11</sup> Readout of Vice President Biden’s Call Ukrainian President Petro Poroshenko, U.S. Embassy in Ukraine (Nov. 5, 2015).

<sup>12</sup> E.g., Letter from Richard Sauber, Special Counsel to the President, White House, to Chairmen James Comer, Jim Jordan, and Jason Smith (Feb. 21, 2024).

<sup>13</sup> Readout of Vice President Biden’s Call Ukrainian President Petro Poroshenko, U.S. Embassy in Ukraine (Nov. 5, 2015).

<sup>14</sup> Letter from Richard Sauber, Special Counsel to the President, White House, to Chairmen James Comer, Jim Jordan, and Jason Smith (Feb. 21, 2024).

<sup>15</sup> Letter from Oleksii Bahanets, Deputy Prosecutor Gen., Ukraine, to Serhiy Anatoliyovych, People’s Deputy, Ukraine (Mar. 12, 2015).

ongoing[.]”<sup>16</sup> On November 2, 2015, Burisma’s advisor to the board, Vadym Pozharsky, wrote that the “ultimate purpose” of hiring Blue Star was to “close down [] any cases/pursuits against Nikolay [Zlochevsky] in Ukraine.”<sup>17</sup> These contemporaneous documents strongly suggest that there was an active and ongoing investigation of Zlochevsky in Ukraine at the time.<sup>18</sup>

Additionally, the White House misrepresented the testimony of Hunter Biden’s business associate Devon Archer, claiming that he “testified that he understood that Shokin being in place as Prosecutor General was in fact advantageous for Burisma because Shokin was ‘under control,’ effectively shielding Burisma and its owner from prosecution.”<sup>19</sup> In fact, Mr. Archer described this as a “narrative spun to” him, and that he has “no way to verify that” and “cannot speculate” on “[w]hether it’s true or not[.]”<sup>20</sup> The White House also conveniently ignored the portion of Mr. Archer’s testimony where he explained that in December 2015, Burisma was experiencing “pressure from Ukrainian Government investigations into Mykola [Zlochevsky], et cetera,” and that Zlochevsky and Pozharsky asked Hunter Biden to “help them with some of that pressure.”<sup>21</sup> In other words, Burisma needed Hunter Biden’s help to deal with Shokin’s active and ongoing investigation.

The White House also falsely claimed that Shokin sabotaged efforts by the United Kingdom to seize Zlochevsky’s assets.<sup>22</sup> However, Zlochevsky’s assets were frozen in March 2014 and a United Kingdom court ordered that the assets be unfrozen on January 21, 2015.<sup>23</sup> Both events occurred before Shokin became prosecutor general in February 2015.<sup>24</sup> Additionally, the claim that the Prosecutor General’s Office undermined the United Kingdom’s case has been disputed by witnesses the Committees have interviewed.<sup>25</sup>

During the March 1 briefing to Committee staff, the White House asserted that U.S. policy was being forged in line with the Vice President’s December 9 speech. To make such blanket statements to the Committees, the White House must have relevant documentation in its

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<sup>16</sup> Memorandum from Blue Star Strategies, LLC, to Burisma Holdings Ltd. (Oct. 30, 2015) (Ziegler Exhibit 305B).

<sup>17</sup> Email from Vadym Pozharsky to Devon Archer (Nov. 2, 2015, 4:35 PM) (Ziegler Exhibit 306).

<sup>18</sup> See Steven Richards, *Probe of Burisma was active when Joe Biden forced prosecutor’s firing, Hunter’s documents show*, JUST THE NEWS (Oct. 13, 2023).

<sup>19</sup> Letter from Richard Sauber, Special Counsel to the President, White House, to Chairmen James Comer, Jim Jordan, and Jason Smith (Feb. 21, 2024).

<sup>20</sup> Transcribed Interview of Devon Archer by H. Comm. on Oversight & Accountability, at 38 (July 31, 2023).

<sup>21</sup> *Id.* at 34.

<sup>22</sup> Readout of White House Briefing (Mar. 1, 2024) (on file with the Committees).

<sup>23</sup> Letter from John D. Bureta to Marie L. Yovanovitch, Ambassador, U.S. Embassy in Ukraine (Sept. 15, 2016).

See also Interview of George Kent, Deputy Assistant Sec’y, Bureau of Eur. & Eurasian Aff., by H. Permanent Select Comm. on Intel. et al. (Oct. 15, 2019) (“[I]n late December 2014, somebody in the prosecutor general’s office of Ukraine -- this is, to be clear, pre Lutsenko, *pre Shokin*, a different corrupt, ineffective prosecutor -- who inexplicably had shut the criminal case that had been the basis for a British court to freeze \$23 million in assets held by Mykola Zlochevsky.” (emphasis added)).

<sup>24</sup> Pavel Polityuk & Alessandra Prentice, *Ukraine parliament agrees to dismissal of top prosecutor*, REUTERS (Feb. 10, 2015).

<sup>25</sup> See, e.g., Transcribed Interview of Karen Tramontano, CEO, Blue Star Strategies, by H. Comm. on the Judiciary & H. Comm. on Oversight and Accountability, at 106–07 (Feb. 12, 2024) (testifying that the claim that Prosecutor General’s Office undermined the U.K. case against Zlochevsky is “not consistent with the court decision.”).

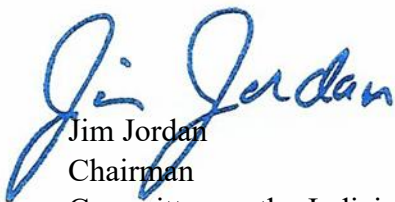
possession. As such, to advance the Committees' ongoing oversight, please provide the following documents and information:

1. All documents and information sufficient to support the White House's assertion that as Vice President Biden's speech was being developed, relevant U.S. policy was also being forged in line with conditioning the \$1 billion loan guarantee on Prosecutor General Viktor Shokin's removal;
2. All documents and information sufficient to support the White House's assertion that subject matter experts recommended Vice President Biden refuse to sign the third loan guarantee if Prosecutor General Viktor Shokin was still in office, and instead condition the third loan guarantee on Prosecutor General Viktor Shokin's removal; and
3. All documents and information provided to Vice President Biden in the lead up to his December 2015 trip to Ukraine that supported the assertion that the U.S. viewed Prosecutor General Viktor Shokin as undermining Ukrainian anticorruption reform efforts.

Additionally, during the March 1 briefing, the White House did not provide any information on how earlier drafts of Vice President Biden's speech addressed the Prosecutor General's Office or if they even addressed it at all.<sup>26</sup> The evolution of Vice President Biden's speech on this matter is important because it could suggest that intervention by Hunter Biden or Burisma caused changes to be made to the speech. As such, the Committees reiterate our request that the White House permit the National Archives and Records Administration to produce all drafts from November 1, 2015 to December 9, 2015 of then-Vice President Biden's speech delivered to the Ukrainian Rada on December 9, 2015.<sup>27</sup> Please provide the requested material as soon as possible, but no later than 5:00 p.m. on April 8, 2024.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan  
Chairman  
Committee on the Judiciary



James Comer  
Chairman  
Committee on Oversight and Accountability

cc: The Honorable Jerrold L. Nadler, Ranking Member  
Committee on the Judiciary

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<sup>26</sup> Readout of White House Briefing (Mar. 1, 2024) (on file with the Committees).

<sup>27</sup> See Letter from Chairmen James Comer, Jim Jordan, and Jason Smith to Edward Siskel, White House Counsel, Off. of White House Counsel (Jan. 31, 2024).

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The Honorable Jamie Raskin, Ranking Member  
Committee on Oversight and Accountability