



**REPORT OF THE IMPEACHMENT INQUIRY OF JOSEPH R. BIDEN JR.,
PRESIDENT OF THE UNITED STATES OF AMERICA**

Report of the

Committee on Oversight and Accountability
Committee on the Judiciary
Committee on Ways and Means

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EXECUTIVE SUMMARY

The Constitution of the United States entrusts the House of Representatives with “the sole Power of Impeachment.”¹ When confronted with evidence that the President of the United States may have engaged in “Treason, Bribery, or other high Crimes and Misdemeanors,”² it is the House’s responsibility to conduct an impeachment inquiry and, when appropriate, prepare articles of impeachment. In accordance with this obligation, and pursuant to direction from the House, the Committee on Oversight and Accountability, the Committee on the Judiciary, and the Committee on Ways and Means have been conducting an inquiry to assess whether sufficient evidence exists that President Joseph R. Biden Jr. engaged in impeachable conduct.³ As described in this report, the Committees have accumulated evidence demonstrating that President Biden has engaged in impeachable conduct. The Committees have prepared this report to inform the House on the evidence gathered to date.

First and foremost, overwhelming evidence demonstrates that President Biden participated in a conspiracy to monetize his office of public trust to enrich his family. Among other aspects of this conspiracy, the Biden family and their business associates received tens of millions of dollars from foreign interests by leading those interests to believe that such payments would provide them access to and influence with President Biden. As Vice President, President Biden actively participated in this conspiracy by, among other things, attending dinners with his family’s foreign business partners and speaking to them by phone, often when being placed on speakerphone by Hunter Biden. For example, in 2014, Vice President Biden attended a dinner for Hunter Biden with Russian oligarch Yelena Baturina.⁴ Following the dinner, Baturina wired \$3.5 million to Rosemont Seneca Thornton, a firm associated with Hunter Biden.⁵ Then, months later, as Hunter Biden and his business associates continued to solicit more money from Baturina, Vice President Biden participated in a phone call with Baturina and Hunter Biden where Vice President Biden told Baturina, “you be good to my boy.”⁶ Moreover, President Biden knowingly participated in this conspiracy. Based on the totality of the evidence, it is inconceivable that President Biden did not understand that he was taking part in an effort to enrich his family by abusing his office of public trust.

The evidence also establishes that the Biden family went to great lengths to conceal this conspiracy. Foreign money was transmitted to the Biden family through complicated financial transactions. The Biden family laundered funds through intermediate entities and broke up large transactions into numerous smaller transactions. Substantial efforts were also made to hide President Biden’s involvement in his family’s business activities.

Evidence obtained during the Committees’ impeachment inquiry also shows Hunter Biden and his business associates leveraged Vice President Biden’s official position to garner

¹ U.S. CONST. Art. 1, § 2, cl. 5.

² U.S. CONST. Art. 2, § 4.

³ H. Res. 918, 118th Cong. (2023); H. Res. 917, 118th Cong. (2023).

⁴ Transcribed Interview of Devon Archer, H. Comm. on Oversight & Accountability, at 58 (July 31, 2023) [hereinafter “Archer Interview”].

⁵ Transcribed Interview of Jason Galanis, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary, at 83–84 (Feb. 23, 2024) [hereinafter “Galanis Interview”].

⁶ *Id.* at 11.

favorable outcomes in foreign business dealings and legal proceedings. Several witnesses testified that Hunter Biden invoked his father in business dealings with Romanian, Chinese, Kazakhstani, and Ukrainian companies, resulting in millions of dollars flowing to the Biden family. For example, around 2014, Hunter Biden explored starting a joint venture with Chinese businessman Henry Zhao and his company, Harvest Fund Management (Harvest), “a \$300 billion Chinese financial services company closely connected to the Chinese Communist Party,”⁷ and when it appeared the deal may not materialize, he called his father for assistance.⁸ Similarly, while Hunter Biden served on the board of directors of the Ukrainian energy company Burisma from 2014 to 2019, he utilized his father’s position to relieve pressure the company was under from a government investigation. In doing so, Vice President Biden changed U.S. policy in order to withhold a \$1 billion U.S. loan guarantee until Ukraine took government action to stop the investigation into the company affiliated with Hunter Biden. After leaving office, Joe Biden and his family continued their financial relationships with corrupt Chinese businessmen who would send the Bidens millions of dollars.

President Biden’s participation in this conspiracy to enrich his family constitutes impeachable conduct. By monetizing the Vice Presidency for his family’s benefit, he abused his office of public trust, placing the welfare of his family ahead of the welfare of the United States. He also put foreign interests ahead of the interests of the American people. Indeed, precedent set by House Democrats in 2019 in their impeachment of President Donald J. Trump establishes that “abuse of office,” defined as the exercise of “official power to obtain an improper personal benefit, while ignoring or injuring the national interest,” is an impeachable offense.⁹

Separately, the Committees have gathered evidence that President Biden used his official position to conceal his mishandling of classified information as a private citizen. During his tenure as Vice President, Joe Biden removed highly sensitive classified documents from the White House, despite having no authority to do so. Documents with classified markings were later found at the Penn Biden Center, at his personal residence in a garage, and at the University of Delaware.¹⁰ The report of Special Counsel Robert Hur detailed how President Biden willfully retained classified material, shared it with a ghostwriter who was unauthorized to receive classified information, and utilized the classified information to draft a memoir for which he received an \$8 million advance.¹¹ The Special Counsel’s report, as well as the Committees’ inquiry, disclosed how President Biden caused White House employees to conceal his conduct and mislead the American people about his actions.¹²

Finally, the Committees have obtained significant evidence that corroborates many of the allegations made by the IRS whistleblowers with respect to the Justice Department’s deviations

⁷ *Id.* at 9-10.

⁸ *Id.* at 10; *see also id.* at 88 (“[W]hat I overheard was looking for help to get it over the finish line, and the it was the Harvest investment into Burnham.”).

⁹ H.R. REP. NO. 116-346, at 44 (2019).

¹⁰ ROBERT K. HUR, U.S. DEP’T OF JUST., OFF. OF SPECIAL COUNS., REPORT ON THE INVESTIGATION INTO UNAUTHORIZED REMOVAL, RETENTION, AND DISCLOSURE OF CLASSIFIED DOCUMENTS DISCOVERED AT LOCATIONS INCLUDING THE PENN BIDEN CENTER AND THE DELAWARE PRIVATE RESIDENCE OF PRESIDENT JOSEPH R. BIDEN, JR., at 19 (Feb. 2024) [hereinafter “Hur Report”].

¹¹ *Id.* at 102.

¹² *See generally id.*

from standard procedures to benefit Hunter Biden. The Justice Department allowed the statute of limitations to run on two serious charges facing Hunter Biden. The Justice Department prevented line attorneys from conducting key interviews and pursuing important lines of inquiry. The Justice Department tipped off Hunter Biden’s attorneys about nonpublic investigative actions and implemented unnecessary hurdles and approvals for prosecutors to charge Hunter Biden. The special treatment for Hunter Biden, which only ceased at the onset of congressional attention on the Department’s investigation, may be a basis for impeachment, as the distortion of an official investigation was a basis in the prospective impeachment of President Nixon in 1974.¹³ Additionally, the House need not show that the President directly ordered his subordinates to obstruct an investigation; in certain circumstances the President may be impeached for the actions of subordinate officials.¹⁴

During the course of the impeachment inquiry, President Biden and his Administration have failed to fully cooperate with the House’s inquiry. The Biden-Harris Justice Department has instructed certain key fact witnesses to not answer questions and directed others to disregard subpoenas from the Committees. The Biden-Harris White House has obfuscated facts and denied the Committees access to witnesses. President Biden met with Hunter Biden before Hunter’s defiance of his subpoenas for testimony, and the White House acknowledged that President Biden was aware in advance of Hunter’s actions. Here, too, precedent from the Democrats’ 2019 impeachment is instructive. “As a matter of constitutional law,” Democrats explained then, “the House may properly conclude that a President’s obstruction of Congress is relevant to assessing the evidentiary record in an impeachment inquiry” and “[w]here the President illegally seeks to obstruct such an inquiry, the House is free to infer that evidence blocked from its view is harmful to the President’s position.”¹⁵ Applying the precedent here, the House is free to conclude that the witnesses and information currently withheld from the Committees are adverse to the President.

* * *

The totality of the corrupt conduct uncovered by the Committees is egregious. President Joe Biden conspired to commit influence peddling and graft. In doing so, he abused his office and, by repeatedly lying about his abuse of office, has defrauded the United States to enrich his family. Not one of these transactions would have occurred, but for Joe Biden’s official position in the United States government. This pattern of conduct ensured his family—who provided no legitimate services—lived a lavish lifestyle. The evidence uncovered in the Committees’ impeachment inquiry reflects a family selling the “Biden brand” around the world with President Biden—the “big guy”—swooping in to seal the deal on speaker phones or in private dinners. It shows a concerted effort to conceal President Biden’s involvement in the family’s influence peddling scheme. One witness explained that when it comes to mentioning Vice President Joe Biden’s involvement, “Say it, forget it. Write it, regret it.”¹⁶

¹³ Philip C. Bobbitt, *Impeachment: A Handbook*, 128 YALE L.J. FORUM 515, 581 (2018).

¹⁴ *See id.* at 581–82 (“The Framers repeatedly stated that the president could be impeached for the acts of his subordinates, whether or not he directed them in their misdeeds.”).

¹⁵ H.R. REP. NO. 116-346, at 67-68 (2019).

¹⁶ Galanis Interview at 120.

President Biden acquiesced to and participated in his family's influence peddling schemes. Indeed, those schemes would not have generated millions of dollars if President Biden did not do exactly what his family members needed him to do: show up. He did so intentionally, repeatedly, and with the knowledge that his actions sent the message his family members intended: that they had access to Joe Biden and, in exchange for payment, anyone—even a foreign adversary—could obtain access.

Given considerable Member interest in the status of the inquiry and to correct false and misleading assertions, this report presents the state of evidence as gathered to date in the House's impeachment inquiry. The inquiry continues as the Committees develop evidence and obtain access to information. The Committees continue to seek relevant documents and testimony. Subpoenas to various entities remain outstanding. Whistleblowers continue to provide incriminating evidence of the Administration's special treatment for the President's son.

The Constitution's remedy for a President's flagrant abuse of office is clear: impeachment by the House of Representatives and removal by the Senate. Despite the cheapening of the impeachment power by Democrats in recent years, the House's decision to pursue articles of impeachment must not be made lightly. As such, this report endeavors to present the evidence gathered to date so that all Members of the House may assess the extent of President Biden's corruption.

IMPEACHMENT INQUIRY FINDINGS

- From 2014 to the present, as part of a conspiracy to monetize Joe Biden’s office of public trust to enrich the Biden family, Biden family members and their associates received over \$27 million from foreign individuals or entities. In order to obscure the source of these funds, the Biden family and their associates set up shell companies to conceal these payments from scrutiny. The Biden family used proceeds from these business activities to provide hundreds of thousands of dollars to Joe Biden—including thousands of dollars that are directly traceable to China. While Jim Biden claimed he gave this money to Joe Biden to repay personal loans, Jim Biden did not provide any evidence to support this claim. The Biden family’s receipt of millions of dollars required Joe Biden’s knowing participation in this conspiracy, including while he served as Vice President.
- Joe Biden used his status as Vice President to garner favorable outcomes for his son’s and his business partners’ foreign business dealings. Witnesses acknowledged that Hunter Biden involved Vice President Biden in many of his business dealings with Russian, Romanian, Chinese, Kazakhstani, and Ukrainian individuals and companies. Then-Vice President Biden met or spoke with nearly every one of the Biden family’s foreign business associates, including those from Ukraine, China, Russia, and Kazakhstan. As a result, the Biden family has received millions of dollars from these foreign entities.
- The Biden family leveraged Joe Biden’s positions of public trust to obtain over \$8 million in loans from Democratic benefactors. Millions of dollars in loans have not been repaid and the paperwork supporting many of the loans does not exist and has not been produced to the Committees. This raises serious questions about whether these funds were provided as gifts disguised as loans.
- Under the Biden Administration, the Justice Department and Federal Bureau of Investigation (FBI) afforded special treatment to President Biden’s son, Hunter Biden. Several witnesses acknowledged the delicate approach used during the Hunter Biden case, describing the investigation as “sensitive” or “significant.” Evidence shows that Department officials slow-walked the investigation, informed defense counsel of future investigative actions, prevented line investigators from taking otherwise ordinary investigative steps, and allowed the statute of limitations to expire on the most serious felony charges. These unusual—and oftentimes in the view of witnesses, unprecedented—tactics conflicted with standard operating procedures and ultimately had the effect of benefiting Hunter Biden.
- The Biden Justice Department misled Congress about the independence of law enforcement entities in the criminal investigation of Hunter Biden. Biden Administration political appointees exercised significant oversight and control over the investigation of the President’s son. Witnesses described how U.S. Attorney for the District of Delaware and now-Special Counsel David Weiss, who oversaw the investigation and prosecution of Hunter Biden, had to seek (1) agreement from other U.S. Attorneys to bring cases in a district geographically distinct from his own and (2) approval from the Biden Justice Department’s Tax Division to bring specific charges or take investigative actions against

Hunter Biden. Despite the clear conflict of interest, Weiss was only afforded special counsel status after the investigation came under congressional scrutiny.

- The White House has obstructed the Committees' impeachment inquiry by withholding key documents and witnesses. The White House has impeded the Committees' investigation of President Biden's unlawful retention of classified documents, by refusing to make relevant witnesses available for interviews and by erroneously asserting executive privilege over audio recordings from Special Counsel Hur's interviews with President Biden. In addition, the White House is preventing the National Archives from turning over documents that are material to the Committees' inquiry.

TABLE OF CONTENTS

Executive Summary 2

Impeachment Inquiry Findings 6

Procedural Background..... 10

The Constitutional Standard for Impeachment11

 I. Abuse of power.11

 II. Obstruction of justice or obstruction of Congress. 13

President Biden Abused his Office By Engaging in a Conspiracy to Peddle Influence..... 15

 I. The financial analysis of the Biden family’s business activities reflects a pattern of leveraging Joe Biden’s office and hiding Joe Biden’s involvement, but Joe Biden played a critical role in nearly every foreign transaction investigated by the Committees. 18

 A. Evidence shows that President Biden was essential to the Biden family influence-peddling operation as the “brand.” 18

 B. Biden family members and business associates repeatedly used code and secrecy to hide Joe Biden’s participation in the Biden family influence-peddling operation. 23

 C. The Biden conspiracy to peddle influence generated millions of dollars for the Biden family and their business associates from foreign sources. 26

 D. The Biden family and their business associates utilized a system of money transfers and complexity to mask foreign funding sources. 32

 E. The Biden family used a network of close associates to entangle their financial interests with Joe Biden’s. 36

 F. The Biden family did not provide services to merit the millions of dollars paid to them. 39

 II. The Biden family and business associates leveraged Joe Biden’s official position for financial benefit with Joe Biden’s awareness and participation. 43

 A. In April 2014, a Kazakhstani oligarch wired \$142,300—the exact price of Hunter Biden’s sportscar—to a bank account used by Mr. Archer and Hunter Biden. 43

 B. Hunter Biden peddled Vice President Joe Biden’s political influence to benefit monetarily from Russian business associates. 49

 C. Hunter Biden and his business associates leveraged Vice President Biden’s political power to obtain millions of dollars from a corrupt Romanian businessman. 55

 D. Evidence suggests Vice President Biden changed official U.S. policy to produce a positive outcome for Burisma, a Ukrainian natural gas company implicated in a years-long corruption investigation. 61

 E. The Biden family earned millions of dollars from numbers business deals with Chinese companies closely tied to the Chinese Community Party by selling access to Joe Biden while he was Vice President and later preparing to run for President. 76

 III. The Biden family received other financial benefits, including forgiven and interest-free loans, that they likely would not have received but for Joe Biden’s official position. 148

 A. James Biden received large cash loans, many of which remain unpaid, from numerous individuals who previously made political contributions to Joe Biden, as well as a bankrupt healthcare company. 148

 B. Democrat donor Kevin Morris has loaned \$6.5 million to Hunter Biden in order to protect Joe Biden’s presidential campaign. 168

IV. As President, Joe Biden provided access and rewards to his family’s benefactors, as demonstrated by Hunter Biden’s sale of amateur art for exorbitant prices.	182
President Biden and The Biden-Harris Administration Obstructed Congress and the Criminal Investigation of President Biden’s Son.....	192
I. President Biden and the White House obstructed Congressional investigations.....	192
A. President Biden’s White House obstructed Congress’s investigation of his mishandling of classified materials.	193
B. President Biden’s White House has obstructed Congress from receiving relevant documents from the National Archives.	209
II. President Biden and the Biden-Harris Administration Obstructed the Criminal Investigation of His Son and the Committees’ Impeachment Inquiry.....	212
A. Federal law enforcement began investigating Hunter Biden nearly seven years ago.	213
B. The special treatment the Justice Department afforded Hunter Biden stemmed from the politically “sensitive” and “significant” nature of the criminal investigation.	215
C. After the IRS whistleblowers came forward, the Biden Justice Department attempted to cover-up its wrongdoing.	254
D. President Biden had prior knowledge of Hunter Biden’s intent to defy two duly authorized congressional subpoenas.....	270
E. Impeachment inquiry witnesses lied to the Committees to protect Joe Biden.	273
F. The Biden Justice Department prevented the home confinement of Jason Galanis with the explicit goal of stopping him from testifying to Congress about Hunter Biden’s most serious crimes that implicated President Biden.	286
Conclusion	291

PROCEDURAL BACKGROUND

Since the beginning of the 118th Congress, the Oversight Committee has conducted legislative oversight investigations into allegations that President Biden aided his family in peddling influence to foreign parties during President Biden’s tenure as Vice President. The Oversight Committee gathered substantial evidence that during and after the Obama-Biden Administration, multiple Biden family members leveraged Joe Biden’s official position as Vice President (or anticipated position as President) for personal benefit of the Biden family and then-Vice President Biden was complicit in this conspiracy.¹⁷ In the spring of 2023, two whistleblowers disclosed to the Ways and Means Committee their concerns that the Biden-Harris Administration had been obstructing a criminal investigation into President Biden’s son, Hunter Biden, relating to his foreign business dealing. The two whistleblowers, who were closely involved in that investigation, detailed several ways the Department of Justice deviated from its standard processes in a way that afforded Hunter Biden special treatment, including allowing the statute of limitations to lapse on serious felony charges, slow-walking the investigation, informing defense counsel of future investigative actions, and preventing line investigators from taking otherwise ordinary investigative steps.¹⁸ The Ways and Means Committee and the Judiciary Committee began investigating these allegations.

In September 2023, based on evidence gathered to that point, Speaker of the House Kevin McCarthy commenced an inquiry to examine whether sufficient grounds existed to draft articles of impeachment.¹⁹ In December 2023, the House ratified the inquiry and authorized the Committees to continue gathering evidence.²⁰ In the course of the investigation, and despite dilatory and obstructionist tactics of witnesses before the inquiry and the Biden-Harris White House, the Committees have conducted over 30 transcribed interviews and depositions, issued over 30 subpoenas, reviewed millions of pages of documents, and held 6 markups and hearings. The evidence detailed in this report is drawn from this material.

¹⁷ See generally Memorandum from Maj. Comm. Staff, H. Comm. on Oversight & Accountability, to Comm. Members. Re: New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (Mar. 16, 2023) [hereinafter “First Bank Memo”]; Memorandum from Maj. Comm. Staff, H. Comm. on Oversight & Accountability, to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (May 10, 2023) [hereinafter “Second Bank Memo”]; Memorandum from Maj. Comm. Staff, H. Comm. on Oversight & Accountability, to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (Aug. 9, 2023) [hereinafter “Third Bank Memo”]; Memorandum from Maj. Comm. Staff, H. Comm. on Oversight & Accountability, to Comm. Members. Re: Fourth Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes (Nov. 1, 2023) [hereinafter “Fourth Bank Memo”].

¹⁸ See Transcribed Interview of Gary A. Shapley, JR., H. Comm. on Ways & Means (May 26, 2023) [hereinafter “Shapley Interview”]; see also Transcribed Interview of Joseph Ziegler, H. Comm. on Ways & Means (June 1, 2023) [hereinafter “Ziegler Interview”].

¹⁹ Press Release, Rep. Kevin McCarthy, Speaker of the H. of Reps., Speaker McCarthy Opens an Impeachment Inquiry (Sept. 12, 2023).

²⁰ H. Res. 918, 118th Cong. (2023); H. Res. 917, 118th Cong. (2023).

The Constitution grants the House of Representatives “the sole Power of Impeachment.”²¹ In 2019, during the impeachment of President Donald Trump, House Democrats asserted that “high Crimes and Misdemeanors” are primarily defined by three types of misconduct: “(1) abuse of power, (2) betrayal of the national interest through foreign entanglements, and (3) corruption of office and elections,” any one of which constitutes an impeachable offense.²² This definition is highly relevant to the current impeachment inquiry into President Joseph R. Biden Jr.

I. Abuse of power.

Abuse of power is unquestionably an impeachable offense, and one that constitutional law professor Jonathan Turley described as “encompass[ing] a wide range of self-dealing, obstruction, and misuse of federal authority maneuvers,” and may “include the use of federal staff to obstruct or frustrate efforts to investigate corruption or abuse.”²³ House Democrats in the 2019 impeachment of President Trump described abuse of power as “the exercise of official power to obtain an improper personal benefit, while ignoring or injuring the national interest.”²⁴ In testimony to the Oversight Committee, Professor Jonathan Turley explained that it is not necessary for the improper benefit to be received directly by the President.²⁵ As he explained, “[t]o say that millions of dollars going to his family would not be considered a benefit to Joe Biden is legally and logically absurd.”²⁶

Clearly, it would be an abuse of power, and thus an impeachable offense, if President Biden participated in his family’s influence peddling scheme.²⁷ An abuse of power may also be present even if, as some claim, the Biden family was only selling the “illusion” of influence and access to President Biden.²⁸ In other words, as Professor Turley explained, it is not necessary for the House of Representatives to show that the dealings involved a quid pro quo to rise to the level of an impeachable offense.²⁹ Quite simply, it is not necessary for any of the Biden family’s

²¹ U.S. CONST. Art. 1, § 2.

²² H.R. REP. NO. 116-346, at 4 (2019).

²³ *The Basis for the Impeachment Inquiry of President Joseph R. Biden: Hearing Before the H. Comm. on Oversight & Accountability*, 118th Cong., at 23 (2023) (written testimony of Jonathan Turley, Professor, Geo. Wash. Univ. L. Sch.) [hereinafter “Turley Testimony”].

²⁴ H.R. REP. NO. 116-346, at 44 (2019).

²⁵ Turley Testimony at 15, 26.

²⁶ *Id.* at 15.

²⁷ *See id.* at 12 (“If President Biden was engaged in selling access or influence, it is clearly a corrupt scheme that could qualify as impeachable conduct.”); *id.* at 15 (“If President Biden was aware of money going to his family in exchange for influence or access, it would constitute an impeachable offense.”).

²⁸ *See id.* at 25-26 (rebutting “the oft-quoted ‘illusion’ defense to influence peddling allegations”); *see also* Jonathan Turley, “*illusion of Influence*”: *The Media Moves the Goalpost Again on Biden Corruption Coverage*, RES IPSA LOQUITUR (Aug. 11, 2023) (asserting that the “illusion” defense relies on ignoring significant evidence of the Biden family’s corrupt dealings and demanding evidence of corruption, such as direct payments to President Biden, that is unlikely to exist in any corruption case due to its obviously incriminating nature).

²⁹ Turley Testimony at 25. Professor Turley offered his personal view that a quid pro quo is “a touchstone for a bribery-based article of impeachment,” but did not say the same for any of the other impeachable offenses he discussed.

business partners to have actually received influence or access to President Biden (though evidence supports they did in fact receive both).³⁰ The question, then, that the House must answer is whether President Biden was aware of his family's influence peddling scheme,³¹ and participated in it. If the answer is yes, that is clearly an abuse of power and an impeachable offense.

As House Democrats defined abuse of power in 2019, it may also encompass the betrayal of the national interest through foreign entanglements.³² Betrayal of the national interest through foreign entanglements is an impeachable offense, they explained then, wherein the President or Vice President “uses his foreign affairs power in ways that betray the national interest for his own benefit, or harm national security for equally corrupt reasons[.]”³³ To the extent the questionable conduct occurred prior to the President assuming office, Professor Turley explained that the House has previously included pre-office conduct in articles of impeachment.³⁴ For example, 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. Additionally, in 2021, House Democrats “created precedent for impeaching a former president in a retroactive action.”³⁵ Based on this precedent, Professor Turley correctly concluded that “the House could impeach Joe Biden from his prior office as Vice President over these allegations[.]”³⁶

Another way in which the President may commit impeachable abuse of power is by maintaining false denials of his misconduct or using “White House staff to maintain false claims or resist disclosures.”³⁷ Professor Turley testified that “lying to the public for years in denying knowledge of his son's business dealings” may constitute such an offense.³⁸ While presidents

³⁰ See *id.* at 25-26.

³¹ See *id.* at 25 (“[T]he question is whether President Biden was entirely unaware of this massive and lucrative enrichment scheme.”).

³² See H.R. REP. NO. 116-346, at 79-81 (2019).

³³ *Id.* at 50.

³⁴ Turley Testimony at 30-31.

³⁵ *Id.* at 29. Similarly, in 1876, the House impeached Secretary of War William Belknap shortly after he resigned from office. The House and Senate both expressly determined after debating the matter that they could respectively impeach and try a former federal officer. JARED P. COLE & TODD GARVEY, CONG. RSCH. SERV., LSB10565, THE IMPEACHMENT AND TRIAL OF A FORMER PRESIDENT, at 4 (2021).

³⁶ Turley Testimony at 29; see generally Brian C. Kalt, *The Constitutional Case for the Impeachability of Former Federal Officials: An Analysis of the Law, History, and Practice of Late Impeachment*, 6 TEX. REV. L. & POL. 13 (2001) (arguing that former federal officials may be impeached).

³⁷ Turley Testimony at 21, 25.

³⁸ *Id.* at 25. Professor Turley also suggested that President Biden's and White House staff's false statements may be charged as obstruction. See *id.* at 21 (stating that impeachable obstruction “may also encompass efforts by President Biden to maintain false accounts of his lack of knowledge or involvement in the alleged influence peddling efforts by his son and his associates”); *id.* at 30 (“White House staff is now actively engaged in denying allegations raised

may have some “leeway” in denying allegations of corruption, “[t]he issue is whether a president fostered a false narrative in the knowing[] denial of key facts, particularly in relation to Congress, investigators or sworn proceedings.”³⁹ Such an allegation was included in the articles of impeachment filed against President Nixon.⁴⁰

Finally, in the House’s consideration of potential impeachment articles, whether the President’s conduct constitutes a criminal offense is not dispositive. In 2019, House Democrats asserted that impeachable offenses need not rise to the level of criminal conduct, noting that Congress reached the same conclusion during the impeachments of President Nixon and President Clinton.⁴¹ Although the matter remains unsettled, most scholars agree that criminal conduct is not needed under the constitutional standard for impeachment.⁴² Historical precedent also supports the position that criminality is not required for conduct to rise to the level of an impeachable offense.⁴³ The House may therefore impeach President Biden for non-criminal conduct that significantly impairs the political system or betrays the public trust.⁴⁴

II. Obstruction of justice or obstruction of Congress.

Obstruction of justice or of Congress is another impeachable offense encompassing a wide range of potential misconduct.⁴⁵ Generally, obstruction occurs when an individual, including the President, “‘corruptly’ endeavors to impede or influence an investigation or other proceeding, and the word ‘corruptly’ is understood to mean ‘with an improper purpose.’”⁴⁶ While there is room for debate as to what may constitute an “improper purpose,” it is apparent that, at the very least, “if the president interferes with an investigation because he worries that it might bring to light criminal activity that he, his family, or his top aides committed . . . then he acts corruptly, and thus criminally.”⁴⁷ Additionally, the House need not find that President Biden’s misconduct met the standard for obstruction of justice provided in federal statutes

by the House Committees and a ‘war room’ has reportedly been established within the White House. Such measures can lead to the very same allegations raised against prior presidents in efforts to obstruct investigations or mislead the public and Congress.”).

³⁹ *Id.* at 21 n.70.

⁴⁰ H. COMM. ON THE JUDICIARY, IMPEACHMENT OF RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES, H.R. REP. NO. 93-1305, at 2 (1974) (alleging that President Nixon made “false or misleading public statements for the purpose of deceiving the people of the United States . . .”).

⁴¹ H.R. REP. NO. 116-346, at 56-62 (2019).

⁴² *See, e.g.*, James C. Phillips & John C. Yoo, *You’re Fired: The Original Meaning of Presidential Impeachment*, 94 S. CAL. L. REV. 1191, 1196 (2021); Keith E. Whittington, *A Formidable Weapon of Faction? The Law and Politics of Impeachment*, 55 WAKE FOREST L. REV. 381, 403-04 (2020).

⁴³ *See, e.g.*, JARED P. COLE & TODD GARVEY, CONG. RSCH. SERV., R46013, IMPEACHMENT AND THE CONSTITUTION, at 42 (2023) (“[T]he notion that only criminal conduct can constitute sufficient grounds for impeachment does not . . . track historical practice.”).

⁴⁴ *See* H.R. REP. NO. 116-346, at 37 (2019) (“Impeachment is reserved for offenses against our political system.”); Alan Z. Rozenshtein, *The Virtuous Executive*, 108 MINN. L. REV. 605, 668 (2023) (“[C]riminal conduct is not required for impeachment, as long as the President’s actions constitute a sufficient serious abuse of power or breach of public trust.”); THE FEDERALIST NO. 65, at 338 (Alexander Hamilton) (George W. Carey & James McClellan eds., 2001) (stating that impeachment applies to “offenses which proceed from . . . the abuse or violation of some public trust”).

⁴⁵ *See* Turley Testimony at 19-22; H.R. REP. NO. 116-346, at 145-48 (2019).

⁴⁶ Daniel J. Hemel & Eric A. Posner, *Presidential Obstruction of Justice*, 106 CALIF. L. REV. 1277, 1282 (2018) (quoting 18 U.S.C. § 1515(b)).

⁴⁷ *Id.*

regarding obstruction of justice.⁴⁸ Instead, it is enough to show that “the president’s actions constitute the kind of wanton constitutional dereliction captured by the phrase ‘high Crimes and Misdemeanors[.]’”⁴⁹ As such, any attempt by the President to “distort an otherwise valid [government] investigation . . . is a basis for impeachment that is affirmed by the precedent of [President] Nixon’s impeachment.”⁵⁰

Likewise, following the standard set by House Democrats in the impeachment of President Trump, impeding an impeachment inquiry may amount to impeachable obstruction.⁵¹ In 2019, House Democrats explained that:

[W]hen a President abuses his office to defy House investigators on matters that they deem pertinent to their inquiry, and does so without lawful cause or excuse, his conduct may constitute an unconstitutional effort to seize and break the impeachment power vested solely in the House. In that respect, obstruction of Congress involves “the exercise of official power in a way that, on its very face, grossly exceeds the President’s constitutional authority or violates legal limits on that authority.”⁵²

Importantly, again according to House Democrats in 2019, “[a]s a matter of constitutional law, the House may properly conclude that a President’s obstruction of Congress is relevant to assessing the evidentiary record in an impeachment inquiry,” meaning that “[w]here the President illegally seeks to obstruct such an inquiry, the House is free to infer that evidence blocked from its view is harmful to the President’s position.”⁵³

⁴⁸ See H. COMM. ON THE JUDICIARY, IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES, H.R. REP. NO. 105-830, at 181 (1998) (“[T]he actions of the President do not have to rise to the level of violating the federal statute regarding obstruction of justice in order to justify impeachment[.]”); Philip C. Bobbitt, *Impeachment: A Handbook*, 128 YALE L.J. FORUM 515, 581 (2018) (“The standards of a criminal statute, which are supposed to be quite rigorous in our system, and which generally require scienter, or knowledge of wrongdoing, on the part of the defendant, cannot substitute for the standards of impeachment by the House and conviction by the Senate. The standards for impeachment need not depend upon the president’s actual intent to commit a crime, constitutional or otherwise.”).

⁴⁹ Philip C. Bobbitt, *Impeachment: A Handbook*, 128 YALE L.J. FORUM 515, 581 (2018).

⁵⁰ *Id.*

⁵¹ H.R. REP. NO. 116-346, at 145-48 (2019).

⁵² *Id.* at 145-46 (quoting MAJORITY STAFF OF H. COMM. ON THE JUDICIARY, 116TH CONG., CONSTITUTIONAL GROUNDS FOR PRESIDENTIAL IMPEACHMENT, at 18 (Comm. Print 2019)).

⁵³ *Id.* at 67-68.

**PRESIDENT BIDEN ABUSED HIS OFFICE BY ENGAGING IN A CONSPIRACY TO PEDDLE
INFLUENCE**

Bank records, witness testimony, and contemporaneous communications between and among the Biden family and their business associates expose a years-long pattern of influence peddling and grift centered around and facilitated by Joe Biden. President Biden knowingly participated in a conspiracy to monetize his office of public trust to enrich his family.

Abuse of power “encompass[es] a wide range of self-dealing, obstruction, and misuse of federal authority maneuvers.”⁵⁴ Under the standard articulated by House Democrats in 2019, impeachable abuse of power occurs when the President exercises “official power to obtain an improper personal benefit, while ignoring or injuring the national interest.”⁵⁵ President Biden’s actions are consistent with this standard. Joe Biden allowed his family to monetize his political influence and access by selling it to foreign actors. President Biden participated in a scheme in which foreign business interests were led to believe that they would gain access to him if they were to pay substantial amounts of money to his family. The payments—amounting to millions of dollars—from foreign and domestic sources to Biden family members coincided with Joe Biden’s actions to further this conspiracy. Joe Biden repeatedly demonstrated to his family’s business partners that his family had access to the Vice President or, later, the Democratic frontrunner for President.

While defenders of Joe Biden have sought to characterize these activities as mere “illusions” of access to Joe Biden, this is wrong. Foreign business associates of the Biden family in fact received actual access to Joe Biden in private settings that were never meant to be uncovered, as is demonstrated by a shifting series of stories to deny and then minimize Joe Biden’s centrality to the influence peddling schemes. Joe Biden knew about and participated in this conspiracy to prioritize the Bidens’ personal interests above Joe Biden’s oath to well and faithfully discharge the duties of the offices he has held or would hold, demonstrating a profound selfishness and greed at the expense of the nation’s future and welfare.

Joe Biden’s actions to facilitate his family’s enrichment schemes not only meet the threshold for impeachable conduct; his actions exceed it. In testimony to the Oversight Committee as part of the impeachment inquiry, Professor Jonathan Turley explained that: “If President Biden was aware of money going to his family in exchange for influence or access, it would constitute an impeachable offense.”⁵⁶ The evidence presented in this section demonstrates not only Joe Biden’s knowledge of his family’s influence peddling, but his facilitation and participation in it. This influence peddling took several forms: money paid to Biden family members by foreign individuals or entities seeking access to or influence over the Vice President; millions of dollars paid to Biden family members in the form of forgivable “loans” seeking to remove a political liability for Joe Biden; and, in its most recent form, the sale of art by Hunter Biden for exorbitant prices to Democratic donors, one of whom received a political appointment.

⁵⁴ Turley Testimony at 23.

⁵⁵ H.R. REP. NO. 116-346 at 44 (2019).

⁵⁶ See Turley Testimony at 15; *id.* at 12 (“If President Biden was engaged in selling access or influence, it is clearly a corrupt scheme that could qualify as impeachable conduct.”).

The Committees reviewed the Biden family’s financial practices and sources of income from 2009 to the present. This was a complex process, as members of the Biden family—particularly Hunter Biden and James Biden—often used a complicated system of third parties’ limited liability companies, delayed transfers of incremental payments, and categorized certain financial transactions as “loans” to seemingly obfuscate the source and nature of the payments to Biden family members, including Joe Biden. Additionally, the parties to various business contracts or agreement often did not memorialize the Bidens’ value to any particular transaction with any degree of specificity—a fact certain witnesses explained was intentional.⁵⁷ The Committees have established a consistent pattern of behavior by President Biden and his family, which is based not on speculation or any singular piece of evidence but, instead, thousands of pages of bank records and multiple witnesses’ accounts of a conspiracy to use America’s high offices to reap millions of dollars for the Biden family. Although the President is now 81 years old and appears to suffer from diminished mental capacity,⁵⁸ it is important to note that much of the President’s wrongful conduct occurred while he was lucid and during the peak of his political career. This section of the report evaluates his state of mind at the time of the offenses.

The Biden family business model centered on Joe Biden’s influence and positions of power in the federal government; Biden family members did not provide services or value of any discernible type other than access to Joe Biden. There is no business. There is no product. The Bidens sold “the brand.”⁵⁹ That brand was Joe Biden. President Biden inappropriately wielded the power of the Office of the Vice President to influence potential business deals that financially benefited his family by repeatedly meeting, talking, and interacting with his family’s business associates at dinners, on the golf course, over the phone, and at the White House.⁶⁰ A Biden business associate, Devon Archer, testified how the Biden “brand” was used to retain business and how Joe Biden met privately with many of the business associates who paid his family millions of dollars.⁶¹

The Bidens did not have a golf course, real property, a clothing line, or media business. They sold political influence, and their business included “consulting” without being lobbyists. The Committees have traced wires from foreign sources to Hunter Biden with Joe Biden’s home address and money from the Biden family’s transaction with a Chinese conglomerate going to Joe Biden’s personal bank account.⁶² But to be clear, that is unnecessary. The law contemplates and the Justice Department has initiated prosecutions for payments to family members who agree to or accept payments in relation to corrupt acts (see, *e.g.*, 18 U.S.C. § 201).⁶³ Payments to family or their companies can be akin to payments to the public official.

⁵⁷ See Galanis, Interview at 120.

⁵⁸ Stephen Collinson, *Biden’s disastrous debate pitches his reelection bid into crisis*, CNN (June 28, 2024).

⁵⁹ See generally Archer Interview at 27-28, 29-30, 53-55, 85-88, 97-98.

⁶⁰ See *id.* at 41-42, 51-52, 80; Galanis Interview at 10; Transcribed Interview of Tony Bobulinski, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 262 (Feb. 13, 2024) [hereinafter “Bobulinski Interview”]; Deposition of Robert Hunter Biden, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 18-19 (Feb. 28, 2024) [hereinafter “Hunter Biden Deposition”]; Transcribed Interview of Eric Schwerin, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 131-32 (Jan. 30, 2024) [hereinafter “Schwerin Interview”].

⁶¹ See generally Archer Interview.

⁶² Fourth Bank Memo at 5-10.

⁶³ 18 U.S.C. § 201.

Subpoenaed bank records revealed Hunter Biden, James Biden, their associated companies, and certain other Biden family members received over \$18 million from foreign sources.⁶⁴ Additionally, bank records establish that, when also including Biden business associates and their companies, the international influence peddling schemes totaled over \$27 million from foreign sources during the same time period from 2014 to 2023.⁶⁵ The Bidens, their business associates, and their related companies received funds from individuals and entities associated with Russia, Ukraine, Kazakhstan, China, Romania, and Panama. These figures do not include the approximately \$8 million in loans Hunter Biden and James Biden received from Democratic benefactors such as Kevin Morris, Joey Langston, and John Hynansky.⁶⁶ Those loans are discussed in detail further below. The amount of money Hunter Biden, James Biden, and even Joe Biden sourced from foreign and domestic companies and then later described as a “loan,” often without documentation to show the terms of the loan and much of which was never repaid, is alarming.

In total, the Committees have accounted for over \$35 million sent to Biden family members, their companies, and business associates since 2013.⁶⁷ However, the Committees have not identified legitimate services warranting such lucrative payments. No one has been able to assert any plausible reason for the Bidens receiving this much money from foreign sources and Democratic benefactors. And to the extent that reasons were provided, the witnesses’ descriptions of the purported services provided do not justify the amount of money paid to them. Moreover, Joe Biden was involved in nearly every foreign business deal identified by the Committees.

While the Biden family’s influence peddling racket involved a wide range of corrupt dealings across multiple countries, their various endeavors all fundamentally represent an attempt to profit from President Biden’s office and the power entrusted to him by the American public.⁶⁸ Joe Biden’s years-long acquiescence to and participation in this conspiracy is described in this section.

⁶⁴ Robert Hunter Biden and James Biden Criminal Referral ¶ 4 [hereinafter “Referral”].

⁶⁵ *Id.*; *see also id.* ¶ 7.

⁶⁶ *See* Letter from Kevin Morris’s counsel to General Counsel, H. Comm. on Oversight & Accountability (Jan. 25, 2024); *see* Transcribed Interview of James Brian Biden, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 171, 174-75 (Feb. 21, 2024) [hereinafter “James Biden Interview”]. This is a conservative estimate as there are additional, significant “loans” James Biden received from Americore and Michael Lewitt.

⁶⁷ *See* Referral ¶¶ 6-7; Letter from Kevin Morris’s counsel to General Counsel, H. Comm. on Oversight & Accountability (Jan. 25, 2024); *see generally* First Bank Memo; Second Bank Memo; Third Bank Memo; Fourth Bank Memo. Note, this is a conservative estimate as there are additional, significant “loans” James Biden received from Americore and Michael Lewitt.

⁶⁸ *Cf.* Turley Testimony at 25 (“Just as influence peddling is a form of corruption that the United States has sought to combat on a global scale, it is still corrupt if you have no plans to fulfill the deal. You are still turning an office into a commodity for corruption.”).

I. The financial analysis of the Biden family’s business activities reflects a pattern of leveraging Joe Biden’s office and hiding Joe Biden’s involvement, but Joe Biden played a critical role in nearly every foreign transaction investigated by the Committees.

Joe Biden’s participation in his family’s influence peddling represents—as quantified by sheer dollar amounts flowing to a public official’s personal interests—one of the most egregious abuses of power uncovered in the history of the United States. The Biden family relied on Joe Biden and his access to political power while courting business with foreign business partners. Joe Biden knew this, participated in it, and received money sourced from it. To adequately assess the Biden family’s influence-peddling operation, it is necessary to understand how it worked.

A. Evidence shows that President Biden was essential to the Biden family influence-peddling operation as the “brand.”

Evidence obtained during the Committees’ impeachment inquiry shows that despite President Biden’s claim that he “did not” interact with his family’s foreign business associates,⁶⁹ Joe Biden frequently called into or attended meetings with his family’s business associates. In testimony to the Oversight Committee, Mr. Archer explained that he personally witnessed Hunter Biden put his dad on speaker phone when he was interacting with business associates “maybe 20 times.”⁷⁰ He testified:

Q. How many times would you say that Hunter Biden put his father on speakerphone or referenced his father being on the phone in front of others who were either foreign investors or foreign nationals who he was soliciting business with or working with, approximately?

A. Approximately? The differentiation between investor and normal course of day . . . that’s a very hard thing to speculate on. But . . . they spoke every day. He acknowledged that they spoke every day. And he would . . . sometimes make it apparent that he spoke to his dad, and sometimes he put him on speaker.

But as far as quantifying the number, you know, relative to investors, I don’t know.

Q. Not necessarily investors but with people who Hunter Biden was trying to either get business with or make contacts with or add value to?

⁶⁹ Press Release, H. Comm. on Oversight & Accountability, Joe Biden Met Nearly Every Foreign Associate Funneling His Family Millions (Feb. 14, 2024).

⁷⁰ Archer Interview at 51.

A. In my . . . whole partnership, maybe 20 times.⁷¹

When asked to expand on his account of Hunter Biden calling his father in the middle of business meetings, Mr. Archer stated that the value of putting Joe Biden on speaker phone was to showcase the “brand being delivered.”⁷² Mr. Archer explained:

Q. But if I were to just call my dad right now and put him on speakerphone and we’re in a professional business meeting here, would that be odd to you?

A. Would that be odd to me?

Q. Yes.

A. That would be odd, if you called your dad right now.

Q. So there is a time and a place when . . . you’re in a personal meeting and you may call your dad or a family member if you’re with family. But if you’re in a professional meeting and you’re meeting foreign business leaders or whoever it may be and you just place your dad on speakerphone on the table, that’s a little odd, isn’t it?

A. That is a little odd. I mean, it’s not odd – I mean, it’s quite obvious what we’re talking around.

Q. So what are we talking about? You are talking around it, and so I’d like to get out, what are we talking about here?

A. That, I think, at the end of the day, part of what was delivered is the brand. I mean, it’s like . . . if you’re Jamie Dimon’s son or any CEO. You know, I think that that’s what we’re talking about, is that there was brand being delivered along with other capabilities and reach.⁷³

The Oversight Committee sought to understand the “brand” as described by Mr. Archer. Mr. Archer explained the Biden “brand” was Joe Biden. He testified:

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

A. Correct.

⁷¹ *Id.*

⁷² *Id.* at 52-53.

⁷³ *Id.*

- 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 that was an element of it.
- Q. When you say "Biden family" . . . [y]ou 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.⁷⁴

Jason Galanis, a former business associate of Hunter Biden and Mr. Archer, explained Joe Biden's value to his family's business dealings as the Biden "lift."⁷⁵ Mr. Galanis stated:

- Q. Can you just go back to the Biden lift real quick. You talked about leveraging Hunter Biden and inducing companies to gain investment. Can you . . . just spell it out for us what the Biden lift did to induce companies to want to be able to do these transactions? What was it? What was the Biden lift?
- A. I think it's situation specific. Foreign investors would have a view of political access to the most powerful, admired country in the world, leadership in the most powerful, admired country in the world. . . .

That's the kind of access and influence, sort of as an example of the kind of access that that would provide. In other words, contacts we wouldn't be able to get on our own but for the Biden lift.⁷⁶

The Biden "brand" was also referenced by other Biden associates in documents obtained by the Committees. In a text message between two Biden family associates, Tony Bobulinski and James Gilliar, Mr. Gilliar wrote, "[a]s for Hunter, I'm gonna kick his arse if he no shows, but in brand he's imperative, but right now he's not essential for adding input to business."⁷⁷ In his transcribed interview, Mr. Bobulinski confirmed Joe Biden's significance to the brand: "I want to be crystal-clear: From my direct personal experience and what I've subsequently come to learn, it is clear to me that Joe Biden was the brand being sold by the Biden family."⁷⁸ Hunter Biden

⁷⁴ Archer Interview at 29-30.

⁷⁵ Galanis Interview at 24.

⁷⁶ Galanis Interview at 24.

⁷⁷ Text from James Gilliar to Tony Bobulinski (Mar. 9, 2017); Bobulinski Interview at 43.

⁷⁸ Bobulinski Interview at 12.

even used the term himself, explaining to James Biden, Mr. Walker, and Mr. Gilliar in a text message about his “willing[ness] to sign over my family’s brand.”⁷⁹ He wrote:

Explain to me one thing Tony brings to MY table that I so desperately need that I’m willing to sign over my family’s brand and pretty much the rest of my business life? Read the fucking documents people. It’s plain [sic] fucking English. Why in god’s name would I give this marginal bully the keys [to] my family’s only asset?⁸⁰

In an email produced to the Committees by Mr. Galanis, Mr. Archer memorialized the “Biden lift” by forwarding a draft email to Mr. Galanis, intended to be sent by Hunter Biden to a Chinese executive, stating “Michael, please also remind Henry of our conversation about a board seat for a certain relation of mine. Devon and I golfed with that relation earlier last week and we discussed this very idea again and as always he remains very very keen on the opportunity.”⁸¹ According to Mr. Galanis’s testimony provided during the impeachment inquiry, this message reflects Hunter Biden’s attempts to place his father on the board of a Chinese state-connected entity in exchange for an investment desired by Hunter Biden.⁸²

⁷⁹ H. Comm. on Ways & Means, Exhibit 801: Chat 70: WhatsApp Message Chat between Hunter Biden, James Gilliar, Rob Walker, and James Biden at 623 (May 22, 2024) [hereinafter “Exhibit 801: Chat 70”].

⁸⁰ Exhibit 801: Chat 70.

⁸¹ Email from Michael Leonard to Jim Bulger (Aug. 23, 2014); Email from Devon Archer to Jason Galanis (Aug. 23, 2014, 8:25 AM).

⁸² See Galanis Interview at 9-10.

From: **Devon Archer** darcher@██████████
Subject: Fwd: Michael/ HB email draft
Date: August 23, 2014 at 8:25 AM
To: jason galanis jason@██████████

FYI...example of lean in on Henry from Hunter...this is email drafted for him to send Henry...

----- Forwarded message -----

From: **Michael Leonard** <mleonard@██████████>
Date: Saturday, August 23, 2014
Subject: Michael/ HB email draft
To: Jim Bulger <jbulger@██████████>

Michael,

I spoke to Jim and I heard that you had a good meeting with Henry regarding the Burnham Harvest deal. We are excited by the prospect of being able to work side-by-side with Harvest by way of a globally recognized platform. Please pass along my regards to Henry and let him know that what we discussed during our last lunch together in Beijing still holds true; Rosemont Seneca will be folded into the Burnham Harvest entity as soon as the deal closes thereby giving us all the solid well regarded global platform from which we can conduct our mutual business.

As far as our focus going forward is concerned Devon has been reviewing bids from potential buyers of our Rosemont Real Estate Fund GP because we are selling that entity to clear away distractions as we make Burnham Harvest and the BHR Fund the only priorities moving forward.

Michael please also remind Henry of our conversation about a board seat for a certain relation of mine. Devon and I golfed with that relation earlier last week and we discussed this very idea again and as always he remains very very keen on the opportunity.

Please let me know how I can help to facilitate the closing of this deal as it is of the highest importance to me.

Regards,
HB

--
Michael R. Leonard
Vice President, Operations Department
Thornton Group LLC
██████████
██████████
██████████

--
James J. Bulger
Chairman
Thornton Group LLC
██████████
██████████
██████████

B. Biden family members and business associates repeatedly used code and secrecy to hide Joe Biden’s participation in the Biden family influence-peddling operation.

Evidence provided to the Committees also demonstrates the lengths to which Joe Biden’s family members and their business associates went to hide Joe Biden’s connections to the business dealings of his family, especially in writing. Mr. Galanis described this “protocol” as “Say it, forget it. Write it, regret it.”⁸³ In his transcribed interview, he testified:

I think internally we would speak openly. Externally, protocol, I guess that’s not the term we used but, you know, convention and sort of our practice. The practice was a term we repeated, half jokingly but quite seriously, which was, “Say it, forget it.” “Write it, regret it.”⁸⁴

Contemporaneous documents produced to the Committees support Mr. Galanis’s testimony about secrecy and anonymity. In a text message exchange, Mr. Gilliar instructed Mr. 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[.]”⁸⁵ In an email to Mr. Bobulinski, Mr. Gilliar referenced “the big guy”—identified by Mr. Bobulinski as Joe Biden—as receiving equity in a joint venture with the Chinese entity CEFC.⁸⁶

Other evidence gathered by investigators working the criminal investigation of Hunter Biden shows that Joe Biden played a substantive role in reviewing specifics of the deals involving the Biden family and their business associates. Consistent with Mr. Gilliar’s instruction to never “mention Joe being involved,” Joe Biden is referred to in code in these communications. For example, in May 2017, Mr. Bobulinski sought additional board seats in the business he, Mr. Gilliar, Mr. Walker, Hunter Biden, and James Biden sought to create with CEFC.⁸⁷ Hunter Biden refused this request, explaining that his “chairman gave an emphatic NO.”⁸⁸ In a subsequent message, Mr. Walker told Mr. Bobulinski that “When [Hunter Biden] said his chairman, he was talking about his dad”⁸⁹

⁸³ *Id.* at 120.

⁸⁴ *Id.*

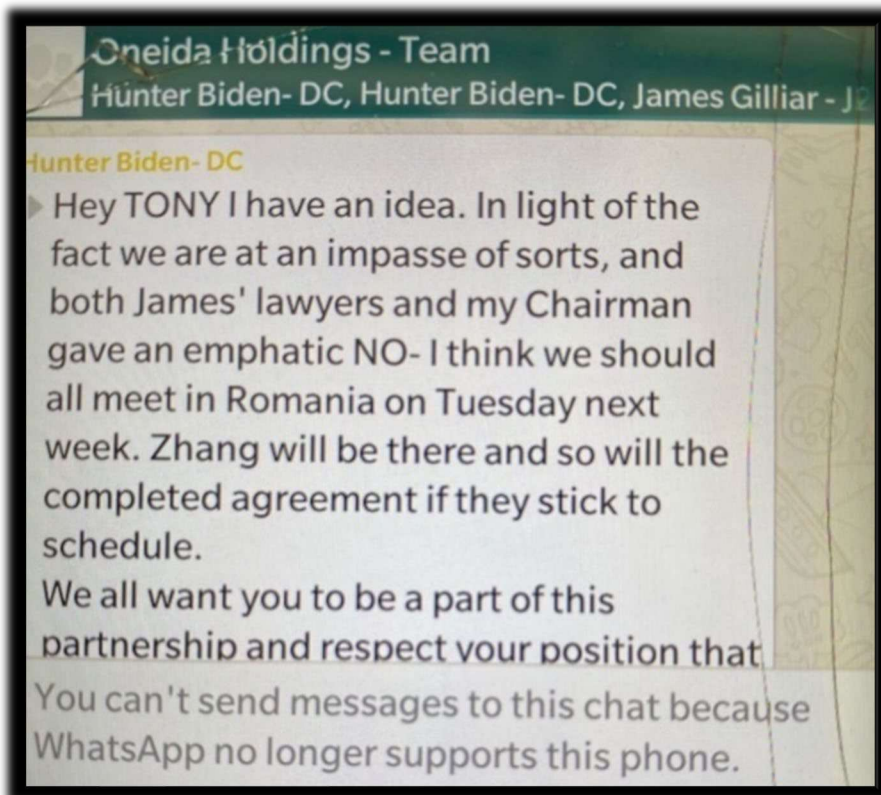
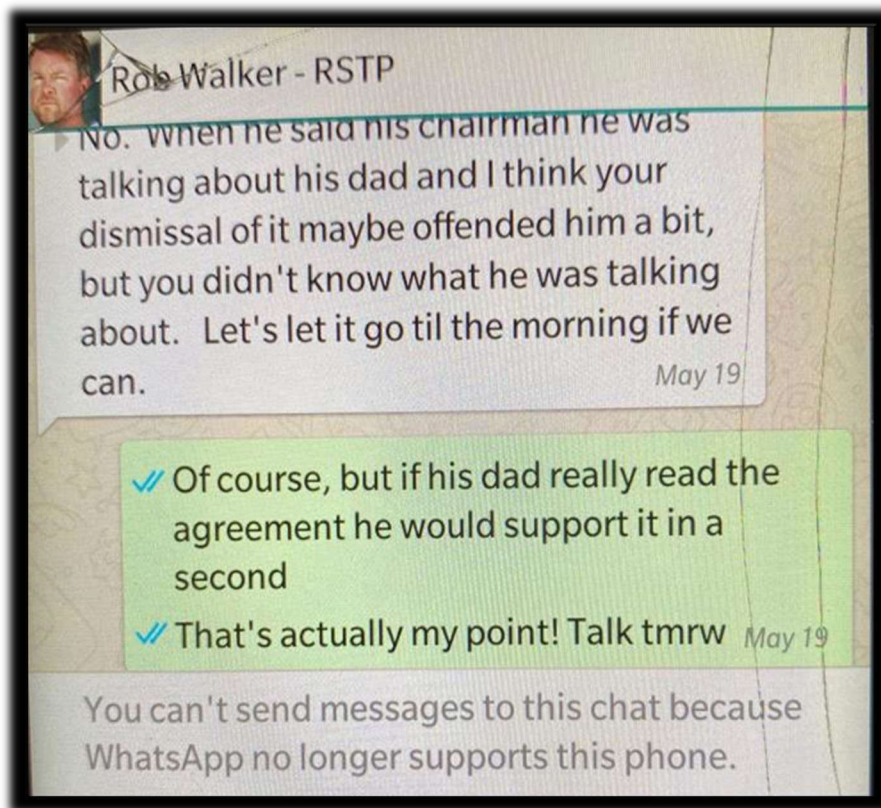
⁸⁵ Text from James Gilliar to Tony Bobulinski (May 20, 2017).

⁸⁶ Bobulinski Interview at 114-16; Email from James Gilliar to Tony Bobulinski et al. (May 13, 2017, 5:48 AM).

⁸⁷ Bobulinski Interview at 125-27.

⁸⁸ Text from Hunter Biden to Tony Bobulinski (May 9, 2017).

⁸⁹ Text from Rob Walker to Tony Bobulinski (May 19, 2017); Bobulinski Interview at 129-30.



During depositions and transcribed interviews, witnesses sought to explain away these candid communications. When the Committees asked Mr. Walker about the explanation to Mr. During depositions and transcribed interviews, witnesses sought to explain away these candid

communications. When the Committees asked Mr. Walker about the explanation to Mr. Bobulinski that Hunter Biden’s reference to his “chairman” referenced Joe Biden, Mr. Walker merely said Hunter Biden was not healthy at the time due to drug abuse.⁹⁰ Mr. Walker’s explanation does not address why Mr. Walker himself was under the impression that Hunter Biden was speaking about his father’s involvement in this transaction. Importantly, the “emphatic NO” delivered by Hunter Biden on behalf of his “chairman”—Joe Biden, according to Mr. Walker and Mr. Bobulinski—involved the particulars of the Chinese deal that Mr. Gilliar, Mr. Walker, Mr. Bobulinski, and Hunter and James Biden were forming. As Mr. Bobulinski explained:

So I was one of five members. That means they could outvote me in almost any scenario [. . .] And so I had proposed that the board be structured that I had three board votes and each one of them had one board vote [. . .] And this is Hunter, who went, for lack of a better word, apeshit sideways over this, like, screaming in the phone and all this. He’s saying, James’s lawyers don’t even agree with this; my father doesn’t agree with this. Remember, he doesn’t say “and the chairman of CEFC.”⁹¹

During the Committees’ deposition of Hunter Biden, he stated that the “chairman” was not Joe Biden, but was, instead, one of two CEFC executives who were both referred to as “chairman.”⁹² However, no other witness’s testimony or any contemporaneous communication supports this interpretation. In fact, two witnesses—Mr. Bobulinski⁹³ and Mr. Walker⁹⁴—directly contradicted this account.

The pattern of hiding Joe Biden’s role in these schemes continued, often by Hunter Biden himself. Later in 2017, Hunter Biden would message his Chinese business partners (capitalization is included in the original message):

Where is luncheon Kevin? My uncle will be here with his BROTHER who would like to say hello to the Chairman. He is here to visit my daughter. . . So please give me location and time. Jim’s BROTHER if he is coming just wants to say hello he will not be stopping for lunch.⁹⁵

Despite efforts by his family members to conceal his involvement, it is evident that Joe Biden was in fact involved in his family’s business. Mr. Bobulinski explained: “Joe Biden was more than a participant in and a beneficiary of his family’s business; he was an enabler, despite being buffered by a complex scheme to maintain plausible deniability.”⁹⁶ According to Mr.

⁹⁰ Transcribed Interview of John Robinson Walker, at 138-39 (Jan. 26, 2024) [hereinafter “Walker Interview”].

⁹¹ Bobulinski Interview at 127-28.

⁹² Hunter Biden Deposition at 133.

⁹³ Bobulinski Interview at 128, 134.

⁹⁴ Walker Interview at 24-25.

⁹⁵ H. Comm. on Ways & Means, Exhibit 300: Relevant Backup Messages at 9 (Sept. 27, 2023) [hereinafter “Ziegler Exhibit 300”] (emphasis in original).

⁹⁶ Bobulinski Interview at 12, 53.

Bobulinski, after he met Joe Biden twice in May 2017, Mr. Bobulinski asked James Biden to explain how the Biden family was able to pursue these ventures with foreign parties and manage Joe Biden’s proximity to the deals, to which James Biden replied that the Bidens were able to pursue their business because they relied on the value of “plausible deniability.”⁹⁷

Hunter Biden and James Biden have gone to significant lengths to obfuscate Joe Biden’s involvement in their business dealings—exposing themselves to criminal liability by lying to Congress—and particular matters that directly implicate Joe Biden, as described in detail herein.⁹⁸ Indeed, Hunter Biden alluded to James Biden’s role in a message to him in 2018:

... Anyway, we can talk later but you’ve been drawn into something purely for the purpose of protecting Dad- and I know any of the BS money is mine ultimately- Well you’ve done your job and he fucking but only is true to form but even more so why be so horribly angry over nothing g but being duped. You both ha e [sic] said it’s bigger than me a family⁹⁹

C. The Biden conspiracy to peddle influence generated millions of dollars for the Biden family and their business associates from foreign sources.

Subpoenaed bank records obtained by the Oversight Committee show the extent to which the Biden family and their business associates profited from President Biden’s official position. The amount of money these individuals transmitted to the Bidens shortly before or after meeting with Joe Biden in return for no identifiable services and often through third party accounts indicates these relationships were based upon Joe Biden’s influence and access. In total, these bank records show \$18 million in foreign payments to the Biden family between 2014 and 2023. This influence peddling was only made possible by Joe Biden’s involvement. Democrats’ contention that Hunter Biden was peddling a mere “illusion” of access to Joe Biden is undermined by the fact that the people to whom this “illusion” of access was sold by Biden family members did, in fact, obtain access to Joe Biden in private, non-disclosed settings.

The charts below summarize subpoenaed bank records of foreign payments to certain Biden family members on their behalf. The Oversight Committee has traced these funds to the bank accounts of Hunter Biden, James Biden, Sara Biden, Hallie Biden, Melissa Cohen Biden, Elizabeth Secundy, the children of James Biden and Hunter Biden, and Joe Biden.

Russia¹⁰⁰

<u>Date</u>	<u>Originator</u>	<u>Biden Affiliated Entity</u>	<u>Biden Affiliated Entity</u>	<u>Amount</u>
2/14/2014	Yelena Baturina	Rosemont Seneca Thornton	Rosemont Seneca Bohai	\$ 3,500,000.00
				\$ 3,500,000.00

⁹⁷ *Id.* at 53, 137.

⁹⁸ *See generally* Referral.

⁹⁹ Ziegler Exhibit 300 at 18.

¹⁰⁰ *See* Third Bank Memo at 2, 5-11.

Ukraine¹⁰¹

<u>Date</u>	<u>Originator</u>	<u>Biden Affiliated Entity</u>	<u>Amount</u>
5/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
6/17/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
6/18/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 60,954.54
7/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
8/18/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
9/16/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
10/7/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 28,913.89
10/15/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
11/18/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
12/16/2014	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
1/6/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 47,249.07
1/15/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
2/17/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
3/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
4/15/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
5/18/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
6/9/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 3,668.47
6/18/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
7/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
7/28/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 60,554.53
8/19/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
9/17/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33
10/16/2015	Burisma Holdings Limited	Rosemont Seneca Bohai	\$ 83,333.33

¹⁰¹ Third Bank Memo at 15-16; Referral ¶ 7.

<u>Date</u>	<u>Originator</u>	<u>Biden Affiliated Entity</u>	<u>Amount</u>
1/25/2016	Burisma Holdings Limited	Owasco P.C.	\$ 84,992.33
2/2/2016	Burisma Holdings Limited	Owasco P.C.	\$ 1,659.00
2/12/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,293.33
3/15/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
4/28/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
5/17/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
6/17/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
7/14/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,731.02
7/18/2016	Burisma Holdings Limited	Owasco P.C.	\$ 152.00
8/19/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
9/21/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
10/18/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
11/16/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
12/16/2016	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
1/19/2017	Burisma Holdings Limited	Owasco P.C.	\$ 83,333.33
2/27/2017	Burisma Holdings Limited	Owasco P.C.	\$ 81,595.64
3/20/2017	Burisma Holdings Limited	Owasco P.C.	\$ 82,512.53
4/18/2017	Burisma Holdings Limited	Owasco P.C.	\$ 40,318.62
5/19/2017	Burisma Holdings Limited	Owasco P.C.	\$ 45,680.48
6/19/2017	Burisma Holdings Limited	Owasco P.C.	\$ 40,436.93
8/4/2017	Burisma Holdings Limited	Owasco P.C.	\$ 43,306.83
8/25/2017	Burisma Holdings Limited	Owasco P.C.	\$ 41,002.96
9/21/2017	Burisma Holdings Limited	Owasco P.C.	\$ 41,126.26
10/19/2017	Burisma Holdings Limited	Owasco P.C.	\$ 40,831.24
11/3/2017	Burisma Holdings Limited	Owasco P.C.	\$ 8,749.06
11/20/2017	Burisma Holdings Limited	Owasco P.C.	\$ 41,368.65
12/19/2017	Burisma Holdings Limited	Owasco P.C.	\$ 40,293.09
1/22/2018	Burisma Holdings Limited	Owasco P.C.	\$ 42,002.91
2/22/2018	Burisma Holdings Limited	Owasco P.C.	\$ 42,315.95
3/27/2018	Burisma Holdings Limited	Owasco P.C.	\$ 42,399.91
4/19/2018	Burisma Holdings Limited	Owasco P.C.	\$ 42,420.77
5/18/2018	Burisma Holdings Limited	Owasco P.C.	\$ 40,572.29
6/26/2018	Burisma Holdings Limited	Owasco P.C.	\$ 38,883.24
7/24/2018	Burisma Holdings Limited	Owasco P.C.	\$ 39,911.17
8/17/2018	Burisma Holdings Limited	Owasco P.C.	\$ 39,985.96
9/25/2018	Burisma Holdings Limited	Owasco P.C.	\$ 41,524.38
10/19/2018	Burisma Holdings Limited	Owasco P.C.	\$ 40,547.34
11/3/2018	Burisma Holdings Limited	Owasco P.C.	\$ 40,087.08
12/21/2018	Burisma Holdings Limited	Owasco P.C.	\$ 40,287.82
1/22/2019	Burisma Holdings Limited	Owasco P.C.	\$ 40,144.32
2/26/2019	Burisma Holdings Limited	Owasco P.C.	\$ 39,989.02
3/21/2019	Burisma Holdings Limited	Owasco P.C.	\$ 40,150.56
4/24/2019	Burisma Holdings Limited	Owasco P.C.	\$ 39,923.10
			\$ 3,986,869.53

Kazakhstan¹⁰²

<u>Date</u>	<u>Originator</u>	<u>Biden Affiliated Entity</u>	<u>Ultimate Beneficiary</u>	<u>Amount</u>
4/23/2014	Novatus Holding PTE. LTD.	Rosemont Seneca Bohai	Car Dealership	\$ 142,300.00
				\$ 142,300.00

China¹⁰³

<u>Date</u>	<u>Originator</u>	<u>Intermediary</u>	<u>Biden Affiliated Entity</u>	<u>Amount</u>
12/30/2014	Bohai Harvest RST	Rosemont Seneca Bohai	Hunter Biden	\$ 23,157.63
12/30/2014	Bohai Harvest RST	Rosemont Seneca Bohai	Hunter Biden	\$ 7,456.04
2/9/2015	Bohai Harvest RST	Rosemont Seneca Bohai	Hunter Biden	\$ 1,225.87
8/21/2015	Gemini Investments Ltd.	Rosemont Property MGT LLC	Rosemont Seneca Bohai	\$ 188,616.56
11/5/2015	Bank of China Bohai Harvest RST	Rosemont Seneca Bohai	Hunter Biden	\$ 875.00
2/2/2016	Harves Investment Group		Rosemont Seneca Advisors	\$ 20,000.00
2/22/2016	Hualien Media		Skaneateles LLC	\$ 233,382.00
2/23/2016	Harves Investment Group		Rosemont Seneca Advisors	\$ 20,000.00
3/9/2016	Harves Investment Group		Rosemont Seneca Advisors	\$ 20,000.00
4/1/2016	Harves Investment Group		Rosemont Seneca Advisors	\$ 25,000.00
7/7/2016	Harves Investment Group		Rosemont Seneca Advisors	\$ 25,000.00
9/1/2016	Wei Wei	Eric Schwerin	Rosemont Seneca Partners	\$ 25,000.00
9/1/2016	Wei Wei	Eric Schwerin	Rosemont Seneca Partners	\$ 25,000.00
11/1/2016	Harves Investment Group		Rosemont Seneca Advisors	\$ 35,000.00
11/29/2016	Bohai Harvest RST		Rosemont Seneca Advisors	\$ 2,000.00
12/20/2016	Bohai Harvest RST		Rosemont Seneca Advisors	\$ 1,000.00
1/2/2017	Bohai Harvest RST		Rosemont Seneca Advisors	\$ 3,000.00
3/6/2017	State Energy HK Limited	Robinson Walker, LLC	"Biden"	\$ 5,000.00
3/13/2017	State Energy HK Limited	Robinson Walker, LLC	"Biden"	\$ 25,000.00
3/20/2017	State Energy HK Limited	Robinson Walker, LLC	Hallie Biden	\$ 25,000.00
3/27/2017	State Energy HK Limited	Robinson Walker, LLC	Owasco P.C.	\$ 50,000.00
3/29/2017	State Energy HK Limited	Robinson Walker, LLC	First Clearing, LLC	\$ 100,000.00
3/31/2017	State Energy HK Limited	Robinson Walker, LLC	Owasco P.C.	\$ 50,000.00
3/31/2017	State Energy HK Limited	Robinson Walker, LLC	Owasco P.C.	\$ 100,000.00
4/3/2017	State Energy HK Limited	Robinson Walker, LLC	JBBSR INC	\$ 50,000.00
4/3/2017	State Energy HK Limited	Robinson Walker, LLC	JBBSR INC	\$ 50,000.00
4/14/2017	State Energy HK Limited	Robinson Walker, LLC	RSTP II, LLC	\$ 10,962.00
4/18/2017	State Energy HK Limited	Robinson Walker, LLC	Owasco P.C.	\$ 300,000.00
4/20/2017	State Energy HK Limited	Robinson Walker, LLC	JBBSR INC	\$ 120,000.00
4/21/2017	State Energy HK Limited	Robinson Walker, LLC	"Biden"	\$ 25,000.00
4/24/2017	State Energy HK Limited	Robinson Walker, LLC	JBBSR INC	\$ 125,000.00
5/17/2017	State Energy HK Limited	Robinson Walker, LLC	"Biden"	\$ 15,000.00
5/18/2017	State Energy HK Limited	Robinson Walker, LLC	JBBSR INC	\$ 15,000.00

¹⁰² Third Bank Memo at 2, 11-12; Referral ¶ 7.

¹⁰³ Referral ¶ 7.

<u>Date</u>	<u>Originator</u>	<u>Biden Affiliated Entity</u>	<u>Amount</u>
8/4/2017	CEFC Infrastructure Investment	Owasco P.C.	\$ 100,000.00
8/8/2017	Hudson West III	Owasco P.C.	\$ 400,000.00
8/17/2017	Bank of China Bohai Harvest RST	Skaneateles LLC	\$ 11,442.26
8/31/2017	Hudson West III	Owasco P.C.	\$ 165,000.00
9/25/2017	Hudson West III	Owasco P.C.	\$ 220,386.87
9/27/2017	Hudson West III	Owasco P.C.	\$ 165,000.00
9/27/2017	Hudson West III	Owasco P.C.	\$ 165,000.00
11/1/2017	Hudson West III	Owasco P.C.	\$ 165,000.00
12/1/2017	Hong Kong (BHR) Jonathan Li	Skaneateles LLC	\$ 119,975.00
12/4/2017	Hudson West III	Owasco P.C.	\$ 165,000.00
12/4/2017	Wang Xin (BHR)	Skaneateles LLC	\$ 37,975.00
1/2/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
1/10/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
1/17/2018	Hudson West III	Lion Hall Group	\$ 17,992.99
2/5/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
2/6/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
2/28/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
3/15/2018	Hudson West III	Owasco P.C.	\$ 157,494.19
3/16/2018	Hudson West III	Owasco P.C.	\$ 157,494.19
3/22/2018	Patrick Ho	Owasco LLC	\$ 1,000,000.00
4/3/2018	Hudson West III	Lion Hall Group	\$ 33,941.11
4/4/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
5/23/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
6/1/2018	Hudson West III	Lion Hall Group	\$ 7,612.41
6/1/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
7/2/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
7/25/2018	Hudson West III	Owasco P.C.	\$ 50,000.00
8/1/2018	Hudson West III	Lion Hall Group	\$ 4,762.41
8/1/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
9/4/2018	Hudson West III	Owasco P.C.	\$ 165,000.00
9/14/2018	Hudson West III	Owasco P.C.	\$ 10,000.00
9/18/2018	Hudson West III	Lion Hall Group	\$ 8,324.82
9/20/2018	Hudson West III	Owasco P.C.	\$ 25,000.00
9/25/2018	Hudson West III	Owasco P.C.	\$ 295,000.00
10/5/2018	Hudson West III	Lion Hall Group	\$ 4,112.41
7/26/2019	Wang Xin (BHR)	Robert H. Biden	\$ 10,000.00
8/2/2019	Jonathan Li (BHR)	Robert H. Biden	\$ 250,000.00
			\$ 7,283,188.76

Romania¹⁰⁴

<u>Date</u>	<u>Originator</u>	<u>Intermediary</u>	<u>Biden Affiliated Entity</u>	<u>Amount</u>
11/9/2015	Bladon Enterprises Limited	Robinson Walker, LLC	Robert Biden	\$ 59,900.00
12/7/2015	Bladon Enterprises Limited	Robinson Walker, LLC	Robert Biden	\$ 59,725.00
12/23/2015	Bladon Enterprises Limited	Robinson Walker, LLC	Robert Biden	\$ 60,091.24
2/12/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 60,220.28
2/24/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 61,126.24
3/24/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 61,816.05
5/23/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 123,830.80
7/11/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 116,860.93
8/15/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 53,419.74
8/31/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Robert Biden	\$ 20,000.00
9/22/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 32,092.81
9/29/2016	Bladon Enterprises Limited	Robinson Walker, LLC	"Biden"	\$ 20,000.00
10/11/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 41,638.12
11/15/2016	Bladon Enterprises Limited	Robinson Walker, LLC	Robert Biden	\$ 122,179.00
2/2/2017	Bladon Enterprises Limited	Robinson Walker, LLC	"Biden"	\$ 20,000.00
2/10/2017	Bladon Enterprises Limited	Robinson Walker, LLC	"Biden"	\$ 20,000.00
2/13/2017	Bladon Enterprises Limited	Robinson Walker, LLC	Hallie Biden	\$ 10,000.00
2/16/2017	Bladon Enterprises Limited	Robinson Walker, LLC	"Biden"	\$ 20,000.00
2/27/2017	Bladon Enterprises Limited	Robinson Walker, LLC	Robert Biden	\$ 14,000.00
6/2/2017	Bladon Enterprises Limited	Robinson Walker, LLC	Owasco P.C.	\$ 61,726.87
				\$1,038,627.08

Panama¹⁰⁵

<u>Date</u>	<u>Originator</u>	<u>Biden Affiliated Entity</u>	<u>Amount</u>
12/27/2016	Stanhope Worldwide Services	James Biden	\$ 50,000.00
1/26/2017	Stanhope Worldwide Services	James Biden	\$ 50,000.00
2/2/2017	Stanhope Worldwide Services	James Biden	\$ 50,000.00
3/20/2017	Stanhope Worldwide Services	James Biden	\$ 50,000.00
11/30/2022	Briest Trading International Company	James Biden	\$ 200,000.00
12/31/2022	Briest Trading International Company	James Biden	\$ 290,000.00
2/28/2023	Briest Trading International Company	James Biden	\$ 200,000.00
7/31/2023	Briest Trading International Company	James Biden	\$ 150,000.00
			\$ 1,040,000.00

¹⁰⁴ Second Bank Memo at 17.

¹⁰⁵ Referral ¶ 7.

Other Global Investments¹⁰⁶

<u>Date</u>	<u>Originator</u>	<u>Biden Affiliated Entity</u>	<u>Amount</u>
3/3/2015	ePlata	Minor Biden Child	\$ 50,000.00
3/30/2015	ePlata	Minor Biden Child	\$ 20,000.00
4/15/2015	ePlata	Minor Biden Child	\$ 20,000.00
9/10/2015	Mbloom BDC Advisors	Rosemont Seneca Bohai	\$ 275,000.00
9/21/2017	Eudora	Skaneateles LLC	\$ 666,572.16
			\$ 1,031,572.16

D. The Biden family and their business associates utilized a system of money transfers and complexity to mask foreign funding sources.

The Committees’ review of subpoenaed bank records revealed a pattern in which Hunter Biden would use a business associate’s corporate bank account (an intermediary account) to receive millions of dollars in foreign funds. For instance, Hunter Biden used business associate Devon Archer’s limited liability company (LLC), Rosemont Seneca Bohai, and Rob Walker’s LLC, Robinson Walker, LLC, to receive money from foreign companies and individuals.¹⁰⁷ After Mr. Archer’s and Mr. Walker’s LLCs received the foreign wires, the business associates would transfer Hunter Biden, his companies, and other Biden family members significant payments.¹⁰⁸ The Committees interviewed witnesses who were involved in particular financial transactions to understand why Hunter Biden used his business associates’ corporate bank accounts to receive millions of dollars from foreign parties, despite having his companies in Delaware and Washington, D.C.¹⁰⁹

For instance, Hunter Biden and his business associates began doing work for the Chinese entity CEFC in 2015 and 2016 while Joe Biden was Vice President but delayed receiving payment from CEFC “due to its close affiliation with the Chinese government.”¹¹⁰ In February 2017, Joe Biden, Hunter Biden, Mr. Walker, and Mr. Gilliar met with the chairman of the Chinese company CEFC, Ye Jianming, in Washington D.C.¹¹¹ On March 1, 2017—slightly more than a month after Vice President Joe Biden left public office—State Energy HK, a company associated with Chairman Ye, wired \$3 million to Robinson Walker, LLC.¹¹² Mr. Walker described this payment as a “thank you” for the work that Hunter Biden and he had done for CEFC while Joe Biden was Vice President.¹¹³ The next day, Mr. Walker wired approximately one-third of the amount, \$1,065,000, to Mr. Gilliar’s company, European Energy and

¹⁰⁶ *Id.*; These entities either engaged in international activities or obtained international investments.

¹⁰⁷ See generally First Bank Memo; Second Bank Memo; Third Bank Memo.

¹⁰⁸ See First Bank Memo at 2-3; Second Bank Memo at 2, 10-16, 31-34; Third Bank Memo at 18; Fourth Bank Memo at 6, 8-12.

¹⁰⁹ See Second Bank Memo at 7 (listing some of Hunter Biden’s corporate entities during this time).

¹¹⁰ H. Comm. on Ways & Means, Exhibit 400A: FBI FD-302 Memorandum of Interview of Tony Bobulinski at 4 (Oct. 23, 2020) [hereinafter “Tony Bobulinski FD-302”].

¹¹¹ Walker Interview at 41-42.

¹¹² First Bank Memo at 2; Walker Interview at 15-16, 169.

¹¹³ H. Comm. on Ways & Means, Exhibit 402: FBI FD-302 Memorandum of Interview of John Robinson Walker at 7 (Feb. 22, 2022) [hereinafter “Rob Walker FD-302”].

Infrastructure Group (EEIG), in Abu Dhabi.¹¹⁴ Mr. Walker retained approximately one-third of the money for himself.¹¹⁵ Mr. Walker did not immediately send one-third to Hunter Biden or his companies. Instead, from March 6, 2017, to May 18, 2017, Hunter Biden, James Biden, Hallie Biden, and their companies received 16 separate payments to personal and corporate accounts totaling \$1,065,692.¹¹⁶ Mr. Walker testified that Hunter Biden had instructed Mr. Walker to make incremental payments to various bank accounts over a period of months.¹¹⁷ These transactions reduced the size of the wires and concealed the ultimate source of the money: State Energy HK, a Chinese company associated with CEFC.

The chart below shows the complicated financial transactions and illustrates Robinson Walker, LLC's activity after receiving the \$3 million wire from the Chinese company, State Energy HK, sending 16 wire transfers to Hunter Biden, his companies, James Biden's company, JBBSR, Inc., and Hallie Biden:

Date	Originating Account	Beneficiary Account	Amount
3/6/2017	Robinson Walker, LLC	"Biden"	\$5,000
3/13/2017	Robinson Walker, LLC	"Biden"	\$25,000
3/20/2017	Robinson Walker, LLC	Hallie Biden	\$25,000
3/27/2017	Robinson Walker, LLC	Owasco P.C.	\$50,000
3/29/2017	Robinson Walker, LLC	First Clearing, LLC	\$100,000
3/31/2017	Robinson Walker, LLC	Owasco P.C.	\$50,000
3/31/2017	Robinson Walker, LLC	Owasco P.C.	\$100,000
4/3/2017	Robinson Walker, LLC	JBBSR INC	\$50,000
4/3/2017	Robinson Walker, LLC	JBBSR INC	\$50,000
4/14/2017	Robinson Walker, LLC	RSTP II, LLC	\$10,692
4/18/2017	Robinson Walker, LLC	Owasco P.C.	\$300,000
4/20/2017	Robinson Walker, LLC	JBBSR INC	\$120,000
4/21/2017	Robinson Walker, LLC	"Biden"	\$25,000
4/24/2017	Robinson Walker, LLC	JBBSR INC	\$125,000
5/17/2017	Robinson Walker, LLC	"Biden"	\$15,000
5/18/2017	Robinson Walker, LLC	JBBSR INC	\$15,000
Total			\$1,065,692

On January 26, 2024, the Committees interviewed Mr. Walker.¹¹⁸ Despite receiving millions of dollars from the company, Mr. Walker would not confirm whether the company that paid the Biden family members and business associates was a state-owned enterprise of China.¹¹⁹

¹¹⁴ See Second Bank Memo at 31-32.

¹¹⁵ See generally *id.*

¹¹⁶ See generally *id.*

¹¹⁷ Walker Interview at 83.

¹¹⁸ *Id.* at 1.

¹¹⁹ *Id.* at 78-79.

In addition, Mr. Walker stated that he sent separate wires to Hunter Biden instead of sending one larger payment because “that’s how he wanted it.”¹²⁰ Mr. Walker testified:

Q. Why is it that you didn’t send \$1,065,000 on the same day to Hunter Biden? Why did you only send it—a larger amount to James Gilliar but not a large amount to Hunter Biden?

A. I don’t recall.

Q. Did you have discussions with Hunter Biden about how the payments would be structured to him?

A. Did not have that conversation, no.

* * *

Q. Then, what we’ve been able to trace is, on March 6th of 2017, payments begin to start going out to “Biden” account.

A. Right.

Q. I think we have a chart. So, within a week, money starts going to Hunter Biden. . . .

A. That’s correct. . . .

Q. So why were there amounts sent, like 5,000, 25,000, 50,000, in the same month? Like, why not just send him the \$1,065,000 that he was owed at that point?

A. I don’t recall specifically, but the way I viewed it at the time, it was his money, and that’s how he wanted it.

Q. All right. So that’s how he wanted it? He wanted the money sent to him in this particular manner?

A. That’s correct.¹²¹

Hunter Biden instructed Mr. Walker to send the wires in this manner.¹²² It is highly unlikely that Mr. Walker and Hunter Biden did not discuss the process and purpose behind sending 16 wires to companies and individuals who performed no services for Robinson Walker, LLC, such as JBBSR Inc. and Hallie Biden.

¹²⁰ *Id.* at 82-83.

¹²¹ *Id.*

¹²² *See id.*

Hunter Biden’s explanation for receiving these 16 separate wires was also not believable. During his deposition, he stated that he asked Mr. Walker to structure the payments in that way to “save” on wire transfer fees.¹²³ Hunter Biden testified:

- Q. Why didn’t you . . . receive . . . the \$1 million into your Owasco PC account or another account instead of sending out individual wires from the Robinson Walker, LLC, account to Hallie Biden and to James Biden?
- A. A real easy answer: Because, despite the fact that I certainly didn’t look like it, is that I sometimes can be oxymoronicly cheap. It’s to save on two wire transfers.¹²⁴

Hunter Biden’s claim that he wanted to save money on wire fees given his lavish lifestyle, multiple sports cars, foreign travel, and expensive schools is incredible. In reality, it appears that by arranging for 16 separate smaller wires instead of one, Hunter Biden was seeking to hide his income and conceal the source of the funds from China.

Evidence also shows that during Joe Biden’s tenure as Vice President, Hunter Biden directed suspicious payments from foreign interests through Rosemont Seneca Bohai. Although Mr. Archer was the named person on the Rosemont Seneca Bohai bank account, evidence shows that Hunter Biden exerted control and authority over this bank account.¹²⁵ As discussed further below, Joe Biden met with Hunter Biden’s foreign business associates while he served as Vice President.¹²⁶ Shortly before or after Joe Biden would meet with the foreign associates, they or their companies would often send Hunter Biden lucrative wires to the Rosemont Seneca Bohai bank account. The Oversight Committee determined that Hunter Biden used the Rosemont Seneca Bohai bank account to receive these wires despite having his own companies in Washington, D.C. and Delaware that could receive the funds.

The Rosemont Seneca Bohai bank account was a key piece of evidence in the Committees’ investigation. It was proof that Hunter Biden’s and his business associates’ foreign partners paid huge sums of money to them after introductions to Joe Biden. According to Mr. Archer, the Rosemont Seneca Bohai bank account was opened to hold the equity of a Chinese investment fund, Bohai Harvest RST (BHR), for which Jonathan Li was the CEO.¹²⁷ In addition to holding equity for BHR, Mr. Archer confirmed that the Rosemont Seneca Bohai bank account received Hunter Biden’s payments from Burisma, a Ukrainian energy company, and other foreign companies and that the money was then disbursed to Hunter Biden or reinvested into other companies. During his transcribed interview, Mr. Archer testified:

¹²³ Hunter Biden Deposition at 52.

¹²⁴ *Id.*

¹²⁵ See H. Comm. on Ways & Means, Exhibit 901: Email from Hunter Biden to Vadim Pozharskyi, cc’ing Sebastian Momtazi and Devon Archer (May 14-15, 2014) [hereinafter “Exhibit 901”]; H. Comm. on Ways & Means, Exhibit 902 [hereinafter “Exhibit 902”]; Galanis Interview at 109; Archer Interview at 64.

¹²⁶ Press Release, H. Comm. on Oversight & Accountability, Joe Biden Met Nearly Every Foreign Associate Funneling His Family Millions (Feb. 14, 2024).

¹²⁷ Archer Interview at 14-15, 68.

[W]e were running it [Rosemont Seneca Bohai] as a business, so it was—it was to Rosemont Seneca Bohai for—there were other investments that were made. There were, you know, investments on behalf of the business. So . . . as the business was capitalized, we did other things with it.¹²⁸

Subpoenaed bank records corroborated Mr. Archer’s testimony and prove that Hunter Biden significantly benefited from the Rosemont Seneca Bohai bank account and a Rosemont Seneca Bohai credit card (subpoenaed documents from a credit card company show purchases for Hunter Biden’s expenses, including his travel, totaling approximately \$47,133 from the corporate credit card).¹²⁹ Mr. Archer informed the Oversight Committee that when the bank records for the Rosemont Seneca Bohai bank account show two Burisma payments in the same month for the same amount (\$83,333.33), one of the payments was for Mr. Archer and the other was for Hunter Biden.¹³⁰ Although Hunter Biden falsely denied his affiliation with Rosemont Seneca Bohai during his deposition,¹³¹ in total, the Oversight Committee has identified approximately over \$2 million in payments for Hunter Biden’s benefit to the Rosemont Seneca Bohai bank account.¹³²

E. The Biden family used a network of close associates to entangle their financial interests with Joe Biden’s.

Evidence suggests that the Biden family business arrangements were organized in such a way that even close associates were not permitted complete visibility into the full picture of the Bidens’ financial activity. For example, Eric Schwerin, Hunter Biden’s business partner in Rosemont Seneca Advisors and manager of Joe Biden’s finances, admitted he had no visibility into the Rosemont Seneca Bohai bank account—an account that was the primary recipient of Hunter Biden’s foreign money.¹³³ According to Mr. Schwerin, he had access to other bank accounts for both Hunter Biden and Joe Biden.¹³⁴ While Mr. Schwerin had a window into many bank accounts involving Hunter Biden and Joe Biden, he was not given access to the Rosemont Seneca Bohai bank account until federal authorities began investigating Mr. Archer.¹³⁵ Although Mr. Schwerin oversaw many of the administrative banking duties related to their companies, wires sent to Hunter Biden and his associates from foreign entities—often sent after Joe Biden met with these foreign individuals—were often diverted into the Rosemont Seneca Bohai bank account to which Eric Schwerin did not have access.¹³⁶ The Rosemont Seneca Bohai bank account was used to conceal and hide money that involved foreign businesses and individuals who met with Joe Biden while he held public office.

¹²⁸ *Id.* at 24.

¹²⁹ Records on File with Comm. Staff; Referral ¶ 49.

¹³⁰ Archer Interview at 24.

¹³¹ Referral ¶¶ 19-64.

¹³² *Id.* ¶ 26.

¹³³ Schwerin Interview at 100-101; *see generally* Third Bank Memo.

¹³⁴ Schwerin Interview at 10, 15-16, 126-128, 143-144.

¹³⁵ *Id.* at 17-18, 33-34.

¹³⁶ *Id.* at 10, 16-18, 53-55, 126-128; *see generally* Third Bank Memo.

This close group of individuals used Joe Biden’s attorney to form and run their corporate entities.¹³⁷ The Bidens used these corporate entities for limited purposes and to move the money from foreign sources.¹³⁸ For example, both Hallie Biden and James Biden’s JBBSR Inc. performed no services for Robinson Walker, LLC but received approximately \$385,000 sourced from State Energy HK.¹³⁹ James Biden testified that he used JSBBR Inc. “very, very, very little.”¹⁴⁰ He testified:

Q. Moving on to JBBSR Inc.

A. Yes.

Q. Is that your company as well?

A. Yes.

Q. What kind of work—

A. I don’t know if that’s still in existence. But Sara, my wife, formed that company along with my agreeing to it. But it was set up just as another vehicle where we could—it was an LLC, and it was set up for that reason. It has been used very, very, very little.¹⁴¹

The registered agent for JBBSR Inc. was Monzack, Mersky, McLaughlin, and Brower, P.A.¹⁴² This law firm was the registered agent for other Biden related entities, including Mr. Walker’s, Hunter Biden’s, Jill Biden’s, and Joe Biden’s companies. They are the listed agent for the following entities: Hunter Biden’s Rosemont Seneca Advisors, LLC and Owasco LLC, Rob Walker’s Robinson Walker, LLC, Jill Biden’s Giacoppa Corp., and Joe Biden’s CelticCapri Corp.¹⁴³ JBBSR Inc.’s business address was James Biden’s previous home address.¹⁴⁴ Although James Biden represented that he used JBBSR Inc. “very, very, very little,”¹⁴⁵ it received \$360,000 from Robinson Walker LLC in a two-month period.¹⁴⁶ James Biden received the money into a company that had no business operations, insignificant assets, and performed no services for Robinson Walker, LLC or CEFC at that time.¹⁴⁷

¹³⁷ James Biden Interview at 14; Rosemont Seneca Advisors, LLC; Robinson Walker, LLC; CelticCapri Corp.; Giacoppa Corp.; and Owasco LLC available at OpenCorporates.com.

¹³⁸ See generally First Bank Memo, Second Bank Memo, Third Bank Memo, Fourth Bank Memo, and Referral.

¹³⁹ See First Bank Memo at 2; see generally Second Bank Memo at 10-11, 13, 16-17.

¹⁴⁰ James Biden Interview at 13.

¹⁴¹ *Id.*

¹⁴² *Id.* at 14.

¹⁴³ Rosemont Seneca Advisors, LLC; Robinson Walker, LLC; CelticCapri Corp.; Giacoppa Corp.; and Owasco LLC available at OpenCorporates.com.

¹⁴⁴ James Biden Interview at 14.

¹⁴⁵ *Id.* at 13.

¹⁴⁶ Second Bank Memo at 31-32.

¹⁴⁷ See generally Fourth Bank Memo.

The pace at which the Bidens and their associates created companies that provided little to no services, mostly during the Obama-Biden Administration, is alarming. Many of these entities will be discussed in this report, but below are several of the companies investigated by the Committees in the course of the impeachment inquiry.¹⁴⁸

Name	Formation Date
Lion Hall Group, LLC	5/26/1998
Owasco P.C.	1/19/2006
Robinson Walker, LLC	2/28/2008
Skaneateles, LLC	7/18/2008
Seneca Global Advisors, LLC	8/12/2008
Rosemont Seneca Partners, LLC	6/25/2009
Rosemont Seneca Principal Investments, LLC	7/29/2009
Rosemont Realty, LLC	2/12/2010
Rosemont Seneca Global Risk Services, LLC	10/4/2010
RSP Holdings, LLC	9/15/2011
Rosemont Seneca Technology Partners, LLC	10/19/2011
Rosemont Seneca Thornton, LLC	5/28/2013
Rosemont Seneca Advisors, LLC	7/2/2014
Rosemont Seneca Bohai, LLC	9/18/2014
JBB SR, INC.	9/3/2015
RSTP II Alpha Partners, LLC	12/17/2015
RSTP II Bravo Partners, LLC	12/17/2015
Owasco, LLC	12/21/2015
Hudson West III, LLC	4/19/2016
Hudson West V, LLC	5/27/2016
CEFC Infrastructure Investment (US), LLC	5/11/2017

¹⁴⁸ Second Bank Memo at 7.

F. The Biden family did not provide services to merit the millions of dollars paid to them.

Hunter Biden and James Biden provided vague descriptions of the value they provided to their business partners. For instance, James Biden vaguely stated that he “consult[ed] in many different areas.”¹⁴⁹ He testified:

Q. What I’d like to understand is what kind of services and businesses did the Lion Hall Group and JBBSR Inc. provide?

A. Consulting in many different areas. The list is incorporated in the documents that I provided you. I mean, too many for me to mention off the top of my head. But . . . clearly the insurance business, the liquid natural gas.

You know, as I said, I had my securities license, I had my real estate license, and I did that in conjunction with a couple of my earlier enterprises in the food and beverage business.

And just, you know, there was a lot of different corporations and a lot of different business entities that I was involved in.

Q. Are you a registered lobbyist?

A. No, sir.¹⁵⁰

While an ordinary consulting business would produce reams of contracts, agreements, invoices, documented transactions and other evidence of legitimate services, the record of James Biden’s and Hunter Biden’s documented services provided to high paying clients is scant. For instance, the Committees interviewed Carol Fox, the U.S. Bankruptcy Trustee for Americore Health, LLC (Americore), a company that operates rural hospitals and was involved in bankruptcy proceedings.¹⁵¹ As part of the impeachment inquiry, the Committees obtained bank records related to James and Sara Biden, and an entity associated with them. According to these bank records, Joe Biden received a \$200,000 check from James Biden dated March 1, 2018.¹⁵² James Biden issued the check to Joe Biden from his personal bank account on the same day he received a \$200,000 wire from Americore.¹⁵³

According to Ms. Fox’s testimony, she could not identify services that James Biden rendered to the company for this money. She testified:

¹⁴⁹ James Biden Interview at 14-15.

¹⁵⁰ *Id.*

¹⁵¹ Transcribed Interview of Carol Fox, H. Comm. on Oversight & Accountability at 10-11, 64 (Dec. 18, 2023) [hereinafter “Fox Interview”]; James Biden Interview at 37.

¹⁵² Press Release, H. Comm. on Oversight & Accountability, Comer Releases Evidence of Direct Payment to Joe Biden (Oct. 20, 2023).

¹⁵³ *Id.*

Q. As part of being a trustee and filing this lawsuit, did you investigate or take any steps to try and find out what he did at the company?

A. Yes.

Q. What did you do?

A. So I do know that, through Mr. Biden's consulting company, Lion Hall, he purportedly provided consulting services to the debtor, or to the debtors. But what those services were, yeah, I don't . . . I can't say specifically.

Q. Is it fair to say that you weren't able to identify any services that he provided to Americore?

A. Well, that's why I sued him. . . .¹⁵⁴

Similarly, Mervyn Yan, a business partner of Hunter Biden, could not explain why his company, Hudson West III, paid James Biden's consulting firm, Lion Hall Group, tens of thousands of dollars. In a letter transmitted prior to his interview with the Committees and during the interview, Mr. Yan asserted that he "has no direct contact with Lion Hall Group."¹⁵⁵ However, despite Mr. Yan's representations to the Committees, subpoenaed bank records show that Hudson West III made significant payments to the Lion Hall Group.¹⁵⁶ Mr. Yan testified that the purpose of these payments were to "reimburse" "Lion Hall's business expenses."¹⁵⁷ He stated:

Q. . . . There are additional Cathay Bank records that show additional wires out to the Lion Hall Group. I think this provides enough examples for you to review.

But at this point, on March 31st of 2018, you were a signatory on the account, but your footnote says you had no direct contact with the Lion Hall Group.

A. That's correct.

Q. So you're paying money to the Lion Hall Group, but you've had no contact with any[one] at the Lion Hall Group?

¹⁵⁴ Fox Interview at 18-19.

¹⁵⁵ Letter from Mervyn Yan's Counsel to James Comer, Chairman, H. Comm. on Oversight & Accountability, and Jim Jordan, Chairman, H. Comm. on the Judiciary (Jan. 24, 2024) [hereinafter "Jan. 24 Letter from Yan's Counsel"]; Transcribed Interview of Mervyn Yan, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 12 (Jan. 25, 2024) [hereinafter "Yan Interview"].

¹⁵⁶ Yan Interview at 12-13.

¹⁵⁷ *Id.* at 13.

A. So during the course of those periods, I believe that's Lion Hall's business expenses submitted to Hudson West III, and . . . I reimburse it as when they submit it. So I would consider that that's . . . the equivalent of the Owasco payment.

Q. But you did have contact with the Lion Hall Group if you're talking with them about expenses.

A. I have no business dealing[s] with the Lion Hall Group.¹⁵⁸

Mr. Yan's statements are inconsistent with the evidence. Mr. Yan paid the Lion Hall Group, but he could not, with any specificity, articulate the services that the Lion Hall Group rendered to Hudson West III. Instead, he provided a convoluted explanation about business expenses, testifying:

Q. But why was . . . Lion Hall Group getting any money from [Hudson West III]—

A. I don't know.

Q. What services were Lion Hall Group providing?

A. I think that's primarily for all the . . . number[s] that they submit. I—presumably, that's a business expense related to Hudson West III business.¹⁵⁹

Despite being in business with the Biden family, Mr. Yan could not identify the services that the Biden family provided to clients or why the Bidens were paid even when deals fell apart. Mr. Yan told the Committees about different energy projects the Bidens pitched to their Chinese business associates, but none of them—not one—was successful.¹⁶⁰ Hunter Biden and James Biden have a long history of failed business endeavors. The Bidens and their business associates were even paid millions of dollars for “access” to projects. Rob Walker told the FBI that CEFC paid himself, Hunter Biden, and Mr. Gilliar as a “thank you[.]”¹⁶¹ In his transcribed interview, he elaborated:

Q. What did you mean when you said the \$3 million was more of a “thank you”?

A. I think we put them [CEFC] together with a bunch of qualified projects. They may have been skeptical at first, but we opened the door to some potential business that they

¹⁵⁸ *Id.*

¹⁵⁹ *Id.* at 82.

¹⁶⁰ *Id.* at 77-78.

¹⁶¹ Rob Walker FD-302 at 7; Walker Interview at 80.

would not normally have access to, I guess. Or “access” may be the wrong word, but . . . they were kind of impressed at what we were showing them, in my opinion.¹⁶²

In a letter that Mr. Yan submitted to the Committees, he also asserted he had no relationship with Sara Biden, James Biden’s wife.¹⁶³ Mr. Yan’s Chinese affiliated company, however, gave Sara Biden a credit card allowing the Bidens to spend lavishly.¹⁶⁴ Mr. Yan told the Committees that he obtained a company credit card for Sara Biden—even though he did not have a business relationship with her—because it was “part of . . . the ask.”¹⁶⁵ He testified:

Q. Who received those credit cards?

A. I think Hunter, James Biden, and Sara Biden.

Q. So going back to your letter, where you say you have no relationship with Sara Biden, but then the company, where I understand you’re going through invoices—that’s my understanding of part of your role. You’re going through invoices and expense reports—she gets a credit card?

A. As part of . . . the ask, they asked for it. I ha[d] no reason to say no.

Q. What types of expenses was she looking forward to making . . . on the credit card?

A. I don’t know.

Q. But didn’t you ask?

A. I don’t control her spending. . . .¹⁶⁶

According to Mr. Yan, Sara Biden did not have a role in the Chinese joint venture Hudson West III, but she had a credit card for the company despite providing no services.¹⁶⁷ Despite these failures, the Bidens received millions of dollars in payments and forgiven loans from various domestic and foreign companies and individuals.¹⁶⁸ After interviewing several of the Biden family’s business associates, the Committees identified no substantive value provided by the Bidens other than access to or influence over Joe Biden.

¹⁶² Walker Interview at 80.

¹⁶³ Jan. 24 Letter from Yan’s Counsel.

¹⁶⁴ See Yan Interview at 89-91.

¹⁶⁵ *Id.* at 89.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.* at 89-90.

¹⁶⁸ Referral ¶¶ 1-10.

II. The Biden family and business associates leveraged Joe Biden’s official position for financial benefit with Joe Biden’s awareness and participation.

The influence peddling schemes described in this section represent repeated abuses of office by then-Vice President Biden, and compounding the corruption are the lengths to which Joe Biden has gone to cover up his actions. The Committees have obtained evidence of how the Biden family leveraged Joe Biden’s official position for financial gain. Indeed, in many ways, the entire business of Hunter Biden and James Biden centered around hinting at, alluding to, or outright promising what Joe Biden’s power could do for certain foreign interests.

Joe Biden allowed his family to monetize his political influence and access by selling it to foreign actors. He participated in a scheme in which 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. While the Biden family’s influence peddling scheme involved a wide range of corrupt dealings across multiple countries, their various endeavors all fundamentally represent an attempt to commodify President Biden’s office and the power entrusted to him by the American public.¹⁶⁹

A. In April 2014, a Kazakhstani oligarch wired \$142,300—the exact price of Hunter Biden’s sports car—to a bank account used by Mr. Archer and Hunter Biden.

On February 5, 2014, Hunter Biden met Kenes Rakishev, a Kazakhstani oligarch, at the Hay-Adams hotel in Washington, D.C.¹⁷⁰ According to Mr. Archer, Mr. Rakishev “is a prominent businessman in Kazakhstan [and] Europe” who maintained close ties to Karim Massimov, who became Prime Minister of Kazakhstan in April 2014.¹⁷¹ Mr. Rakishev was also a director at Kazakhstan’s state-owned oil company, KazMunayGas.¹⁷² In email correspondence with Mr. Archer surrounding the D.C. meeting, Mr. Rakishev asked that then-Secretary of State John Kerry visit Kazakhstan.¹⁷³ Mr. Archer replied approvingly, “if we have some business started as planned I will ensure its [sic] planned soonest.”¹⁷⁴

Mr. Archer initially met Mr. Rakishev in an attempt to raise capital for Rosemont Realty, a real estate company run by Mr. Archer.¹⁷⁵ Mr. Archer acknowledged that Hunter Biden briefly served on Rosemont Realty’s board of directors and received a financial distribution when the firm was sold, but otherwise claimed that Hunter Biden’s involvement in Rosemont Realty was “[m]inimal.”¹⁷⁶ He testified:

¹⁶⁹ Cf. Turley Testimony at 25 (“Just as influence peddling is a form of corruption that the United States has sought to combat on a global scale, it is still corrupt if you have no plans to fulfill the deal. You are still turning an office into a commodity for corruption.”).

¹⁷⁰ Third Bank Memo at 11.

¹⁷¹ See Archer Interview at 63; Third Bank Memo at 11.

¹⁷² Third Bank Memo at 11.

¹⁷³ *Id.*

¹⁷⁴ Email from Devon Archer to Kenes Rakishev & Hunter Biden (Feb. 5, 2014).

¹⁷⁵ Archer Interview at 79.

¹⁷⁶ *Id.* at 63-64.

- Q. But [Kenes Rakishev and Yelena Baturina] are people who you and Hunter Biden are in business with, correct?
- A. Correct. Well . . . Kenes was pitched . . . to Rosemont Realty, but I don't think he ever—he never—the only thing that I think ever transacted was a car.
- Q. Well, why did he send—
- Atty. And what was Hunter's connection to Rosemont Realty?
- A. Minimal.
- Q. Right. So was he in business with . . . investors in Rosemont Realty?
- A. No. Hunter we put on the board of Rosemont Realty for a very short period of time.¹⁷⁷

Fellow Biden business associate Jason Galanis provided a more expansive account of Hunter Biden's involvement in Rosemont Realty, stating that while it was "materially accurate to say that he was not a core partner of Rosemont Realty. . . . It would be inaccurate to say he was completely detached."¹⁷⁸ Mr. Galanis explained that Hunter Biden's "RSP Investments due diligence documents that he provided us, which were his internal accounts, had payments from Rosemont Realty to Hunter."¹⁷⁹ RSP Investments was an SEC-registered broker-dealer "owned by Hunter [Biden] and run by Eric Schwerin."¹⁸⁰ Mr. Galanis added that "Rosemont Realty in a way was a fiction, used to raise money from oligarchs."¹⁸¹

The day before Hunter Biden and Mr. Archer met Mr. Rakishev at the Hay-Adams in Washington, the group dined with then-Vice President Biden at Café Milano in D.C. as part of Hunter Biden's birthday celebration.¹⁸² Mr. Massimov and Yelena Baturina, a Russian oligarch and friend of Mr. Rakishev, also attended the dinner.¹⁸³ According to Hunter Biden, Mr. Rakishev met his father at the Café Milano dinner.¹⁸⁴ Mr. Archer testified:

- Q. . . . Going back to this, it would be, spring of 2014 Café Milano dinner Can you just say again who was there?

¹⁷⁷ *Id.*

¹⁷⁸ Galanis Interview at 72.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.* at 30-31.

¹⁸¹ *Id.* at 121.

¹⁸² Third Bank Memo at 12; Archer Interview at 57. Although Mr. Archer testified that the dinner occurred in spring 2014, Hunter Biden clarified that it occurred on his birthday, February 4, 2014. *See* Hunter Biden Deposition at 76.

¹⁸³ Archer Interview at 46.

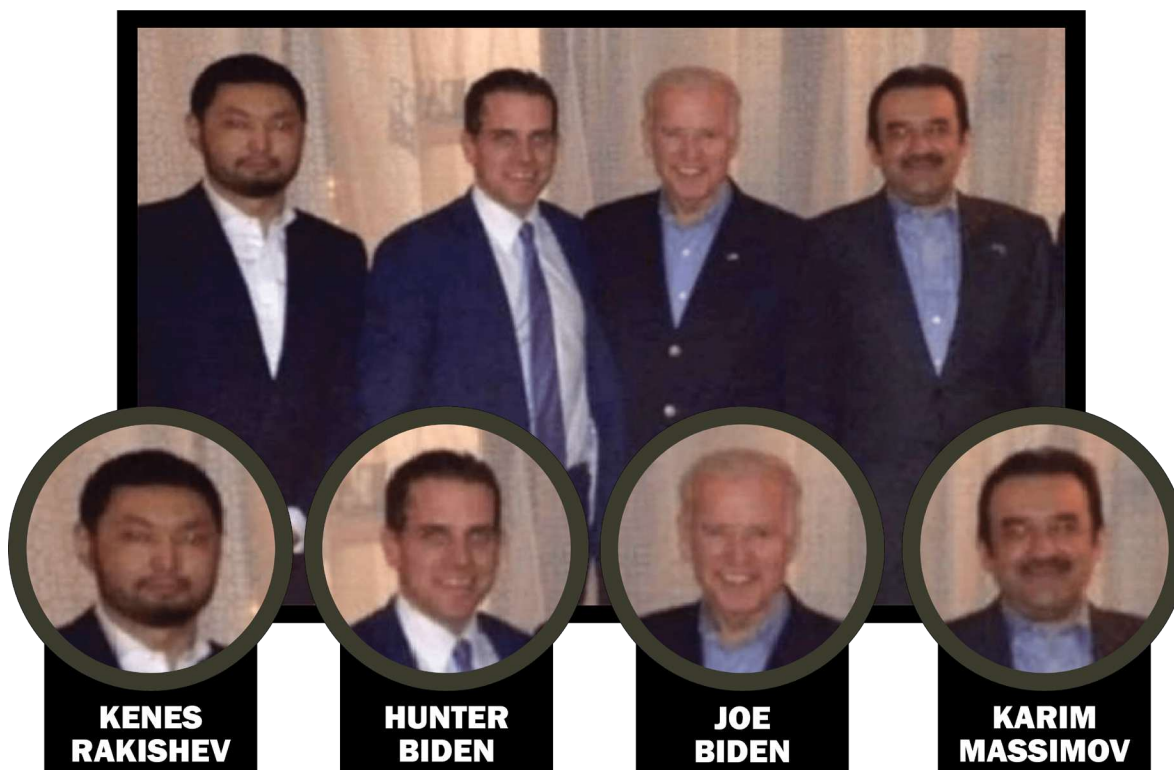
¹⁸⁴ Hunter Biden Deposition at 40.

A. Sure. Kenes Rakishev, Karim Massimov, Yelena Baturina, possibly Yury, Hunter Biden, Joe Biden, possibly Eric Schwerin.

Q. The duration of time that Joe Biden stayed there you said you couldn't recall. But you do recall whether he had dinner

A. He had dinner, yeah. I recall that he had dinner.¹⁸⁵

Hunter Biden's former wife, Kathleen Buhle, told the Justice Department and IRS investigators that "more than one Kazakhstani individual" attended the 2014 Café Milano dinner," though she could not recall their names.¹⁸⁶ Ms. Buhle also told investigators that "it was strange for these Kazakhstani individuals to show up to this dinner" because "it was unusual for [Hunter Biden] to have his clients show up to a family / birthday dinner."¹⁸⁷ According to Ms. Buhle, during the dinner, "the Kazakhstani individuals gave [Hunter Biden] a framed photo of a car that she understood they were going to give to [Hunter Biden]" as a gift.¹⁸⁸



¹⁸⁵ Archer Interview at 57.

¹⁸⁶ H. Comm. on Ways & Means, Exhibit 903: IRS CI Memorandum of Interview for Kathleen Buhle at 4 (May 7, 2021) [hereinafter "Exhibit 903"].

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

Two months after dining with then-Vice President Biden, on April 22, 2014, Mr. Rakishev used his Singaporean entity, Novatus Holding, to wire \$142,300 to the Rosemont Seneca Bohai bank account.¹⁸⁹ The very next day, April 23, 2014, the Rosemont Seneca entity transferred the exact same amount of money to Schneider Nelson Motor to purchase a sports car for Hunter Biden.¹⁹⁰

CLIENT STATEMENT | For the Period April 1-30, 2014 Page 6 of 8

Account Detail Active Assets Account: ROSEMONT SENECA BOHAI, LLC
C/O DEVON ARCHER

ACTIVITY

CASH FLOW ACTIVITY BY DATE

Transaction Settlement Date	Date	Activity Type	Description	Comments	Quantity	Price	Credits/(Debits)
4/9	4/9	Funds Transferred	WIRED FUNDS SENT	BENE: [REDACTED] ACCT: [REDACTED]			\$(1,200,000.00)
4/14	4/14	Online Transfer	FUNDS TRANSFERRED	CONFIRMATION # [REDACTED] TO [REDACTED]			(150,000.00)
4/15	4/15	Funds Received	WIRED FUNDS RECEIVED	AS PRIVATBANK BURISMA HOLDINGS LIMITED			89,333.33
4/15	4/15	Funds Received	WIRED FUNDS RECEIVED	AS PRIVATBANK BURISMA HOLDINGS LIMITED			29,424.82
4/19	4/22	Check	HAMPTON WATERCRAFT & MARINE	Check # [REDACTED]			(30,000.00)
4/22	4/22	Funds Received	WIRED FUNDS RECEIVED	ABLV BANK AS RIGA LATVIA NOVATUS HOLDING PTE. LTD.			142,300.00
4/23	4/23	Automated Payment	AMEX EPayment ACH PMT	AUTOMATIC BILL PAYMENT			(17,731.09)
4/23	4/23	Funds Transferred	WIRED FUNDS SENT	BENE: SCHNEIDER NELSON MOTOR C ACCT: XXXXXX [REDACTED]			(142,300.00)
4/29	4/29	Interest Income	[REDACTED]				24.78
4/29	4/29	Interest Income	[REDACTED]				4.30
NET CREDITS/(DEBITS)							\$(1,284,943.86)

DEBIT CARD & CHECKING ACTIVITY

CHECKS WRITTEN

Date Written	Date Paid	Check Number	Activity Type	Payee	Expense Category	Credits/(Debits)
4/19	4/22	[REDACTED]	Check	[REDACTED]		\$(30,000.00)
TOTAL CHECKS WRITTEN						\$(30,000.00)

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When asked about this transaction during his deposition, Hunter Biden claimed to have never heard of Novatus Holding and that the \$142,300 was a gift from Mr. Archer:

- Q. Who is Novatus? When the wire comes in for \$142,300—
- A. I've never seen Novatus. But, if you're asking me, does this money come from Kenes Rakishev, I can't answer directly because I don't have any full knowledge. All I know is that this—that the money for the car came from Devon Archer

¹⁸⁹ Third Bank Memo at 11-12.

¹⁹⁰ *Id.*; Ziegler Interview at 65.

from Rosemont Seneca Bohai, I assume, as you're showing me in this document.

Q. Are you saying that all the money in Rosemont Seneca Bohai is Devon Archer's money?

A. Yes.

* * *

Q. Do you know who gave—who sent the \$142,300 in the Rosemont Seneca Bohai account the exact same amount that purchased the car?

A. I do not know exactly how . . . it was purchased, but the car was purchased. I took possession of a car.

Q. Who sent the money for \$142,300 into the Rosemont Seneca Bohai account?

A. As far as I knew, Devon.

Q. Who sent the money from Novatus into the Rosemont Seneca Bohai account that was \$142,300?

A. Again, I don't know what Novatus is, but I believe that the money for the car was sent to Devon; then ultimately Devon purchased the car for me.

Q. And Devon never told you who was providing the money for the car?

A. No, I didn't say that. I'm saying to you . . . I don't know technically who Novatus is, so I can't answer . . . your question other than to say, my belief was that, but I do not know exactly who Novatus is. If you tell me Novatus is connected to Kenes Rakishev, then I accept that to be the fact. I have no issue with this.

They're telling you, is that I received a car and I know why I received a car. I received a car because I was helping, what I—my understanding was is that I was engaged with Devon . . . to help with his Rosemont Realty. It was payment. It was a cockamamie way to do it, but that's what my understanding was.¹⁹¹

¹⁹¹ Hunter Biden Deposition at 38-40.

Mr. Archer, however, confirmed in his transcribed interview that Novatus “is associated [with] Kenes Raskishev,”¹⁹² and that Rosemont Seneca Bohai received the \$142,000 payment from Mr. Raskishev “[f]or Hunter’s car.”¹⁹³ Mr. Archer testified that he did not know why Mr. Raskishev paid for Hunter Biden’s sports car;¹⁹⁴ what services, if any, Hunter Biden provided Mr. Raskishev in exchange for the car; or why the money was transferred to Devon Archer’s Rosemont Seneca Bohai bank account—which Hunter Biden does not have access to—instead of Owasco or one of his other accounts.¹⁹⁵

The extent to which Hunter Biden provided legitimate services to Mr. Raskishev is unclear from witness testimony. Mr. Archer testified to the Committees that he did not know why Mr. Raskishev purchased a sports car for Hunter Biden. As he explained:

A. It was—that’s a business matter between them.

Q. “Them” being who?

A. Hunter and Kenes. . . . That’s why I clarified the point, like, I wasn’t, like, doing this banking. Hunter was a corporate secretary of RSB. We had a handshake 50-50 ownership. And he conducted, you know, banking business with the COO.

Q. So you’re telling us here today that you don’t know why this expensive car was purchased through Raskishev.

A. No, I don’t know why...¹⁹⁶

In his deposition, Hunter Biden conceded he provided no services to Mr. Raskishev.¹⁹⁷ Hunter Biden stated, “I never did anything on behalf of Kenes Raskishev or asked anyone to do anything on behalf of Kenes Raskishev.”¹⁹⁸ The value Hunter Biden provided to Mr. Raskishev, then, appears to be limited to his introduction to Joe Biden, who was present at the Café Milano dinner where Mr. Raskishev presented to Hunter Biden a picture of the payment—a sports car.¹⁹⁹

¹⁹² Archer Interview at 62.

¹⁹³ *Id.*

¹⁹⁴ *Id.* at 64-65.

¹⁹⁵ *Id.* at 64-65, 67-68.

¹⁹⁶ *Id.* at 64-65.

¹⁹⁷ Hunter Biden Deposition at 198.

¹⁹⁸ *Id.*

¹⁹⁹ *See* Exhibit 903.

B. Hunter Biden peddled Vice President Joe Biden’s political influence to benefit monetarily from Russian business associates.

In early 2014, Vice President Biden attended Hunter Biden’s birthday dinner with several foreign officials, including a Russian oligarch, Yelena Baturina.²⁰⁰ In 2010, Ms. Baturina’s husband Yuri Luzhkov—the mayor of Moscow at that time—was accused by then U.S. Ambassador to Russia John Beyrle of heading a “pyramid of corruption” involving the Kremlin, Russia’s police force, its security service, political parties, and crime groups.²⁰¹ Specifically, according to one contemporaneous news source:

After Luzhkov entered office, his wife became Russia’s wealthiest woman, amassing a fortune put at \$1.8 [billion]. Since her husband’s sacking she has spent most of her time abroad, with the couple’s teenage daughters moving to London. Luzhkov’s dubious friends and associates, the US alleged, included Vyacheslav Ivankov—a recently murdered and notorious Russian mafia boss known as Yaponchik—and other “reputedly corrupt” Duma deputies. “[Source removed] said that the Moscow government has links to many different criminal groups and it regularly takes cash bribes from businesses.”²⁰²

Ten days after attending the dinner with Vice President Biden, on February 14, 2014, Ms. Baturina transferred \$3.5 million to Rosemont Seneca Thornton.²⁰³ Approximately \$2.75 million was later transferred to the Rosemont Seneca Bohai bank account, which Mr. Archer and Hunter Biden used to receive other foreign wire transfers.²⁰⁴ The timing of Ms. Baturina’s investment in Rosemont Seneca Thornton is suspect and raises concerns that Vice President Biden played an important role in convincing her to buy into his son’s foreign business dealings. According to Mr. Archer, Hunter Biden did not provide services to Ms. Baturina to merit this payment prior to the February 2014 dinner that the Vice President attended. Mr. Archer testified:

Hunter met Yelena once. . . . But . . . he was not involved. I think we put him on the advisory board for a minute. And he was really—Rosemont Realty was completely out of his, kind of, portfolio.²⁰⁵

On May 4, 2014, Mr. Galanis attended a party during which Hunter Biden put his father on speakerphone with Ms. Baturina.²⁰⁶ Hunter Biden and his family stood to gain a significant sum of money if the business deal with Ms. Baturina went well. During Mr. Galanis’s interview

²⁰⁰ Archer Interview at 57, 66; Hunter Biden Deposition at 76.

²⁰¹ Luke Harding, *WikiLeaks cables: Moscow mayor presided over ‘pyramid of corruption’*, THE GUARDIAN (Dec. 1, 2010).

²⁰² *Id.* (“[Source removed]” is part of a direct quote from the cited source).

²⁰³ Third Bank Memo at 2, 8; STAFF REPORT, S. COMM. ON HOMELAND SEC. & GOVERNMENTAL AFFS. & S. COMM. ON FIN., HUNTER BIDEN, BURISMA, AND CORRUPTION: THE IMPACT ON U.S. GOVERNMENT POLICY AND RELATED CONCERNS, at 69 (2020).

²⁰⁴ Third Bank Memo at 8-9.

²⁰⁵ Archer Interview at 61.

²⁰⁶ Galanis Interview at 10-12.

with the Committees, he explained his role in helping Ms. Baturina bring her wealth into a “safe jurisdiction” in the hopes that she would make investments that would garner great gains for the business associates.²⁰⁷ Mr. Galanis testified:

Q. You alluded to this, but what was the work that you were doing for Ms. Baturina that precipitated this get-together?

A. Well, I described the bank account. So what I characterize the work as, getting her access. My role was helping to get her access to the U.S. financial system. . . . [I]n prior periods, she invested money in a private equity fund. At that time, private equity funds were not required to report suspicious activity and money laundering. . . . So she had access only by way of a workaround, and I was charged with trying to get her direct access.

* * *

Q. And what was your understanding of why Ms. Baturina wanted access to the U.S. market?

A. The conversations were what we would call in my former life in finance, flight capital. And what flight capital means is high net worth, international people, moving capital from high risk jurisdictions where there is a risk of government confiscation of wealth, especially politically exposed people, to get it to what they deemed to be [a] safe jurisdiction.

And the U.S. is deemed as a place that is less likely to confiscate your wealth, and I think that changed for them for the Russians, in particular, after the invasion of Crimea. I think it was limiting her exposure and risk management were the discussions we had.²⁰⁸

Mr. Galanis testified that in exchange for helping Ms. Baturina obtain a bank account with a U.S. financial institution, the business partners hoped she would invest in their joint venture, Burnham.²⁰⁹ Mr. Galanis explained:

A. Our ambition in earning money with her was to have her invest with us, use that money to build a bigger Burnham, and ultimately to have that long term Burnham franchise, possibly to sell it, possibly to take it public.

²⁰⁷ *Id.* at 78-79.

²⁰⁸ *Id.* at 77-79.

²⁰⁹ *Id.* at 11.

* * *

That was the ambition, to build a business from 17 billion into something that could be 100, 200, \$300 billion asset management firm. And the fuel for that were relationships, access to relationships, and capital.

Q. What did Hunter Biden have to gain from that kind of investment?

A. A billion dollars.

Q. How?

A. He owned equity in the business.

Q. In Burnham?

A. Burnham.²¹⁰

According to evidence obtained by the Committees, Hunter Biden was able to transact with Ms. Baturina by appealing to his most powerful asset: his father. Regarding the May 4, 2014, call between Hunter Biden, Ms. Baturina, and Vice President Biden, Mr. Galanis testified that “[i]t was clear to me this was a pre-arranged call with his father meant to impress the Russian investors. . . .”²¹¹ Mr. Galanis testified:

I was present when Hunter called his father on a cell phone and put the call on speaker. Present for the call were Yelena Baturina, an investor in Rosemont projects; her husband Yuri, and the former mayor of Moscow; and Devon Archer.

This call took place on May 4, 2014, during a gathering hosted by [a] Ukrainian associate of Ms. Baturina and a business partner of ours at Romanoff, a restaurant in Brooklyn, New York.

* * *

During the May 4th party, we were told to go to an area of the restaurant to gather because Hunter was going to call his father. Hunter called his father, said, “Hello,” and “Hold on, Pops,” then put the call on speaker phone and said, “I’m here with our friends I told you were coming to town, and we wanted to say hello.”

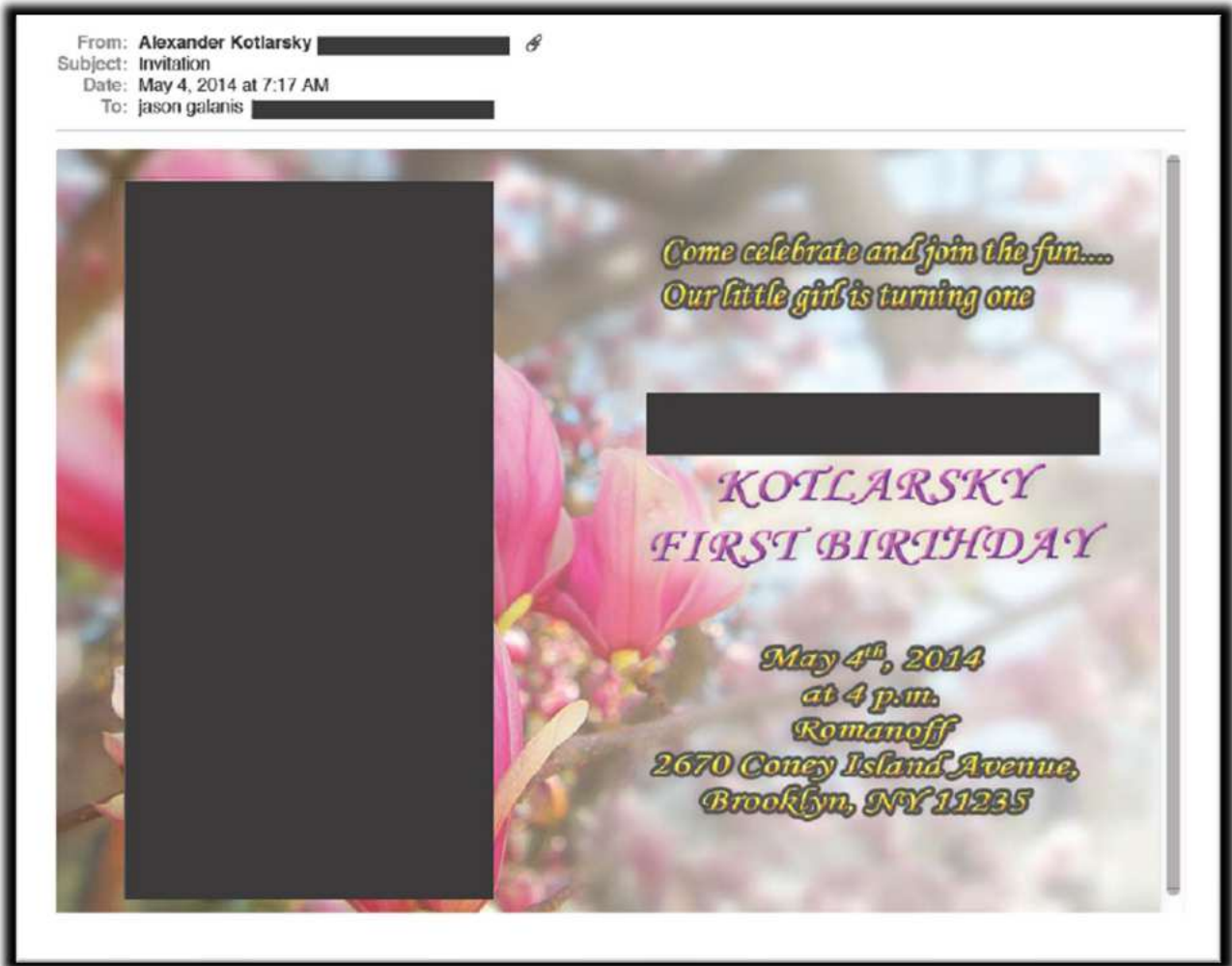
²¹⁰ *Id.* at 79-80.

²¹¹ *Id.* at 12.

The Vice President said, “Hello,” and some pleasantries, “Hope you had safe travels,” and seemed like he wanted to bring the call to an end by saying, “Okay, you be good to my boy.” Hunter responded by saying, “Everything is good, and we’re moving ahead.”

The Vice President said something about being very helpful or being helpful, and Hunter ended the call by saying that he was going to call his father later.

I recall being stunned by this call, to actually hear the Vice President’s voice on the phone. It was clear to me that this was a prearranged call with his father meant to impress the Russian investors that Hunter had access to his father and all the power and prestige of that position.²¹²



²¹² *Id.* at 10-12.

Following the call with the then-Vice President, Ms. Baturina committed to a “hard order” of \$10 to 20 million in a Burnham investment banking client.²¹³ Mr. Galanis explained:

A few days after this May 4th party, an email my lawyer provided to this committee shows that Devon had confirmed Ms. Baturina was committed to a, quote, hard order of [\\$]10 to \$20 million in a Burnham investment banking client.²¹⁴

From: jason galanis [REDACTED]
Subject: Wind telecom
Date: May 9, 2014 at 11:58 AM
To: Bevan [REDACTED], Jarrod Patten [REDACTED]

guys

archer indicated that May 31 is the d day for Wind.

the narrative is Vimplecom has other bidders, and they are being forced to sell because of the Russian Canadian relations.

the trade i see for us is to form an SPV to acquire the 60% equity interest that is being offered, and to build around the following lead orders archer has:

Larry Guffey	\$25-40 million	(ex head of Blackstone telecom biz. Director of TMobile and Deutsche Telecom)
Yelena Baturina	\$10-20 million	(Russian knowledge and hard order)
Tony Lacaverra	\$25 million	(founder. plus rolling his 40% equity)

The deal is \$440 million. \$300 million is assumable debt. \$140 million of equity and Mezz needed.

The above orders represent \$60 to \$85 million. simple arithmetic is then \$65-80 million needed.

Self evident that the more mezz we raise, the more for the Sponsors of the SPV...thats us.

Arch says \$1.5 billion invested to date. They own their spectrum. Forced sale is the narrative. Geopolitical overlay.

We need Goldman to play with us in placing the debt. i beleive we can convince the “LPs” ofthe SPV above to subordinate to mezz.

We could give them a mandate to refinance the \$300 million post close, and i am sure the company would be interested in other financings.

Archer asked me to structure home team economics. You guys are the home team.

lets talk.

Greek

Ms. Baturina’s significant investment in Burnham came as the direct result of then-Vice President Joe Biden’s intervention on behalf of Hunter Biden. Furthermore, this investment in Burnham would directly benefit Hunter Biden and the Biden family due to his position as the Vice Chairman of Burnham.²¹⁵ Mr. Galanis testified:

²¹³ *Id.* at 12.

²¹⁴ *Id.*

²¹⁵ *Id.* at 8, 81.

- Q. So this [presentation about Burnham to Harvest Group]²¹⁶ lists three individuals, Devon Archer, Hunter Biden, and Jason Sugarman as the executive management team. What were these individuals responsible for doing? What was Hunter Biden, specifically, responsible for doing, as presented or as presented in this slide deck?
- A. Well, specific to the slide deck, he's characterized as leadership, so a position of authority. He's further characterized in his bio that he included in here as vice chairman of Burnham. In his bio, it's disclosed that Burnham acquired his Washington advisory firm. So this describes his role at the top at a board level and the combination of his business with Burnham.
- Q. So this reflects what we were just talking about, how if Ms. Baturina made Burnham wealthy, Hunter Biden would profit as well?
- A. Yes.²¹⁷

Notably, neither the Obama nor Biden Administrations placed Ms. Baturina on the sanctions list even though both administrations substantially increased sanctions against Russian oligarchs due largely to Russia's invasions of Crimea and Ukraine during their respective terms.²¹⁸ The Trump Administration identified Ms. Baturina as a Russian oligarch.²¹⁹ The Biden Administration has refused to answer why Ms. Baturina was left off the sanctions list despite her sharing similar characteristics with other sanctioned Russian oligarchs.²²⁰

C. Hunter Biden and his business associates leveraged Vice President Biden's political power to obtain millions of dollars from a corrupt Romanian businessman.

In 2015, Rob Walker—Hunter Biden's business associate—introduced Hunter Biden to James Gilliar.²²¹ Mr. Gilliar would work on two deals with Hunter Biden for which they would receive a seven-figure compensation from foreign sources: the handling of the Romanian criminal case against Gabriel Popoviciu and a deal with the Chinese entity CEFC.

²¹⁶ *Id.* at 80.

²¹⁷ *Id.* at 81.

²¹⁸ See Letter from Rep. James Comer, Ranking Member, H. Comm. on Oversight & Reform, to Janet Yellen, Sec'y, U.S. Dep't of the Treasury (Apr. 21, 2022).; *see, e.g.*, Third Bank Memo.

²¹⁹ U.S. DEP'T OF THE TREASURY, REPORT TO CONGRESS PURSUANT TO SECTION 241 OF THE COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT OF 2017 REGARDING SENIOR FOREIGN POLITICAL FIGURES AND OLIGARCHS IN THE RUSSIAN FEDERATION AND RUSSIAN PARASTATAL ENTITIES (2018).

²²⁰ See Letter from Rep. James Comer, Ranking Member, H. Comm. on Oversight & Reform, to Janet Yellen, Sec'y, U.S. Dep't of the Treasury (Apr. 21, 2022).

²²¹ Email from Rob Walker to Hunter Biden (Feb. 26, 2015) (on file with the Committees).

The backdrop for Hunter Biden and his business associates' business dealings in Romania is important. On May 21, 2014, Vice President Biden visited Romania and delivered a speech addressed to the Romanian Prime Minister, judges, prosecutors, and leaders of the parliament.²²² During his speech, Vice President Biden stated the following:

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.²²³

At the time of Vice President Biden's speech, one of the most high-profile corruption cases in Romania concerned Gabriel Popoviciu.²²⁴ Romanian prosecutors had charged Mr. Popoviciu with a bribery-related offense.²²⁵

On September 28, 2015, Vice President Biden met with Romanian President Klaus Iohannis in the White House.²²⁶ A readout of the meeting stated, "[t]he Vice President welcomed President Iohannis' focus on anti-corruption efforts and rule of law as a means to strengthen national security and promote greater investment and economic growth."²²⁷ President Iohannis said the Vice President "voice[d] satisfaction over Romania's fight against corruption."²²⁸

Within five weeks of this meeting, Bladon Enterprises Limited (Bladon Enterprises)—one of Mr. Popoviciu's companies—began making deposits into Mr. Walker's Robinson Walker, LLC's bank account.²²⁹ These payments were the result of a business arrangement between Hunter Biden, Mr. Walker, and Mr. Popoviciu, who was under investigation by the Romanian government for abuse of power, during the second term of the Obama-Biden Administration.²³⁰

The nature of the work performed by Hunter Biden, Mr. Gilliar, and Mr. Walker is vague, but it was connected to Mr. Popoviciu's criminal matter in Romania. Mr. Popoviciu was one of the owners of a mall complex in Northern Bucharest, and government investigators alleged that

²²² Remarks by Vice President Joe Biden to Romanian Civil Society Groups and Students (Cotroceni Palace, Bucharest, Romania), The White House (May 21, 2014).

²²³ *Id.*

²²⁴ Walker Interview at 20-21; *see, e.g.*, Laura Strickler & Rich Schapiro, *Hunter Biden's legal work in Romania raises new questions about his overseas dealings*, NBC NEWS (Oct. 24, 2019).

²²⁵ *See, e.g., id.*

²²⁶ The White House, Office of the Vice President, Readout of the Vice President's Meeting with Romanian President Klaus Iohannis (Sept. 28, 2015).

²²⁷ *Id.*

²²⁸ U.S. Vice President Biden Receives President Iohannis, Voices Satisfaction over Romania's Fight against Corruption, Nine O'Clock (Sept. 29, 2015).

²²⁹ Second Bank Memo at 12.

²³⁰ Walker Interview at 21, 89, 176-78.

he received the land on which he built the complex through corrupt means.²³¹ Mr. Walker testified:

- Q. . . . [W]hat was the purpose of why you were being introduced to [Gabriel Popoviciu]?
- A. He was having a problem in Romania where he had a property. It was called Baneasa, and . . . he had to stop developing because there were some legal matters that he was having to deal with.
- Q. And when you say “legal matters,” he was charged with allegations in Romania by Romanian prosecutors for abuse of power, correct?
- A. That’s correct.
- Q. What was going to be your role with this property that he was having an issue with in Romania?
- A. At first, I didn’t know. . . . I don’t know if I met him in the United States first or in Romania first. But he was having these issues, and he wasn’t sure why, and he was trying to figure it out, and . . . I believe I told him I was going to start looking into it for him.²³²

Mr. Walker explained that he began receiving payments from Mr. Popoviciu to “shed light” in America against “overzealous” Romanian authorities’ prosecutions of wealthy Romanians, including Mr. Popoviciu:

- Q. . . . I’m not asking you to go back and remember the exact dates, but just—do you know why you started to get payments? What . . . were you getting paid to do?
- A. . . . [Mr. Popoviciu] told me the story. I told him I would start looking into it and trying to devise a plan. The reason that the United States was . . . interesting for him is because he was under the impression that . . . the United States Government . . . had given money to the Romanians to train prosecutors to build up their anticorruption unit and to train their equivalent of the FBI to fight corruption in Romania.
- Q. What about that made him retain Robinson Walker LLC?

²³¹ *Update: Powerful Romanian investor sent to jail for 220-ha real estate fraud, wanted by police, ROMANIA INSIDER* (Aug. 2, 2017).

²³² Walker Interview at 174-75.

A. I was talking to him about what we could do. One would be to try to shed some light on the situation in the United States, try to figure out and really get down to the bottom of what was going on because I think he was a little confused on what was happening also because he thought that the partnership with the university was a really good partnership, and he didn't understand what he was being prosecuted for, I believe.

And I was just trying to shed some light on it because the United States was quick to pat the Romanians on the back for every prosecution of a wealthy individual over there, and . . . it seemed to become quite overzealous, and we're just chalking up a lot of prosecutions, and people were cheering him on really not understanding what was happening in the court cases, from what I understand.²³³

Because Mr. Popoviciu would transfer money from Bladon Enterprises to Mr. Walker's account for Robinson Walker, LLC, it does not appear that he was aware that Mr. Walker was paying Mr. Gilliar a third of the total Mr. Popoviciu was paying to him. Mr. Bobulinski, who was introduced to Mr. Popoviciu by Mr. Gilliar, explained:

So I asked James Gilliar, what is – like, what's all the anger? How much have you guys been paid? Who is getting paid? Why are they getting paid? Do you have a contractual obligation? Can I see the contract? You're asking me to step into the middle of this. Hunter is livid over it. Like, what does he owe you? Hunter is acting like he is owed millions of dollars. Gabriel Popoviciu is acting like he owed you nothing.

And so, in that call – right – James Gilliar told me how much they had been getting paid per month over the prior years, and he referenced that he didn't have the contract but that Rob Walker had the contract. And that contract outlined that, if, in fact, they were successful in getting Gabriel off in Romania, that they stood to make potentially millions or tens of millions of dollars based on this contract.²³⁴

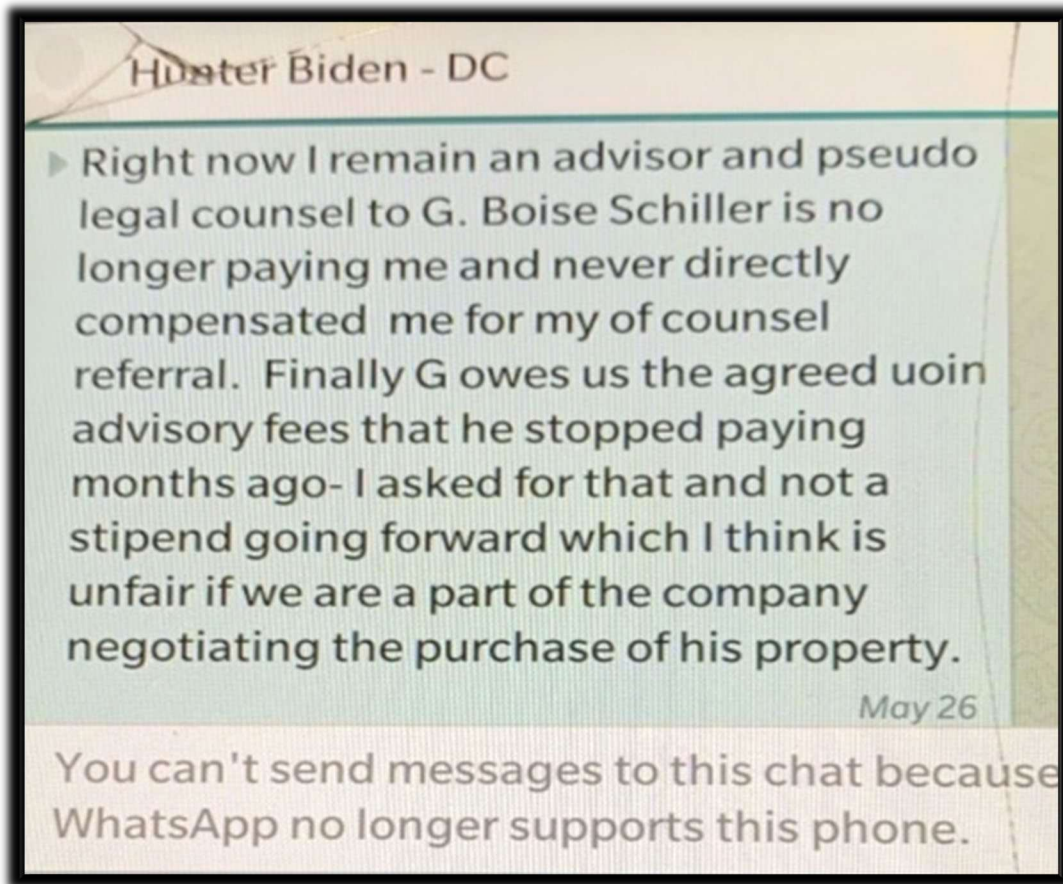
Bladon Enterprises sent Robinson Walker, LLC a monthly sum of approximately \$180,000 on seventeen occasions in payment for Hunter Biden's, Mr. Walker's, and Mr. Gilliar's services on Mr. Popoviciu's corruption case.²³⁵ However, the three men lacked any distinct skill set to justify this generous payment structure. Although Hunter Biden is an attorney by training,

²³³ *Id.* at 176-77.

²³⁴ Bobulinski Interview at 221.

²³⁵ Second Bank Memo at 16-17; Walker Interview at 89.

the Committees have found no evidence that he had any subject matter expertise in Romanian legal standards that would have been of value to Mr. Popoviciu. In a private text message to his then-business partner, Mr. Bobulinski, Hunter Biden described his role in the Popoviciu matter as “an advisor and pseudo legal counsel.”²³⁶



Mr. Walker testified that he was hired to “shine some light” on the criminal case against Mr. Popoviciu, but Mr. Walker is not a lawyer and had no business experience in Romania that would have aided him in helping Mr. Popoviciu with his legal case.²³⁷ In his transcribed interview, Mr. Walker stated that the group organized meetings with the Obama-Biden State Department and the former and then-current U.S. Ambassador to Romania to aid in Mr. Popoviciu’s defense.²³⁸

Of the \$180,000 monthly fees paid by Blandon Enterprises, Hunter Biden or his entities received approximately \$60,000 a month from Robinson Walker, LLC.²³⁹ Hunter Biden’s involvement in this prominent corruption matter in Romania while then-Vice President Biden held a prominent position leading the White House’s fight against corruption in Romania mirrors Hunter Biden’s taking a position on a Ukrainian board, where his father again would take an

²³⁶ Text from Hunter Biden to Tony Bobulinski (May 26, 2017).

²³⁷ Walker Interview at 180.

²³⁸ *See id.* at 185-88.

²³⁹ *Id.* at 191.

outsized role in combatting corruption in that country. Vice President Biden was already heavily involved in corruption reform in Romania, as evidenced by his speech to combat corruption in 2014 and his comments made to the Romanian President in 2015. Additionally, the payments that Mr. Popoviciu made to Hunter Biden—through Robinson Walker, LLC—largely coincided with Joe Biden’s remaining time as Vice President. Payments from Mr. Popoviciu into the Robinson Walker, LLC account began only five weeks after then-Vice President Joe Biden met with the President of Romania at the White House. Mr. Popoviciu’s payments to Hunter Biden and his business associates ended abruptly after Joe Biden left office as Vice President.²⁴⁰ Mr. Walker testified:

Q. All of them except for one payment occur while Vice President Joe Biden was in office.

A. That’s right.

Q. When he steps out of office, the payments stop. But Gabriel Popoviciu’s case continues. So why is it that you all have stopped getting paid the same time that Joe Biden stepped out of office?

A. I don’t know. Gabriel had the opportunity to stop payments, I believe, at any time in the contract.

Q. So, just so I understand it, Mr. Popoviciu decided to stop making payments to you, Hunter Biden, and James Gilliar once Joe Biden left office?

A. If you say so.²⁴¹

Mr. Bobulinski provided additional context regarding the end of these payments. Mr. Bobulinski, who first met Mr. Popoviciu in 2016 before he ever met Hunter Biden, interacted with Mr. Popoviciu over money that Hunter Biden believed Mr. Popoviciu owed to Mr. Gilliar, Mr. Walker, and Hunter Biden.²⁴² According to Mr. Bobulinski, he was able to convince Mr. Popoviciu to provide one final payment to Mr. Walker’s Robinson Walker LLC in May 2017.²⁴³ Mr. Bobulinski explained:

But, when I met with Gabriel Popoviciu, he was very vocal about the fact that he had stopped paying Robinson Walker when Joe Biden left the White House, and the reason why he had stopped paying them—and the reason was because he viewed that he no

²⁴⁰ *Id.* at 197-98.

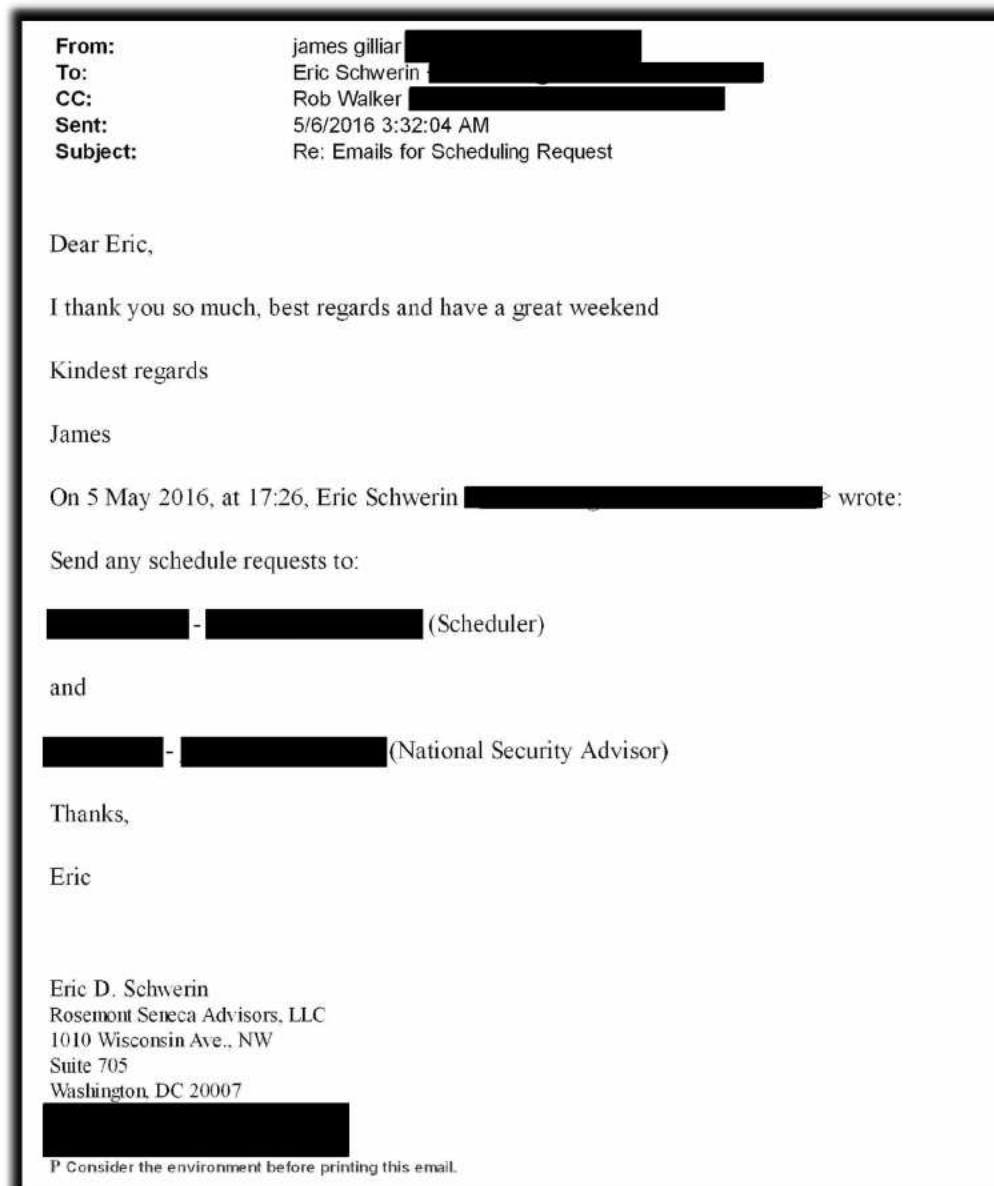
²⁴¹ *Id.*

²⁴² Bobulinski Interview at 31-32, 204-05, 218-21.

²⁴³ *See generally* Second Bank Memo; Walker Interview at 197-98.

longer had the power or the leverage of the Biden family to—for what he was dealing with in Romania.²⁴⁴

In May of 2016—in the middle of the payments from Mr. Popoviciu—Mr. Gilliar and Mr. Walker appear to have leveraged Hunter Biden’s relationship with then-Vice President Biden to schedule a meeting at the White House. On May 6, 2016, Hunter Biden’s business partner and Vice President Biden’s bookkeeper, Eric Schwerin, transmitted to Mr. Gilliar the contact information for Colin Kahl, the Vice President’s National Security Advisor, and Ginna Lance, the scheduler for Vice President Biden.²⁴⁵



²⁴⁴ Bobulinski Interview at 220.

²⁴⁵ Email from Eric Schwerin to James Gilliar (May 6, 2016); Email from James Gilliar to Eric Schwerin (May 6, 2016, 3:32 AM).

The Committees do not understand Mr. Gilliar to have had any sort of business with the White House prior to this email. The Committees have found no plausible explanation for why Mr. Gilliar would be provided information to contact the Vice President’s scheduler and the Vice President’s National Security Advisor other than to provide access to the Vice President or White House officials to discuss Mr. Popoviciu’s criminal case in Romania.

Hunter Biden’s business engagement with Mr. Popoviciu would not have occurred without the influence of then-Vice President Biden. The Biden family and Hunter Biden’s business associates made millions of dollars assisting a Romanian business official due to Joe Biden’s position of authority. Joe Biden was actively involved in policy reforms targeting corruption in Romania, and his son secured a lucrative contract with Mr. Popoviciu relating to Mr. Popoviciu’s prosecution for corruption. Hunter Biden’s activity in Romania was just one part of a greater foreign influence peddling scheme that allowed the Biden family to reap millions of dollars by aligning their influence peddling with Joe Biden’s responsibilities as Vice President.

D. Evidence suggests Vice President Biden changed official U.S. policy to produce a positive outcome for Burisma, a Ukrainian natural gas company implicated in a years-long corruption investigation.

The Committees have developed a significant body of evidence to suggest the Biden family used Joe Biden’s position as Vice President to produce a positive outcome for Burisma, a Ukrainian natural gas company then implicated in a years-long corruption investigation conducted by then-Ukrainian Prosecutor General Viktor Shokin.²⁴⁶ Hunter Biden served on Burisma’s board of directors from April 2014 until April 2019,²⁴⁷ which aligns with the part of his father’s tenure as Vice President when Joe Biden spearheaded anticorruption reform efforts in Ukraine.²⁴⁸

Throughout Vice President Biden’s tenure in the Obama-Biden Administration, Hunter Biden’s business encounters with Burisma involved his father. For example, on April 16, 2015, Vice President Joe Biden attended a dinner with his son and Burisma officials, including Devon Archer and Burisma’s corporate secretary, Vadym Pozharsky, at Café Milano in Washington D.C.²⁴⁹ The following day, Mr. Pozharsky thanked Hunter Biden for giving him “an opportunity to meet your father and spen[d] some time together.”²⁵⁰ Throughout his tenure on the Burisma board, Hunter Biden also met with several Obama-Biden Administration State Department

²⁴⁶ Impeachment Inquiry Memo at 6-11.

²⁴⁷ Press Release, George Mesires, Counsel to Hunter Biden, A Statement on behalf of Hunter Biden (Oct. 13, 2019), <https://medium.com/@george.mesires/a-statement-on-behalf-of-hunter-biden-dated-october-13-2019-d80bc11087ab>.

²⁴⁸ See Transcribed Interview of George Kent, Deputy Assistant Secretary for Eastern Eur. and the Caucuses, Dep’t of State, by S. Comm. on Homeland Sec. and Gov’t Aff. and S. Comm. on Fin. at 21 (Sept. 24, 2020) (claiming that Vice President Biden was “leading the policy charge”) [hereinafter, “Kent Interview”]; see also Transcribed Interview of Victoria Nuland, S. Comm. on Homeland Sec. and Gov’t Aff. and S. Comm. on Fin. at 70 (Sept. 3, 2020) (Nuland referred to Vice President Biden as the “warrior” who was spearheading anticorruption reform in Ukraine.).

²⁴⁹ Archer Interview at 65-66.

²⁵⁰ Email from Vadym Pozharsky to Hunter Biden (Apr. 17, 2015, 6:00 AM).

officials, including then-Deputy Secretary of State Antony Blinken. Evidence from Hunter Biden's abandoned laptop reveals that he met with Deputy Secretary Blinken on July 22, 2015, to get his "advice on a couple of things."²⁵¹

From: Vadym Pozharskyi

<[REDACTED]>

Subject: Meeting for coffee?

Date: April 17, 2015 at 6:00:51 AM PDT

To: Hunter Biden <[REDACTED]>

Dear Hunter, thank you for inviting me to DC and giving an opportunity to meet your father and spent some time together. It's really an honor and pleasure. As we spoke yesterday evening, would be great to meet today for a quick coffee. What do you think? I could come to you office somewhere around noon or so, before or on my way to airport.

Best ,

V

Отправлено с iPhone

Evidence also suggests Vice President Biden took official action—at the urging of his son²⁵²—that had the effect of benefiting Burisma.²⁵³ Even after this official action, the blurred lines between Hunter Biden's position on the Burisma board and Vice President Biden's official position as Vice President persisted.

²⁵¹ Email from Hunter Biden to Antony Blinken, Deputy Secretary, U.S. Department of State, (May 22, 2015, 11:33 PM); Email from Joan Mayer to Hunter Biden (July 22, 2015, 8:10 AM) ("Lunch with Tony Blinken").

²⁵² Archer Interview at 34-36.

²⁵³ See Impeachment Inquiry Memo.

i. Soon after President Obama designated Vice President Biden as his “point man” on anti-corruption reform in Ukraine, Hunter Biden was appointed to Burisma’s board of directors.

In late February 2014, President Obama appointed Vice President Biden as the “point man” on U.S. policy efforts in Ukraine.²⁵⁴ On April 3, 2014, Hunter Biden met with Burisma executives Mykola Zlochevsky and Vadym Pozharsky during a conference at Lake Como, Italy.²⁵⁵ At this time, Mr. Zlochevsky and Mr. Pozharsky asked Hunter Biden to join the Burisma board of directors.²⁵⁶ Mr. Archer detailed the Lake Como meeting in his transcribed interview. He testified:

Q. How is it that Hunter Biden became a board member of Burisma?

A. . . . Hunter Biden became a board member because, when I . . . started my tenure there and . . . we hired him . . . as counsel, quite frankly. And then he was counsel and . . . that went on for, I don’t know, maybe 2 months.

And he developed a relationship with Vadym and Mykola, and they—I think they had a different design. There was a meeting in Lake Como at an economic conference.

Q. What do you know about that meeting?

A. . . . I was there at the conference. I was not . . . involved in the conversation that they had. But out of that—that meeting, it was decided that he was going to move into a board role.²⁵⁷

Later in April 2014, Hunter Biden’s appointment became official.²⁵⁸ On April 22, 2014, Burisma announced Mr. Archer’s appointment to the board of directors.²⁵⁹ Shortly before Vice President Biden traveled to Ukraine in April 2014, Mr. Archer visited the White House with Hunter Biden.²⁶⁰ According to Hunter Biden, however, he did not inform his father that he had joined Burisma’s board of directors.²⁶¹ Hunter Biden claims his father called only after Burisma

²⁵⁴ Greg Myre, *What were the Bidens doing in Ukraine? 5 questions answers*, NPR (Sept. 24, 2019); see also Alan Cullison, *Bidens in Ukraine: An Explainer*, WALL ST. J. (Sept. 22, 2019).

²⁵⁵ Press Release, H. Comm. on Oversight & Accountability, Comer Releases Third Bank Memo Detailing Payments to the Bidens from Russia, Kazakhstan, and Ukraine (Aug. 9, 2023); Archer Interview at 16–17.

²⁵⁶ Press Release, H. Comm. on Oversight & Accountability, Comer Releases Third Bank Memo Detailing Payments to the Bidens from Russia, Kazakhstan, and Ukraine (Aug. 9, 2023); Archer Interview at 16–17.

²⁵⁷ Archer Interview at 16-17.

²⁵⁸ Press Release, George Mesires, Counsel to Hunter Biden, A Statement on behalf of Hunter Biden (Oct. 13, 2019), <https://medium.com/@george.mesires/a-statement-on-behalf-of-hunter-biden-dated-october-13-2019-d80bc11087ab>.

²⁵⁹ See Press Release, Burisma, American financier Devon Archer joined the board of directors of Burisma Holdings (Apr. 22, 2014).

²⁶⁰ See Archer at 77-78.

²⁶¹ See HUNTER BIDEN, BEAUTIFUL THINGS: A MEMOIR, at 131 (2021).

put out a press release of the appointment, telling Hunter Biden, “I hope you know what you’re doing.”²⁶²

Burisma agreed to pay both Hunter Biden and Mr. Archer \$1 million annually, and bank records obtained by the Oversight Committee show that these payments were wired monthly to Rosemont Seneca Bohai until October 2015, when the payments were then directed to Owasco PC.²⁶³

On April 22, 2014, shortly after Hunter Biden and Mr. Archer received their first payment from Burisma, Vice President Biden gave a speech to Ukrainian legislators and Prime Minister Arseniy Yatsenyuk condemning corruption.²⁶⁴ Vice President Biden stated, “I’m of the view that Ukrainians east, west, north, and south are just sick and tired of the corruption The United States is ready to help Ukraine take further steps to build transparent institutions, to win back the trust of the people.”²⁶⁵ In response, Prime Minister Yatsenyuk thanked the U.S. government for allocating a previous \$1 billion loan to Ukraine and stated that the Ukrainian government “understands and is conscious that the money is given only to those countries that actually overcome and fight corruption.”²⁶⁶ Vice President Biden also discussed Ukraine’s dependence on Russia for energy, stating: “With the right investments and the right choices, Ukraine can reduce its energy dependence and increase its energy security.”²⁶⁷

On the same day that Vice President Biden spoke with Prime Minister Yatsenyuk, Hunter Biden emailed Mr. Archer a summary of his father’s speech.²⁶⁸ Mr. Archer replied, “Wow. We need to make sure this rag tag temporary Government in the Ukraine understands the value of Burisma to its very existence.”²⁶⁹ Hunter Biden then replied, “You should send to Vadim- makes it look like we are adding value.”²⁷⁰ During his transcribed interview with the Oversight Committee, Mr. Archer testified that Hunter Biden often talked about “bringing his dad to Ukraine” and using his status as Vice President to “add value in the eyes of Burisma officials.”²⁷¹

ii. Evidence suggests Hunter Biden called his father to help alleviate the pressure that Burisma faced from Prosecutor General Shokin’s investigation.

Evidence demonstrates that Hunter Biden called his father, then-Vice President Biden, to help alleviate the pressure that Burisma and its owner Mykola Zlochevsky faced from Prosecutor General Viktor Shokin’s investigation into the company. This phone call appears to have sparked Vice President Biden to condition a third \$1 billion U.S. loan guarantee on Prosecutor General Shokin’s firing.

²⁶² *See id.*

²⁶³ Third Bank Memo at 13-16.

²⁶⁴ Press Release, The White House, Off. of the Vice President, Remarks to the Press by Vice President Joe Biden and Ukrainian Prime Minister Arseniy Yatsenyuk (Apr. 22, 2014).

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ Email from Hunter Biden to Devon Archer (Apr. 22, 2014, 7:14 PM).

²⁶⁹ Email from Devon Archer to Hunter Biden (Apr. 22, 2014, 7:29 PM).

²⁷⁰ Email from Hunter Biden to Devon Archer (Apr. 22, 2014, 7:31 PM).

²⁷¹ Archer Interview at 27.

On April 28, 2014, British authorities froze \$23 million in Mr. Zlochevsky's assets in London bank accounts for suspected money laundering.²⁷² Months after the Ukrainian Prosecutor General's Office (PGO) opened its own "unlawful enrichment" investigation into Mr. Zlochevsky in August 2014,²⁷³ the PGO, under the direction of then-Prosecutor General Vitaly Yarema, issued a letter to the U.K. court that Mr. Zlochevsky was not under investigation in Ukraine.²⁷⁴ According to testimony from George Kent, who at the time was the Senior Anti-Corruption Coordinator for Department of State's European Bureau, Prosecutor General Yarema had his office issue the letter and close its office's case after Mr. Zlochevsky allegedly paid \$7 million to one of the prosecutors to "shut the case" down against him.²⁷⁵ On January 22, 2015, after receiving the PGO's letter, the U.K. court dropped the money-laundering charges against Mr. Zlochevsky and unfroze his \$23 million in assets.²⁷⁶ In February 2015, Ukrainian President Petro Poroshenko dismissed Prosecutor General Yarema.²⁷⁷

This letter from the Ukrainian PGO eventually became a point of contention for U.S. Ambassador to Ukraine Geoffrey Pyatt. On September 24, 2015, Ambassador Pyatt spoke at the Odesa Financial Forum where he called attention to the U.K. court's ruling with respect to Mr. Zlochevsky.²⁷⁸ As an example of how the Ukrainian PGO did not support investigations into corruption, Ambassador Pyatt brought up Mr. Zlochevsky's case and criticized the PGO for helping to unseize the "23 million dollars in illicit assets that belonged to the Ukrainian people."²⁷⁹ Ambassador Pyatt's speech brought extra scrutiny and unwanted attention to Burisma and Mr. Zlochevsky's corruption case. Prosecutor General Viktor Shokin—who became the new Ukrainian prosecutor general on February 10, 2015—was not in charge of the investigation at the time Mr. Zlochevsky allegedly bribed the PGO to eliminate the prosecution threat.²⁸⁰

In March 2015, Hunter Biden began to plan another dinner at Café Milano with his father and several of his close foreign business associates. Hunter Biden told the Committees during his deposition the dinner was for the World Food Program USA, where he served on the board of

²⁷² Press Release, Serious Fraud Off. of United Kingdom, Money laundering investigation opened (Apr. 28, 2014); see also Betsy Woodruff Swan & Daniel Lippman, *Sources: Dem lobbying firm under federal investigation for Burisma work*, POLITICO (June 3, 2021).

²⁷³ Approved Judgment as Revised, Serious Fraud Office and Mykola Zlochevskiy, Central Criminal Court, Case No: RSTO/7/2014 at 21 (Jan. 21, 2015), <https://antac.org.ua/wp-content/uploads/2017/01/London-Criminal-Court-Judgment-in-the-Case-NoRSTO72014.pdf>.

²⁷⁴ *Id.*

²⁷⁵ Kent Interview at 80-82, 174.

²⁷⁶ *Id.* at 81-82; Ilya Timtchenko, *British court unfreezes accounts of Yanukovich-era ecology minister Zlochevsky*, KYIV POST (Jan. 23, 2015).

²⁷⁷ *Ukraine parliament agrees to dismissal of top prosecutor*, REUTERS (Feb. 10, 2015).

²⁷⁸ Geoffrey Pyatt, Ambassador to Ukraine, Remarks by US Ambassador Geoffrey Pyatt at the Odesa Financial Forum (Sept. 24, 2015).

²⁷⁹ *Id.*

²⁸⁰ Kent Interview at 24 ("President Poroshenko . . . dismissed his first general prosecutor, [Vitaly] Yarema, whose team had failed to bring a single prosecution over a seven-month period, and which allegedly took a bribe from Zlochevsky to close the case against him and collapse our effort to recover the \$23 million frozen in the United Kingdom."); see also *id.* at 71 ("[I]n January/February 2015, when, allegedly, the case against [Zlochevsky] for money-laundering was closed, the Prosecutor General was Yarema.").

directors.²⁸¹ He also told the Committees that the Vice President’s appearance at the event was merely because the Vice President “stopped by to say hello”²⁸² and “sat next to Father Alex [Karloutsos].”²⁸³

However, email traffic between Hunter Biden and Mr. Archer make clear that Vice President Biden’s attendance at the dinner was planned weeks in advance. In an email on March 20, with the subject “Guest list for 16th,” Hunter Biden provided the following list:

3 seats for our KZ friends.
2 seats for Yelana [sic] and husband.
2 you and me.
3 seats for WFPUSA people
Vadym
3 Ambassadors (MX, ?, ?)

Total 14

RHB²⁸⁴

Mr. Archer responded to this email from Hunter Biden the same day providing further input on the guest list for this dinner. Mr. Archer wrote:

Awesome!

Vuk’s in Europe at the time and cannot attend.

We should invite Vadim though?

Also, Yelena doesn’t want to steal Yuri’s Thunder so she’ll be in town to meet with us but doesn’t want to come to dinner. That was just her thoughts. We could insist.

Obviously save a seat for your guy (and mine if he’s in town.)²⁸⁵

Mr. Archer made a point of adding a seat for Hunter Biden’s “guy”—a reference to then-Vice President Biden, as evidenced by an email that Hunter Biden sent six days later. On March 26, Hunter Biden emailed Michael Karloutsos, the son of Father Karloutsos. Hunter Biden informed Michael Karloutsos that “Dad will be there but keep that [between] us for now.”²⁸⁶

By the time of this dinner—on April 16, 2015—Hunter Biden had sat on Burisma’s board of directors for approximately one year; Burisma and its owner, Mr. Zlochevsky, had been under

²⁸¹ Hunter Biden Deposition at 40. *But see* Email from Hunter Biden to Michael Karloutsos (Mar. 26, 2015) (“[T]he reason for the dinner is *ostensibly* to discuss food security.” (emphasis added)).

²⁸² Hunter Biden Deposition at 42.

²⁸³ *Id.*

²⁸⁴ Email from Hunter Biden to Devon Archer (Mar. 20, 2015, 10:57 AM).

²⁸⁵ *Id.*

²⁸⁶ Email from Hunter Biden to Michael Karloutsos (Mar. 26, 2015).

investigation for at least ten months by Ukrainian, British, and American authorities. George Kent, a high ranking official in the State Department, had confronted the deputy prosecutor general about a bribe that had been paid to drop the case against Burisma in December 2014.²⁸⁷ Mr. Kent had also raised the issue of a conflict of interest regarding Hunter Biden sitting on the board of directors of Burisma with the Vice President's staff in February 2015.²⁸⁸ Despite this, Vice President Biden shared dinner with Hunter Biden's corrupt company's official in April 2015.

Evidence shows Hunter Biden later called his father, Vice President Biden, after Burisma executives, Mr. Zlochevsky and Mr. Pozharsky, asked Hunter Biden if he could help them with the pressure that they faced from Mr. Shokin's investigation. According to Mr. Archer, during a meeting in Dubai at the Four Seasons hotel on December 4, 2015, Mr. Zlochevsky and Mr. Pozharsky requested that Hunter Biden involve D.C. to alleviate the "government pressure" from Mr. Shokin's investigation.²⁸⁹ Mr. Archer testified:

Q. Did . . . Mykola Zlochevsky or Vadym ask Hunter Biden to make any phone calls?

A. Yes, though I was not party to that phone call.

Q. What was the request?

A. The request was I think they were getting pressure and they requested Hunter . . . help them with some of that pressure.

Q. What pressure?

A. Government. Government pressure . . . from Ukrainian Government investigations into Mykola, et cetera

* * *

Q. The request from . . . Mykola Zlochevsky and Vadym to Mr. Biden and/or if you said it was to you, the request for help from whom to deal with what pressure?

A. The request . . . is like, can D.C. help? But . . . it wasn't like . . . can the big guy help? It was . . . always this amorphous, ["can we get help in D.C.?[?"]

Q. The request was help from the United States Government to deal with the pressure they were under from their prosecutor,

²⁸⁷ See Transcribed Interview of George Kent, S. Comm. on Homeland Security & Governmental Affairs at 16 (July 24, 2020).

²⁸⁸ *Id.*

²⁸⁹ Archer Interview at 33-34.

and that entailed the freezing of assets at the London bank and other things that were going on in Ukraine?

A. Correct.²⁹⁰

Mr. Archer's testimony confirms that Mr. Zlochevsky and Mr. Pozharsky asked Hunter Biden to request help from the U.S. government to deal with the pressure from Mr. Shokin's investigation. In addition, when the Oversight Committee asked what Hunter Biden did after this request, Mr. Archer testified that he "called his dad."²⁹¹ Mr. Archer explained:

Q. What did Hunter Biden do after he was given that request?

A. Listen, I did not hear this phone call, but . . . he called his dad.

Q. How do you know that?

A. Because . . . I think Vadym told me. But, again, it's unclear. I just know that there was a call that happened there and I was not privy to it.²⁹²

Later in the interview, Mr. Archer clarified that Mr. Pozharsky had only told Mr. Archer that Hunter Biden had called "D.C.," but Mr. Archer's testimony suggests Hunter Biden entangled his father, then-Vice President Biden, into his foreign business with Burisma. In addition, Mr. Archer's testimony confirms that this foreign interference was to help stop Mr. Shokin's investigation into Burisma.

Three days after this December phone call from Dubai, on December 7, 2015, Vice President Biden "called an audible"²⁹³ on the plane to Kyiv. Rather than concurrently signing a loan guarantee as planned by the State Department,²⁹⁴ Vice President Biden unilaterally decided to condition the release of a third \$1 billion U.S. loan guarantee on the firing of Mr. Shokin. As recounted by *The Washington Post*:

Under a tactical policy known inside the Obama administrations as "big hugs and little punches," U.S. officials originally planned to have Biden urge Poroshenko to fire the prosecutor, Viktor Shokin, but at the same time sign a renewal of a \$1 billion loan guarantee. On the plane, according to a person who participated in the conversation, Biden "called an audible"—he changed the plan. It was time for a bigger punch: The loan guarantee was the main point

²⁹⁰ *Id.* at 33-35, 37.

²⁹¹ *Id.* at 36.

²⁹² *Id.* (Mr. Archer's counsel intervened to clarify that Mr. Archer was told Hunter Biden called "D.C.").

²⁹³ Glenn Kessler, *Inside VP Biden's linking of a loan to a Ukraine prosecutor's ouster*, WASH. POST (Sept. 15, 2023).

²⁹⁴ Memorandum, Vice President Biden's Meeting with Ukrainian President Petro Poroshenko December 7-8 (Nov. 22, 2015) [hereinafter "2015 Ukraine Memo"].

of leverage with Ukraine, the vice president declared, so he instead should tell Poroshenko the loan would not be forthcoming until Shokin was gone. . . .²⁹⁵

As Vice President Biden later bragged, he told Ukrainian President Poroshenko and Prime Minister Yatsenyuk “you’re not getting the billion... I’m leaving in six hours. If the prosecutor is not fired, you’re not getting the money.”²⁹⁶ Before Vice President Biden’s threat, there was no prior indication that he or anyone in the U.S. government would condition the loan guarantee on Mr. Shokin’s firing. In fact, withholding the loan guarantee was inconsistent with the praise the Obama Administration had previously given Prosecutor General Shokin only months before.²⁹⁷

During the interim period between Vice President Biden telling Ukrainian officials he would not sign the loan guarantee and Mr. Shokin’s firing, Vice President Biden kept up the pressure campaign on senior Ukrainian officials. On February 11, 2016, Vice President Biden called President Poroshenko, where they discussed “continu[ing] to take action to root out corruption and implement reforms.”²⁹⁸ A week later, on February 18, 2016, Vice President Biden called President Poroshenko to “commend[]” his “decision to replace Prosecutor General Shokin.”²⁹⁹ Then on a separate call occurring the following day, Vice President Biden “urged” President Poroshenko and Prime Minister Yatsenyuk “to accelerate Ukraine’s efforts to fight corruption.”³⁰⁰ Finally, at the urging of President Poroshenko, the Ukrainian parliament officially fired Shokin on March 29, 2016.³⁰¹

On May 12, 2016, Ukraine appointed Yuriy Lutsenko as the new prosecutor general,³⁰² despite the fact that he was known to be corrupt and lacked both “the necessary experience [and]

²⁹⁵ Glenn Kessler, *Inside VP Biden’s linking of a loan to a Ukraine prosecutor’s ouster*, WASH. POST (Sept. 15, 2023).

²⁹⁶ *Foreign Affairs Issue Launch with Former Vice President Joe Biden*, COUNCIL ON FOREIGN REL. (Jan. 23, 2018).

²⁹⁷ Letter from Victoria Nuland, Assistant Sec’y, Eur. & Eurasian Affs., U.S. Dep’t of State, to Viktor Shokin, Prosecutor Gen., Ukraine (June 9, 2015); Email 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); Ukraine Reform Monitor Team, *Ukraine Reform Monitor: August 2015*, CARNEGIE ENDOWMENT FOR INT’L PEACE (Aug. 19, 2015); EUR. COMM’N, REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT: SIXTH PROGRESS REPORT ON THE IMPLEMENTATION BY UKRAINE OF THE ACTION PLAN ON VISA LIBERALISATION, at 6–8 (2015).

²⁹⁸ Press Release, The White House, Off. of the Vice President, Readout of Vice President Biden’s Call with President Petro Poroshenko of Ukraine (Feb. 11, 2016).

²⁹⁹ Press Release, The White House, Off. of the Vice President, Readout of Vice President Biden’s Call with President Petro Poroshenko of Ukraine (Feb. 18, 2016).

³⁰⁰ Press Release, The White House, Off. of the Vice President, Readout of Vice President Biden’s Calls with Prime Minister Arseniy Yatsenyuk and President Petro Poroshenko of Ukraine (Feb. 19, 2016).

³⁰¹ Jan Wolfe, *Timeline: Key dates in the U.S. political controversy over Ukraine*, REUTERS (Sept. 23, 2019); Andrew Kramer, *Ukraine ousts Viktor Shokin, top prosecutor, and political stability hangs in the balance*, N.Y. TIMES (Mar. 29, 2016).

³⁰² Matthias Williams, *Ukraine appoints Poroshenko ally with no legal experience as top prosecutor*, REUTERS (May 12, 2016).

a law degree.”³⁰³ The day after Mr. Lutsenko’s appointment, Vice President Biden informed President Poroshenko that he would release the hold on the loan guarantee.³⁰⁴ During this phone call, Vice President Biden “welcomed the appointment of [Mr. Lutsenko] as an important first step to bringing much-needed reform to the Office of the Prosecutor General.”³⁰⁵

iii. Prior to the phone call from his son, there was no prior indication that Vice President Biden would condition the loan guarantee on Prosecutor General Shokin’s firing.

The loan guarantee was significant to Ukraine’s solvency, and the funding that it provided was important for instituting necessary corruption reforms. Vice President Biden’s intervention in Prosecutor General Shokin’s investigation into Burisma is just another example of how the Biden family used the Biden name to benefit business associates. During his transcribed interview with the Oversight Committee, Mr. Archer explained that Vice President Biden provided value to his family’s business associates by protecting them. Specifically, he testified that “people would be intimidated to mess with [Burisma] . . . legally” because of the Biden “brand.”³⁰⁶ In this case, Hunter Biden leveraged the Biden “brand” by prompting his father to take official action to benefit his business partner—Burisma.³⁰⁷

Evidence corroborates Mr. Archer’s testimony that Mr. Shokin led an active and ongoing investigation into Burisma, which put pressure on Hunter Biden and his business associates. Further evidence also suggests that the Obama Administration, and other international counterparts associated with Ukraine’s anticorruption efforts, believed that Ukraine made sufficient progress with its anticorruption efforts under Mr. Shokin. It was not until Hunter Biden made a telephone call on December 4, 2015, that Joe Biden appears to have deviated from this trajectory.

1. Prosecutor General Shokin led an active and ongoing investigation into Burisma, which put pressure on Hunter Biden and his business associates.

Evidence indicates that Ukrainian Prosecutor General Shokin had an active and ongoing investigation of Burisma when Vice President Biden demanded his removal.³⁰⁸ For example, on February 27, 2015, one of Mr. Shokin’s deputy prosecutors sent a letter to a Ukrainian legislator

³⁰³ Daryna Krasnolutska, *Where’s Ukraine Headed? Watch Who Gets the Prosecutor’s Job*, BLOOMBERG (last updated Apr. 22, 2016). A few hours before confirming Lutsenko as prosecutor general, Ukraine’s parliament “passed a bill tightly tailored to let Lutsenko become prosecutor general by abolishing requirements for prosecutorial experience and a law degree.” Oleg Sukhov, *Updates: Poroshenko appoints Lutsenko as prosecutor general*, KYIV POST (last updated Nov. 24, 2016).

³⁰⁴ Press Release, The White House, Readout of Vice President Biden’s Call with President Petro Poroshenko of Ukraine (May 13, 2016).

³⁰⁵ *Id.*

³⁰⁶ Archer Interview at 105.

³⁰⁷ *Id.* at 34–36.

³⁰⁸ See, e.g., Letter from Oleksiy Bahanets, Deputy Prosecutor Gen., Ukraine, to Serhiy Anatoliyovych, People’s Deputy, Ukraine (Mar. 12, 2015); Memorandum from Blue Star Strategies, LLC, to Burisma Holdings Ltd. (Oct. 30, 2015) (Ziegler Exhibit 305B); Archer Interview at 34; Cravath, Swain & Moore LLP, Exhibit A/B to Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended (Jan. 4, 2024).

stating that “the pretrial investigations in the criminal proceedings [against Mr. Zlochevsky] are ongoing.”³⁰⁹ Then later that year, Burisma hired Blue Star Strategies—a Democrat lobbying firm—to quell the Ukrainian investigation of Burisma.³¹⁰

In addition, there is evidence that Burisma hired a U.S.-based law firm to assist in defending against “governmental investigations in Ukraine.”³¹¹ Specifically, on January 4, 2024, Cravath, Swain & Moore LLP retroactively registered as a foreign agent for its representation of Burisma and Mr. Zlochevsky in 2016 and 2017.³¹² As part of the filing, the firm explained that in January 2016, it was “retained to represent Mykola Zlochevsky in connection with possible investigations by governmental authorities in the United States. The representation thereafter broadened to include Burisma Holdings Limited, as well as governmental investigations in Ukraine, and continued until April 2017.”³¹³

2. The Obama-Biden Administration and international community believed that Ukraine made progress with its anticorruption efforts under Prosecutor General Shokin.

Withholding the loan guarantee was contrary to the policy previously expressed by the Obama-Biden Administration, which believed that Ukraine’s anticorruption progress warranted the loan guarantee. On June 9, 2015, Victoria Nuland, then-Assistant Secretary of State for European and Eurasian Affairs, sent a letter to Mr. Shokin stating that the State Department was “impressed” by his office’s anticorruption efforts.³¹⁴

³⁰⁹ Letter from Oleksiy Bahanets, Deputy Prosecutor Gen., Ukraine, to Serhiy Anatoliyovych, People’s Deputy, Ukraine (Mar. 12, 2015).

³¹⁰ Memorandum from Blue Star Strategies, LLC, to Burisma Holdings Ltd. (Oct. 30, 2015) (Ziegler Exhibit 305B).

³¹¹ Cravath, Swain & Moore LLP, Exhibit A/B to Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended (Jan. 4, 2024), <https://efile.fara.gov/docs/7358-Registration-Statement-20240104-1.pdf>.

³¹² Mike Scarcella, *Law firm Cravath registers as foreign agent 8 years after Burisma work*, REUTERS (Jan. 5, 2024).

³¹³ Cravath, Swain & Moore LLP, Exhibit A/B to Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended (Jan. 4, 2024), <https://efile.fara.gov/docs/7358-Registration-Statement-20240104-1.pdf>.

³¹⁴ Letter from Victoria Nuland, Assistant Sec’y, Eur. & Eurasian Affs., U.S. Dep’t of State, to Viktor Shokin, Prosecutor Gen., Ukraine (June. 9, 2015).

We have been impressed with the ambitious reform and anti-corruption agenda of your government. The challenges you face are difficult, but not

FL-2021-00525 A-00000465081 "UNCLASSIFIED" DECEMBER 16, 2021 Page 2

June 9, 2015

Dear Mr. Prosecutor General:

Secretary Kerry asked me to reply on his behalf to your letter of May 13, 2015, discussing Ukraine's efforts to address corruption, including through implementation of the new anti-corruption strategy and reform of the Prosecutor General's Office.

We have been impressed with the ambitious reform and anti-corruption agenda of your government. The challenges you face are difficult, but not insurmountable. You have an historic opportunity to address the injustices of the past by vigorously investigating and prosecuting corruption cases and recovering assets stolen from the Ukrainian people. The ongoing reform of your office, law enforcement, and the judiciary will enable you to investigate and prosecute corruption and other crimes in an effective, fair, and transparent manner.

The United States fully supports your government's efforts to fight corruption. We have dedicated personnel and resources from the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) and Department of Justice (DoJ) to work with your office on its organizational changes and to build its capacity through training and modernization.

This support includes advisors who are at your disposal to help execute your new strategy and vision. I encourage you to discuss the idea of an Anti-Corruption Advisory Body with them, particularly how such an entity would complement, rather than duplicate, the work of the new National Anti-Corruption Bureau. INL and DoJ have been actively involved in standing up this new Bureau, which we understand is the government's current priority to combat corruption. The United States Agency for International Development (USAID) also intends to work with the government and civil society on anti-corruption prevention activities.

Let me underscore that the United States will continue to support Ukraine, including by working with you and other international partners to identify and address needs in the justice and law-enforcement sector. I encourage you to continue to work closely with the U.S. Embassy in Kyiv.

Sincerely yours,

Victoria Nuland

Three months later, on September 24, 2015, the U.S. Ambassador to Ukraine Geoffrey Pyatt gave a speech stating that the U.S. "want[s] to work with Prosecutor General Shokin." He stated:

We have learned that there have been times that the PGO not only did not support investigations into corruption, but rather undermined prosecutors working on legitimate corruption cases.

For example, in the case of former Ecology Minister Mykola Zlochevsky, the U.K. authorities had seized 23 million dollars in illicit assets that belonged to the Ukrainian people. Officials at the PGO's office were asked by the U.K. to send documents supporting the seizure.

Instead they sent letters to Zlochevsky's attorneys attesting that there was no case against him. As a result the money was freed by the U.K. court and shortly thereafter the money was moved to Cyprus.

. . . We want to work with Prosecutor General Shokin so the [Prosecutor General's Office] is leading the fight against corruption.³¹⁵

Days later, on September 30, 2015, members of the Interagency Policy Committee (IPC) met to discuss its position on the third Ukraine loan guarantee.³¹⁶ Following the meeting, in an October 1, 2015 email, the IPC concluded that Ukraine had made "sufficient progress" to warrant a third loan guarantee, and "recommend[ed]" that the U.S. move forward with it.³¹⁷ The IPC explained that "it is in [America's] strategic interest to provide" the loan guarantee.³¹⁸

³¹⁵ Remarks by US Ambassador Geoffrey Pyatt at the Odesa Financial Forum (Sept. 24, 2015), <https://www.justsecurity.org/wp-content/uploads/2019/09/Remarks-by-US-Ambassador-Geoffrey-Pyatt-at-the-Odesa-Financial-Forum-on-September-24-2015-ukraine.pdf>.

³¹⁶ Email 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).

³¹⁷ *Id.*

³¹⁸ *Id.*

- The IPC concluded that (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. As such, the IPC recommends moving forward with a third loan guarantee for Ukraine in the near-term, noting State/F's preference to issue the guarantee as late as possible to allow more clarity on the budget context and Embassy Kyiv and Treasury's assessment that Ukraine needs the guarantee by end-2015.

Subject: SOC: Ukraine Loan Guarantee IPC | Wednesday 9/30 at 8:30am, Situation Room

All, thank you for a productive meeting yesterday. Please find a SOC below.

It was agreed:

- The IPC concluded that (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. As such, the IPC recommends moving forward with a third loan guarantee for Ukraine in the near-term, noting State/F's preference to issue the guarantee as late as possible to allow more clarity on the budget context and Embassy Kyiv and Treasury's assessment that Ukraine needs the guarantee by end-2015.
- The IPC notionally approves the following proposed conditions precedent, with the caveats listed below
 - Macroeconomic Stability
 - Social Safety Net
 - Anti-Corruption (e-procurement) – but with revised CP language that is more specific.
 - Rule of Law (prosecutor general's office) – but with a preference to revise the CP to better ensure that the decision to set up an independent inspector general cannot be easily overturned and that the independent inspector general is subject to appropriate oversight and accountability.
- USAID, working with State, will revise the Anti-Corruption/e-procurement CP to make it more specific (**USAID and State by October 6**)
- State (including via consultation with State/INL) and DOJ will explore options to further strengthen the PGO CP and submit a revised proposal (**State and DOJ by October 6**)
- The IPC recommends dropping from consideration the conditions related to Naftogaz receivables, privatization, and the deposit guarantee fund.
- The IPC will be open to reconsidering the condition on the independent energy regulator if there is new information that suggests that the condition is achievable and that including this condition in our loan guarantee agreement will make a material difference in advancing this reform.
- Departments and agencies will continue to search for conditions precedent that would represent a significant but achievable step forward on key reforms (**all by October 6**). In particular:
 - Treasury will complete draft one-pagers on potential financial disclosure and large taxpayer unit CPs, drawing on information from their ongoing consultation with the IMF and World Bank (**Treasury by October 6**)
 - USAID, with input from Post and DOE, will update the one-pager on the electricity market law to better reflect the current state of play and any political risks (**USAID, State, DOE by October 6**)
 - State, working with USAID, will revise the draft CP on e-Governance to make it more concrete. (**State and USAID by October 6**)
- NSC will host a sub-IPC to discuss new and revised conditions precedent. **Please note that this sub-IPC has been scheduled for Wednesday, October 7 at 9:00 am in the White House Situation Room.** We will send a separate invitation later this morning.

In addition to the Obama-Biden Administration, the international community also believed that Ukraine had made progress with its anticorruption efforts under Mr. Shokin. In August 2015, the Carnegie Endowment for International Peace assessed that Mr. Shokin's office "has been the agency most active" in advancing Ukraine's anticorruption reforms.³¹⁹ Even after Vice President Biden's announcement to withhold the loan guarantee, the European Commission

³¹⁹ Ukraine Reform Monitor Team, *Ukraine Reform Monitor: August 2015*, CARNEGIE ENDOWMENT FOR INT'L PEACE (Aug. 19, 2015).

similarly determined on December 18, 2015, that Ukraine, under Mr. Shokin’s tenure as prosecutor general, had been successful at achieving anticorruption goals and praised its commitment to continue implementing anticorruption reforms.³²⁰ The Commission concluded that “the anti-corruption benchmark is deemed to have been achieved.”³²¹

As described above, days before Vice President Biden delivered his speech before the Rada and told the Ukrainian President that he would not sign the third loan guarantee unless the President fired Shokin, Hunter Biden “called D.C.” with Mr. Zlochevsky and Vadym Pozharsky (the latter of whom Joe Biden had dined with earlier that year) from Dubai following a Burisma board of directors meeting.³²²

The Committees found the timing of Hunter Biden’s telephone call to “D.C.”—which Mr. Archer initially characterized as a call to Hunter Biden’s father³²³—suspicious given then-Vice President Biden’s actions days afterward, when he traveled to Ukraine and delivered a speech to the Ukrainian Parliament speaking out against corruption in Ukraine. Then, as described above, Vice President Biden “called an audible” regarding U.S. official policy and linked the delivery of a loan guarantee to the firing of Prosecutor General Viktor Shokin, placing significant financial pressure on the Ukrainian government to accede to his demand.³²⁴ Prosecutor General Shokin, the official in Ukraine charged with investigating corrupt companies like Burisma, was singled out by then-Vice President Biden during his discussions with Ukraine’s leaders, when he told them that unless they fired Prosecutor General Shokin, they “weren’t getting the money.”³²⁵ Prosecutor General Shokin was pressured to resign shortly thereafter. Subsequent to that, the case against Mr. Zlochevsky was dropped.³²⁶

The Oversight Committee sought to understand what, if any, changes had been made to the drafts of the Vice President’s speech to the Ukrainian Parliament in the days prior to his arrival in Ukraine in December 2015, and therefore requested the drafts of these speeches. The National Archives and Records Administration was able to compile all the drafts of the speech within a week of receiving the letter from the Oversight Committee, indicating a small universe of documents.³²⁷ For over ten months, however, the White House has refused to permit the National Archives to release these drafts.

In 2019, House Democrats asserted that “[a]s a matter of constitutional law, the House may properly conclude that a President’s obstruction of Congress is relevant to assessing the evidentiary record in an impeachment inquiry,” and “[w]here the President illegally seeks to

³²⁰ EUR. COMM’N, REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT: SIXTH PROGRESS REPORT ON THE IMPLEMENTATION BY UKRAINE OF THE ACTION PLAN ON VISA LIBERALISATION, at 6–8 (2015).

³²¹ *Id.* at 8.

³²² Archer Interview at 32-36, 43.

³²³ *Id.* at 36.

³²⁴ Glenn Kessler, *Inside VP Biden’s linking of a loan to a Ukraine prosecutor’s ouster*, WASH. POST (Sept. 15, 2023).

³²⁵ Former Vice President Biden on U.S.-Russia Relations, Council on Foreign Relations (Jan. 23, 2018).

³²⁶ *See, e.g.*, Email from Sally Painter to Eric Schwerin, Oct. 11, 2016 (Subject: Zlochevsky article in UKR press) (including an article with headline “The Interior Ministry confirmed that Zlochevskiy is no longer wanted,” to which Ms. Painter writes to Mr. Schwerin: “We won and in less than a year. Yea!!!!”).

³²⁷ Email from NARA representatives to Oversight Comm. staff (Jan. 30, 2024).

obstruct such an inquiry, the House is free to infer that evidence blocked from its view is harmful to the President’s position.”³²⁸ The Committees choose to do so again. In this case, the House should infer that the drafts of the speech the White House refuses to produce to the Oversight Committee are harmful to the President’s position—which is, generally, well known (in 2019, for example, Joe Biden said regarding Hunter Biden’s role on the Burisma board of directors, “My son did nothing wrong. I did nothing wrong.”).³²⁹ The Committees may infer, then, that the speeches withheld by the White House reflect a change in Joe Biden’s message to the Ukrainian Parliament in the days leading up to his travel to Ukraine, on or around the time of Hunter Biden’s phone call from Dubai with Mr. Zlochevsky and Mr. Pozharsky. The Committees may infer, too then, that then-Vice President Biden changed the speech to comport with his son’s interests: the firing of the Prosecutor General who was investigating the company paying Hunter Biden \$1 million per year.

E. The Biden family earned millions of dollars from numerous business deals with Chinese companies closely tied to the Chinese Community Party by selling access to Joe Biden while he was Vice President and later preparing to run for President.

During the second and final Presidential debate of the 2020 election cycle on October 22, 2020—less the two weeks before the 2020 Presidential election—Joe Biden announced to the American people that his family did not take money from China. He stated unequivocally: “My son has not made money, in terms of thing about, what are you talking about—China. The only guy who made money in China is [President Trump].”³³⁰ This was not true, and evidence suggests that Joe Biden knew it was not true. At the time of this statement, Joe Biden had met with his family’s Chinese business partners and received thousands of dollars from one of these Chinese business partner’s entities through his son and brother. He was aware that his family had been in business with certain Chinese entities since 2014 and in fact made millions of dollars from China.

The Bidens had two main sources of income from China: (1) BHR—which was accompanied with an offshoot transaction between Hunter Biden’s Burnham Group and the Harvest Fund³³¹—and (2) CEFC.³³² Then-Vice President Biden knew about BHR because he had a relationship with the CEO of BHR, Jonathan Li. He knew about the CEFC deal because he met with the Chairman of CEFC, Ye Jianming, and his American counterpart, Tony Bobulinski, and received a portion of the payment from CEFC.³³³

³²⁸ H.R. REP. NO. 116–346, at 67–68 (2019).

³²⁹ See Abbey Marshall, *Biden defends Hunter: ‘My son did nothing wrong. I did nothing wrong.’*, Politico (Oct. 15, 2019).

³³⁰ *Presidential Debate at Belmont University in Nashville, Tennessee*, COMM’N ON PRESIDENTIAL DEBATES (Oct. 22, 2020).

³³¹ Hunter Biden Deposition at 20; Galanis Interview at 8–9 (“As part of the evolving and deepening partnership, Hunter served as vice chairman to Burnham and brought strategic relationships to the venture, including from Kazakhstan, Russia, and China.”).

³³² Fourth Bank Memo at 2.

³³³ *Id.*; Hunter Biden Deposition at 141–42; Walker Interview at 41–42.

As Hunter Biden and his business associates were clearly aware, the Chinese businesses with which they partnered—each of which was closely connected to the Chinese Communist Party (CCP)—were only interested in partnering with them due to the Biden name and the promise of access to Joe Biden.³³⁴

While the Biden Administration has attempted to discredit these allegations, its unsupported assertions cannot stand up to the voluminous array of evidence the Committees have assembled showing that President Biden was aware of and involved in his family’s influence peddling racket in China.³³⁵ In short, evidence shows that President Biden knowingly collaborated with, and enabled his family to collaborate with, companies acting at the behest of a powerful geopolitical foe in exchange for Biden family personal profit.³³⁶

i. The financial relationship between the Biden family and the Chinese Communist Party-backed firms of BHR, Bohai, and Harvest was only finalized after Joe Biden’s 2013 visit to Beijing.

On December 1, 2013, Hunter Biden traveled with Vice President Biden to Japan, China, and South Korea as a part of the Vice President’s official travel to Asia.³³⁷ In Beijing, Hunter Biden attended an event with his father and the President of the People’s Republic of China, Xi Jinping.³³⁸ In a December 5, 2013, email to Mr. Archer, Hunter Biden said “Dinner w/ Xi was pretty amazing. They (Xi and JRB) were supposed to spend 2hrs together. It stretched to 7hrs. I think they are in love with each other. They all most [sic] kissed on departure.”³³⁹ This email came in response to Mr. Archer asking Hunter Biden if he was able to meet with Jonathan Li, a prominent businessman in China, to which Hunter Biden responded: “Yes- and they got to meet Dad. All very good. Talk later.”³⁴⁰

³³⁴ See *infra* Section II.E.i-vii.

³³⁵ See *generally* Section II.E.iv-v.

³³⁶ *Id.*

³³⁷ Archives, The Vice President’s 2013 Asia Trip: Japan, China and the Republic of Korea, The White House, <https://obamawhitehouse.archives.gov/issues/foreign-policy/asia-trip-2013> (last visited June 5, 2024).

³³⁸ Email from Hunter Biden to Devon Archer (Dec. 5, 2013); see John Solomon & Steven Richards, *Exclusive: Feds secretly knew for years Joe Biden met with son’s Chinese partners on official trip*, Just the News (May 23, 2024).

³³⁹ *Id.* (parenthetical in original).

³⁴⁰ *Id.*

From: Hunter Biden [REDACTED]
Sent: Thursday, December 05, 2013 2:10:05 PM
To: Devon Archer
Subject: Re: Beijing

Dinner w/ Xi was pretty amazing. They (Xi and JRB) were supposed to spend 2hrs together. It stretched to 7hrs. I think they are in love with each other. They all most kissed on departure.

RHB
[REDACTED]

On Dec 5, 2013, at 11:40 AM, Devon Archer
[REDACTED] wrote:

great! have a good day over there.

On Wed, Dec 4, 2013 at 9:28 PM, Hunter Biden
[REDACTED] wrote:

Yes- and they got to meet Dad. All very good. Talk later.

RHB
[REDACTED]

> On Dec 5, 2013, at 10:13 AM, Devon Archer
< [REDACTED] > wrote:

> Did you end up meeting Jonathan?

>

> Devon Archer

> [REDACTED]

Mr. Li, formerly the chief executive officer of the Chinese entity Bohai Sea Industrial Fund (Bohai Capital), met with Vice President Biden on this trip.³⁴¹ Mr. Li became the CEO of BHR; Hunter Biden would sit on the board of BHR and obtain equity in BHR within weeks of Joe Biden meeting Mr. Li.³⁴² Mr. Archer explained Mr. Li's role:

Q. What is Jonathan Li's role with [BHR]?

A. CEO.

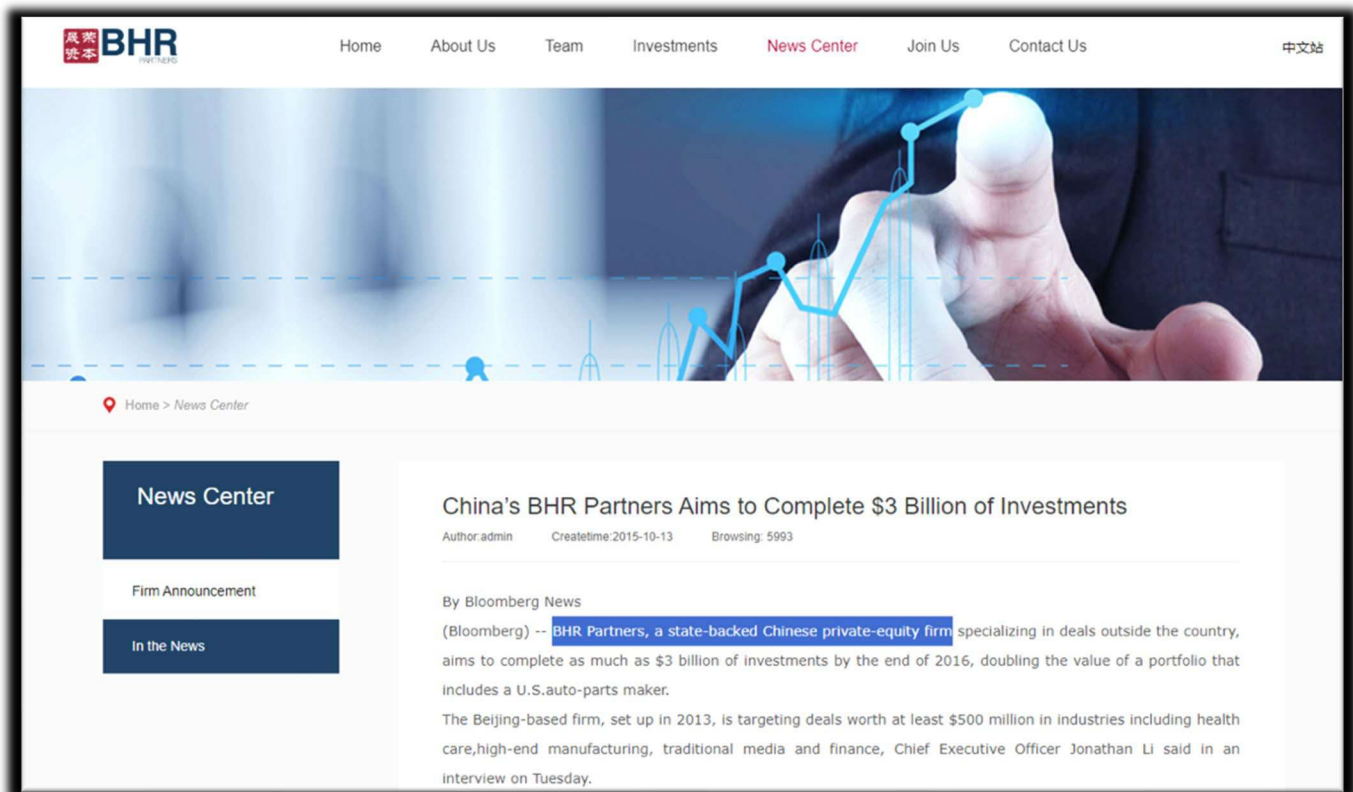
Q. And—

³⁴¹ Hunter Biden Deposition at 18-19.

³⁴² Archer Interview at 68; Hunter Biden Deposition at 20; bank records on file with the Committees.

A. He was also kind of the—you know, the founder.

He left—he was the CEO of Bohai Sea Industrial Fund, and he wanted to get out of, you know, kind of government private equity fund. And so he had the entrepreneurial spirit to, you know, come to the States.³⁴³



Mr. Li’s new fund, BHR, maintained a relationship with the Chinese government. According to the BHR website, it is a “state-backed”³⁴⁴ firm, and, according to an interview with a BHR executive, Bohai Capital “has a state-owned background, with the likes of Bank of China – which is still the largest indirect shareholder in BHR – and China Development Bank Capital[.]”³⁴⁵ At the time of the December 2013 meeting between Mr. Li and then-Vice President Biden, Hunter Biden was “working with [Mr. Li] on a potential . . . idea for creating a private equity fund based in China to do cross-border investments”—this idea would become BHR.³⁴⁶ In his deposition with the Committees, Hunter Biden testified:

³⁴³ Archer Interview at 68.

³⁴⁴ *China’s BHR Partners Aims to Complete \$3 Billion of Investments*, BHR PARTNERS (Nov. 13, 2015), <https://www.bhrpe.com/show.php?catid=42&id=129>.

³⁴⁵ *Q&A: BHR Partners’ Jonathan Li and Xin Wang*, BHR PARTNERS (Mar. 4, 2016), <https://www.bhrpe.com/show.php?catid=42&id=112>.

³⁴⁶ Hunter Biden Deposition at 19, 30-31.

Q. At the time that you did introduce your father to Jonathan Li, did you or any of your business associates have any potential business with Jonathan Li?

A. I was working with Jonathan on a potential that he had an idea for creating a private equity fund based in China to do cross-border investments.

* * *

Q. Was the company that was being thought of or being formed, the investment fund, was that BHR Partners?

A. Yes, ultimately it became BHR Partners. Jonathan’s original fund was called Bohai. He had been in private equity with one of the first privately held private equity firms in China.³⁴⁷

On December 16, 2013, twelve days after Vice President Biden met Mr. Li, Chinese authorities approved and registered BHR to conduct business³⁴⁸ and Hunter Biden and his associates were allowed to—and did—purchase equity in BHR in 2014.³⁴⁹

Hunter Biden, Mr. Archer, and Mr. Bulger, the third American partner and relative of organized crime boss James “Whitey” Bulger, formed Rosemont Seneca Thornton in 2013 to pursue the deal with Mr. Li of Bohai and Henry Zhao of Harvest; this new entity would “be the equity shareholder of BHR.”³⁵⁰ Hunter Biden confirmed the breakdown in ownership of Rosemont Seneca Thornton:

Q. And Rosemont Seneca Thornton, just so the committee understands, Rosemont would’ve been Devon Archer, correct?

A. Yes.

Q. Seneca would’ve been you, correct?

A. Yes.

Q. And then Thornton would’ve been Jimmy Bulger, correct?

³⁴⁷ *Id.* at 19-20.

³⁴⁸ National Enterprise Credit Information Publicity Statement, Bohai Huamei (Shanghai) Equity Investment Fund Management Co., Ltd. (archived Oct. 17, 2019), <https://cdn01.dailycaller.com/wp-content/uploads/2019/10/Bohai-Harvest-RST-Chinese-Registration-Page-2-ENGLISH-10-17-19.pdf>.

³⁴⁹ Records on file with Committees; Archer Interview at 70-71.

³⁵⁰ Archer Interview at 58-59; *see also General Information Name Search*, DEL. DEP’T OF STATE, DIV. OF CORPS., <https://icis.corp.delaware.gov/Ecorp/EntitySearch/NameSearch.aspx> (search entity name “Rosemont Seneca Thornton”) (last visited July 29, 2024) (listing Rosemont Seneca Thornton’s formation date as May 28, 2013).

A. Yep, James Bulger.³⁵¹

Bohai, Harvest, and Mr. Archer, Hunter Biden and Mr. Bulger, through Rosemont Seneca Thornton, formed the partnership—the BHR partnership—in December of 2013.³⁵² Hunter Biden confirmed the participants in the deal:

Q. And the “B” in BHR Partners stood for Bohai, correct?

A. Yes.

Q. And the “H” in BHR Partners stood for Harvest? Do I have that correct?

A. Yes.

Q. And that’s related to who? Who was associated with Harvest?

A. I believe that the principal for Harvest was Henry Zhao.

Q. And the “R” in BHR was Rosemont Seneca. Is that correct?

A. No. It was Rosemont Seneca Thornton.³⁵³

Mr. Li “conceived the idea for BHR” in 2011, “anticipating a big wave of cross-border M&A by Chinese enterprises.”³⁵⁴ Mr. Li viewed BHR Partners “as an extension of Bohai Industrial Investment Fund to support Chinese companies going overseas” and wanted “diversified ownership, including both Chinese and foreign partners, to make the firm more international.”³⁵⁵

Mr. Li sought—and received—access to Vice President Biden’s political power,³⁵⁶ including, for example, preferential access to then-U.S. Ambassador to China Max Baucus.³⁵⁷ Jason Galanis testified that Mr. Li made access to Vice President Biden and his political influence a condition of Hunter Biden and his associates participating in the BHR deal.³⁵⁸ In his transcribed interview, Mr. Galanis explained:

³⁵¹ Hunter Biden Deposition at 20.

³⁵² National Enterprise Credit Information Publicity Statement, Bohai Huamei (Shanghai) Equity Investment Fund Management Co., Ltd. (archived Oct. 17, 2019), <https://cdn01.dailycaller.com/wp-content/uploads/2019/10/Bohai-Harvest-RST-Chinese-Registration-Page-2-ENGLISH-10-17-19.pdf>.

³⁵³ Hunter Biden Deposition at 20.

³⁵⁴ *Firm Announcement, Q&A: BHR Partner’s Jonathan Li & Xin Wang*, BHR PARTNERS (Apr. 3, 2016) <https://www.bhrpe.com/show.php?catid=42&id=112>.

³⁵⁵ *Id.*

³⁵⁶ *See* Galanis Interview at 37.

³⁵⁷ *See id.* at 101.

³⁵⁸ *Id.* at 36-37.

- A. . . . In terms of other influence on BHR, I can't speak to it other than emails that I have seen and been provided by Devon Archer, particularly. In the early days, there was an email from Jonathan Li. I think it was to Devon and Hunter. It was requesting –
- Q. Jonathan Li of Bohai?
- A. Bohai, the “B” in the BHR. It was requesting the partners’ political muscle, was the quote. Political muscle was Hunter’s access to his father, and that was what was requested prior to having gotten Chinese approval to form BHR.³⁵⁹

Former Ambassador Baucus was “solicited to set up a meeting at the Embassy for BHR.”³⁶⁰ Mr. Galanis recalled “an email saying that it’s very highly unusual to host a financial company at the U.S. Embassy but [Baucus]” “agreed to the meeting based on the relationships.”³⁶¹ Mr. Galanis told the Committees BHR sought “power and political influence” from its American partners.³⁶² He testified:

- Q. I just want to go back. You talked about a meeting at an Ambassador’s place in China or U.S. Ambassador. Do you remember talking about that earlier?
- A. I do.
- Q. Could you describe that meeting? Who was there? Where was it?
- A. I wasn’t there.
- Q. Okay.
- A. My—so back up. A dear friend of mine, who’s recently passed, has been friends with Max Baucus, ex-Senator Max Baucus who became U.S. Ambassador to China. The Ambassador was solicited to set up a meeting at the Embassy for BHR.

³⁵⁹ *Id.* (emphasis added).

³⁶⁰ *Id.* at 101.

³⁶¹ *Id.*

³⁶² *Id.* at 100-01.

And the point of the meeting was to show – this was what was said between everybody. I was helpful in setting that meeting up.

. . . Ambassador Baucus agreed to the meeting based on the relationships. I remember there was an email saying that it's very highly unusual to host a financial company at the U.S. Embassy but [Baucus] was doing it for them on the basis was relationship.

So the point was to project power and political influence to the Chinese.³⁶³

Influence was provided, too, by Hunter Biden and Mr. Archer sitting on the board of BHR. Hunter Biden and Mr. Archer sat the board of BHR in 2014 while Joe Biden was Vice President.³⁶⁴ Hunter Biden did not step down from his position on the board of BHR until October 2019—months after Joe Biden announced his candidacy for President of the United States.³⁶⁵ Mr. Archer testified:

Q. Okay. And so you sat on the board of BHR?

A. I did.

Q. From when to when?

A. I sat on the board from the beginning—I was the vice chairman—until I had my legal issues.

Q. Okay. So that was early 2014 to mid-2016?

A. I think—well, it was under—yeah...

* * *

Q. No, no, I'm asking you. When you were on the board in 2014 at BHR, was Hunter on the board? I mean, he was invested in the company with you, right, in 2014?

A. I think initially was on the board, yes.³⁶⁶

³⁶³ *Id.* (emphasis added).

³⁶⁴ Archer Interview at 73-74.

³⁶⁵ Press Release, George Mesires, A Statement on behalf of Hunter Biden (Oct. 13, 2019), <https://medium.com/@george.mesires/a-statement-on-behalf-of-hunter-biden-dated-october-13-2019-d80bc11087ab>; Marc Caputo & Natasha Korecki, *Joe Biden dives into 2020 race*, POLITICO (Apr. 25, 2019) (Joe Biden announced his candidacy for President of the United States in April of 2019).

³⁶⁶ Archer Interview at 73-74.

Joe Biden maintained contact with Mr. Li. According to Mr. Archer, outside his 2013 meeting with Mr. Li, Hunter Biden placed then-Vice President Joe Biden on a phone call with Mr. Li in Mr. Archer's presence while at a dinner in China and Mr. Li "had coffee" with Joe Biden.³⁶⁷ Mr. Archer explained:

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.³⁶⁸

Joe Biden gave Mr. Li other favors. During Mr. Archer's interview with the Committee, Mr. Archer explained that Joe Biden wrote a college letter of recommendation for Mr. Li's daughter:

Q. Was there any—did you ever witness Hunter Biden asking Joe Biden to do something for—you know, to help BHR or help out Jonathan Li?

A. A college recommendation. She didn't get in.

Q. For who?

A. I think for his daughter, to Georgetown. It didn't work.³⁶⁹

Emails from Hunter Biden's laptop show Vice President Biden also wrote a college letter of recommendation for Mr. Li's son in February of 2017.³⁷⁰ Hunter Biden described a "rule." Joe Biden would only be asked to write letters of recommendation for people particularly close to the family:

³⁶⁷ *Id.* at 124.

³⁶⁸ *Id.*

³⁶⁹ *Id.* at 125.

³⁷⁰ Email from Eric Schwerin to Jonathan Li (Feb. 18, 2017) ("Jonathan, Hunter asked me to send you a copy of the recommendation letter that he asked his father to write on behalf of [Mr. Li's son] for Brown University."); *see also* Brooke Singman & Peter Hasson, *Biden wrote college recommendation letter for son of Hunter's Chinese business partner, emails reveal*, FOX NEWS (Apr. 6, 2022).

Q. Other things you don't mention in your book are that your father actually wrote a college recommendation for one of Jonathan Li's children. Isn't that correct?

A. I believe that he did, yes. And as I—I don't remember the exact date, but I will say this, is Jonathan, as I said before, was a very close friend, became a close friend of mine. And although I have not had any contact with Jonathan for a long time, I still consider he and his family to be near to my heart. They have – and I knew his son.

And there was a rule in my family, my dad was often asked to write recommendations for hundreds of people that—I'm sure over the course of the last 50 years. But the rule was is that, if you were going to ask, that they had to be close friends; you had to know them well. And I knew both Jonathan, and I knew his son, who was applying to universities here in the United States.³⁷¹

Two days after Vice President Biden met with Mr. Li, on December 6, 2013, Rosemont Seneca Thornton—the “R” in BHR—opened a bank account, listing Devon Archer and Rosemont Seneca Partners—Hunter Biden's primary business—as beneficiaries.³⁷²

³⁷¹ Hunter Biden Deposition at 34.

³⁷² Third Bank Memo at 6.

<i>Account Number #</i> [REDACTED]	
General Information	
CLIENT CONTACTS	
ROSEMONT SENECATHORNTON, LLC	Entity
DEVON ARCHER	Auth Ind Person
Devon Archer	UBO
Rosemont Seneca Partners LLC	IBO Entity
ACCOUNT INSTRUCTION	
Sort Name	ROSEMONTSEN
ACCOUNT MAILING AND PLATING ADDRESS	
ROSEMONT SENECA THORNTON, LLC C/O DEVON ARCHER [REDACTED]	

<i>Client Contacts: Rosemont Seneca Partners LLC (IBOE)</i>	
Entity	
Organization Name	Rosemont Seneca Partners LLC
Short Name	ROSEMONTSEN
SSN/TIN Number	

[REDACTED]	12/10/2013 – 11/18/2014	Rosemont Seneca Thornton, LLC c/o Devon Archer	Devon Archer, AP, UBO Rosemont Seneca Partners LLC, IBO Entity
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Hunter Biden purchased equity in BHR through shell companies. Rosemont Seneca Thornton was the original vehicle through which Hunter Biden, Mr. Archer, and Mr. Bulger were to hold 30 percent equity in BHR.³⁷³ Mr. Archer explained that the creation of Rosemont Seneca Thornton was necessary to aggregate the equities held by the three individuals to meet a “30 percent” threshold due to a Chinese “regulation to own 30 percent” necessary to avoid registration “with [the Chinese] equivalent of the SEC as a shareholder.”³⁷⁴

In 2014, Mr. Archer and Hunter Biden created another entity, Rosemont Seneca Bohai, to hold their equity in BHR:

Q. According to public records, Rosemont Seneca Bohai was started on February 13th of 2014.

What was Rosemont Seneca Bohai?

A. Rosemont Seneca Bohai was set up to hold the equity of BHR And this was just set up to – to essentially own

³⁷³ Archer Interview at 58-59.

³⁷⁴ *Id.*

that equity and operate the, you know, what we thought was going to be a successful fund³⁷⁵

According to Hunter Biden, BHR sought to raise \$4.2 million in total equity stake from the partners:

Q. And the idea for this equity fund that the business associates were going to invest in is that it had raised approximately \$4.2 million. Do I have that number correct?

A. I think from the equity stake from the partners.

Q. And so, in order to purchase a 10 percent share of this equity to get – to receive equity in BHR Partners, each individual partner had to put up approximately \$420,000. Is that correct?

A. Yes.³⁷⁶

The *Wall Street Journal* reported in December of 2020 that “the cost for Mr. Biden’s 10% stake, at \$420,000, was based on BHR’s startup value in 2013 . . . Of that, at least a third was provided in the form of loans from other BHR principals.”³⁷⁷ Despite these reports, the Committees found that two entities owned, controlled or to the benefit of Hunter Biden owned 10 percent equity in BHR.

Hunter Biden claimed he did not purchase equity in BHR until 2017.³⁷⁸ In a 2019 statement by Hunter Biden’s lawyer, George Mesires, Hunter Biden claimed he did not own “any equity in [BHR] while his father was Vice President.”³⁷⁹ The record, however, demonstrates Hunter Biden held equity in BHR while Joe Biden was Vice President. On January 23, 2014, Rosemont Seneca Thornton, which—as demonstrated—existed for the benefit of Hunter Biden’s Rosemont Seneca Partners, wired a BHR-associated account \$167,000.³⁸⁰ Then, on January 29, 2014, Rosemont Seneca Thornton wired another BHR-associated account \$247,800, totaling \$414,800.³⁸¹ This was the first 10 percent purchased by Hunter Biden through one of his entities.

Then, the Rosemont Seneca Bohai bank account was used by Hunter Biden and Mr. Archer to purchase another 10 percent in equity of BHR in December of 2014.³⁸² Rosemont

³⁷⁵ *Id.* at 14-15.

³⁷⁶ Hunter Biden Deposition at 21.

³⁷⁷ James T. Areddy & Andrew Duchren, *Hunter Biden’s Family Name Aided Deals With Foreign Tycoons*, WALL ST. J. (Dec. 22, 2020).

³⁷⁸ Hunter Biden Deposition at 29.

³⁷⁹ Press Release, George Mesires, A Statement on behalf of Hunter Biden (Oct. 13, 2019) <https://medium.com/@george.mesires/a-statement-on-behalf-of-hunter-biden-dated-october-13-2019-d80bc11087ab>.

³⁸⁰ Record on file with Committee Staff.

³⁸¹ Record on file with Committee Staff.

³⁸² Record on file with Committee Staff.

Seneca Bohai was owned “50-50” by Mr. Archer and Hunter Biden,³⁸³ and Hunter Biden was the “corporate secretary” and “beneficial owner” of Rosemont Seneca Bohai.³⁸⁴ Entities controlled, owned, or organized for the benefit of Hunter Biden collectively held 20 percent equity in BHR while Joe Biden was Vice President. While Hunter Biden’s entities held at least 20 percent in BHR, the Committees note that the deal struck between Mr. Li, Mr. Zhao, and Hunter and his American partners, indicates Hunter Biden likely held 10 percent equity in BHR in 2014 while Joe Biden was Vice President. Biden family business associate Kevin Morris, as is discussed further below, still owns Hunter Biden’s 10 percent equity in BHR to this day.³⁸⁵

The Biden family benefitted from their business dealings with BHR, contrary to candidate-Joe Biden’s claim that Hunter Biden did not receive money from China.³⁸⁶ On July 26, 2019, Hunter Biden received a \$10,000 wire from BHR’s Xin Wang.³⁸⁷ Hunter Biden then received a \$250,000 wire from BHR’s Mr. Li and BHR associate Tan Ling on August 2, 2019.³⁸⁸ Both wires originated in Beijing.³⁸⁹ Joe Biden’s Wilmington, Delaware home was listed as the beneficiary address for both wires.³⁹⁰ Hunter Biden characterized the \$250,000 payment from Mr. Li as a loan.³⁹¹ In his deposition to the Committees, he testified:

Q. . . you did get money from Jonathan Li, didn’t you?

A. I believe ultimately—no, I did not get money from Jonathan Li.

Q. I’d now like to show to show you bank records.

* * *

A. I was loaned my—money against my equity stake in the company of which Jonathan Li was a majority partner of.

Q. So, in this, when you say collected no money in your book, the reality is that, just the year earlier, in 2019, you had received a \$250,000 wire from Jonathan Li. Isn’t that correct?

A. To send back to him for the equity stake in the fund.

³⁸³ See Archer Interview at 64.

³⁸⁴ *Id.*; Exhibit 902; Exhibit 901.

³⁸⁵ Transcribed Interview of Kevin Morris, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 149 (Jan. 18, 2024) [hereinafter “Morris Interview”].

³⁸⁶ Glenn Kessler, *Biden said his son earned no money from China. His son says otherwise*, The Washington Post (Aug. 1, 2023).

³⁸⁷ Press Release, H. Comm. on Oversight & Accountability, *Comer Reveals Wires from China Have Joe Biden’s Wilmington Home as the Beneficiary Address* (Sept. 26, 2023).

³⁸⁸ *Id.*

³⁸⁹ *Id.*

³⁹⁰ *Id.*

³⁹¹ Hunter Biden Deposition at 31-33.

Q. You never repaid the loan to Jonathan Li. Isn't that correct?

A. Did I repay the loan?

Q. Correct.

A. I sold my equity interest in it, and part of that is the assumption of the loan.

Q. You never paid any money back to Jonathan Li, did you?

A. What I'm telling you is that I sold my equity interest in BHR, and part of that arm's length transaction is the assumption of the loan, and that is between Jonathan Li and the equity holder.

Q. And that equity holder is Kevin Morris, correct?

A. Yes, it is.

Q. What you did is in 2017 you took your BHR equity, which was being held by Devon Archer in the Rosemont Seneca Bohai account, and you transferred it into Skaneateles. Isn't that correct?

A. I don't know how exactly that – the transactions worked, but I do know that Skaneateles was the holder of the equity.

Q. And you sold Skaneateles to Kevin Morris, correct?

A. Yes, I did.³⁹²

Hunter Biden held 10 percent equity in BHR until 2021, when Kevin Morris, Hunter Biden's benefactor, purchased Hunter Biden's entity, Skaneateles. At the time of the exchange—and apparently until the present—Skaneateles, one of Hunter Biden's holding companies,³⁹³ held Hunter Biden's BHR equity. Mr. Morris still holds Skaneateles and, through it, Hunter Biden's original equity in BHR. Mr. Morris testified:

A. The way I think it was, counsel, that I acquired, I acquired Skaneateles, which as I understand it owned the BHR piece.

* * *

³⁹² *Id.*

³⁹³ Schwerin Interview at 15-16, 138.

Q. And does it sound right to say that Skaneateles held a 10 percent stake in BHR?

A. It sounds right.

Q. So you currently own that 10 percent stake in BHR?

A. Correct, through one of my corporate entities.

* * *

Q. Do you know when you—when did you purchase Skaneateles?

A. Was it—I—you know in 2021.³⁹⁴

On November 17, 2021, Mr. Morris acquired Skaneateles from Hunter Biden and assumed its remaining debt of \$157,729.69.³⁹⁵ Other than admitting that he bought the company from Hunter Biden and that it owned a share of BHR, Mr. Morris had minimal knowledge of what services Skaneateles provides:³⁹⁶

Q. . . . [W]hen did you become aware of Skaneateles, LLC?

A. I think I had a general sense of [Hunter Biden's] corporations and corporate structure in the early days, in the first couple of months. I mean, that's a – you know, that's a piece of perspective that you have to have in representing someone.

Q. What kind of company was Skaneateles?

A. I mean, I don't know. An LLC, I think.

Q. But did it sell shirts? What was it? I mean, what was the purpose of the company?

A. I think it's—again . . . I'm not to the point sure, but it was an LLC and—you know, I think it – Hunter actually had a very simple corporate structure personally. I think this was one that was for some purpose that I can't remember. . . .

Q. Do you know what Hunter Biden's role was with Skaneateles?

³⁹⁴ Morris Interview at 149.

³⁹⁵ See Letter from Counsel to Kevin Morris to Oversight Committee staff (Jan. 25, 2024).

³⁹⁶ Morris Interview at 147-50.

- A. No. I think he was the sole, sole member of an LLC.
- Q. And are you aware of an investment fund Bohai Harvest?
- A. Yes.
- Q. What is that?
- A. It's a Chinese – it's a hedge fund of Chinese Nationals, I believe, that raise money to make investments in public-private, and infrastructure programs.
- Q. And have you heard of Jonathan [Li], the CEO of BHR?
- A. I've heard of him, yeah.
- Q. You never met with him?
- A. No.
- Q. And do you know what kind of investments BHR makes?
- A. I knew better at one time. I remember going through them. I don't remember exactly what they were. I think they were – I don't know. I think they were infrastructure.³⁹⁷

Mr. Morris would not tell the Committees why he purchased Skaneateles from Hunter Biden in the first place, claiming that it was protected by the attorney-client privilege.³⁹⁸ Mr. Morris then stated that he believed that purchasing the BHR equity by acquiring Skaneateles would be a good investment:

- Q: How did it come up that you were going to purchase Skaneateles? Or why did you buy Skaneateles of all the companies that Hunter Biden was involved with? Why that one?
- A. That's privileged. I am not going to answer that because of attorney-client privilege.
- Atty. No, no, no, why did you buy it? Like what?
- A. I'm not going to answer it.

* * *

³⁹⁷ *Id.* at 147-48.

³⁹⁸ *Id.* at 149-50.

Q. . . . Why did you buy BHR?

A. I did the transaction because, you know, I evaluated it as a businessman, and I thought it was something that could be a very successful investment. I – you know, but I did diligence on the assets. I knew what – I knew what Hunter paid for it in the beginning, and I saw, and I still see upside.³⁹⁹

Mr. Morris claimed that he did due diligence on Skaneateles,⁴⁰⁰ yet testified he was not “to the point sure” of the company’s purpose.⁴⁰¹ Mr. Morris continues to own Skaneateles and therefore the equity in BHR. The possibility of the return of the BHR equity to the Bidens still exists today; Mr. Morris can transfer the stake back if he chooses.

ii. Vice President Biden intended to join the board of Hunter Biden’s joint venture with a CCP-linked Chinese company—Harvest Fund Management—after leaving office.

In 2013, Hunter Biden became acquainted with businessman Jason Galanis through their mutual acquaintance Mr. Archer.⁴⁰² Mr. Galanis, Mr. Archer, and Hunter Biden worked with the American-based Burnham Group while Joe Biden was Vice President and sought to form a separate partnership with Henry Zhao’s Chinese entity, Harvest.⁴⁰³ According to Mr. Galanis, Mr. Zhao “regularly sought reassurance” that Vice President Biden would be involved in the potential Burnham Harvest deal.⁴⁰⁴ While Vice President, Joe Biden planned to sit on the board of Harvest after his Vice Presidency.⁴⁰⁵

Toward late 2013, Mr. Archer suggested to Mr. Galanis that “it would be a good idea to leverage Hunter more and include him in more business deals, [and] compensate him.”⁴⁰⁶ In early 2014, Hunter Biden’s participation in the business arrangement with Mr. Galanis and Mr. Archer “became formalized.”⁴⁰⁷ As part of their business arrangement, the trio partnered to purchase a Wall Street firm known as Burnham & Company and combined it “with other businesses in insurance and wealth management” they owned.⁴⁰⁸ Their goal was to build a business that combined “a globally known Wall Street brand with a globally known political name”—Biden.⁴⁰⁹ In doing so, they sought “to make billions, not millions.”⁴¹⁰ Mr. Galanis

³⁹⁹ *Id.* at 149-50.

⁴⁰⁰ *Id.* at 150.

⁴⁰¹ *Id.* at 148.

⁴⁰² Galanis Interview at 22-23.

⁴⁰³ *Id.* at 9.

⁴⁰⁴ *See id.* at 10.

⁴⁰⁵ *Id.* at 9.

⁴⁰⁶ *Id.* at 23.

⁴⁰⁷ *Id.*

⁴⁰⁸ *Id.* at 7.

⁴⁰⁹ *Id.*

⁴¹⁰ *Id.*

described Burnham as “the focal point for integrating a, quote, Biden family office into a large-scale financial company with international influence.”⁴¹¹

According to Mr. Galanis, the only value Hunter Biden added to the business was his last name and his access to Vice President Biden.⁴¹² Hunter Biden was not even required to put any of his own money into the business, instead he provided “relationship capital.”⁴¹³ Mr. Galanis testified:

The entire value add of Hunter Biden to our business was his family name and his access to his father, Vice President Joe Biden. Because of this access, I agreed to contribute equity ownership to them, Hunter and Devon, for no out-of-pocket cost to them in exchange for their, quote, relationship capital.⁴¹⁴

In 2014, Hunter Biden led an effort to arrange a partnership between Burnham and Harvest Fund Management, “a \$300 billion Chinese financial services company closely connected to the Chinese Communist Party.”⁴¹⁵ According to Mr. Galanis, Harvest’s chairman, Mr. Zhao, “was interested in this partnership because of the game-changing value add of the Biden family, including Joe Biden, who was to be a member of the Burnham-Harvest team post-Vice Presidency, providing political access to the United States and around the world.”⁴¹⁶

Mr. Zhao was already involved with the Biden family through the BHR deal. Harvest Fund Management is a “massive Chinese enterprise”⁴¹⁷ and in 2014, Hunter Biden, Mr. Archer, and Mr. Galanis agreed that Burnham Group “would be significantly enhanced by forming a partnership” with Harvest.⁴¹⁸ Mr. Galanis testified:

The partners wanted to expand this Chinese relationship through Burnham and did so through a series of investment structures intended to gain financial support.⁴¹⁹

Mr. Zhao sought “continual reassurance” that Vice President Biden would be involved in the Burnham Harvest deal.⁴²⁰ During his transcribed interview, Mr. Galanis testified:

Harvest was an important prospective partner from my point of view, selfishly, looking after my own interests, as delineated from other partners’ interest in the business. Harvest would have been additive to my ambitions to also grow the business. Harvest made

⁴¹¹ *Id.* at 8.

⁴¹² *Id.*

⁴¹³ *Id.*

⁴¹⁴ *Id.*

⁴¹⁵ *Id.* at 8-9.

⁴¹⁶ *Id.* at 9.

⁴¹⁷ *Id.* at 10.

⁴¹⁸ *Id.* at 8-9.

⁴¹⁹ *Id.* at 9.

⁴²⁰ *Id.* at 36.

very clear that, but for the Biden participation, that Harvest wasn't going to invest in the business as I had wanted them to and as the other partners wanted them to. That was . . . explicit and implied in a number of emails, as well. So that was kind of influence they sought, and it was the kind of influence we were attempting to use to induce this investment in this anchor investor, this stamp of credibility, this institutional credibility to our small, growing business.⁴²¹

* * *

. . . [Mr. Zhao] wanted continual reassurance that the father was going to be, the father, Joe Biden was going to be involved with Harvest.⁴²²

According to Mr. Galanis, Vice President Biden “was aware” of their “business efforts on the Burnham Harvest partnership.”⁴²³ He recalled at least one instance where Hunter Biden spoke with Vice President Biden over the phone in front of Mr. Galanis. Mr. Galanis testified:

Further to that, I recall being with Hunter Biden and Devon Archer at the Peninsula Bar in New York where Hunter took a call from his father. He told his father things were going well with Henry [Zhao] and Harvest and that he might need a little help getting across the finish line.

Hunter did not put the call on speaker, as we were at this bar, but I'm certain that Hunter was discussing our business efforts on the Burnham Harvest partnership and that the Vice President was aware of these efforts.⁴²⁴

While Vice President, Joe Biden planned to sit on the board of Harvest after leaving the White House in 2017.⁴²⁵ According to Mr. Galanis, this plan developed in 2014.⁴²⁶ He testified:

In 2014, I agreed with Hunter and Devon that the Burnham and Company enterprise would be significantly enhanced by forming a partnership with Harvest Fund Management, a \$300 billion Chinese financial services company closely connected to the Chinese Communist Party. Harvest had already agreed to be a founding partner of a newly established fund called BHR.

⁴²¹ *Id.* at 34-35.

⁴²² *Id.* at 36.

⁴²³ *Id.* at 10.

⁴²⁴ *Id.*

⁴²⁵ *Id.* at 43.

⁴²⁶ *See id.* at 9-10 (“And it was one of many conversations that I understood the Vice President had been expressing his willingness to join the Harvest board after his Vice Presidency.”).

The partners wanted to expand this Chinese relationship through Burnham and did so through a series of investment structures intended to gain Chinese financial support. This effort was led by Hunter Biden's contact with Henry Zhao, the Harvest chairman.

Mr. Zhao was interested in this partnership because of the game-changing value add of the Biden family, including Joe Biden, who was to be a member of the Burnham Harvest team Post-Vice Presidency, providing political access to the United States and around the world.⁴²⁷

Mr. Galanis described the plan in detail in testimony to the Committee. He explained:

Q. Okay. James [Bulger] writes to Devon Archer that Henry likes the, quote, "creative idea," quote that you, Devon Archer, came up with.

What is the creative idea in July 2014 that is being referenced here, if you know?

A. My recollection was the creative idea was Joe Biden's . . . paid board seat post-Vice Presidency.

Q. Board seat on—

A. Harvest, the Chinese company.

Q. So Joe Biden was going to sit on the board of Harvest when he left the Vice Presidency?

A. That was the proposal that was subsequently discussed. I mentioned it in my opening statement.

And, to answer your question, sorry, yes, yes, that was . . . the understanding. And that's what this was referencing, to my recollection.

Q. I believe you also mentioned in your opening statement intangible goods, and that is also in this email.

Quote, "Henry understands the intangible goods that come with the partnership," quote.

Is that in the same vein?

⁴²⁷ *Id.* at 8-9.

A. It is.

Q. Okay. Did Devon Archer ever communicate to you that he understood the creative idea and the intangible goods to be Joe Biden eventually sitting on the board of Harvest?

A. Yes that's my recollection.

* * *

Q. So, by July of 2014, it has been broached that Joe Biden would sit on a board of a Chinese entity.

* * *

Q. Would Burnham receive anything in connection with Harvest because of Joe Biden being promised to sit on the board?

A. Yes.

Q. What was your understanding of that, what would that be?

A. Harvest was to . . . become an investor in Burnham. So it was to receive money. The original proposal was \$18 million. There were different numbers discussed based on the ongoing negotiations. And so that was—they were connected, inextricably connected, events or proposals.⁴²⁸

The intention for Vice President Biden to serve on the board of Harvest post-Vice Presidency was memorialized in an August 23, 2014, draft email from Hunter Biden to Michael R. Leonard, a Biden family business associate and executive at the Thornton Group. In the draft email, Hunter Biden asked Mr. Leonard to “please also remind Henry [Zhao] of our conversation about a board seat for a certain relation of mine. Devon and I golfed with that relation earlier last week and we discussed this very idea again and as always he remains very keen on the opportunity.”⁴²⁹ In the forwarding email to Mr. Galanis, Mr. Archer wrote, “FYI...example of lean in on Henry from Hunter...this is [an] email drafted for him to send [to] Henry...”⁴³⁰ Mr. Galanis explained that Hunter Biden and Mr. Archer often used the term “lean-in” in their business dealings “as a term for access to Vice President Biden’s political influence.”⁴³¹

⁴²⁸ *Id.* at 40-42.

⁴²⁹ Email from Devon Archer to Jason Galanis (Aug. 23, 2014, 8:25 AM).

⁴³⁰ *Id.* (ellipses in original).

⁴³¹ Galanis Interview at 9.

From: Devon Archer [REDACTED]
Subject: Fwd: Michael/ HB email draft
Date: August 23, 2014 at 8:25 AM
To: jason galanis [REDACTED]

FYI...example of lean in on Henry from Hunter...this is email drafted for him to send Henry...

----- Forwarded message -----

From: Michael Leonard <[REDACTED]>
Date: Saturday, August 23, 2014
Subject: Michael/ HB email draft
To: Jim Bulger <[REDACTED]>

Michael,

I spoke to Jim and I heard that you had a good meeting with Henry regarding the Burnham Harvest deal. We are excited by the prospect of being able to work side-by-side with Harvest by way of a globally recognized platform. Please pass along my regards to Henry and let him know that what we discussed during our last lunch together in Beijing still holds true; Rosemont Seneca will be folded into the Burnham Harvest entity as soon as the deal closes thereby giving us all the solid well regarded global platform from which we can conduct our mutual business.

As far as our focus going forward is concerned Devon has been reviewing bids from potential buyers of our Rosemont Real Estate Fund GP because we are selling that entity to clear away distractions as we make Burnham Harvest and the BHR Fund the only priorities moving forward.

Michael please also remind Henry of our conversation about a board seat for a certain relation of mine. Devon and I golfed with that relation earlier last week and we discussed this very idea again and as always he remains very very keen on the opportunity.

Please let me know how I can help to facilitate the closing of this deal as it is of the highest importance to me.

Regards,
HB

--
Michael R. Leonard
Vice President, Operations Department
Thornton Group LLC
[REDACTED]

--
James J. Bulger
Chairman
Thornton Group LLC
[REDACTED]

In his transcribed interview, Mr. Galanis confirmed Vice President Biden was the “certain family member” referenced in the draft email. He stated:

Q. Okay. I will read the third paragraph of the forwarded email: “Michael, please also remind Henry of our conversation about a board seat for a certain relation of mine. Devon and I golfed with that relation earlier last week, and we discussed

this very idea again. And, as always he remains very, very keen on the opportunity.”

Just to be clear, and I think you did make reference to this in your opening statement, the certain relation is Joe Biden. Is that correct?

A. Correct.

Q. Did Devon ever say that he had golfed with the Vice President before?

A. Yeah. Quite proud of it.

Q. Around this time, . . . do you remember Devon ever raising that this conversation had happened?

A. Yeah.⁴³²



Devon Archer (far left), Joe Biden (second from right), Hunter Biden (far right)

⁴³² *Id.* at 43-44.

Although Vice President Biden did not end up formally joining the board of the joint venture with Harvest Fund Management,⁴³³ his intent to do so shows that he was aware of the venture. Evidence also shows that he directly discussed the venture with Hunter Biden.⁴³⁴

iii. The Biden family’s business relationship with Chinese conglomerate CEFC began while Vice President Biden was still in office.

Between late 2015 and early 2018, the Biden family and their business associates aggressively leveraged Joe Biden to enrich themselves through the Chinese entity CEFC. CEFC was a Chinese company connected, through its founder Chairman Ye Jianming, to the Chinese Communist Party (CCP),⁴³⁵ the People’s Liberation Army,⁴³⁶ and President Xi Jinping.⁴³⁷ Hunter Biden described Chairman Ye to James Biden as a “protégé” of President Xi Jinping,⁴³⁸ and Joe Biden met with Chairman Ye at least once in 2017.⁴³⁹ CEFC made headlines in 2017 when it announced a \$9 billion deal to acquire a 14.2 percent stake in the Russian state-owned oil giant Rosneft.⁴⁴⁰ CEFC had also become notable for courting political leaders and purchasing assets in countries around the world, particularly in Europe, as part of a government-led effort to expand China’s political and economic influence abroad.⁴⁴¹ In 2018, Chairman Ye was detained by Chinese authorities in the wake of a U.S. prosecution of CEFC official Patrick Ho for bribery and corruption.⁴⁴²

The Biden family’s business relationship with CEFC began when then-Vice President Biden was still in office.⁴⁴³ As detailed in the December 2023 indictment filed against Hunter Biden by Special Counsel David Weiss, “[i]n the late fall of 2015, [Hunter Biden], [Rob Walker], and [James Gilliar] began to investigate potential infrastructure projects with individuals associated with CEFC”⁴⁴⁴ On December 1, 2015, Serbian politician and former president of the United Nations General Assembly Vuk Jeremic invited Hunter Biden to a “private dinner” with Ye Jianming.⁴⁴⁵ Later in December 2015, Hunter Biden met with CEFC Executive Director

⁴³³ Brooke Singman, *Joe Biden allegedly considered joining board of CCP-linked company, witness testifies from prison*, FOX NEWS (Feb. 23, 2024).

⁴³⁴ See *supra* notes 423-424 and accompanying text.

⁴³⁵ Second Bank Memo at 19-22, 36.

⁴³⁶ *Id.*

⁴³⁷ See *id.* at 21.

⁴³⁸ H. Comm. on Ways & Means, Exhibit 401: IRS Criminal Investigation Memorandum of Interview of James Biden at 7 (Sept. 29, 2022) [hereinafter “James Biden FD-302”].

⁴³⁹ Walker Interview at 40-42.

⁴⁴⁰ Scott Patterson & James Marson, *Glencore, Qatar Sell Rosneft Stake to Chinese Firm in \$9 Billion Deal*, WALL ST. J. (Sept. 8, 2017). CEFC’s attempt to purchase a stake in Rosneft later fell through when CEFC, which had been struggling with debt, “failed to raise the money to finance the deal after its chairman was detained by Chinese officials.” *Sale of Rosneft stake to CEFC cancelled*, BANK OF FIN. INST. FOR EMERGING ECONOMIES (May 9, 2018).

⁴⁴¹ David Barboza, et al., *China Seeks Influence in Europe, One Business Deal at a Time*, N.Y. TIMES (Aug. 12, 2018).

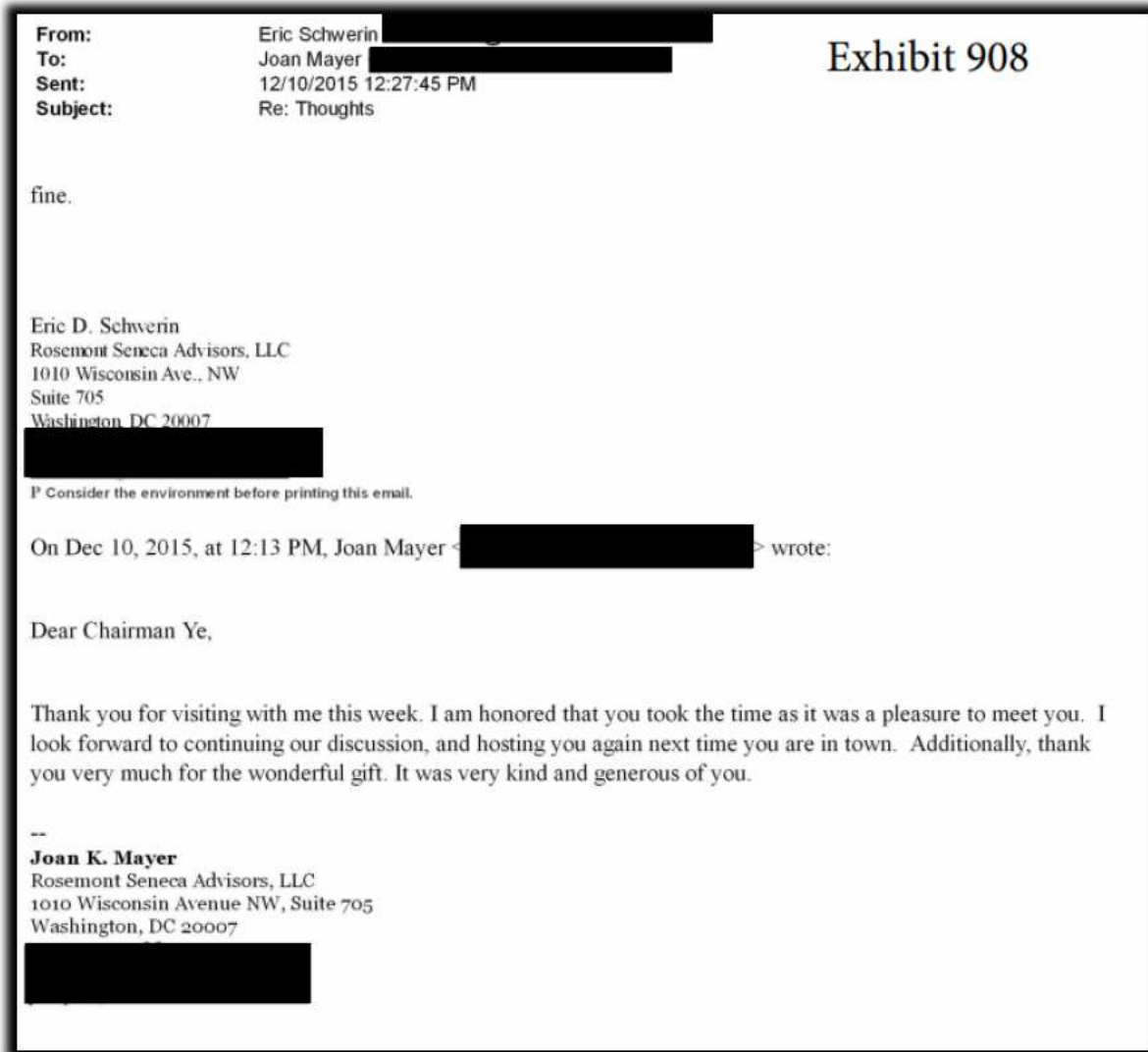
⁴⁴² Jenni Marsh, *The rise and fall of a Belt and Road Billionaire*, CNN (Dec. 5, 2018).

⁴⁴³ Fourth Bank Memo at 1-2.

⁴⁴⁴ Indictment at 4, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

⁴⁴⁵ Email from Vuk Jeremic to Eric Schwerin (Dec. 1, 2015).

Zang Jianjun, and other “individuals associated with CEFC,”⁴⁴⁶ in Washington, D.C.⁴⁴⁷ Hunter Biden also seemingly met Chairman Ye during this meeting, according to a draft email Hunter Biden’s assistant prepared for him to send to Chairman Ye.⁴⁴⁸ The email, which IRS investigators obtained via an electronic search warrant,⁴⁴⁹ also revealed that Chairman Ye gave Hunter Biden a “generous” and “wonderful gift” during this meeting.⁴⁵⁰ Investigators believe this gift may have been a diamond.⁴⁵¹



⁴⁴⁶ Indictment at 4, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

⁴⁴⁷ Email from Joan Mayer to Eric Schwerin (Dec. 10, 2015) (Ziegler Exhibit 908); see also Alexandra Stevenson et al., *A Chinese Tycoon Sought Power and Influence. Washington Responded.*, N.Y. TIMES (Dec. 12, 2018) (“By 2015, Mr. Ye had begun working on perhaps his most politically connected quarry yet: the family of Mr. Biden, the vice president. An aide to Mr. Ye met the vice president’s second son, Hunter Biden, in Washington.”).

⁴⁴⁸ Email from Joan Mayer to Eric Schwerin (Dec. 10, 2015) (Ziegler Exhibit 908) (“Dear Chairman Ye, Thank you for visiting with me this week. I am honored that you took the time as it was a pleasure to meet you.”).

⁴⁴⁹ Joseph Ziegler, Affidavit 9, at 3 (Mar. 12, 2024).

⁴⁵⁰ Email from Joan Mayer to Eric Schwerin (Dec. 10, 2015) (Ziegler Exhibit 908).

⁴⁵¹ Joseph Ziegler, Affidavit 9, at 3 (Mar. 12, 2024). This diamond is different than the one Chairman Ye gave Hunter Biden during their later meeting in Miami in February 2017.

Hunter Biden, Mr. Walker, and Mr. Gilliar “continued to meet with individuals associated with CEFC” during the next two years.⁴⁵² During this time, Hunter Biden, Mr. Gilliar, and Mr. Walker were making “introductions on behalf of CEFC”⁴⁵³ and permitting CEFC to use “the Biden family name to advance their business dealings.”⁴⁵⁴

The Bidens’ relationship with CEFC was highly valuable to CEFC and the CCP. Tony Bobulinski, with whom Hunter Biden partnered in 2017 to form a joint venture, testified about the motives of both the Bidens and CEFC in this joint venture. Mr. Bobulinski elaborated:

The Chinese Communist Party, through its surrogate, China Energy Company Limited, or CEFC, a CCP-linked Chinese energy conglomerate, successfully sought to infiltrate and compromise Joe Biden and the Obama-Biden White House. This process started in the fourth quarter of 2015 and continued through when Joe Biden left office in January 2017, through March 2018, when CEFC Chairman Ye was detained for corruption in China, never to be seen again. . . . It is also not a coincidence that CEFC used the Biden family’s weakest link, Hunter Biden, and the promise of large sums of money, to the tune of tens of millions of dollars initially and eventually the profits from investing billions of dollars in the United States and around the world.⁴⁵⁵

Mr. Bobulinski also testified: “I want to be crystal clear: From my direct personal experience and what I’ve subsequently come to learn, it is clear to me that Joe Biden was the brand being sold by the Biden family.”⁴⁵⁶

From the outset of their business relationship, Hunter Biden and his business associates recognized that CEFC’s interest in working with them was due to Hunter Biden’s last name. Throughout the duration of their business relationship, Hunter Biden was displayed as the frontman of their group because he was the son of the Vice President.⁴⁵⁷ This is best exemplified by a letter on Hunter Biden’s letterhead, and with his name in the signature block, addressed to CEFC Executive Director Zang.⁴⁵⁸ The letter—which was dated March 22, 2016, about 10 months before Vice President Biden left office—expressed anticipation at “working together on a number of opportunities in the US and abroad.”⁴⁵⁹

⁴⁵² Indictment at 4, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

⁴⁵³ Rob Walker FD-302 at 7; *see also* Email from Hunter Biden to Gongwen Dong (Aug. 2, 2017) (Ziegler Exhibit 11) (stating that CEFC had agreed to pay him \$30 million for “introductions alone”).

⁴⁵⁴ Tony Bobulinski FD-302 at 4 (text changed to lowercase).

⁴⁵⁵ Bobulinski Interview at 13.

⁴⁵⁶ *Id.* at 12.

⁴⁵⁷ Walker Interview at 38.

⁴⁵⁸ Letter from Hunter Biden to Zang Jianjun (Mar. 22, 2016).

⁴⁵⁹ *Id.*

R. Hunter Biden

March, 22, 2016

Director Zang
TBD
TBD

Director Zang,

I hope this letter finds you well. We anticipate working together on a number of opportunities in the US and abroad. I believe we have presented a collection of projects that parallel the interests of you and your team and we look forward to discussing them in detail. As we await your next visit to the United States, please continue to coordinate all matters with my confidant and trusted advisor, James Gilliar.

Best Regards,

R. Hunter Biden

Mr. Walker explained that the use of Hunter Biden's letterhead was strategic because they needed a "calling card" to be taken seriously and because Hunter Biden "had an interesting last name that would probably get people in the door."⁴⁶⁰ He testified:

- Q. Why would you have it sent from Hunter Biden's letterhead instead of from James Gilliar or you?
- A. I think what is common with U.S. companies working with individuals abroad, those individuals tend to—they don't—they aren't taken seriously unless they have a calling card like this or something that says that they represent. . . . [T]his is just normal, customary business practice.⁴⁶¹

* * *

⁴⁶⁰ Walker Interview at 37-38.

⁴⁶¹ *Id.* at 37.

- Q. But why use Hunter Biden to send the letter instead of Rob Walker or James Gilliar, especially if James Gilliar had the original relationship?
- A. Hunter in our relationship was—everybody had different roles. He was the one that I imagine Zang would expect it to come from.
- Q. Is it because he was the son of the Vice President at the time?
- A. Well, I think in Zang’s eyes—that I worked for Hunter and that James worked for us or for Hunter, and so that would be—he was viewed as the principal of this organization by Zang.
- Q. And that’s because of his last name?
- A. . . . I can’t answer for Zang, but, sure, he had an interesting last name that would probably get people in the door.⁴⁶²

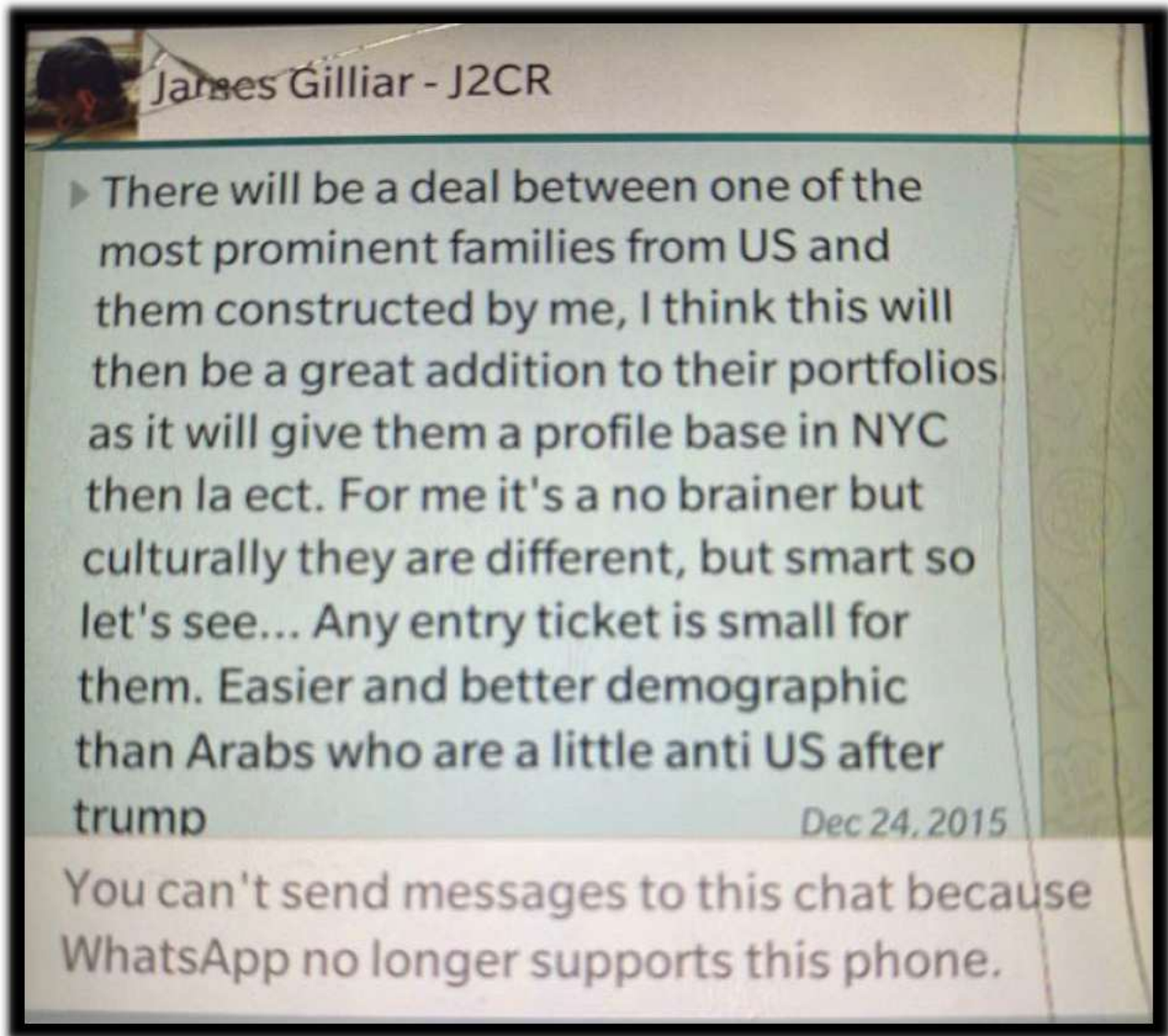
Additional evidence supports the fact that CEFC’s outreach to the Bidens began well before Joe Biden left the Vice Presidency. On Christmas Eve in 2015, Mr. Gilliar, who was “in D.C. to attend the Vice President’s Christmas party,”⁴⁶³ informed Mr. Bobulinski that he was arranging a business deal between a Chinese company—which Mr. Bobulinski later learned to be CEFC—and “one of the most prominent families from [the] US”⁴⁶⁴ That prominent family was the Biden family.⁴⁶⁵

⁴⁶² *Id.* at 37-38.

⁴⁶³ Bobulinski Interview at 30.

⁴⁶⁴ WhatsApp Message from James Gilliar to Anthony Bobulinski (Dec. 24, 2015).

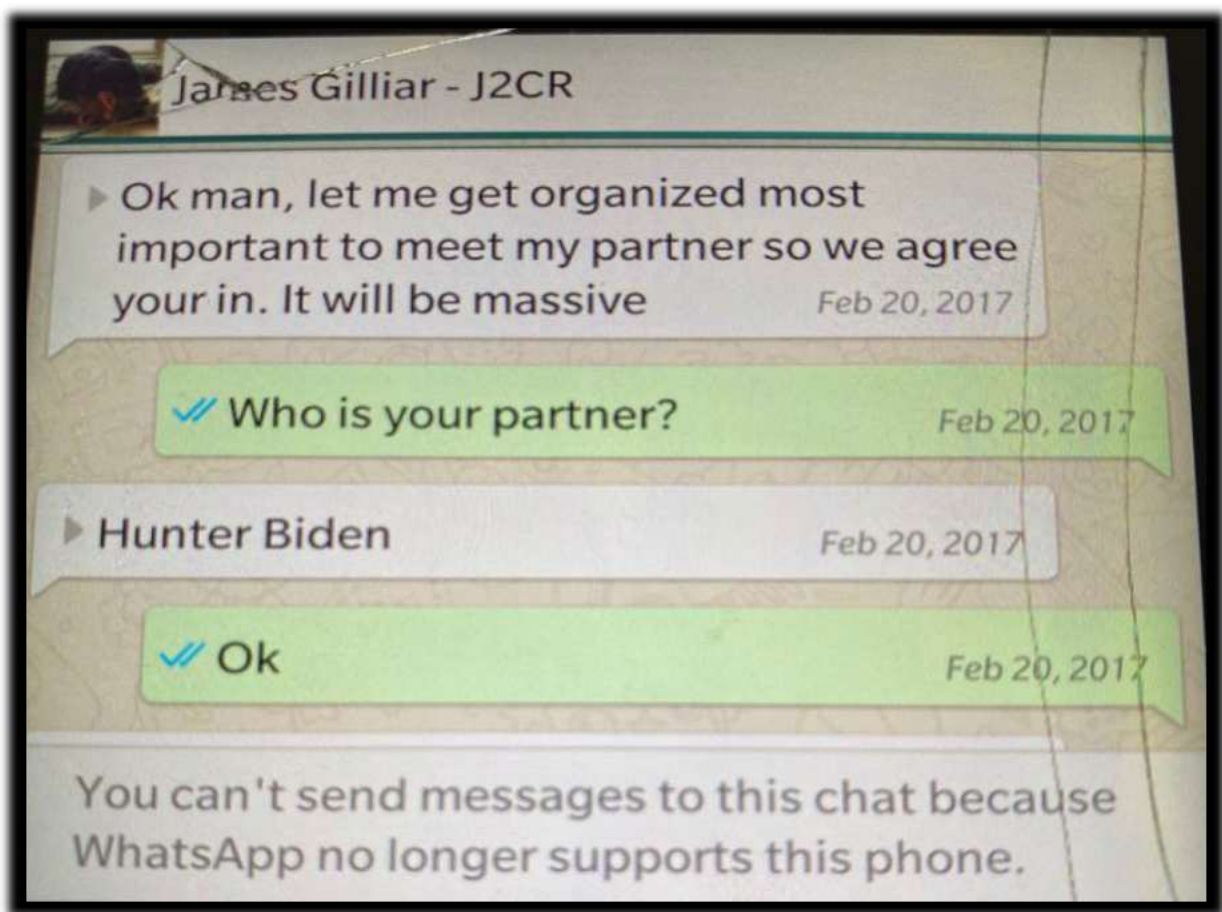
⁴⁶⁵ Bobulinski Interview at 30.



Mr. Gilliar recruited Mr. Bobulinski in February 2017, to meet his “partner” and be part of what he described as a “massive” deal with CEFC.⁴⁶⁶ When Mr. Bobulinski inquired about the identity of Mr. Gilliar’s partner, Mr. Gilliar responded, “Hunter Biden.”⁴⁶⁷

⁴⁶⁶ WhatsApp Message from James Gilliar to Anthony Bobulinski (Feb. 20, 2017).

⁴⁶⁷ WhatsApp Message from James Gilliar to Anthony Bobulinski (Feb. 20, 2017).



When the Committees asked Mr. Bobulinski about the “massive” deal Mr. Gilliar was promising, he explained it was the “progression of the deal” with CEFC that had been formed in 2015, when Vice President Biden was still in office.⁴⁶⁸ He testified:

[Mr. Gilliar] was referring to the deal—the progression of the deal that they had formed with CEFC years before, in 2015 and 2016, and the new deal that they were trying to evolve that to, which was a holding company that would invest billions of dollars around the world and generate a profit participation for . . . James Gilliar, the Bidens, [and] Rob Walker[.]⁴⁶⁹

Mr. Bobulinski and Mr. Walker both told the FBI that the Biden family’s relationship with CEFC began when Vice President Biden was still in office.⁴⁷⁰ According to an FBI form memorializing an interview with Mr. Bobulinski:

⁴⁶⁸ Bobulinski Interview at 31.

⁴⁶⁹ *Id.*

⁴⁷⁰ Tony Bobulinski FD-302 at 4; Interview of John Robinson Walker, with FBI and IRS, at 82 (Dec. 8, 2020) (Ziegler Exhibit 401).

HUNTER BIDEN and JAMES BIDEN did not receive any compensation [from CEFC] because JOSEPH BIDEN was still VPOTUS during this time period. There was a concern it would be improper for payments to be made to HUNTER BIDEN and JAMES BIDEN by CEFC due to its close affiliation with the Chinese government. HUNTER BIDEN and JAMES BIDEN both wanted to be compensated for the assistance they had provided to CEFC's ventures; in particular, they believed CEFC owed them money for the benefits that accrued to CEFC through its use of the BIDEN family name to advance their business dealings.⁴⁷¹

Mr. Bobulinski also testified to the Committees that Hunter Biden “started doing material work for CEFC around the world while Joe Biden was sitting in the White House” in 2015.⁴⁷² Similarly, Mr. Walker told the FBI and IRS in a 2020 interview that he had heard Hunter Biden was setting up a meeting between CEFC executives and Vice President Biden.⁴⁷³ He stated:

[FBI]: Any times when he was in office or did you hear Hunter say that he was settin' up a meeting with his dad with [CEFC executives] while dad was still in office?

Walker: Yeah.⁴⁷⁴

During his transcribed interview with the Committees, Mr. Walker attempted to walk back this testimony, claiming that while he remembered being asked the question during his FBI interview, he did not remember what he meant by “Yeah,” other than that it did not mean he was answering the question in the affirmative.⁴⁷⁵ Mr. Walker sought to distance himself from his own prior statement, first claiming that “nobody asked me anything after that,” but then contending that he “remember[s] being prompted to speak more, and I didn't have the opportunity.”⁴⁷⁶ Not only are Mr. Walker's claims directly contradicted by the transcript of his interview,⁴⁷⁷ they are inconsistent and do not make sense.

By late February 2016, Hunter Biden and his business associates had a relationship with CEFC.⁴⁷⁸ On February 23, 2016, Mr. Gilliar copied Hunter Biden and Mr. Walker on an email titled “CEFC/Wetinghouse [sic].” Mr. Gilliar wrote, “further to our discussions we have prepared a deck for my visit to CEFC board on Monday in Beijing, it has been made clear to me that CEFC wish to engage in further business relations with our group and we will present a few projects to them.”⁴⁷⁹ Mr. Gilliar also wrote, “P.S. I'm sure H can give you the heads up on the

⁴⁷¹ Tony Bobulinski FD-302 at 4.

⁴⁷² Bobulinski Interview at 113.

⁴⁷³ Interview of John Robinson Walker by FBI and IRS, at 82 (Dec. 8, 2020) (Ziegler Exhibit 401).

⁴⁷⁴ *Id.*

⁴⁷⁵ Walker Interview at 40.

⁴⁷⁶ *Id.*

⁴⁷⁷ See Interview of John Robinson Walker by FBI and IRS, at 82–83 (Dec. 8, 2020) (Ziegler Exhibit 401).

⁴⁷⁸ Walker Interview at 32-33.

⁴⁷⁹ Email from James Gilliar to Jim Bernhard (Feb. 23, 2016, 4:46 AM); Walker Interview at 31-33.

play if you need more details. Kindest, James Gilliar.”⁴⁸⁰ When questioned about Mr. Gilliar’s email, Mr. Walker testified that the business associates were “still building” their relationship with CEFC “at [that] point.”⁴⁸¹ Mr. Walker stated:

Q. Then [Mr. Gilliar] continues, “. . . CEFC wish to engage in further business relations with our group and we will present a few projects to them. Since he says they wish to engage in “further business relations,” I just want to understand what business relations had preceded this email.

Atty. If any. If that’s accurate.

A. . . . [W]hen you’re referring to “business relations,” I think it was just—we are still building our relationship with them at this point.

Q. At this point, had you or James Gilliar or Hunter Biden pitched any business ideas to CEFC?

A. I don’t know.

Q. But . . . in February of 2016, there was some sort of relationship at least developing with CEFC. Do I have that correct?

A. That is correct.⁴⁸²

With respect to the reference to “H” in Mr. Gilliar’s email, Mr. Walker confirmed that “H” most likely referred to Hunter Biden. He testified:

Q. And this “P.S I’m sure H can give you the heads up on the play if you need more details,” “H” refers to Hunter Biden, correct?

Atty. If you know.

A. I don’t know, but he did commonly refer to Hunter as “H.”⁴⁸³

Hunter Biden and his business associates continued meeting with CEFC executives after Vice President Biden left office.⁴⁸⁴ Hunter Biden told the Committees in his deposition that he

⁴⁸⁰ Email from James Gilliar to Jim Bernhard (Feb. 23, 2016, 4:46 AM); Walker Interview at 32.

⁴⁸¹ Walker Interview at 34.

⁴⁸² *Id.* at 33-34.

⁴⁸³ *Id.* at 34.

⁴⁸⁴ Indictment at 4, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

first met Chairman Ye in February 2017 at a meeting in Miami, Florida.⁴⁸⁵ Mr. Bobulinski, who did not attend the meeting,⁴⁸⁶ later received a “very detailed brief of what occurred” at the meeting from Hunter Biden, Mr. Gilliar, and Mr. Walker.⁴⁸⁷ Mr. Bobulinski was therefore able to describe the meeting when the FBI later interviewed him as part of the criminal investigation of Hunter Biden.⁴⁸⁸ As recounted in the FBI document memorializing Bobulinski’s interview, he explained:

The work conducted by CEFC, GILLIAR, WALKER, HUNTER BIDEN, JAMES BIDEN and YE over the preceding two years was discussed in detail at the Miami meeting. In particular, CEFC was closing significant investment deals in Poland, Kazakhstan, Romania, Oman, and the Middle East during this period of time. CEFC had used its relationship with HUNTER BIDEN and JAMES BIDEN—and the influence attached to the BIDEN name—to advance CEFC’s interests abroad. HUNTER BIDEN and JAMES BIDEN did not receive any monetary compensation for their assistance in these projects. HUNTER BIDEN and JAMES BIDEN did not receive any compensation because JOSEPH BIDEN was still VPOTUS during this time period. There was a concern it would be improper for payments to be made to HUNTER BIDEN and JAMES BIDEN by CEFC due to its close affiliation with the Chinese government. HUNTER BIDEN and JAMES BIDEN both wanted to be compensated for the assistance they had provided to CEFC’s ventures; in particular, they believed CEFC owed them money for the benefits that accrued to CEFC through its use of the BIDEN family name to advance their business dealings.

An arrangement to provide compensation to HUNTER BIDEN and JAMES BIDEN—in the form of payments and future investment opportunities—was discussed at the Miami meeting. Specifically, a new Joint Venture (JV) entity would be formed that would be owned in equal portions by CEFC and companies owned by members of

⁴⁸⁵ Hunter Biden Deposition at 46.

⁴⁸⁶ The FBI incorrectly reported in an FD–302 form memorializing Mr. Bobulinski’s interview that Mr. Bobulinski attended the meeting with CEFC in Miami. However, Mr. Bobulinski explained to the Committees that he told the FBI that he was in Miami for other purposes but did not attend the meeting with CEFC and that the FBI incorrectly reported his attendance in the FD–302 due to a “note-taking error by a junior FBI agent” Bobulinski Interview at 15–16; *see also id.* at 40, 61–64, 174–75, 191. Mr. Bobulinski asked the FBI to record his interview on which the FD–302 was based, but the FBI refused to do so. *Id.* at 61. Mr. Bobulinski pointed out the absurdity of suggesting that he lied to the FBI while also voluntarily providing them evidence that he lied, stating, “So how absurd would it have been for me voluntarily to walk into the FBI and lie to them and then give them thousands of documents showing that I lied to them? That would be absurd.” *Id.*; *cf.* Mike Rappaport, *The Corruption of the FBI*, LAW & LIBERTY (Dec. 20, 2018) (explaining that the FBI’s use of FBI-generated summaries of witness interviews such as FD–302s combined with its policy of not recording most interviews enables the FBI “to offer a less than [] fully accurate version of the interview so that they can convict interviewees”).

⁴⁸⁷ Bobulinski Interview at 175; *see also id.* at 206 (stating that he was told about the Miami meeting “in intimate detail”).

⁴⁸⁸ *See* Tony Bobulinski FD-302.

the BIDEN family. Collectively, HUNTER BIDEN, JAMES BIDEN, JOSEPH BIDEN, GILLIAR, and WALKER would own 50% of the JV.⁴⁸⁹

Hunter Biden believed that CEFC owed the Biden family \$20 million for the work they had done while Vice President Biden was still in office.⁴⁹⁰ In May 2017, during a meeting with CEFC executives and his U.S. business partners at a restaurant in New York, Hunter Biden had “a very aggressive conversation” with CEFC Director Zang about not receiving the money for his work for CEFC the previous two years.⁴⁹¹ According to Mr. Bobulinski, who attended the meeting, “Hunter got extremely fired up, angry, and was yelling” at Zang that “you owe my family money. Why haven’t you paid the \$20 million we’ve discussed? When is it coming?”⁴⁹²

iv. The Biden family received over \$1 million from State Energy HK, a Chinese company closely affiliated with CEFC, shortly after Vice President Biden met with CEFC’s top executives.

Shortly after meeting in Miami in February 2017, Hunter Biden, Mr. Gilliar, and Mr. Walker had lunch with CEFC executives, including Chairman Ye, at the Four Seasons hotel in Washington, D.C.⁴⁹³ Based on a text from Mr. Gilliar to Mr. Bobulinski, it appears that the Chinese executives, together with Mr. Gilliar, flew directly from Miami to Washington, D.C. for the event.⁴⁹⁴ According to Mr. Walker, the purpose of the lunch was to discuss how they were “going to work together in the future[.]”⁴⁹⁵ During the lunch, former Vice President Biden—who had left office a few weeks earlier—attended the meeting and spoke to the group.⁴⁹⁶ Hunter Biden claimed during his deposition testimony to not remember this event, but he did not contest that it happened or that his father attended and spoke to the group.⁴⁹⁷ Shortly after Vice President Biden stopped by the Four Seasons lunch, the Biden family received over \$1 million from State Energy HK, a Chinese company closely affiliated with CEFC and Chairman Ye.⁴⁹⁸ The Oversight Committee explained that State Energy HK operated as “[Chairman] Ye’s vehicle, at least in part, to launder money and purchase lucrative ‘gifts.’”⁴⁹⁹ Mr. Walker similarly “understood that State Energy HK was an entity used by CEFC.”⁵⁰⁰

⁴⁸⁹ *Id.* at 4.

⁴⁹⁰ Bobulinski Interview at 113.

⁴⁹¹ *Id.* at 109.

⁴⁹² *Id.*

⁴⁹³ Walker Interview at 41-44.

⁴⁹⁴ Bobulinski Interview at 123 (“In my messages, James Gilliar talks about how they flew from Miami to D.C. I think James Gilliar flew with the Chinese from Miami to D.C., and that is when I believe Joe Biden met Chairman Ye.”) (Mr. Gilliar wrote to Mr. Bobulinski, “Was there with the chairman of Chinese [Ye Jianming]. We flew to D.C. then to New York City, then Dubai.”).

⁴⁹⁵ Walker Interview at 67.

⁴⁹⁶ *Id.* at 43-44.

⁴⁹⁷ Hunter Biden Deposition at 73-75 (“I do not recall this [lunch], but I don’t question Mr. Walker’s memory of it . . . If Rob is certain of that, then it most likely happened”).

⁴⁹⁸ See First Bank Memo at 1-3; Second Bank Memo at 30-34; Walker Interview at 65-67.

⁴⁹⁹ Second Bank Memo at 27.

⁵⁰⁰ Rob Walker FD-302 at 7.

Joe Biden’s knowledge of the CEFC deal is clear; he met with the most important individuals—Chinese and American—involved in creating the deal and, according to Mr. Walker, was informed directly by his son that he was arranging the deal. During an interview with FBI and IRS investigators, Mr. Walker stated, “Hunter said [to former Vice President Biden] 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.”⁵⁰¹ The FBI interviewer then asked Mr. Walker whether he “definitely got the feeling that, that was orchestrated by Hunter [] to have like [] an appearance by his Dad at that meeting just to kind of . . . bolster your chances at . . . makin’ a deal work out,” to which Mr. Walker concurred that he did get that feeling.⁵⁰²

On March 1, 2017, State Energy HK wired \$3 million to Mr. Walker’s company, Robinson Walker, LLC, for Hunter Biden’s, Mr. Walker’s, and Mr. Gilliar’s services.⁵⁰³ Mr. Walker facilitated the transfer of his partners’ shares of the \$3 million payment from his company to Hunter Biden and Mr. Gilliar.⁵⁰⁴ Mr. Walker testified:

Q. . . . [So the] only time Joe Biden shows up in a meeting [while you were present], he gives a 10-minute presentation to the entire group, and a few days later, you get \$3 million?

A. He’d had discussions beforehand with CEFC, meaning James Gilliar had, and—but if that’s how it happened, yes.⁵⁰⁵

On March 2, 2017, Mr. Walker wired \$1,065,000 to EEIG, a company controlled by Mr. Gilliar.⁵⁰⁶ Between March 6 and May 18, 2017, Mr. Walker wired a total of \$1,065,692 in incremental payments to Beau Biden’s widow, whom Hunter Biden was dating at the time, Hallie Biden; companies owned by Hunter and James Biden; and an account identified as “Biden.”⁵⁰⁷ Mr. Walker was not sure why some of the money was sent to Hallie Biden and James Biden, stating, “That’s what Hunter wanted.”⁵⁰⁸ Mr. Walker also noted that at the time the money was sent, “we were starting to have discussions with [President Biden’s brother, James Biden] about joining our group,” and speculated that James Biden may have been having financial difficulties because Hunter Biden told him that his uncle “needed” the money.⁵⁰⁹ Mr. Walker was similarly unaware as to why Hunter Biden wanted the payments to Hallie Biden, James Biden, and himself structured as multiple small payments rather than a lump sum.⁵¹⁰ When asked about this, Mr. Walker responded: “the way I viewed it at the time, it was his money, and that’s how he wanted it.”⁵¹¹

⁵⁰¹ Interview of John Robinson Walker, with FBI and IRS, at 82 (Dec. 8, 2020) (Ziegler Exhibit 401) (ellipses in original).

⁵⁰² *Id.*

⁵⁰³ First Bank Memo at 2; Second Bank Memo at 30.

⁵⁰⁴ First Bank Memo at 2–3; Second Bank Memo at 30–34.

⁵⁰⁵ Walker Interview at 66–67.

⁵⁰⁶ First Bank Memo at 2; Second Bank Memo at 10, 31; Walker Interview at 82.

⁵⁰⁷ First Bank Memo at 2–3; Second Bank Memo at 31–32; Walker Interview at 82–84.

⁵⁰⁸ Walker Interview at 84

⁵⁰⁹ *Id.*

⁵¹⁰ *Id.* at 83.

⁵¹¹ *Id.*

Following the \$3 million wire transfer, Mr. Gilliar reinforced the Biden family’s role as “the brand” versus adding substance to a business venture with CEFC. Mr. Gilliar wrote to Mr. Bobulinski, “would love to have you there for collective understanding” and “[a]s for Hunter, I’m gonna kick his arse if he no shows, but in brand he’s imperative, but right now he’s not essential for adding input to the business.”⁵¹²

It is not clear what services, if any, Hunter Biden and his associates provided to State Energy HK or CEFC in exchange for these payments.⁵¹³ Special Counsel Weiss found that Hunter Biden “performed very little actual work” in return for the millions of dollars he received from CEFC and its affiliates between 2016 and 2019.⁵¹⁴ Mr. Walker told the FBI and IRS that the payments from State Energy HK were a “thank you” for making “introductions on behalf of CEFC.”⁵¹⁵ Conversely, a spokesperson for Hunter Biden claimed that the payments were “good faith seed funds” for the joint venture with CEFC.⁵¹⁶ However, the Oversight Committee rebutted this claim, explaining:

[T]he payments that State Energy HK sent to the Biden family through Robinson Walker, LLC do not appear to constitute “good faith seed funds” because they were 1) sent to a third party (Robinson Walker, LLC) instead of one of Hunter Biden’s companies for no explicable legitimate reason, 2) sent to various Biden accounts in smaller increments to reduce the amount of each wire over the course of several months for no explicable legitimate reason, and 3) nearly the identical total amount [was] previously sent to James Gilliar’s EEIG, for which there is no indication it was used as “good faith seed funds.”⁵¹⁷

CEFC’s decision to send \$3 million to Hunter Biden and his business associates, without them providing any identifiable product or service of value in exchange, raises questions about the true purpose of the payment. Further questions arise when considering that the payment occurred shortly after former Vice President Biden spoke with CEFC executives which, as Mr. Walker admitted, Hunter Biden organized as a way to impress the CEFC executives and bolster his chances at securing a deal with them.⁵¹⁸ In all likelihood, it appears that the purpose of the payment was to purchase the only thing of value that Hunter Biden had to offer: access to his father.

⁵¹² Bobulinski Interview at 43.

⁵¹³ See Second Bank Memo at 18 (noting that “the purported services provided by Hunter Biden are inconsistent with the bank records”).

⁵¹⁴ Government’s Opposition to Defendant’s Motion to Dismiss for Selective and Vindictive Prosecution and Breach of Separation of Powers at 3, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Mar. 8, 2024).

⁵¹⁵ Rob Walker FD-302 at 7.

⁵¹⁶ Second Bank Memo at 18, n.29; see also *Seed Money*, BLACK’S LAW DICTIONARY (11th ed. 2019) (defining “seed money” as “[s]tart-up money for a business venture”).

⁵¹⁷ Second Bank Memo at 18, n.29.

⁵¹⁸ See Interview of John Robinson Walker, with FBI and IRS, at 82 (Dec. 8, 2020) (Ziegler Exhibit 401).

v. Evidence suggests Joe Biden had a financial stake in a joint business venture with CEFC.

In 2017, Hunter Biden and his business associates created a joint business venture with CEFC known as SinoHawk Holdings.⁵¹⁹ SinoHawk was co-owned in equal portions by Hudson West IV and Oneida Holdings, LLC (Oneida).⁵²⁰ Hudson West IV was “funded, financed, and controlled by Chairman Ye,”⁵²¹ and included Chairman Ye’s “CEFC emissary,”⁵²² Gongwen “Kevin” Dong, as one of its “signatories.”⁵²³ On paper, Oneida was co-owned in equal portions by Hunter Biden, James Biden, Rob Walker, James Gilliar, and Tony Bobulinski.⁵²⁴ Other evidence suggests, however, that then-former Vice President Biden also had equity in the business.⁵²⁵

On May 1, 2017, Mr. Bobulinski met Hunter Biden at the Chateau Marmont hotel in Los Angeles to discuss the CEFC deal and an upcoming meeting with CEFC executives.⁵²⁶ This was the first time Mr. Bobulinski had “extensive discussions with Hunter Biden” about business.⁵²⁷ During the meeting, when Mr. Bobulinski asked about former Vice President Biden’s “knowledge of this deal and other deals,” Hunter Biden responded by openly boasting about his direct access to his father.⁵²⁸ Mr. Bobulinski testified:

And he’s sitting there telling me, as I ask him questions about his interaction with his father and his father’s knowledge of this deal and other deals, and Hunter Biden was not shy about saying, “My father picks up the phone. I can call him from anywhere around the world. Do you want me to get him on the phone now?”⁵²⁹

* * *

[Hunter Biden] was so adamant and empowered about how he could get his father on the phone at any time, the gatekeepers that were around his father just yielded to Hunter, if you needed to speak with his father, if you needed to see his father and stuff like that And

⁵¹⁹ Bobulinski Interview at 37.

⁵²⁰ *Id.*

⁵²¹ *Id.*

⁵²² Matt Viser et al., *Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company*, WASH. POST (Mar. 30, 2022).

⁵²³ Bobulinski Interview at 37.

⁵²⁴ *Id.* at 37–38. Technically, Oneida was co-owned by entities which in turn were owned by each of the five business partners: GK Temujin, LLC (Hunter Biden); Sino Atlantic Solutions, LLC (James Biden); Robinson Walker, LLC (Rob Walker); 8 International Holdings, Limited (James Gilliar); and Global Investment Ventures, LLC (Tony Bobulinski). For clarity, and since there is functionally no difference for present purposes, this report will refer to the individuals themselves as the co-owners of Oneida Holdings.

⁵²⁵ Email from James Gilliar to Tony Bobulinski et al. (May 13, 2017, 5:48 AM).

⁵²⁶ Bobulinski Interview at 45-46; 213-16.

⁵²⁷ *Id.* at 213.

⁵²⁸ *Id.* at 45-46.

⁵²⁹ *Id.*

so that was a big part of the discussion, and he was just—he was sort of nonchalant about it.⁵³⁰

Earlier that morning, Hunter Biden had informed Mr. Bobulinski that former Vice President Biden would be speaking at the nearby Milken Institute Global Conference—an annual conference in Beverly Hills attended by “billionaires and successful people in all kinds of walks of life”⁵³¹—in two days and he invited Mr. Bobulinski to meet Vice President Biden.⁵³²

Mr. Bobulinski personally spoke to former Vice President Biden about the business venture with CEFC in May 2017. On May 2, 2017, the night before former Vice President Biden was scheduled to speak at the Milken Conference, Mr. Bobulinski met with him, Hunter Biden, and James Biden at a bar at the Beverly Hilton Hotel, where the conference was held.⁵³³ Shortly before the former Vice President arrived at the meeting, Hunter Biden and James Biden “coached” Mr. Bobulinski that “this is going to be a high-level meeting. We’re not going to go into a lot of detail.”⁵³⁴ When former Vice President Biden entered the room, Hunter Biden excused himself from the group for a couple minutes, explaining that he “need[ed] to read my dad in on things.”⁵³⁵ Shortly thereafter, Hunter Biden brought his dad over to Mr. Bobulinski and “set the stage for the meeting” by announcing “Dad, this is Tony who I’ve told you about, and the stuff we’re working on with the Chinese.”⁵³⁶ Although Hunter Biden did not explicitly mention CEFC, Mr. Bobulinski was aware that former Vice President Biden “knew exactly what [Hunter Biden] was talking about” and that he “was clearly aware who the chairman was and who CEFC was.”⁵³⁷ Indeed, Joe Biden met with Chairman Ye and CEFC two months earlier at the Four Seasons in Washington, D.C.⁵³⁸ Mr. Bobulinski and former Vice President Biden then spent the next “45 minutes to an hour” discussing, among other matters, Mr. Bobulinski’s background.⁵³⁹ Mr. Bobulinski testified that he discussed, “the broad contours of business dealings,” during that Los Angeles trip.⁵⁴⁰ These events are confirmed by text messages sent between Hunter Biden and Mr. Bobulinski earlier that day. Hunter Biden told Mr. Bobulinski that his dad would not get “in now until 11 – let’s me I and Jim meet at 10 at Beverly Hilton where he’s staying.”⁵⁴¹

⁵³⁰ *Id.* at 215-16.

⁵³¹ *Id.* at 48.

⁵³² See Text Message from Hunter Biden to Anthony Bobulinski (May 1, 2017, 8:43 AM) (“By the way my Dad’s speaking Wednesday morning at Milken. You should come meet him if you can.”).

⁵³³ Bobulinski Interview at 14, 47-50, 269-71.

⁵³⁴ *Id.* at 49.

⁵³⁵ *Id.* at 49-50.

⁵³⁶ *Id.* at 50.

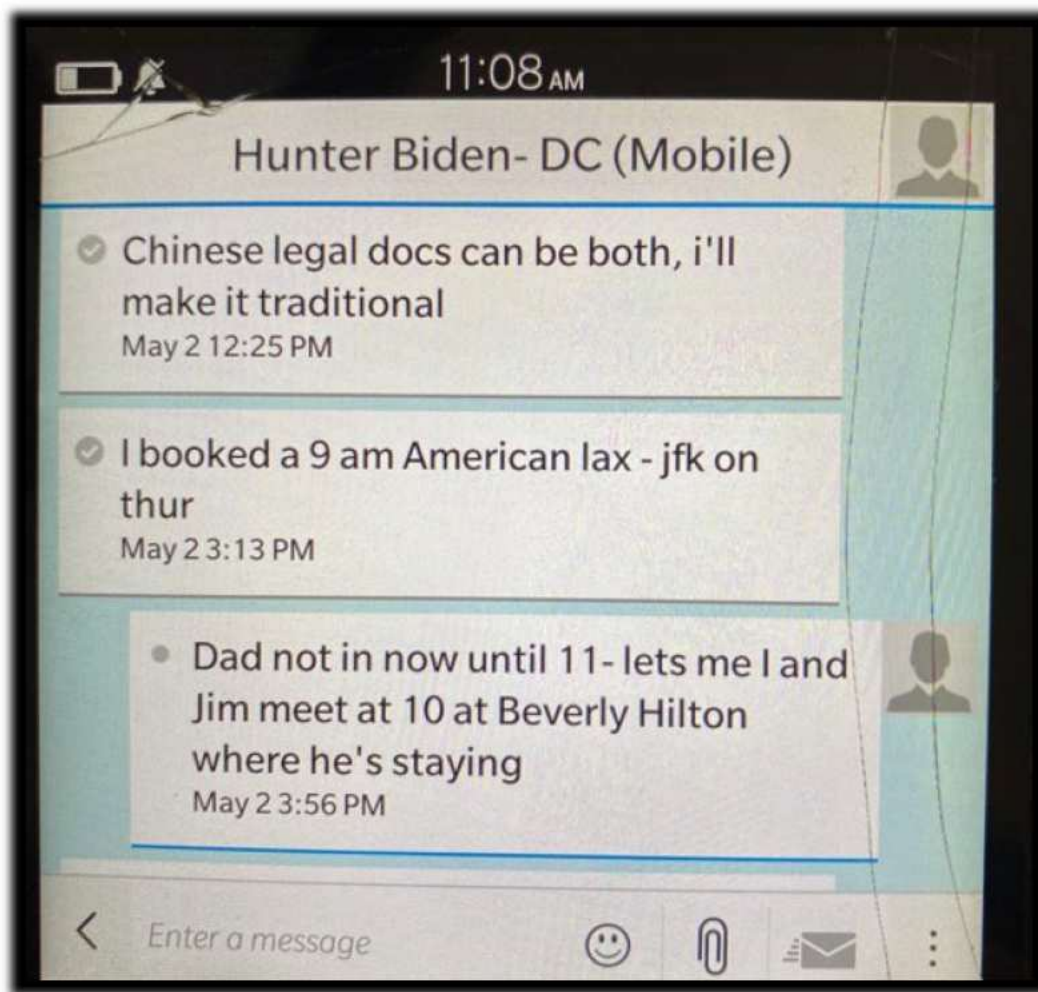
⁵³⁷ *Id.* at 270.

⁵³⁸ Walker Interview at 41-44.

⁵³⁹ Bobulinski Interview at 50-51.

⁵⁴⁰ *Id.* at 14; see also *id.* at 50-51, 269-71.

⁵⁴¹ See Text Message from Hunter Biden to Anthony Bobulinski (May 2, 2017, 3:56 PM) (“Dad not in now until 11 – lets me I and Jim meet at 10 at Beverly Hilton where he’s staying”).



The following day, on May 3, 2017, even though Mr. Bobulinski “didn’t have credentials to actually go to” the Milken Conference, Mr. Bobulinski sat at “the head table” during former Vice President Biden’s speech.⁵⁴² After the speech, Mr. Bobulinski was taken backstage to “have a quick conversation with Joe [Biden], and then walk Joe out to his car.”⁵⁴³ While walking out to the car, former Vice President Biden commented to Mr. Bobulinski, “look out for my brother and son and, you know, thank you for what you’re doing.”⁵⁴⁴ Mr. Bobulinski explained to the Committees that he interpreted former Vice President Biden’s comment thanking him for what he was doing as a reference to Mr. Bobulinski’s business partnership with the Biden family.⁵⁴⁵ According to Mr. Bobulinski, “the only reason” former Vice President Biden met with him and had him seated at the head table during the speech was because he “was a business associate of the Biden family.”⁵⁴⁶

⁵⁴² Bobulinski Interview at 51.

⁵⁴³ *Id.* at 51-52.

⁵⁴⁴ *Id.* at 52.

⁵⁴⁵ *Id.* at 271.

⁵⁴⁶ *Id.* at 14; *see also id.* at 271 (“[T]he only reason why I was sitting with Joe Biden was because I was the CEO of SinoHawk and putting this business together. The only reason.”).

During his transcribed interview, James Biden denied that former Vice President Biden ever met with Mr. Bobulinski at the Beverly Hilton in May 2017.⁵⁴⁷ He testified:

Q. I want to turn your attention to early May of 2017. Do you recall a meeting in Los Angeles at the Beverly Hotel with you, Hunter Biden, and Tony Bobulinski?

A. I remember that my brother had a speaking engagement at the hotel. I don't know what it was. And that we were in Los Angeles, and I met—I was outside of the hotel. I never went into the hotel with my brother. And it's my recollection . . . that my brother never came out and had any discussions. May have come out to say hi. That's all.

Q. Said hi to who?

A. Me.

Q. When you were at the hotel, do you recall having a meeting with Hunter Biden and Tony Bobulinski and Joe Biden?

A. Absolutely not.

Q. It's your testimony here today that meeting never took place?

A. Yes, sir.⁵⁴⁸

* * *

Q. Do you recall whether you were at the bar with Hunter Biden, Tony Bobulinski, and Joe Biden?

A. That I know did not happen.

Q. Who were you at the bar with?

A. I could have been there just with Tony Bobulinski. I could have been there with Hunter as well. But my brother was never there.⁵⁴⁹

James Biden's testimony is contradicted by other evidence available to the Committees. Hunter Biden himself confirmed that former Vice President Biden met Mr. Bobulinski, along

⁵⁴⁷ James Biden Interview at 100, 103.

⁵⁴⁸ *Id.* at 100.

⁵⁴⁹ *Id.* at 103.

with Hunter Biden and James Biden, at the Beverly Hilton hotel bar in May 2017.⁵⁵⁰ Hunter Biden testified:

Q. And did Mr. Bobulinski meet with your father during that trip?

A. He met him in the lobby of the hotel of the . . . Beverly Hilton. My dad's flight arrived I think at . . . 11 p.m. We were in the lobby bar with Mr. Bobulinski having coffee.

Q. And your uncle as well?

A. What?

Q. Was your uncle there too?

A. My uncle and myself. I think my uncle was also staying at that hotel. And so yeah . . . anyway, my dad went and shook hands with Tony. They talked about—I believe at that time, I don't know whether it was Tony's father was suffering from cancer, and his sister was suffering from cancer, and he invited him to the speech at the Milken Conference.⁵⁵¹

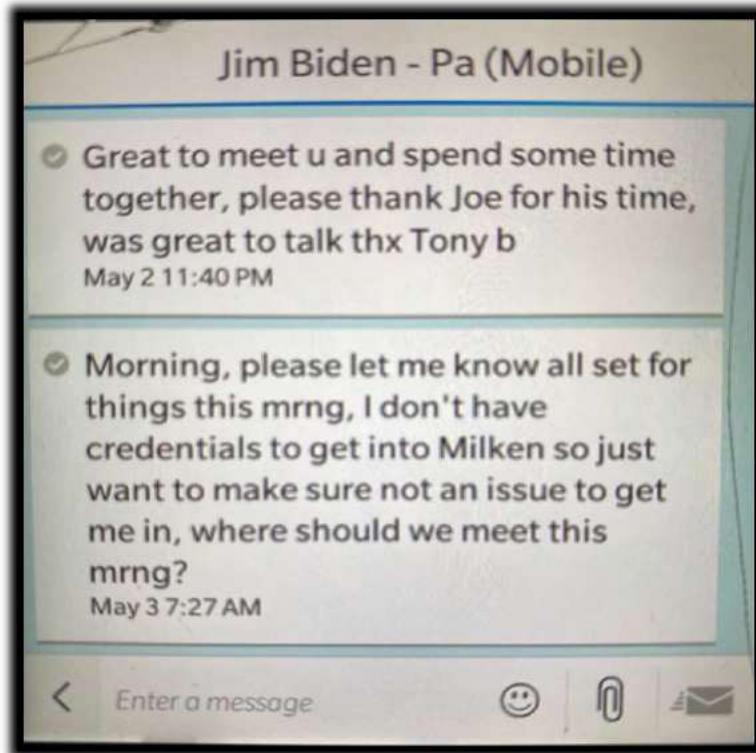
Additionally, Mr. Bobulinski provided contemporaneous messages corroborating his testimony about meeting former Vice President Biden at the Beverly Hilton. On May 2, 2017, the same day as the meeting at the Beverly Hilton bar, Mr. Bobulinski texted Mr. Gilliar, “Ab[ou]t to meet hunter/jim and I guess Joe @ bev hilton.”⁵⁵² Also on May 2, 2017, after the meeting with former Vice President Biden had concluded, Mr. Bobulinski texted James Biden, “Great to meet u and spend some time together, please thank Joe for his time, was great to talk”⁵⁵³

⁵⁵⁰ Hunter Biden Deposition at 141.

⁵⁵¹ *Id.* at 141-42.

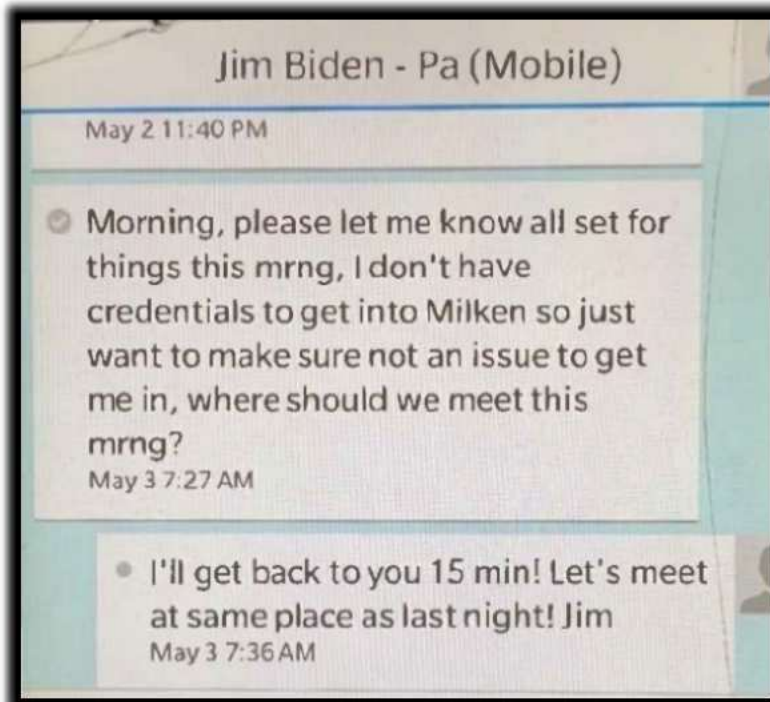
⁵⁵² WhatsApp Message from Tony Bobulinski to James Gilliar (May 2, 2017).

⁵⁵³ Text Message from Tony Bobulinski to James Biden (May 2, 2017).



Early the next morning, while trying to coordinate his attendance at the Milken Conference for former Vice President Biden’s speech, Mr. Bobulinski texted James Biden, “Morning, please let me know all set for things this [morning], I don’t have credentials to get into Milken so just want to make sure not an issue to get me in, where should we meet this

[morning]?”⁵⁵⁴ James Biden responded, “Let’s meet at same place as last night!”⁵⁵⁵ Also on May 3, 2017, Mr. Bobulinski texted Mr. Gilliar, “Spent more time w Joe and Jim this [morning]. . . . Also saw them last night including Hunter.”⁵⁵⁶



⁵⁵⁴ Text Message from Tony Bobulinski to James Biden (May 3, 2017).

⁵⁵⁵ Text Message from James Biden to Tony Bobulinski (May 3, 2017).

⁵⁵⁶ WhatsApp Message from Tony Bobulinski to James Gilliar (May 3, 2017).

Later that day, Mr. Bobulinski had a private meeting with James Biden at the Peninsula Hotel to discuss CEFC.⁵⁵⁷ Mr. Bobulinski testified that “Jim Biden gave me his version of the Biden family, walking through his history, what he had done to get Joe elected in his first Senate race, how he raised money, his relationships.”⁵⁵⁸ They also talked about the situation with the Bidens, including then former-Vice President Biden and the Chinese.⁵⁵⁹ Mr. Bobulinski testified that he asked James Biden a series of questions, including “just clarify for me, Jim, like, how are you guys doing this” and “[a]ren’t you guys concerned that if Joe does run for President of the United States in the future that you guys are doing business directly with the Chinese?”⁵⁶⁰ According to Mr. Bobulinski, James Biden chuckled and responded “Plausible deniability.”⁵⁶¹ Mr. Bobulinski also testified that “Joe Biden was more than a participant in and a beneficiary of his family’s business; he was an enabler, despite being buffered by a complex scheme to maintain plausible deniability.”⁵⁶²

Later that same week, Hunter Biden, James Biden, Mr. Bobulinski, Mr. Gilliar, and Mr. Walker flew to New York to meet with CEFC executives and “memorialize the term sheet” for the SinoHawk joint venture.⁵⁶³ During a meeting with CEFC officials, Hunter Biden became aggressive, according to Mr. Walker and Mr. Bobulinski.⁵⁶⁴ According to Mr. Bobulinski, Hunter Biden claimed CEFC owed the Biden family money for the work performed for CEFC in 2016, while Joe Biden was Vice President. According to Mr. Bobulinski:

- Q. [I]t appears that Mr. Walker, Mr. Gilliar . . . and Hunter Biden were performing services for CEFC as early as March of 2016. And my question to you is, is that consistent with the information that you know and that you have as well?
- A. That is. I believe it started actually as early as 2015, possibly, with James Gilliar And, just for the record – because this is a thing that I’ve dealt with for the last 4 years where people have argued, “Well, what’s the importance of SinoHawk with Bobulinski? That deal never happened.” It did. “The work was once Joe Biden was a private citizen.” That’s a lie. This started back in 2015 Rob Walker stated it himself. This email is a . . . justification and just supporting that fact, that they had started doing material work for CEFC around the world while Joe Biden was sitting in the White House.

⁵⁵⁷ Bobulinski Interview at 52.

⁵⁵⁸ *Id.* at 52-53.

⁵⁵⁹ *Id.*

⁵⁶⁰ *Id.* at 53 (Mr. Bobulinski explained that his questions “were focused on political headlines” and “why would you take this risk to yourself, to your family’s brand that Hunter screams about. . .”).

⁵⁶¹ *Id.*

⁵⁶² *Id.* at 12.

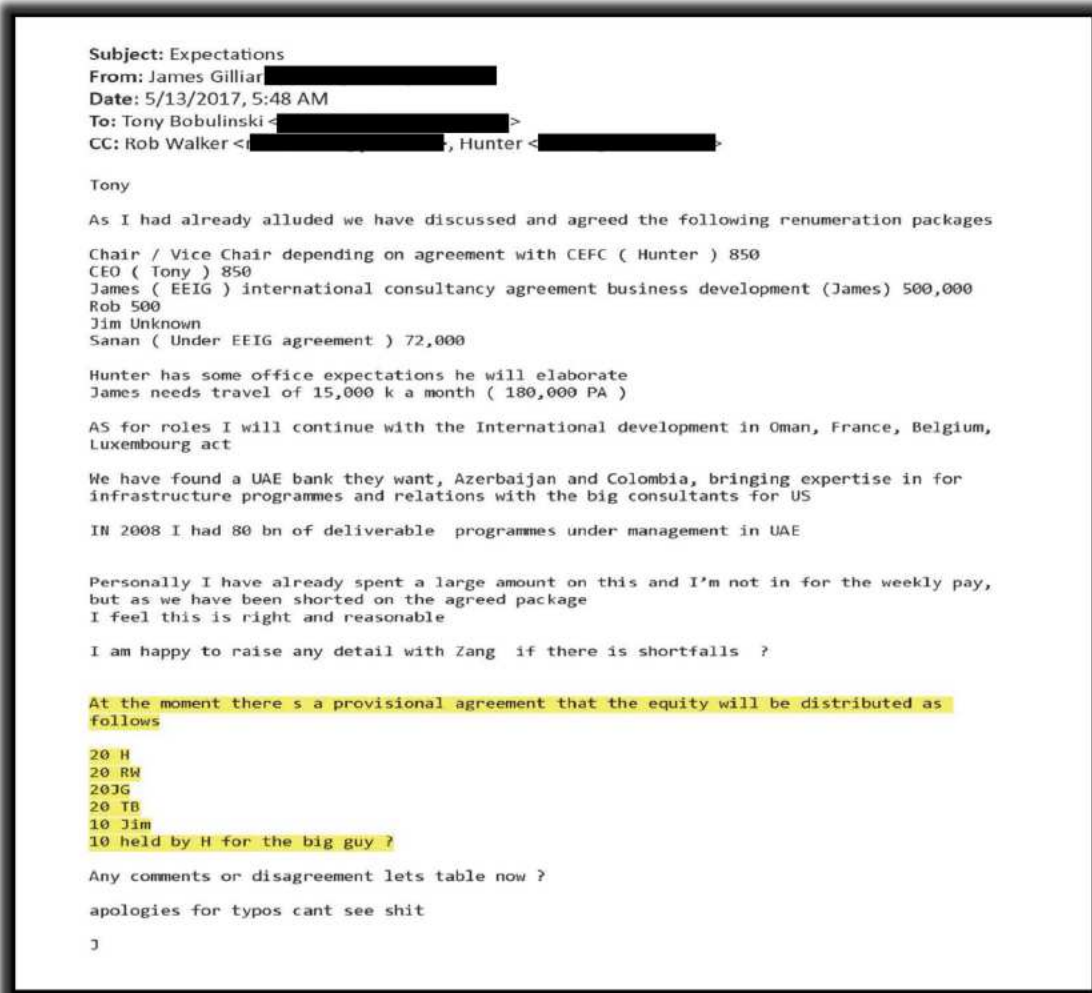
⁵⁶³ *Id.* at 105.

⁵⁶⁴ *Id.* at 109-10; *see* Walker Interview at 101-02.

Q. And, when Hunter Biden was in this restaurant in New York City yelling that you owe my family the \$20 million, it's your understanding that that was for prior work prior to you getting involved with SinoHawk?

A. A thousand percent yeah.⁵⁶⁵

On May 13, 2017, Mr. Gilliar emailed Mr. Bobulinski, and carbon copied Hunter Biden and Mr. Walker, about “renumeration packages” for the joint venture with CEFC.⁵⁶⁶ Mr. Gilliar wrote, “At the moment there [i]s a provisional agreement that the equity will be distributed as follows[:] 20 H[:] 20 RW[:] 20 JG[:] 20 TB[:] 10 Jim[:] 10 held by H for the big guy?”⁵⁶⁷ In other words, Hunter Biden, Mr. Walker, Mr. Gilliar, and Mr. Bobulinski would each have a 20 percent equity stake in Oneida, James Biden would have a 10 percent equity stake, and Hunter Biden would hold a 10 percent stake for “the big guy.”⁵⁶⁸



⁵⁶⁵ Bobulinski Interview at 112-113.

⁵⁶⁶ Email from James Gilliar to Tony Bobulinski et al. (May 13, 2017, 5:48 AM).

⁵⁶⁷ *Id.*

⁵⁶⁸ Bobulinski Interview at 116.

Mr. Bobulinski, who served as CEO of Oneida and SinoHawk, informed the FBI and the Committees that Joe Biden is “the big guy” mentioned in Mr. Gilliar’s email.⁵⁶⁹ Mr. Bobulinski provided the same testimony to the Committees, stating:

And then [Mr. Gilliar’s email] says, “10 held for H for the big guy.” The H in that message is Hunter Biden, and the big guy—100 percent—is Joe Biden. . . . It’s crystal clear. There’s nobody else who they would be listing as the big guy. Remember, this email was drafted to me with an expectation that no outside party—this wouldn’t be part of congressional hearings. These guys are all low-key. I was low-key. Well, why was he using code? Why is he calling Hunter “H”? Why is he using “the big guy”? Well, because that’s the way James Gilliar communicated because of his intel background and the things he was doing around the world. But when he says “10 held by H for the big guy,” it’s Joe Biden. . . . The big guy was Joe Biden. That’s who they were talking about.⁵⁷⁰

Mr. Bobulinski also asserted that Mr. Walker lied to the Committees when he claimed to not know who “the big guy” was.⁵⁷¹ Further, Mr. Bobulinski rebutted false statements from Hunter Biden and Mr. Walker that no one responded to Mr. Gilliar’s email,⁵⁷² stating:

And then the other lie that’s been told for the last 4 years, including by Hunter Biden’s lawyers, was that nobody responded to this email. . . . Hunter Biden responded to this email I think three-plus times And what did he respond in those emails? He didn’t ask, ‘James, who the heck are you talking about? Who is the big guy?’⁵⁷³

Mr. Bobulinski provided to the Committees emails showing Hunter Biden responded multiple times to Mr. Gilliar’s email about the equity split. Hunter Biden did not express surprise or confusion about Mr. Gilliar’s reference to “the big guy,” suggesting he was aware of who the term identified.⁵⁷⁴ Instead, in these communications, Hunter Biden complained about not being paid enough money, griping that he “will need a hell of a lot more than 850 [thousand dollars] p[er]/y[ear] on a monthly basis” due to his financial problems.⁵⁷⁵ Mr. Bobulinski then informed

⁵⁶⁹ See Tony Bobulinski FD-302 at 4-5 (“An additional 10% was to be held by HUNTER BIDEN for the ‘big guy,’ which was a reference to JOSEPH BIDEN. HUNTER BIDEN was going to hold JOSEPH BIDEN’s ownership percentage on behalf of JOSEPH BIDEN.”); Bobulinski Interview at 115-16.

⁵⁷⁰ Bobulinski Interview at 116-17.

⁵⁷¹ *Id.* at 117 (“I was surprised [Mr. Walker] would lie to you . . . and act like he didn’t know who the big guy was.”).

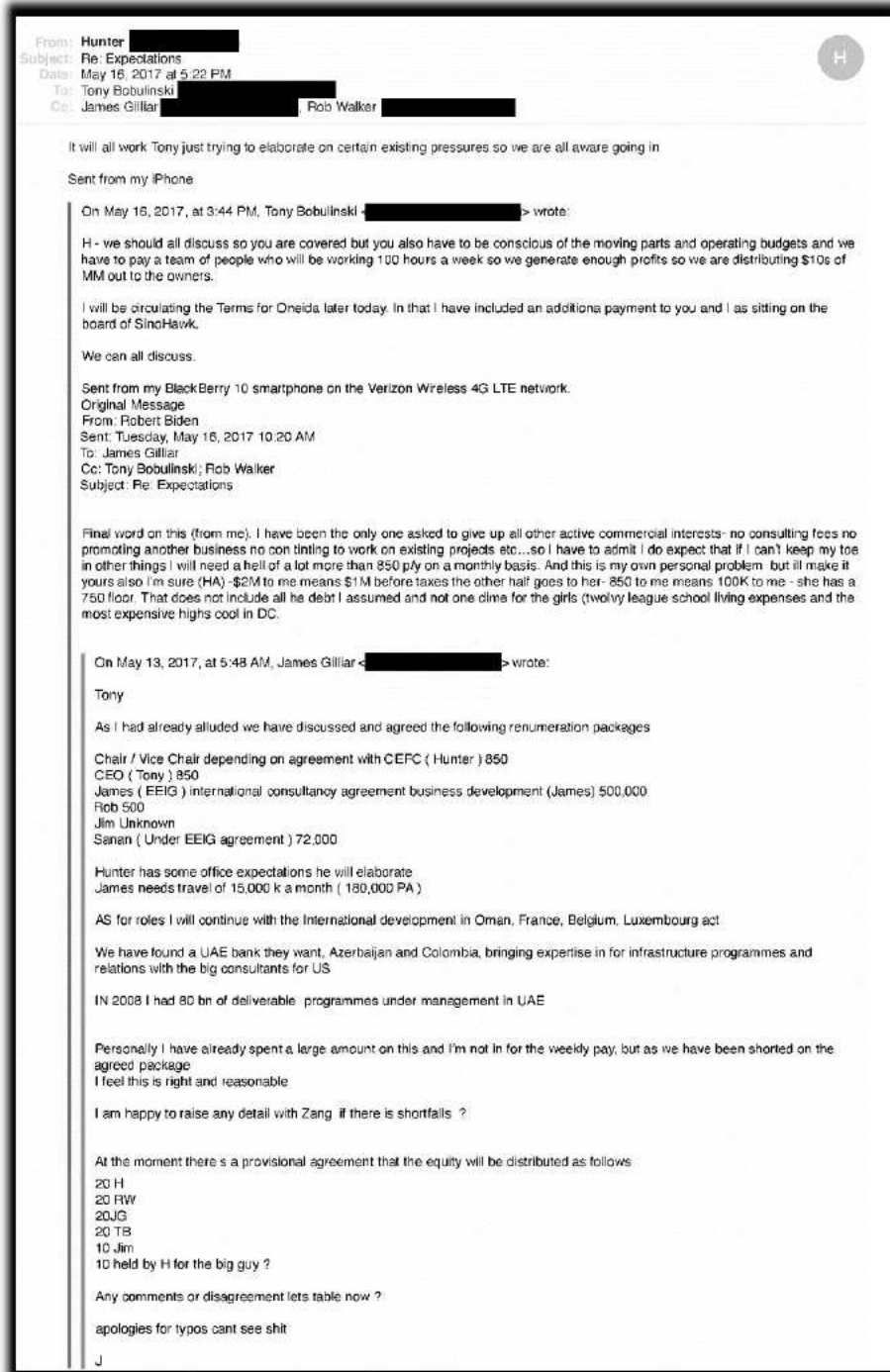
⁵⁷² See Hunter Biden Deposition at 127, 136; Walker Interview at 148, 151.

⁵⁷³ Bobulinski Interview at 116-17.

⁵⁷⁴ See *id.* at 117-18.

⁵⁷⁵ Email from Hunter Biden to James Gilliar et al. (May 16, 2017, 10:20 AM); see also Bobulinski Interview at 117-18 (“What did Hunter Biden scream about? Because if you read the emails . . . he is demanding getting paid more money, talking about his divorce and alimony payments, and that \$850,000 isn’t anywhere near enough. That he’s going to have to . . . make at least \$2 million.”).

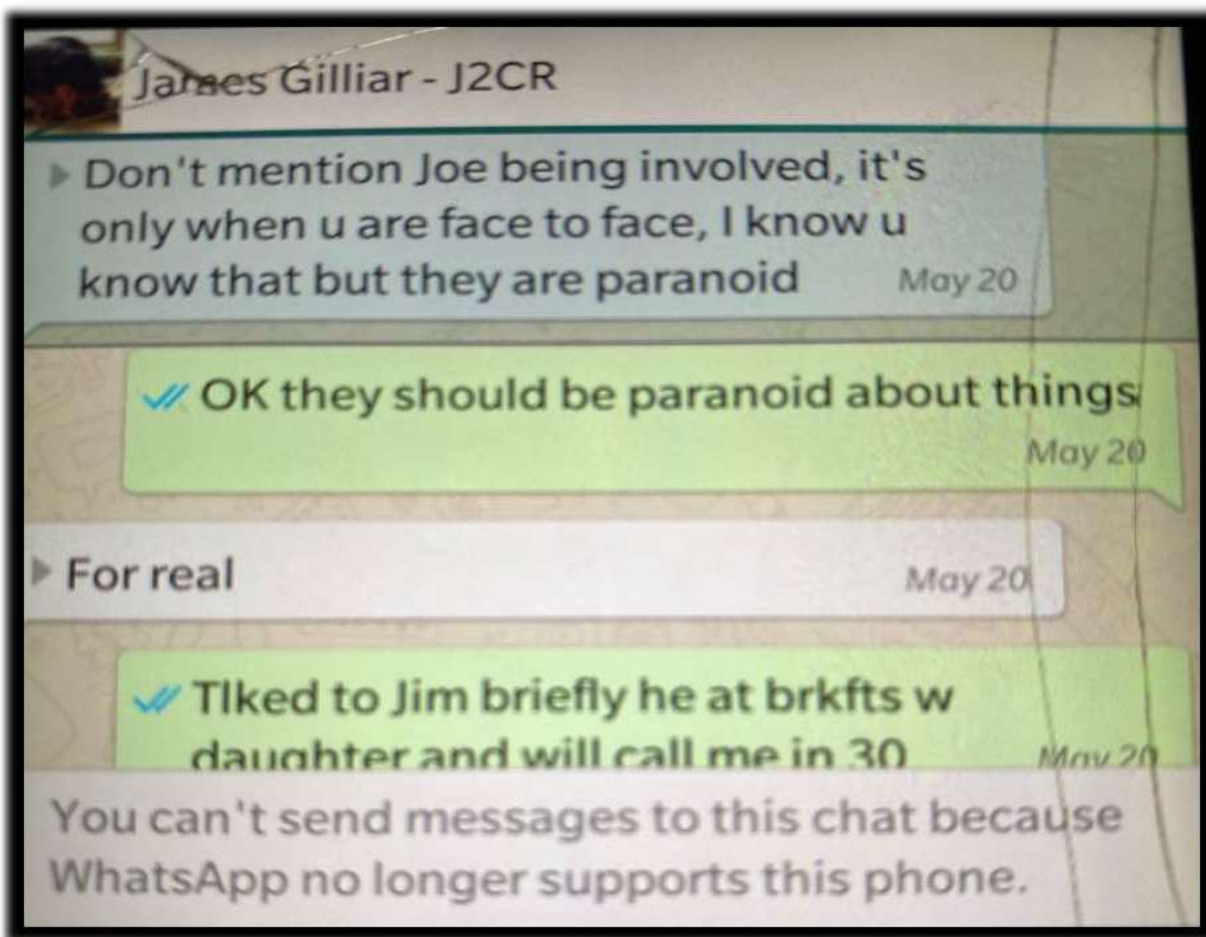
Hunter Biden that he needed to consider that they still needed to be able to pay employees,⁵⁷⁶ to which Hunter Biden responded, “It will all work Tony just trying to elaborate on certain existing pressures so we are all aware going in.”⁵⁷⁷



⁵⁷⁶ Email from Tony Bobulinski to Hunter Biden et al. (May 16, 2017, 3:44 PM); see also Bobulinski Interview at 118 (“And I respond to Hunter, Hunter, this \$10 million isn’t for us to, like, just pay ourselves and take out of the company. This \$10 million is to capitalize the business so I can go out and hire the world’s best bankers to travel around the world and find great deals for us to deploy, you know, tens of billions of dollars in.”).

⁵⁷⁷ Email from Hunter Biden to Tony Bobulinski et al. (May 16, 2017, 5:22 PM).

Mr. Gilliar repeatedly emphasized the importance of not mentioning Joe Biden's inclusion in the joint venture with CEFC "because he wanted . . . obfuscation."⁵⁷⁸ Mr. Bobulinski testified that he had "[m]ultiple discussions" with Hunter Biden and Mr. Gilliar about not mentioning Joe Biden's involvement in the deal.⁵⁷⁹ For instance, on May 20, 2017, seven days after his email about the equity split in the joint venture, Mr. Gilliar warned Mr. Bobulinski on WhatsApp, "Don't mention Joe being involved, it's only when u are face to face, I know u know that but they are paranoid."⁵⁸⁰



Mr. Bobulinski has emphasized that CEFC was only interested in former Vice President Biden's political influence. For instance, Mr. Bobulinski informed the FBI that Hunter Biden and James Biden expressed that they "believed CEFC owed them money for the benefits that accrued to CEFC through its use of the BIDEN family name to advance their business dealings."⁵⁸¹ Mr. Bobulinski expanded on the importance of the Biden name to their influence peddling racket in his testimony to the Oversight and Judiciary Committees.⁵⁸² He testified:

⁵⁷⁸ Bobulinski Interview at 209.

⁵⁷⁹ *Id.* at 263.

⁵⁸⁰ WhatsApp Message from James Gilliar to Tony Bobulinski (May 20, 2017).

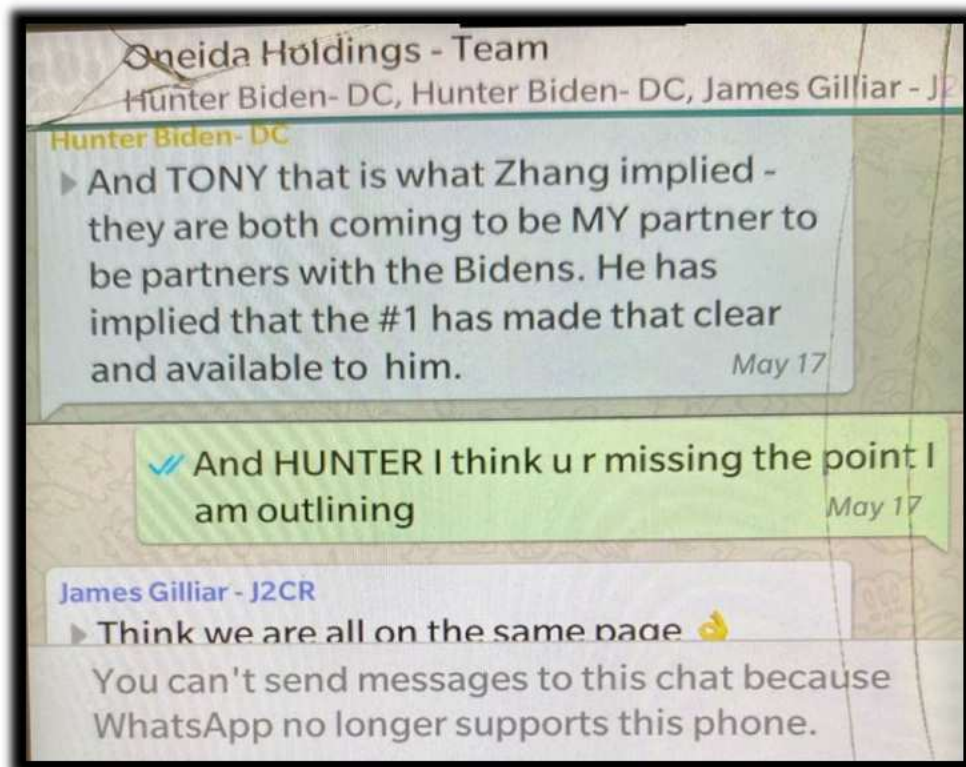
⁵⁸¹ Tony Bobulinski FD-302 at 4.

⁵⁸² *See, e.g.*, Bobulinski Interview at 12-13.

Joe Biden was more than a participant in and a beneficiary of his family's business; he was an enabler, despite being buffered by a complex scheme to maintain plausible deniability. The only reason any of these international business transactions took place, with tens of millions of dollars flowing directly to the Biden family, was because Joe Biden was in high office. The Biden family business was Joe Biden, period. . . .

The Chinese Communist Party, through its surrogate, China Energy Company Limited, or CEFC, a CCP-linked Chinese energy conglomerate, successfully sought to infiltrate and compromise Joe Biden and the Obama-Biden White House.⁵⁸³

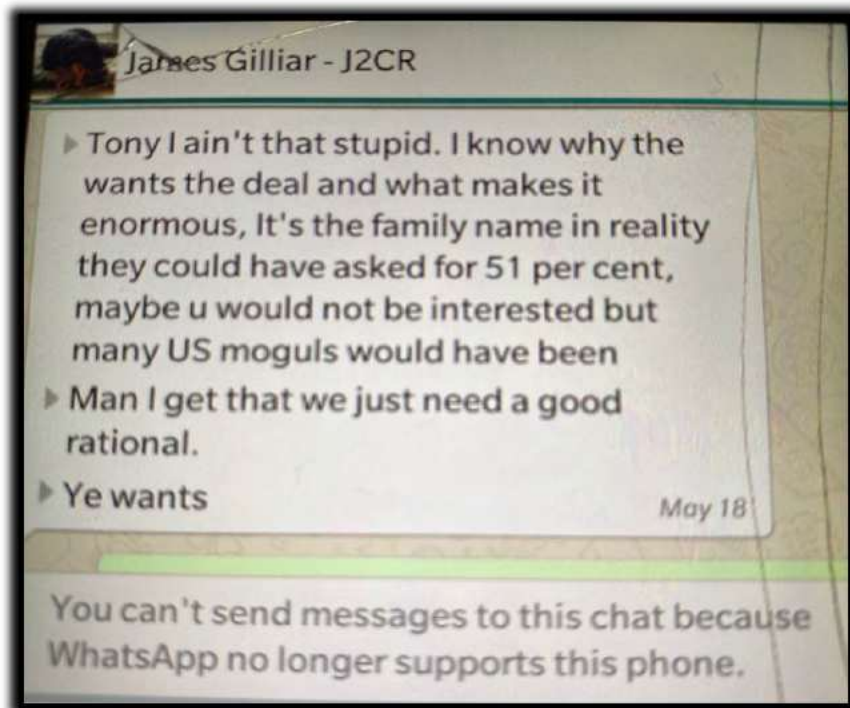
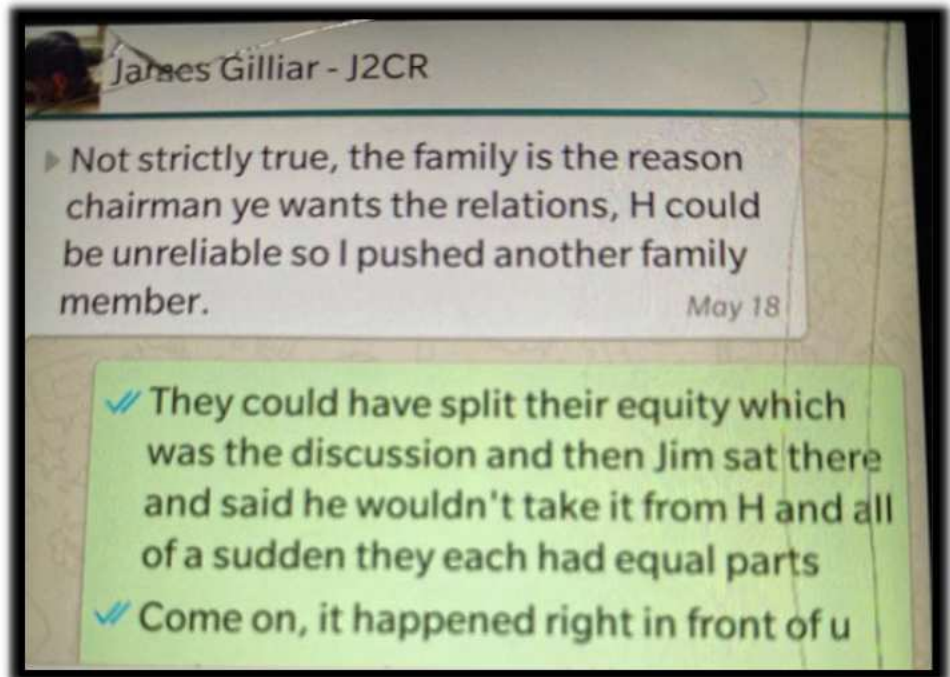
Mr. Bobulinski provided to the Committees WhatsApp messages between Hunter Biden and his business associates that show numerous discussions about the importance of the Biden brand to the joint venture with CEFC. On May 17, 2017, Hunter Biden sent a message to his Oneida business partners informing them that CEFC was “coming to be MY partner to be partners with the Bidens.”⁵⁸⁴



⁵⁸³ *Id.*

⁵⁸⁴ WhatsApp Message from Hunter Biden to Tony Bobulinski et al. (May 17, 2017).

The next day, on May 18, 2017, Hunter Biden again stressed to Mr. Bobulinski that his family name was central to the deal with CEFC which gave him a “trump card.”⁵⁸⁵ He remarked that “in this instance only one player holds the trump card and that’s me. May not be fair but it’s the reality because I’m the only one putting an entire family legacy on the line[.]”⁵⁸⁶ That same day, Mr. Gilliar told Mr. Bobulinski that “the [Biden] family is the reason [C]hairman [Y]e wants the relations.”⁵⁸⁷



Later that day, Mr. Gilliar reiterated to Mr. Bobulinski that the Biden “family name” is why CEFC was interested in going into business with them and was willing to make it so lucrative.⁵⁸⁸ He wrote, “Tony I ain’t that stupid. I know why [Chairman Ye] wants the deal and what makes it enormous, [i]t’s the family name”⁵⁸⁹

⁵⁸⁵ WhatsApp Message from Hunter Biden to Tony Bobulinski (May 18, 2017).

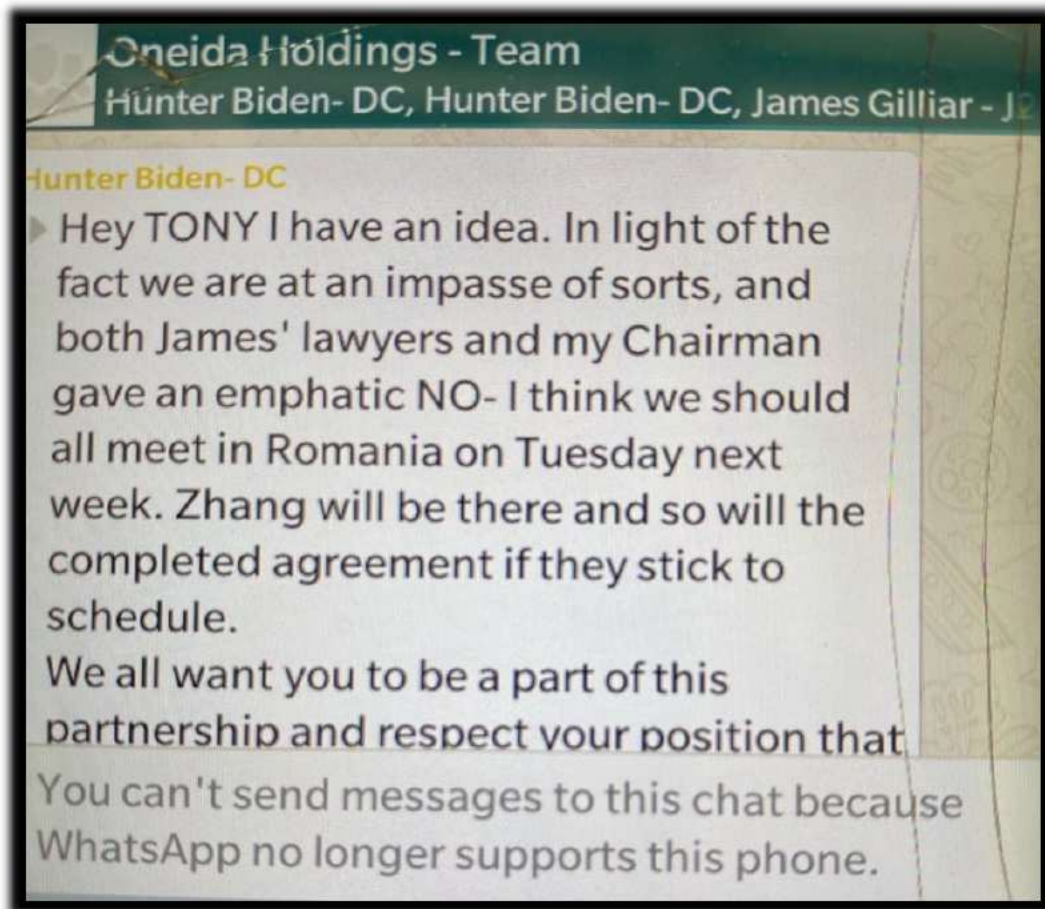
⁵⁸⁶ *Id.*

⁵⁸⁷ WhatsApp Message from James Gilliar to Tony Bobulinski (May 18, 2017).

⁵⁸⁸ WhatsApp Message from James Gilliar to Tony Bobulinski (May 18, 2017).

⁵⁸⁹ *Id.*

According to Mr. Bobulinski, the relationship between him and Hunter Biden deteriorated as the two disagreed on specific terms of the business. In May 2017, after Mr. Bobulinski proposed restructuring Oneida's board as part of the SinoHawk venture, Hunter Biden sent a message to Oneida's co-owners informing them that "both James' lawyers and my Chairman gave an emphatic NO[.]"⁵⁹⁰



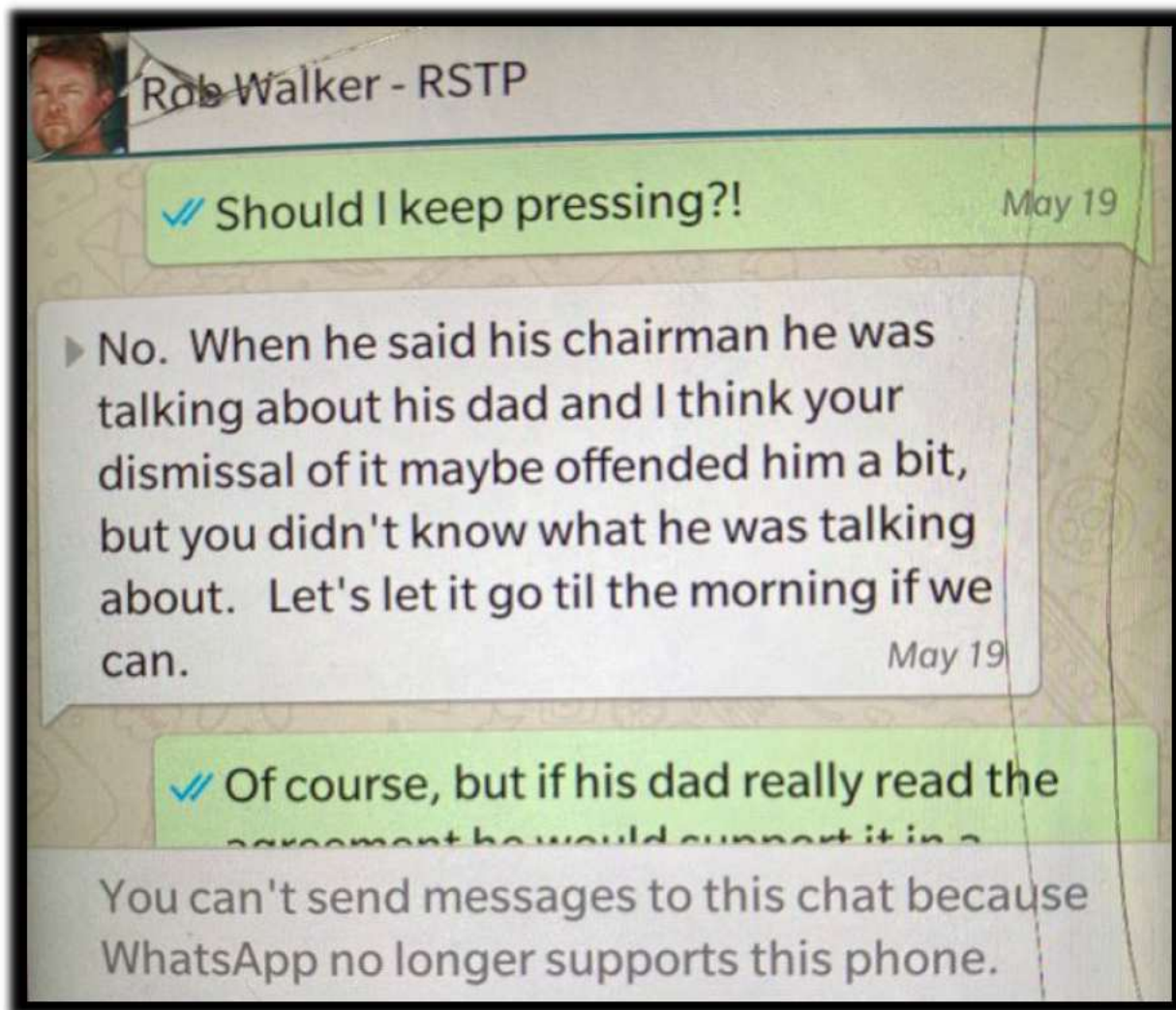
During his deposition, Hunter Biden claimed that his reference to "my Chairman" actually referred to Chairman Ye, and not to Joe Biden.⁵⁹¹ He explained that CEFC had "two people that we regularly referred to as chairman"—Chairman Ye and Director Zang—and that he was working with Chairman Ye while James Biden and Mr. Bobulinski were working with Director Zang.⁵⁹² However, Hunter Biden's after-the-fact explanation is contradicted by contemporaneous evidence. In a message to Mr. Bobulinski on May 19, 2017, Mr. Walker explained: "When [Hunter Biden] said his chairman he was talking about his dad"⁵⁹³

⁵⁹⁰ WhatsApp Message from Hunter Biden to Tony Bobulinski et al. (May 2017).

⁵⁹¹ Hunter Biden Deposition at 133.

⁵⁹² *Id.*

⁵⁹³ WhatsApp Message from Rob Walker to Tony Bobulinski (May 19, 2017).



Mr. Bobulinski also confirmed to the FBI⁵⁹⁴ and the Committees that when Hunter Biden said “my Chairman,” he was “talking about his father.”⁵⁹⁵ He testified to the Committees:

And this is Hunter, who went, for lack of a better word, apeshit sideways over this, like, screaming in the phone and all this. He’s saying, James’s lawyers don’t even agree with this; my father doesn’t agree with this. Remember, he doesn’t say “and the chairman of CEFC.” So this was a big deal in October 2020 when this came out. . . . And then people on different news channels were saying, “No, when they said ‘my Chairman,’ they were talking about

⁵⁹⁴ See Tony Bobulinski FD-302 at 8 (“HUNTER BIDEN told BOBULINSKI that HUNTER BIDEN’s ‘Chairman’ – which BOBULINSKI understood to be JOSEPH BIDEN – would not allow SINOHAWK to be structured in the manner in which BOBULINSKI requested[.]” (emphasis added)).

⁵⁹⁵ Bobulinski Interview at 128.

Chairman Ye.” He says ‘my Chairman.’ He’s talking about his father.⁵⁹⁶

On June 6, 2017, Hunter Biden acknowledged the immense value of the Biden “brand” in a group chat with James Biden, Mr. Walker, and Mr. Gilliar, and expressed outrage at the idea of having to “sign over my family’s brand” and “the keys [to] my family’s only asset”—i.e., his father’s power and influence—to Mr. Bobulinski.⁵⁹⁷

Message from Hunter Biden, 6/06/2017 – Apple iCloud backup 03 – Chat 70

"Bull***t James - all around bull***t. Explain to me one thing Tony brings to MY table that I so desperately need that **I'm willing to sign over my family's brand** and pretty much the rest of my business life? Read the f***ing documents people.

It's plane f***ing English. Why in gods name would I give this marginal bully **the keys my family's only asset?** Why?"

During the May 2017 Miami meeting, Hunter Biden and CEFC agreed that CEFC would transfer \$10 million to capitalize the SinoHawk joint venture between Hudson West IV and Oneida. Of the \$10 million, \$5 million would go directly to SinoHawk while the other \$5 million would be given as an interest free loan to the Biden family to be used to capitalize SinoHawk.⁵⁹⁸ As Mr. Bobulinski explained to the FBI:

The new company would be capitalized by a \$10 million investment. CEFC would directly contribute \$5 million to the new company. In addition, a \$5 million loan would be provided to the members of the BIDEN family. The \$5 million provided in the form of a loan would then be contributed to the new company, bringing the total capitalization to \$10 million. While each 50% owner of the new J[oint] V[enture] would technically contribute \$5 million to the initial capitalization, in actuality, all \$10 million originated with CEFC.⁵⁹⁹

However, the funds from CEFC were delayed after CEFC’s risk management department expressed concern about “the operation of SinoHawk.”⁶⁰⁰ In explaining to Mr. Bobulinski the delay of the funds, Mr. Zhao, relaying a message from Director Zang, noted that “[t]his 5 million [dollar] loan to [the Biden] family is interest-free,” but wondered “if the 5 [million dollars] is

⁵⁹⁶ *Id.*

⁵⁹⁷ WhatsApp Message from Hunter Biden to James Biden, Rob Walker & James Gilliar (June 6, 2017); Ziegler Exhibit 300 at 2.

⁵⁹⁸ Tony Bobulinski FD-302 at 4.

⁵⁹⁹ *Id.*

⁶⁰⁰ Email from Raymond Zhao to Tony Bobulinski (July 26, 2017).

used up, should CEFC keep lending more to the family?”⁶⁰¹ Mr. Zhao also stressed that “Chairman Ye and Director Zang fully support the framework of establishing the J[oint] V[enture], based on their trust [in the Biden] family.”⁶⁰² Ultimately, SinoHawk never received the promised \$10 million.⁶⁰³ Instead, CEFC sent \$5 million to a different joint venture with the Biden family after they cut Mr. Bobulinski, Mr. Gilliar, and Mr. Walker out of the deal.⁶⁰⁴

Mr. Bobulinski testified that Hunter Biden and James Biden “knowingly and aggressively defrauded” him in late July 2017, though he did not know it at the time, by improperly cutting him out of the joint venture with CEFC and stealing proprietary information.⁶⁰⁵ According to Mr. Bobulinski, he was concerned about Hunter Biden and James Biden effectively controlling Oneida without his input by voting together as a bloc, likely along with their close friend Mr. Walker.⁶⁰⁶ Mr. Bobulinski was also concerned about statements from Hunter Biden indicating that he intended to use the \$10 million capitalization payment from CEFC as “his personal piggy bank.”⁶⁰⁷ To protect his interests, Mr. Bobulinski proposed restructuring Oneida’s board.⁶⁰⁸ Hunter Biden and James Biden reportedly responded by moving ahead with the CEFC joint venture without Mr. Bobulinski.⁶⁰⁹ Mr. Bobulinski testified that Hunter Biden and James Biden used almost identical language from the SinoHawk agreement, but swapped out the business entities named in the agreement with different entities Mr. Bobulinski was not affiliated with.⁶¹⁰ In doing so, Hunter Biden allegedly “took proprietary information from Oneida Holdings and SinoHawk and stole that information and reproduced it.”⁶¹¹

⁶⁰¹ *Id.*

⁶⁰² *Id.*

⁶⁰³ Bobulinski Interview at 182, 241.

⁶⁰⁴ *Id.* at 182, 241-42.

⁶⁰⁵ *Id.* at 14-15, 200-01.

⁶⁰⁶ *Id.* at 127-28.

⁶⁰⁷ WhatsApp Message from Tony Bobulinski to James Gilliar (May 13, 2017); Bobulinski Interview at 127; *see also* Tony Bobulinski FD-302 at 8 (“HUNTER BIDEN wanted to withdraw the initial capitalization of \$10 million from SINOHAWK and spend it elsewhere.”).

⁶⁰⁸ Bobulinski Interview at 127-28.

⁶⁰⁹ *Id.*

⁶¹⁰ *Id.* at 199-201.

⁶¹¹ *Id.* at 200.

The end result was that rather than Oneida and Hudson West IV creating a joint venture known as SinoHawk, Owasco PC (Hunter Biden’s company) and Hudson West V (another CEFC-controlled entity) agreed to partner on a joint business venture known as Hudson West III.⁶¹² Contemporaneous messages from Hunter Biden corroborate Mr. Bobulinski’s claims. On July 31, 2017, in a text exchange with Mr. Zhao, Hunter Biden expressed his intent to “reshape” the deal with CEFC by cutting out his business partners other than James Biden.⁶¹³ He



wrote: “Z[hao] ~ i reached out to [Mr. Dong] and he declined my call and has not returned my text. I assume he knows that our plan to speak is highly confidential.”⁶¹⁴

Mr. Zhao then attempted to call Mr. Dong, but his call similarly went unanswered.⁶¹⁵ Hunter Biden continued, “I just hope he isn’t talking to Tony or J—if he is we have a real problem.”⁶¹⁶ Two minutes later, Hunter Biden added, “If I can reshape this partnership to what the chairman intended then James and Rob will be well taken care of but I will not have Tony dictating to me nor the director what we can and cannot do.”⁶¹⁷



⁶¹² *Id.* at 200-01.

⁶¹³ H. Comm. on Ways & Means, Exhibit 801: Chat 62: WhatsApp Message Chat between Hunter Biden and Raymond Zhao at 539 (July 31, 2017) [hereinafter “Exhibit 801: Chat 62”].

⁶¹⁴ Exhibit 801: Chat 62 at 537.

⁶¹⁵ *Id.* at 538.

⁶¹⁶ *Id.*

⁶¹⁷ *Id.* at 539.

In response, Mr. Zhao assured Hunter Biden that “CEFC is willing to cooperate with the family,”⁶¹⁸ once again showing CEFC’s primary focus was obtaining the political connections and access only the Biden family could offer.



In sum, witness testimony, corroborated by contemporaneous documentary evidence, shows that Joe Biden was clearly aware of and involved in the SinoHawk deal with CEFC.

vi. CEFC used a joint business venture with Hunter Biden and James Biden known as Hudson West III to funnel money to the Biden family.

After leaving behind the partners originally meant to form SinoHawk with CEFC, Hunter Biden and James Biden partnered with CEFC on a joint venture known as Hudson West III. On August 2, 2017, Hunter Biden and CEFC executed their agreement to jointly pursue investments via Hudson West III.⁶¹⁹ As memorialized in the operating agreement, Hudson West III was jointly owned in equal parts by Hunter Biden’s firm, Owasco PC, and Hudson West V,⁶²⁰ which was managed by “CEFC emissary” Gongwen “Kevin” Dong.⁶²¹ Hunter Biden “paid no capital

⁶¹⁸ WhatsApp Message from Raymond Zhao to Hunter Biden (July 31, 2017).

⁶¹⁹ See Amended and Restated Limited Liability Company Agreement of Hudson West III LLC (Aug. 2, 2017) (Ziegler Exhibit 2A); see also Matt Viser et al. *Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company*, WASH. POST (Mar. 30, 2022) (“The execution of the bigger consulting deal between Hunter Biden and CEFC occurred rapidly in early August 2017.”).

⁶²⁰ Amended and Restated Limited Liability Company Agreement of Hudson West III LLC (Aug. 2, 2017) (Ziegler Exhibit 2A).

⁶²¹ Second Bank Memo at 22-23.

contribution for [his] ownership share of [Hudson West III].”⁶²² Under the terms of the operating agreement, Hunter Biden was to be paid \$100,000 a month along with a \$500,000 retainer fee and James Biden was to be paid \$65,000 a month.⁶²³

CEFC had failed to send the \$10 million capitalization funds, including \$5 million in an interest-free loan, for the SinoHawk venture despite signing agreements with Hunter Biden, James Biden, Tony Bobulinski, James Gilliar, and Rob Walker in May 2017. After learning that CEFC was reconsidering sending a \$5 million interest-free loan to the Biden family, Hunter Biden asserted his father was sitting next to him while he proceeded to make a threat to a CEFC official. On July 30, 2017, nine days before a CEFC affiliate wired \$5 million to a company Hunter Biden co-owned, Hunter Biden invoked his father in a threatening message.⁶²⁴ He wrote:

Z[hao]- Please have the [CEFC] director call me . . . tonight. I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled. I am very concerned that the [CEFC] Chairman has either changed his mind and broken our deal without telling me or that he is unaware of the promises and assurances that have been made have not been kept. Tell the director that I would like to resolve this now before it gets out of hand. And now means tonight. And Z[hao] if I get a call or text from anyone involved in this other than you, [Director] Zhang or the [CEFC] 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. All too often people mistake kindness for weakness—and all too often I am standing over top of them saying I warned you.⁶²⁵

Hunter Biden testified in his deposition that he intended to send this message to CEFC associate Raymond Zhao, but accidentally sent it to the chairman of Harvest Fund Management Henry Zhao, who was unrelated to Hunter Biden’s relationship with CEFC.⁶²⁶ This explanation is unpersuasive for a number of reasons. First, the Zhao whom Hunter Biden threatened did not appear confused by the message, responding, “Sure. I need some time to reach him. At what time window can you talk?”⁶²⁷ When Hunter Biden reiterated that he was “sitting here waiting for the call with my father,” Mr. Zhao replied, again seemingly without confusion, “Hi Hunter, [the] director did not answer my call. But he got the message you just mentioned.”⁶²⁸ On May 22, 2024, the Ways and Means Committee released additional evidence from the IRS whistleblowers proving that Hunter Biden sent this message to CEFC’s Raymond Zhao, meaning that Hunter

⁶²² Indictment at 5, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

⁶²³ Amended and Restated Limited Liability Company Agreement of Hudson West III LLC § 4.6 (Aug. 2, 2017) (Ziegler Exhibit 2A).

⁶²⁴ Relevant Backup Messages (Ziegler Exhibit 300).

⁶²⁵ WhatsApp Message from Hunter Biden to Raymond Zhao (July 30, 2017).

⁶²⁶ Hunter Biden Deposition at 105-06.

⁶²⁷ WhatsApp Message from Raymond Zhao to Hunter Biden (July 30, 2017).

⁶²⁸ WhatsApp Message from Hunter Biden to Raymond Zhao (July 30, 2017).

Biden lied under oath during his deposition.⁶²⁹ According to the Ways and Means Committee, Hunter Biden “continued to communicate with the same ‘Zhao’ phone number for an additional three months regarding matters related to CEFC.”⁶³⁰

Hunter Biden also testified that he was not sitting next to his father when he sent the threat,⁶³¹ although “[p]hotographs on Hunter’s abandoned laptop place him at his father’s Delaware estate that [day].”⁶³² In any event, the message shows, at the very least, Hunter Biden’s intent to use his father’s power and influence as a stick to threaten companies into sending the Biden family millions of dollars.

On August 3, 2017, four days after his threat, Hunter Biden sent another message expressing indignation at CEFC’s desire to only fund the joint venture and not give a \$5 million interest-free loan to the Biden family.⁶³³ This time, he told Mr. Dong that “This move to 5 [million dollars] is completely new to me and is not acceptable obviously. . . . [I]f the Chairman doesn’t value this relationship [a]s being worth at leas[t] 5 [million dollars] then I’m just baffled.”⁶³⁴ Here, Hunter Biden’s reference to Chairman Ye valuing the “relationship” with the Biden family is further evidence showing that CEFC was only doing business with the Biden family to establish a relationship with them and access their political influence. Hunter Biden concluded the message by boasting that “[t]he Biden’s [sic] are the best I know at doing exactly what the Chairman wants from this partnership,” and described the \$5 million loan as “peanuts” compared to what the Biden brand could provide.⁶³⁵ As witnesses testified and this communication shows, the only thing Chairman Ye wanted from partnering with the Bidens was their political influence.⁶³⁶ Hunter Biden’s message demonstrates again that the Biden family was fully aware of CEFC’s interest in their political influence and was willing to sell it to them for the right price.

The same day, on August 3, 2017, Mr. Dong responded to Hunter. He wrote, “Hi Hunter, sorry to ping you at late hours. I am texting to convey some info from director Zang: 1) His best regards to you, Jim and VP; 2) He fully supports cooperation with you and the proposition provided by you. Chairman [Ye] also agrees upon your idea; 3) Kevin is designated by director Zang to discuss with you on technical matters. The fund[s] will be wired to the jointly administered account in a timely manner. Thanks!”⁶³⁷ The following day, a CEFC subsidiary wired \$100,000 to Hunter Biden’s personal company.⁶³⁸

⁶²⁹ Press Release, H. Comm. on Ways & Means, Ways and Means Committee Releases Evidence Showing Hunter Biden Lied Under Oath During Recent Congressional Testimony (May 22, 2024).

⁶³⁰ *Id.*

⁶³¹ Hunter Biden Deposition at 105.

⁶³² Miranda Devine, *Allegations against Biden and his family are too credible to wipe away with ‘father’s love’ sob story*, N.Y. POST (June 28, 2023).

⁶³³ WhatsApp Message from Hunter Biden to Gongwen Dong (Aug. 3, 2017) (Ziegler Exhibit 300).

⁶³⁴ *Id.*

⁶³⁵ *Id.*

⁶³⁶ *See, e.g.*, WhatsApp Message from James Gilliar to Tony Bobulinski (May 18, 2017) (“Tony I ain’t that stupid. I know why [Chairman Ye] wants the deal and what makes it enormous, [i]t’s the family name”); WhatsApp Message from James Gilliar to Tony Bobulinski (May 18, 2017) (“[T]he [Biden] family is the reason [C]hairman [Y]e wants the relations.”).

⁶³⁷ WhatsApp Message from Hunter Biden to Gongwen Dong (Aug. 3, 2017) (Ziegler Exhibit 300).

⁶³⁸ Second Bank Memo at 25.

On August 8, 2017, six days after executing the Hudson West III contract, Northern International Capital, a Chinese company affiliated with CEFC, wired \$5 million to Hudson West III.⁶³⁹ That same day, Hudson West III transferred \$400,000 to Hunter Biden’s personal company, Owasco PC.⁶⁴⁰ Afterwards, “Owasco, PC received monthly transfers of approximately \$165,000.”⁶⁴¹ The indictment against Hunter Biden in federal court in Los Angeles revealed that:

[i]n total, [Hudson West III] made seven transfers to Owasco, PC in 2017 totaling approximately \$1.445 million. [Hunter Biden] then transferred approximately \$555,000 of these funds from Owasco, PC’s Wells Fargo Account to [James Biden]. In 2018, [Hudson West III] made another 15 transfers to Owasco, PC, totaling approximately \$2.1 million, and [Hunter Biden] transferred approximately \$843,999 of these funds to [James Biden].⁶⁴²

Similarly, bank records obtained by the Oversight Committee confirmed that “between August 2017 and October 2018, Hudson West III sent over \$4 million to Hunter Biden related companies and over \$75,000 to James Biden related companies.”⁶⁴³

Later in August 2017, Hunter Biden met with Mr. Dong for lunch and thought Chairman Ye might attend as well.⁶⁴⁴ On August 27, 2017, Hunter Biden asked Mr. Dong where they would be having lunch and informed him, “My uncle will be here with his BROTHER who would like to say hello to the Chairman.”⁶⁴⁵ After Mr. Dong responded, Hunter Biden reiterated, “Jim’s BROTHER if he is coming just wants to say hello he will not be stopping for lunch.”⁶⁴⁶ In his deposition with the Committees, Hunter Biden confirmed that he was referring to Joe Biden in these messages.⁶⁴⁷

Later, on March 31, 2018, per a second amended operating agreement, Hudson West V’s ownership interest in Hudson West III was transferred to Coldharbour Capital, which was owned by CEFC associate Mervyn Yan.⁶⁴⁸ Owasco PC maintained its 50 percent ownership interest in Hudson West III under the new agreement.⁶⁴⁹ Mr. Yan explained that Mr. Dong asked him to use

⁶³⁹ Fourth Bank Memo at 5.

⁶⁴⁰ *Id.*; Indictment at 5, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

⁶⁴¹ Indictment at 5, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

⁶⁴² *Id.*; see also Sarah Bedford, *Nine takeaways from the Hunter Biden indictment*, WASH. EXAM’R (Dec. 8, 2023) (reporting that “Business Associate 3,” as used in the indictment, refers to James Biden).

⁶⁴³ Second Bank Memo at 23-24.

⁶⁴⁴ Hunter Biden Deposition at 108.

⁶⁴⁵ WhatsApp Message from Hunter Biden to Gongwen Dong (Aug. 27, 2017) (Ziegler Exhibit 300).

⁶⁴⁶ *Id.*

⁶⁴⁷ Hunter Biden Deposition at 108-109.

⁶⁴⁸ Second Amended and Restated Limited Liability Company Agreement of Hudson West III LLC (Mar. 31, 2018) (Ziegler Exhibit 2C); Ziegler Affidavit 1, at 6.

⁶⁴⁹ *Id.*

his company to assume co-ownership of Hudson West III after the Chinese government refused to allow senior CEFC officials, including Mr. Dong, to leave the country.⁶⁵⁰

Hunter Biden received significant compensation from Hudson West III despite seemingly providing no value to the business. Under the terms of the second amended agreement, Hunter Biden's compensation from Hudson West III was increased to \$165,000 a month.⁶⁵¹ Despite Hunter Biden's extremely generous compensation package, Mr. Yan was unable to explain what value Hunter Biden added to the business.⁶⁵² During his transcribed interview with the Committees, Mr. Yan testified:

Q. So, if he wasn't opening doors because he was the son of the former Vice President, what was he bringing to the table? What was the value proposition?

A. In May 2017?

Q. Yes.

A. In the first meeting, he's just saying that . . . basically he has something to do with CEFC. That's the general framework, the 15-minute quick meeting, and basically introduced me and said he's working with C[E]FC. I think that's the substance of the conversation. And then the rest of the stuff [was] to be determined later on.

Q. Okay.

A. So I'm not surprised . . . I just don't know politics. I don't know.⁶⁵³

Once again, Hunter Biden provided little identifiable work to the joint venture created with CEFC affiliates, yet he was paid exorbitantly. In an August 2, 2017, email to Mr. Dong describing the genesis of the Hudson West III deal, Hunter Biden explained that he had initially agreed to a deal with Director Zang that would pay him \$10 million a year for three years "for consulting fees based on introductions alone . . ."⁶⁵⁴ Hunter Biden then wrote that after he met with Chairman Ye in Miami in February 2017, Chairman Ye changed the deal "to a much more lasting and lucrative arrangement to create a holding company" which he and Hunter Biden

⁶⁵⁰ Yan Interview at 71; *see also* Ziegler Affidavit 1, at 6 ("It was noted by the investigative team that this change [in Hudson West III's ownership] occurred after the arrest of Patrick Ho and Gong Wen Dong was believed to have traveled back to China."); *see generally* Chen Aizhu & Kane Wu, *CEFC senior staff banned from overseas travel amid chairman probe: sources*, REUTERS (Apr. 20, 2018).

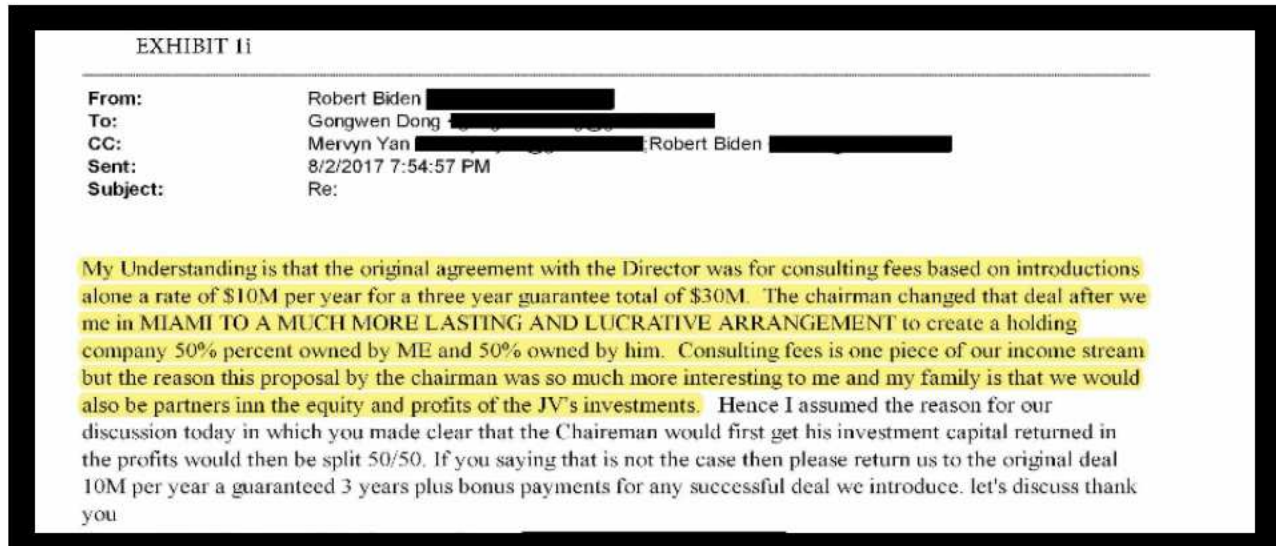
⁶⁵¹ Second Amended and Restated Limited Liability Company Agreement of Hudson West III LLC § 4.6 (Mar. 31, 2018) (Ziegler Exhibit 2C).

⁶⁵² *See* Yan Interview at 114, 129.

⁶⁵³ *Id.* at 114.

⁶⁵⁴ Email from Hunter Biden to Gongwen Dong (Aug. 2, 2017) (Ziegler Exhibit 11).

would each own 50 percent of.⁶⁵⁵ Hunter Biden elaborated on his family’s interest in the new arrangement, telling Mr. Dong that “the reason this proposal by the chairman was so much more interesting to me and my family is that we would also be partners in[] the equity and profits of the [joint venture’s] investments.”⁶⁵⁶



This is not the only instance in which Hunter Biden vaguely referred to his “family” being involved in his business relationship with CEFC. In another instance, also on August 2, 2017, after Mr. Zhao informed Hunter Biden that Director Zang “supports” his business demands, Hunter Biden responded by expressing his relief at Director Zang’s response and stating that “my family sends their best wishes and looks forward to playing some golf when the director has time.”⁶⁵⁷ It is not known whether any of the Bidens played golf with Director Zang or any other CEFC executives. Nonetheless, Hunter Biden’s message once again suggests that he had discussed his business ventures with his family.

Hudson West III also effectively paid the Bidens over \$100,000 by allowing them to use company credit cards for personal expenses.⁶⁵⁸ On September 8, 2017, Hunter Biden and Mr. Dong opened a line of credit under Hudson West III’s name.⁶⁵⁹ Hunter Biden, James Biden, and Sara Biden each received credit cards from Hudson West III.⁶⁶⁰ Mr. Yan could not explain why Sara Biden received a credit card despite having no formal role within the business, nor could he articulate what business expenses she used the card for.⁶⁶¹

CEFC disguised its payments to the Biden family by funneling them through a complicated network of obscure business entities and shell corporations.⁶⁶² Along with CEFC’s

⁶⁵⁵ *Id.* (text changed to lowercase).

⁶⁵⁶ *Id.*

⁶⁵⁷ WhatsApp Message from Hunter Biden to Raymond Zhao (Aug. 2, 2017) (Ziegler Exhibit 300).

⁶⁵⁸ Bank records on file with the Committees.

⁶⁵⁹ Bank records on file with the Committees.

⁶⁶⁰ Bank records on file with the Committees.

⁶⁶¹ Yan Interview at 88-90.

⁶⁶² *See* Second Bank Memo at 22-27.

myriad foreign subsidiaries, Mr. Dong registered numerous corporate entities in the U.S.⁶⁶³ Although many of the entities the Oversight Committee investigated are registered by Mr. Dong, they are ultimately “to the benefit of Ye Jianming.”⁶⁶⁴ Additionally, the Oversight Committee found the “layering” of CEFC’s numerous entities “deeply concerning” as it reflected a common method for disguising the source of funds and laundering money.⁶⁶⁵ The Oversight Committee detailed one such example of CEFC funneling money to Hunter Biden via numerous layered business entities in its second bank records memorandum:

- On May 11, 2017, Mr. Dong formed CEFC Infrastructure Investment (US) (CEFC Infrastructure) as a limited liability company in Delaware.⁶⁶⁶ Initially, CEFC Infrastructure was owned entirely by Hudson West V.⁶⁶⁷
- On May 18, 2017, Hudson West V assigned 100 percent of its interest in CEFC Infrastructure to a “Chinese state-owned enterprise”⁶⁶⁸ known as Shanghai Huaxin Group (Hong Kong) Limited (Shanghai Huaxin).⁶⁶⁹ Shanghai Huaxin was a subsidiary of CEFC Shanghai International,⁶⁷⁰ itself a CEFC subsidiary “which was run by multiple members of the CCP, according to a 2017 Shanghai stock exchange filing.”⁶⁷¹
- On June 30, 2017, Shanghai Huaxin wired \$10 million to CEFC Infrastructure’s bank account.⁶⁷²
- Approximately one month later, on August 4, 2017, CEFC Infrastructure wired \$100,000 to Hunter Biden’s firm, Owasco PC.⁶⁷³

As detailed in the Oversight Committee’s fourth bank records memorandum, the Biden family then used Hudson West III to funnel money from a Chinese company closely affiliated with CEFC to Joe Biden.⁶⁷⁴

⁶⁶³ *Id.* at 22.

⁶⁶⁴ *Id.*

⁶⁶⁵ *Id.* at 22-23.

⁶⁶⁶ *Id.* at 24.

⁶⁶⁷ *Id.*

⁶⁶⁸ STAFF REPORT, S. COMM. ON HOMELAND SEC. & GOVERNMENTAL AFFS. & S. COMM. ON FIN., HUNTER BIDEN, BURISMA, AND CORRUPTION: THE IMPACT ON U.S. GOVERNMENT POLICY AND RELATED CONCERNS, at 78 (2020).

⁶⁶⁹ Second Bank Memo, at 24. Chinese state media described Shanghai Huaxin as “the offshore arm of Ye’s CEFC China Energy Group.” Xie Yu, *Creditors line up to wind down Chinese oligarch’s offshore unit to pry loose assets for repaying debt*, S. CHINA MORNING POST (July 25, 2018).

⁶⁷⁰ Xiaosu Zhu & Anna Chan, *Legal Update: Hong Kong Court Recognizes Application by Shanghai Liquidators*, OLDHAM, LIE & NIE (June 12, 2020).

⁶⁷¹ Philip Lenczycki, *CCP-Controlled, State-Owned Firm Behind Chinese Cash Allegedly Funneled To Hunter Biden, Documents Show*, DAILY CALLER (May 12, 2023); *see also* Julie Zhu & Engen Tham, *China’s CEFC was scrambling for loans as authorities swooped*, REUTERS (Mar. 12, 2018) (noting that CEFC Shanghai International is a subsidiary of CEFC).

⁶⁷² Second Bank Memo at 25.

⁶⁷³ *Id.*

⁶⁷⁴ *See* Fourth Bank Memo.

- On August 8, 2017, Northern International Capital, a Chinese company affiliated with CEFC, wired \$5 million to Hudson West III.⁶⁷⁵ As of August 8, 2017, the \$5 million wire from Northern International Capital was the only money in Hudson West III’s account.⁶⁷⁶
- Later the same day, Hunter Biden transferred \$400,000 to his company, Owasco PC.⁶⁷⁷ After receiving the wire from Hudson West III, Owasco PC’s account balance was \$500,832.55.⁶⁷⁸ At the close of business on August 8, 2017, 99.8 percent of the money in Owasco PC’s account was received from Chinese companies:
 - \$100,000 was from Shanghai Huaxin Group, via CEFC Infrastructure, received on August 4, 2017; and
 - \$400,000 was from Northern International Capital, via Hudson West III, received on August 8, 2017.⁶⁷⁹
- Between August 8 and August 14, 2017, Hunter Biden made over \$130,000 in payments to various entities.⁶⁸⁰ Owasco PC received no deposits, other than the \$400,000 from Hudson West III, during this period.⁶⁸¹ The balance of the Owasco PC account on August 14, 2017, was \$366,557.04, funded by the wires from Hudson West III and CEFC Infrastructure.⁶⁸²
- On August 14, 2017, Owasco PC wired \$150,000 to the Lion Hall Group, a company owned by James and Sara Biden.⁶⁸³ James and Sara Biden used the Lion Hall Group “to conduct various financial transactions, many of which appear personal in nature.”⁶⁸⁴ After receiving the wire from Owasco PC, the Lion Hall Group’s account balance was \$151,964.62.⁶⁸⁵
- Between August 14 and August 25, 2017, “the Lion Hall Group made a series of purchases and payments that reduced the account balance to \$115,822.13.”⁶⁸⁶
- On August 28, 2017, Sara Biden withdrew \$50,000 from the Lion Hall Group account.⁶⁸⁷

⁶⁷⁵ *Id.* at 5.

⁶⁷⁶ *Id.*

⁶⁷⁷ *Id.*

⁶⁷⁸ *Id.*

⁶⁷⁹ *Id.* at 5-6.

⁶⁸⁰ *Id.* at 6.

⁶⁸¹ *Id.*

⁶⁸² *Id.*

⁶⁸³ *Id.*

⁶⁸⁴ *Id.*

⁶⁸⁵ *Id.*

⁶⁸⁶ *Id.* at 7.

⁶⁸⁷ *Id.*

- Later the same day, James or Sara Biden deposited \$50,000 into their personal bank account.⁶⁸⁸ After depositing the \$50,000 from the Lion Hall Group, and Sara Biden withdrawing \$1,000, the balance in James and Sara Biden’s personal account on August 28, 2017, was \$49,046.88.⁶⁸⁹ The total in James and Sara Biden’s account as of August 30, 2017 was \$48,818.17.⁶⁹⁰ No deposits were made into this account between August 30 and September 3, 2017.⁶⁹¹
- On September 3, 2017, Sara Biden signed a \$40,000 check to Joe Biden with “loan repayment” written in the memo line.⁶⁹²

Based on the amounts in each of the accounts at the time of their respective transactions, the money used to pay former Vice President Biden must have come from CEFC or its associated entities.⁶⁹³ James Biden’s attorney attempted to argue during his transcribed that the money paid to former Vice President Biden did not come from Chinese companies because “money’s fungible.”⁶⁹⁴ However, the Oversight Committee found that James Biden did not have sufficient funds to make the payment to Joe Biden on his own and the funds James Biden received from the Chinese company were transferred to Joe Biden on the same day.⁶⁹⁵ In other words, there was no denying the fact that the money sent to former Vice President Biden came directly from Chinese companies closely tied to the CCP.

A money laundering investigator raised concerns about payments from Hudson West III to Hunter Biden.⁶⁹⁶ On June 26, 2018, a bank investigator responsible for detecting money laundering flagged an “unusual” and “erratic” series of payments “with no current business purpose” from Hudson West III to Owasco PC.⁶⁹⁷ These payments traced back to the \$5 million wire from Northern International Capital to Hudson West III.⁶⁹⁸ Although the \$5 million wire was reported as a business loan, the investigator noted that “there was no loan agreement document submitted.”⁶⁹⁹ Mr. Dong had also previously acknowledged that there was no loan agreement between Hudson West III and Northern International Capital.⁷⁰⁰ The investigator also raised “concerns” with the fact that Hudson West III, which “does not currently have any investment projects at this time,” was paying millions of dollars in “fees” to Owasco PC even

⁶⁸⁸ *Id.*

⁶⁸⁹ *Id.* at 8.

⁶⁹⁰ *Id.*

⁶⁹¹ *Id.*

⁶⁹² *Id.* at 9.

⁶⁹³ *Id.*

⁶⁹⁴ James Biden Interview at 138.

⁶⁹⁵ *See generally* Fourth Bank Memo.

⁶⁹⁶ Email from [unidentified bank investigator] to [unidentified bank executive] (June 26, 2018).

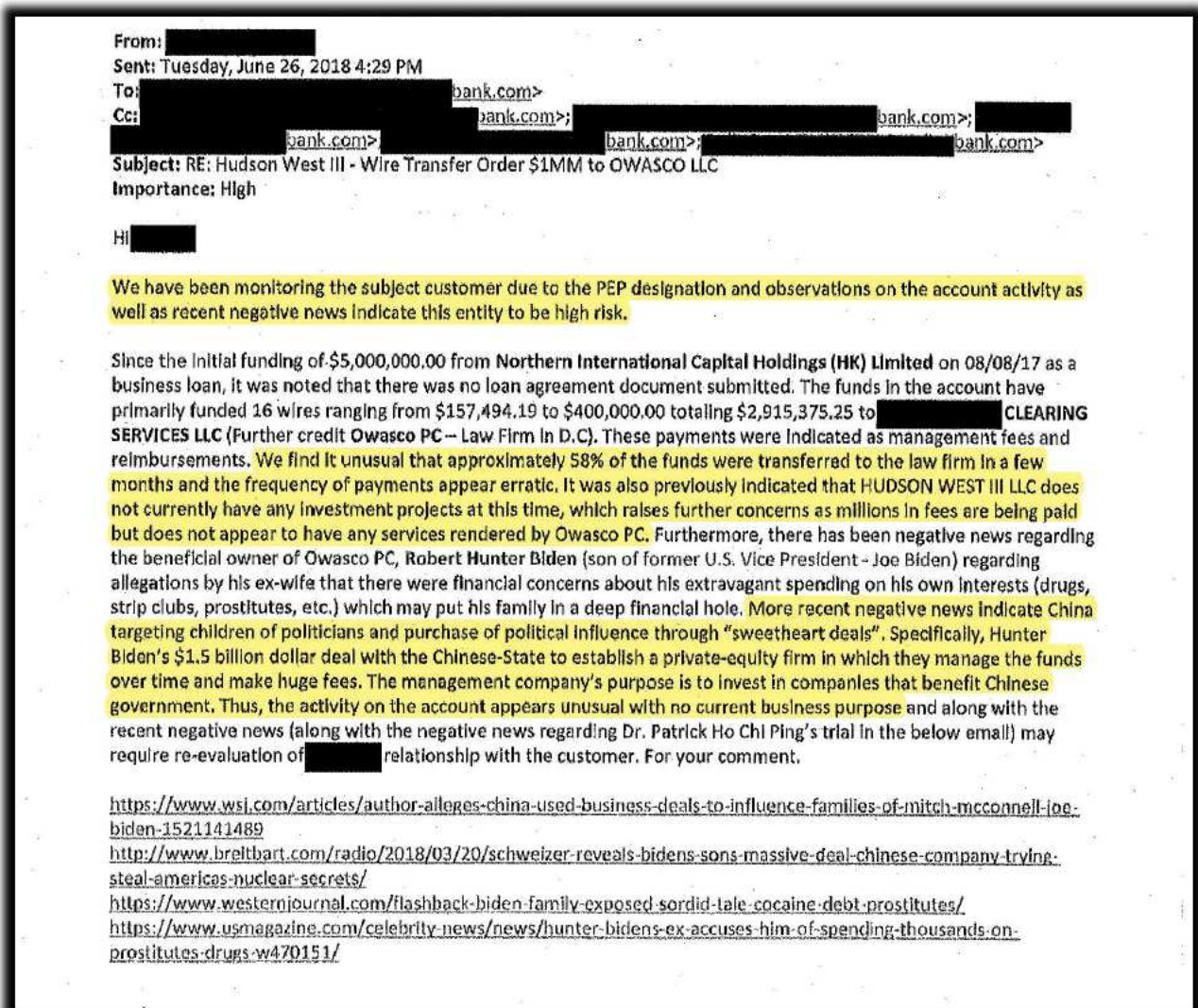
⁶⁹⁷ *Id.*

⁶⁹⁸ *Id.*

⁶⁹⁹ *Id.*

⁷⁰⁰ *See* Email from [employee name redacted], Assistant Vice President, Branch Management, [bank name redacted] to [employee name redacted] (Nov. 1, 2017) (Ziegler Exhibit 2B) (“According to Mr. Dong, they don’t have [a] loan agreement between Northern International Capital Holdings and their company.”); Ziegler Supplemental Affidavit 1, at 6 (“Gong Wen Dong, known to be the Hudson West III manager at the time, stated that there was no loan agreement between Hudson West III and Northern International Capital Holdings (HK).”).

though there “does not appear to have [been] any services rendered by Owasco PC.”⁷⁰¹ The investigator further expressed concern with the fact that China was “targeting children of politicians and purchase of political influence through ‘sweetheart deals’” such as “Hunter Biden’s \$1.5 billion deal with the Chinese-State to establish a private-equity firm” focused on “invest[ing] in companies that benefit [the] Chinese government” for which Hunter Biden would receive “huge fees.”⁷⁰² The \$40,000 payment to President Biden directly traces back to the transactions flagged by the bank investigator for money laundering.⁷⁰³



In addition to Joe Biden receiving funds from CEFC, Hunter Biden referred to former Vice President Biden as one of his “partners” in the Hudson West venture.⁷⁰⁴ In February 2017,

⁷⁰¹ Email from [unidentified bank investigator] to [unidentified bank executive] (June 26, 2018).

⁷⁰² *Id.*; cf. Bobulinski Interview at 13 (“It is also not a coincidence that CEFC used the Biden family’s weakest link, Hunter Biden, and the promise of large sums of money, to the tune of tens of millions of dollars initially and eventually the profits from investing billions of dollars in the United States and around the world.”).

⁷⁰³ See Fourth Bank Memo at 5-10.

⁷⁰⁴ Email from Hunter Biden to Cecilia Browning (Sept. 21, 2017, 10:37 AM).

Hunter Biden’s company Rosemont Seneca Advisors began renting office space at the House of Sweden,⁷⁰⁵ an office building in Georgetown that includes the Swedish Embassy among its tenants.⁷⁰⁶ On September 21, 2017, shortly after formalizing his joint venture with CEFC, Hunter Biden wrote to the building’s general manager requesting that “keys [be] made available for new office mates: Joe Biden[,] Jill Biden[,] Jim Biden [and] Gongwen Dong (Chairman Ye CEFC emissary)[.]”⁷⁰⁷ Hunter Biden also asked that the office sign be updated to list “The Biden Foundation [and] Hudson West (CEFC US),” but noted that “[t]he lease will remain under my company’s name Rosemont Seneca.”⁷⁰⁸ Hunter Biden provided contact information for his “partners,” as he referred to them, including Joe Biden.⁷⁰⁹ Hunter Biden also listed James Biden, Mr. Dong, Mr. Yan, and Chairman Ye as his partners.⁷¹⁰

James Biden testified to the Committees that CEFC “wasn’t affiliated with the Chinese Government,” a conclusion he formed based on “the word of my nephew, Hunter,” who “had assured [James Biden] that [CEFC] was not affiliated with the Chinese Government and it was a private company.”⁷¹¹ It is difficult to understand how anyone could reach this belief in good faith.⁷¹² Not only were CEFC’s close ties with the Chinese government widely known at the time,⁷¹³ but Hunter Biden and his business associates have shown that they were aware of these ties.⁷¹⁴ Mr. Bobulinski testified to the Committees that Hunter Biden and Mr. Gilliar were

⁷⁰⁵ See Press Release, J Street Companies, J Street Signs Rosemont Seneca Advisors, LLC to 2,852 SF Lease at House of Sweden in Georgetown (Feb. 22, 2017); Email from Joan Mayer to Vadym Pozharsky (Feb. 16, 2017) (listing new address for Rosemont Seneca Advisors at the House of Sweden); see also Andrew Kerr & Chuck Ross, *Hunter Biden Called His Father And Chinese Business Partner ‘Office Mates’ In September 2017 Email*, DAILY CALLER (Dec. 11, 2020) (quoting the House of Sweden’s general manager as confirming that “Rosemont Seneca LLC rented an office at House of Sweden between February 2017 — February 2018”).

⁷⁰⁶ Matt Viser et al., *Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company*, WASH. POST (Mar. 30, 2022).

⁷⁰⁷ Email from Hunter Biden to Cecilia Browning (Sept. 21, 2017, 10:37 AM).

⁷⁰⁸ *Id.*

⁷⁰⁹ *Id.*

⁷¹⁰ *Id.* To be clear, since some news articles only reported that Hunter Biden referred to Chairman Ye in the email as his “partner,” Hunter Biden first referred to Chairman Ye as his “partner” before referring to the remainder, including Joe Biden, as his “partners.” See *id.*

⁷¹¹ James Biden Interview at 17-18.

⁷¹² See Sarah Cook, *China’s Global Media Footprint: Democratic Responses to Expanding Authoritarian Influence*, NAT’L ENDOWMENT FOR DEMOCRACY, at 5 (2021) (describing CEFC as an “ostensibly private” company); Martin Hála, *A New Invisible Hand: Authoritarian Corrosive Capital and the Repurposing of Democracy*, NAT’L ENDOWMENT FOR DEMOCRACY, at 5 (2020) (same); Matt Viser et al., *Inside Hunter Biden’s multimillion-dollar deals with a Chinese energy company*, WASH. POST (Mar. 30, 2022) (same).

⁷¹³ See Mark Stokes & Russell Hsiao, *The People’s Liberation Army General Political Department: Political Warfare with Chinese Characteristics*, PROJECT 2049 INST., at 26-29 (Oct. 14, 2013) (describing Chairman Ye’s, CEFC’s, and the China Energy Fund Committee’s connections to the PLA); J. Michael Cole, *Unstoppable: China’s Secret Plan to Subvert Taiwan*, NAT’L INTEREST (Mar. 23, 2015) (“Given what we know about CEFC China Energy Co and the many [PLA]-related subsidiaries whose operations it finances, it is difficult to imagine that its office in Taipei is not involved in political warfare.”); J. Michael Cole, *Chinese Propaganda: Coming Soon to a Conference Near You*, THE DIPLOMAT (Sept. 23, 2015) (reporting that CEFC “finances and manages” an infamous PLA unit “which has been spearheading psychological and propaganda operations against Taiwan”).

⁷¹⁴ See Tony Bobulinski FD-302 at 4 (memorializing Mr. Bobulinski’s statement that Hunter Biden and James Biden had expressed their awareness of CEFC’s “close affiliation with the Chinese government”); Text Message from Hunter Biden to Hallie Biden (Dec. 14, 2018) (describing Dr. Ho as “the chief of intelligence of the [P]eople’s [R]epublic of China”); Natalie Winters & Raheem Kassam, *Hunter Biden Audio Confesses Partnership With China*

“adamant on the relationship between CEFC, Chairman Ye, and President Xi and the Chinese Government. . . . [T]hey had multiple message exchanges and discussions that, sort of, Chairman Ye was President Xi’s guy, that CEFC was sort of a donned [] company by the Chinese Government.”⁷¹⁵ In addition, contemporaneous news accounts reaffirm that it was widely known that CEFC was not only “closely entwined” with the CCP,⁷¹⁶ the People’s Liberation Army (PLA), and Chinese intelligence agencies,⁷¹⁷ but that it was functionally no different than a state-owned enterprise.⁷¹⁸ In short, “CEFC was China, and everybody knew it.”⁷¹⁹

CEFC, which has been described as a “proxy” for the CCP,⁷²⁰ was particularly infamous for its close ties to the Chinese government.⁷²¹ According to CNN, CEFC “aligned itself so closely with the Chinese government that it was often hard to distinguish between the two.”⁷²² One scholar similarly observed that “CEFC was never a truly ‘private’ firm, but either an extension of the military or of the leading energy [state-owned enterprises].”⁷²³ For instance, “CEFC [] ha[d] layers of Communist Party committees, which are usually staples of state-owned enterprises,” and “hired many former military brass and party cadres, underscoring its ties to Chinese officials.”⁷²⁴ CEFC also received special privileges from the Chinese government typically reserved for state-owned enterprises, such as “a rare contract to store part of the

‘Spy Chief’ ... Joe Biden Named as Criminal Case Witness, NAT’L PULSE (publishing audio file in which Hunter Biden refers to Dr. Ho as the “spy chief of China”); Letter from Sens. Charles Grassley & Ron Johnson to David Weiss, U.S. Att’y, Dist. of Del., at 3 (Oct. 26, 2022) (presenting evidence of Mr. Gilliar’s awareness “that CEFC was an extension of the communist Chinese government”).

⁷¹⁵ Bobulinski Interview at 133.

⁷¹⁶ Due to China’s “party-state” system wherein the CCP controls all aspects of government, ties to the CCP are functionally no different than ties to the Chinese government. See TERESA WRIGHT, PARTY AND STATE IN POST-MAO CHINA, at 19 (2016) (explaining that the CCP “ultimately controls the [Chinese] state”); Anne-Marie Brady, *Exploit Every Rift: United Front Work Goes Global*, in PARTY WATCH ANNUAL REPORT 2018, at 35 (Julia Bowie & David Gitter eds., 2018) (“[President] Xi has removed any veneer of separation between the [CCP] and the Chinese state.”).

⁷¹⁷ Kimberley A. Strassel, Opinion, *The Biden ‘Family Legacy’*, WALL ST. J. (Oct. 22, 2020); see also Alexandra Stevenson et al., *A Chinese Tycoon Sought Power and Influence. Washington Responded.*, N.Y. TIMES (Dec. 12, 2018) (“It’s been clear for some time that [CEFC] . . . had some intelligence ties.”).

⁷¹⁸ See, e.g., Anne-Marie Brady, *On the Correct Use of Terms*, JAMESTOWN FOUND.: CHINA BRIEF (May 9, 2019) (“CEFC . . . epitomizes the close party-state-military-market nexus of the political system in China, wherein corporate interests serve the political agenda of the ruling Chinese Communist Party (CCP).”).

⁷¹⁹ Andrew C. McCarthy, *A Collusion Tale: China and the Bidens*, NAT’L REV. (Oct. 31, 2020).

⁷²⁰ Anne-Marie Brady, *On the Correct Use of Terms*, JAMESTOWN FOUND.: CHINA BRIEF (May 9, 2019).

⁷²¹ See *Hearing on Risks, Rewards, and Results: U.S. Companies in China and Chinese Companies in the United States: Before the U.S.-China Econ. & Sec. Rev. Comm’n*, 116th Cong. 53 (2019) (written testimony of William C. Kirby, Professor, Harv. Univ.) (describing CEFC as “[a] truly negative example of the intersection of state and private interests”); Martin Hála, *A New Invisible Hand: Authoritarian Corrosive Capital and the Repurposing of Democracy*, NAT’L ENDOWMENT FOR DEMOCRACY, at 5 (2020) (“[CEFC] is illustrative of the overlap between CCP-connected arbitrary capital operations and the party’s political interference machinery.”).

⁷²² Jenni Marsh, *The rise and fall of a Belt and Road billionaire*, CNN (Dec. 5, 2018).

⁷²³ *Hearing on Risks, Rewards, and Results: U.S. Companies in China and Chinese Companies in the United States: Before the U.S.-China Econ. & Sec. Rev. Comm’n*, 116th Cong., at 54 (2019) (written testimony of William C. Kirby, Professor, Harv. Univ.).

⁷²⁴ Ji Tianqin & Han Wei, *In Depth: Investigation Casts Shadow on Rosneft’s China Investor CEFC*, CAIXIN GLOBAL (Mar. 1, 2018). In addition to hiring former military and CCP officials, CEFC also “hired a number of former top officials from state-owned energy companies[.]” Chen Aizhu & Jan Lopatka, *China’s CEFC has big ambitions, but little known about ownership, funding*, REUTERS (Jan. 13, 2017).

nation's strategic oil reserve,"⁷²⁵ and "routinely struck deals that made no business sense but helped the Chinese government advance its geopolitical goals."⁷²⁶ CEFC's subsidiaries were similarly tied to the Chinese government, as CEFC had "layers of Communist Party committees across its subsidiaries – more than at many private Chinese companies."⁷²⁷ For instance, China Energy Fund Committee,⁷²⁸ a think tank run by Hunter Biden's client Dr. Patrick Ho, maintained "high-level connections with China's political warfare apparatus."⁷²⁹ Notably, the China Energy Fund Committee served as "an apparent platform of the Liaison Department of the PLA General Political Department,"⁷³⁰ which "functions as an interlocking directorate that operates at the nexus of politics, finance, military operations, and intelligence."⁷³¹ Scholars identified the China Energy Fund Committee as a "political warfare platform,"⁷³² which was "involved in influence operations and propaganda."⁷³³

Furthermore, CEFC's founder and former chairman Ye Jianming, with whom Hunter Biden forged a close relationship, "claimed strong connections with China's top leadership,"⁷³⁴ and had "ties to China's military intelligence[.]"⁷³⁵ From 2003 to 2005, Chairman Ye served as deputy secretary general of the China Association for International Friendly Contact,⁷³⁶ "a political arm of the People's Liberation Army,"⁷³⁷ which "facilitates influence operations through [China's] foreign affairs, state security, united front, propaganda systems, and military systems."⁷³⁸ Importantly, Chairman Ye was not just a businessman who incidentally happened to be connected to the CCP and PLA. Rather, his ties with China's governing elite were integral to

⁷²⁵ Chen Aizhu & Jan Lopatka, *China's CEFC has big ambitions, but little known about ownership, funding*, REUTERS (Jan. 13, 2017).

⁷²⁶ Helen Raleigh, *American Princelings*, CITY J. (Oct. 14, 2020).

⁷²⁷ Chen Aizhu & Jan Lopatka, *China's CEFC has big ambitions, but little known about ownership, funding*, REUTERS (Jan. 13, 2017).

⁷²⁸ See J. Michael Cole, *Unstoppable: China's Secret Plan to Subvert Taiwan*, NAT'L INTEREST (Mar. 23, 2015) (describing the China Energy Fund Committee as a subsidiary of CEFC).

⁷²⁹ J. Michael Cole, *Chinese Propaganda: Coming Soon to a Conference Near You*, THE DIPLOMAT (Sept. 23, 2015).

⁷³⁰ Andrew Chubb & John Garnaut, *The enigma of CEFC's Chairman Ye*, S. SEA CONVERSATIONS (June 7, 2013).

⁷³¹ Mark Stokes & Russell Hsiao, *The People's Liberation Army General Political Department: Political Warfare with Chinese Characteristics*, PROJECT 2049 INST., at 4 (Oct. 14, 2013).

⁷³² *Id.* at 26.

⁷³³ Alexander Bowe, *China's Overseas United Front Work: Background and Implications for the United States*, U.S.-CHINA ECON. & SEC. REV. COMM'N, at 16 (Aug. 24, 2018).

⁷³⁴ Philippe Le Corre, *China's Rise as a Geoeconomic Influencer: Four European Case Studies*, CARNEGIE ENDOWMENT FOR INT'L PEACE (Oct. 15, 2018).

⁷³⁵ James T. Areddy & Stella Yifan Xie, *Top Chinese Oilman Falls Out of Favor and a \$9 Billion Russian Deal Is at Risk*, WALL ST. J. (Mar. 14, 2018).

⁷³⁶ See CEFC INT'L LTD., THE ROAD TO SUCCESS: ANNUAL REPORT 2012, at 6 (2013) ("From 2003 to 2005, Mr. Ye Jianming has been working in CAIFC as deputy secretary-general."); J. Michael Cole, *Unstoppable: China's Secret Plan to Subvert Taiwan*, NAT'L INTEREST (Mar. 23, 2015) ("We know that [Ye Jianming] was deputy secretary general of the GPD/LD-linked China Association for International Friendly Contacts (CAIFC) from 2003–2005.").

⁷³⁷ Stephen Stapczynski et al., *The Secretive China Energy Giant That Faces Scrutiny*, BLOOMBERG (Mar. 12, 2018).

⁷³⁸ Mark Stokes & Russell Hsiao, *The People's Liberation Army General Political Department: Political Warfare with Chinese Characteristics*, PROJECT 2049 INST., at 24 (Oct. 14, 2013); see also U.S.-CHINA ECON. & SEC. REV. COMM'N, 2011 REPORT TO CONGRESS, at 353 (2011) ("In addition to serving as a front for inviting and meeting with selected foreigners in China, [CAIFC] has also served as a vehicle for sending active-duty intelligence collectors abroad under various kinds of cover." (internal quotation marks omitted)).

CEFC's success.⁷³⁹ Chairman Ye was not the only CEFC executive with powerful connections, as "nearly half of the company's executives . . . had ties to China's military or government."⁷⁴⁰ The CCP and PLA ties of CEFC's executives were not a secret, as CEFC proudly advertised "the military and Communist Party experience of its top executives" on its website.⁷⁴¹

The Hudson West III arrangement with CEFC showcased many of the hallmark characteristics of the Biden family influence racket, including: (1) a lucrative deal with a foreign company with no reason to do business with the Bidens other than the Biden brand and access to former Vice President Biden; (2) highly favorable terms for the Bidens' business; (3) large payments to Hunter Biden despite his bringing nothing to the table other than his last name and access to his father; (4) a complicated series of transactions through numerous shell companies designed to obfuscate the flow of funds to the Biden family; and (5) Joe Biden's surreptitious involvement in the deal.

vii. CEFC paid Hunter Biden \$1 million allegedly to serve as counsel for a corrupt CEFC official—Patrick Ho—despite performing no legal work.

Hunter Biden also formed a "lucrative relationship" with Dr. Chi Ping "Patrick" Ho, the then-head of a U.S.- and Hong Kong-based think tank, China Energy Fund Committee, funded by CEFC.⁷⁴² In private text messages, Hunter Biden referred to Dr. Ho as "the chief of intelligence of the [P]eople's [R]epublic of China,"⁷⁴³ and the "spy chief of China."⁷⁴⁴

On November 18, 2017, the FBI arrested Dr. Ho in New York on federal bribery charges stemming from a scheme to pay top government officials in Chad and Uganda to secure special business advantages for CEFC.⁷⁴⁵ Dr. Ho conducted this criminal activity as part of China's Belt

⁷³⁹ See *Hearing on Risks, Rewards, and Results: U.S. Companies in China and Chinese Companies in the United States: Before the U.S.-China Econ. & Sec. Rev. Comm'n*, 116th Cong. 53 (2019) (written testimony of William C. Kirby, Professor, Harv. Univ.) ("What seemed to be clear [] is that the success of [CEFC] depended in large part on the ties Ye [Jianming] had made to military figures, several of whom were on his board of directors, and his ability to secure government blessing and state bank financing for his international deals.").

⁷⁴⁰ Rob Schmitz, *FBI Indictment Opens A Rare Window Into How Chinese Firms Operate Overseas*, NAT'L PUB. RADIO: ALL THINGS CONSIDERED (May 4, 2018); see also Alexandra Stevenson & Matthew Goldstein, *Chinese Oil Company Official Talked Arms Deals and Evading Iran Sanctions, U.S. Says*, N.Y. TIMES (Oct. 4, 2018) ("[CEFC's] executives hinted at deep connections within Beijing's halls of power as well as with China's powerful military.").

⁷⁴¹ David Barboza et al., *China Seeks Influence in Europe, One Business Deal at a Time*, N.Y. TIMES (Aug. 12, 2018); see also Pete Sweeney, *China's new energy star brandishes license to deal*, REUTERS (Nov. 23, 2017) (reporting that CEFC advertised "Communist 'party-building' activity" on its website).

⁷⁴² Paul Sperry, *Feds' Foreign-Corruption Double Standard: They Protected Bidens Even as They Bore Down on Trumpworld*, REAL CLEAR INVESTIGATIONS (Mar. 15, 2023).

⁷⁴³ Text Message from Hunter Biden to Hallie Biden (Dec. 14, 2018).

⁷⁴⁴ Tim Hains, *Leaked Audio: Hunter Biden Discussing Business Deals With The "Spy Chief Of China"*, REAL CLEAR POLITICS (Oct. 28, 2020).

⁷⁴⁵ Press Release, U.S. Dep't of Just., Patrick Ho, Former Head Of Organization Backed By Chinese Energy Conglomerate, Convicted Of International Bribery, Money Laundering Offenses (Dec. 5, 2018); Jenni Marsh, *Ex-Hong Kong politician faces jail after bribery conviction in US*, CNN (Dec. 5, 2018).

and Road Initiative,⁷⁴⁶ in which CEFC played a significant role.⁷⁴⁷ Ostensibly an infrastructure development program, the Belt and Road Initiative has “the ultimate goal of advancing Chinese global dominance,”⁷⁴⁸ and represents a major threat to America’s national security.⁷⁴⁹ Shortly after his arrest, Dr. Ho called James Biden, who “believed [the call] had been meant for Hunter Biden,” and “passed on his nephew’s contact information.”⁷⁵⁰

Two months before Dr. Ho’s arrest, on September 18, 2017, Hunter Biden signed an attorney engagement letter agreeing to serve as Dr. Ho’s attorney.⁷⁵¹ Hunter Biden reportedly agreed to represent Dr. Ho after Chairman Ye expressed “concern that U.S. law-enforcement agencies were investigating one of his associates, Patrick Ho.”⁷⁵² Under the terms of the attorney engagement letter, Hunter Biden agreed to counsel Dr. Ho on “matters related to US law and advice pertaining to the hiring and legal analysis of any US Law Firm or Lawyer.”⁷⁵³ CEFC paid Hunter Biden \$1 million allegedly for serving as Dr. Ho’s legal counsel.⁷⁵⁴ On November 2, 2017, CEFC wired the purported retainer payment to a Hudson West III bank account.⁷⁵⁵ On March 22, 2018, “at [Hunter Biden’s] direction,” Hudson West III transferred the money to his Owasco LLC account.⁷⁵⁶

⁷⁴⁶ James T. Areddy, *Bribery Trial Spotlights China’s ‘Belt and Road’*, WALL ST. J. (Nov. 23, 2018) (“Hundreds of pages of court filings paint a detailed, sometimes negative picture of Belt-and-Road deal making by Dr. Ho and the Shanghai company, CEFC China Energy Co. Ltd.”).

⁷⁴⁷ See Josh Christenson, *Why Hunter Biden angrily threatened his Chinese business associate*, N.Y. POST (last updated June 26, 2023) (“CEFC was at the forefront of Chinese President Xi Jinping’s Belt and Road Initiative, and Ye Jianming earned the nickname ‘Belt and Road billionaire’ for his success.”); Peter Lucas, *Joe Biden needs to answer questions on Hunter Biden’s Chinese connections*, BOS. HERALD (Dec. 12, 2021) (describing CEFC as “the capitalist arm of President Xi’s Belt and Road initiative”); Jenni Marsh, *Disgraced former Hong Kong politician jailed for 3 years for bribing African leaders at the UN*, CNN (Mar. 25, 2019) (“[CEFC] had so tightly aligned itself with President Xi Jinping’s Belt and Road policy that it was often hard to distinguish between the two.”); James T. Areddy, *Bribery Trial Spotlights China’s ‘Belt and Road’*, WALL ST. J. (Nov. 23, 2018) (“In some nations, no Chinese company executed on the goals of Belt and Road more clearly than CEFC and its champion Dr. Ho.”).

⁷⁴⁸ John R. Bolton, Remarks by National Security Advisor Ambassador John R. Bolton on the Trump Administration’s New Africa Strategy, The White House (Dec. 13, 2018).

⁷⁴⁹ See Lt. Col. Daniel Lindley, *Assessing China’s Motives: How the Belt and Road Initiative Threatens US Interests*, 5 J. INDO-PAC. AFFS. 72, 72 (2022) (“[S]hould the Belt and Road Initiative achieve its planned vision, it is on the trajectory to challenge the national interests of the United States and its European and Indo-Pacific allies and partners.”); JENNIFER HILLMAN & DAVID SACKS, CHINA’S BELT AND ROAD: IMPLICATIONS FOR THE UNITED STATES, COUNCIL ON FOREIGN RELS., at 2 (2021) (“The Belt and Road Initiative . . . poses a significant challenge to U.S. economic, political, climate change, security, and global health interests.”); *China’s Belt and Road Initiative: Hearing Before the Subcomm. on Int’l Trade, Customs, & Glob. Competitiveness of the S. Comm. on Fin.*, 116th Cong., at 2 (2019) (statement of Chairman John Cornyn) (“But most concerning are the direct national security threats posed by Belt and Road.”); Interview by Rich Lowry with Michael R. Pompeo, Sec’y of State, U.S. Dep’t of State (Mar. 28, 2019) (stating that the U.S. is “working diligently to make sure everyone in the world understands th[e] threat” posed by China’s Belt and Road Initiative).

⁷⁵⁰ Alexandra Stevenson et al., *A Chinese Tycoon Sought Power and Influence. Washington Responded*, N.Y. TIMES (Dec. 12, 2018).

⁷⁵¹ See Attorney Engagement Letter (Ziegler Exhibit 608B).

⁷⁵² Adam Entous, *Will Hunter Biden Jeopardize His Father’s Campaign?*, NEW YORKER (July 1, 2019).

⁷⁵³ Attorney Engagement Letter (Ziegler Exhibit 608B).

⁷⁵⁴ See Attorney Engagement Letter (Sept. 2017) (Ziegler Exhibit 608B).

⁷⁵⁵ Indictment at 29, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

⁷⁵⁶ *Id.*

The Committees have identified no substantive legal services provided by Hunter Biden to Dr. Ho in exchange for the \$1 million retainer payment. Hunter Biden reportedly only attended a single meeting as part of his representation of Dr. Ho and connected Dr. Ho with another law firm to handle all of the legal work involved in the matter.⁷⁵⁷ According to Dr. Ho, Hunter Biden “pocketed the \$1 million but did no legal work for him, other than call another attorney . . . and turn up half an hour late for a meeting . . . the morning after Ho’s arrest.”⁷⁵⁸ In addition, IRS Special Agent Ziegler testified that “the \$1 million payment was not for legal fees,”⁷⁵⁹ and that its “ultimate purpose was still under investigation by DOJ.”⁷⁶⁰ SA Ziegler also noted that “Hunter Biden is not included as an attorney on record for the Patrick Ho case in the Southern District of New York,” where Dr. Ho was tried.⁷⁶¹

Information available to the Committees indicates that prosecutors sought to keep the Biden name out of Dr. Ho’s trial. Specifically, prosecutors in Dr. Ho’s case appear to have redacted Hunter Biden’s name from evidence used at trial.⁷⁶² During Dr. Ho’s trial, former president of the United Nations General Assembly Vuk Jeremic testified that following his term as president, he worked as a consultant for CEFC, which involved “opening doors” for CEFC by “introducing company executives to the business or political leadership of various countries.”⁷⁶³ As part of this work, in December 2015, Mr. Jeremic “attempted to introduce Chairman Ye and CEFC to Hunter Biden and his associates.”⁷⁶⁴ During the trial, a prosecutor requested that the judge redact the name of “an individual that Mr. Jeremic was willing to bring to a dinner with the chairman Mr. Ye” from an email between Dr. Ho and Mr. Jeremic that the Justice Department intended to introduce into evidence.⁷⁶⁵ The prosecutor argued that not redacting the name of that individual “could introduce a political dimension to this case that [prosecutors] don’t think is worth dealing with.”⁷⁶⁶ The judge sustained the redaction.⁷⁶⁷ Other communications and documents obtained by the Committees strongly suggest that the individual in question is Hunter Biden.⁷⁶⁸ On February 20, 2024, the Judiciary and Oversight Committees sent a letter to

⁷⁵⁷ See Paul Sperry, *Feds’ Foreign–Corruption Double Standard: They Protected Bidens Even as They Bore Down on Trumpworld*, REAL CLEAR INVESTIGATIONS (Mar. 15, 2023); Miranda Devine, Opinion, *Hunter Biden’s Chinese legal ‘client’ threatens to sue unless first son pays back \$1 million*, N.Y. POST (Mar. 3, 2024).

⁷⁵⁸ Miranda Devine, Opinion, *Hunter Biden’s Chinese legal ‘client’ threatens to sue unless first son pays back \$1 million*, N.Y. POST (Mar. 3, 2024).

⁷⁵⁹ *Hearing With the IRS Whistleblowers: Hunter Biden Investigation Obstruction in Their Own Words: Before the H. Comm. on Ways & Means*, 118th Cong., at 10 (2023) (written testimony of Joseph Ziegler, Special Agent, Internal Revenue Serv.); see also Ziegler Supplemental Affidavit 6, at 6 (stating that the purpose of the retainer payment “was misrepresented by the Delaware U.S. Attorney’s Office”).

⁷⁶⁰ Ziegler Supplemental Affidavit 6, at 6.

⁷⁶¹ *Id.* at 5.

⁷⁶² Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Vuk Jeremic (Feb. 21, 2023).

⁷⁶³ Transcript of Record at 90, 95, *United States v. Ho*, No. 1:17-cr-779-LAP (S.D.N.Y. Nov. 27, 2018).

⁷⁶⁴ See letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Vuk Jeremic (Feb. 21, 2023).

⁷⁶⁵ Transcript of Record at 125, *United States v. Ho*, No. 1:17-cr-779-LAP (S.D.N.Y. Nov. 27, 2018).

⁷⁶⁶ *Id.*

⁷⁶⁷ *Id.* at 132.

⁷⁶⁸ See Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Vuk Jeremic (Feb. 21, 2023); see also Paul Sperry, *The Biden Justice Department Stands Accused of Hiding This Evidence of Biden–China Corruption*, REAL CLEAR INVESTIGATIONS (Mar. 15, 2023) (“Although the name wasn’t made public during

Attorney General Garland requesting an unredacted copy of Mr. Jeremic’s email and the contents of Dr. Ho’s seized iPad, but the Committees have not received a response.⁷⁶⁹

On December 5, 2018, a federal court convicted Dr. Ho of bribery, money laundering, and conspiracy,⁷⁷⁰ and subsequently sentenced him to three years in prison.⁷⁷¹ During the trial, federal prosecutors had also accused Dr. Ho of endeavoring to help Iran evade global sanctions and helping CEFC pursue arms deals with several countries in Africa, though he was not charged for these actions.⁷⁷² Following his release from prison on June 8, 2020, Dr. Ho was deported back to Hong Kong.⁷⁷³

As acknowledged by federal law enforcement officials, the \$1 million purported retainer payment to Hunter Biden likely was not for legal services.⁷⁷⁴ Due to the Biden-Garland Justice Department’s unprecedented and baseless obstruction of the Committees’ investigative efforts,⁷⁷⁵ it is not known whether the Department concluded its investigation of the “ultimate purpose” of CEFC’s \$1 million payment to Hunter Biden.

III. The Biden family received other financial benefits, including forgiven and interest-free loans, that they likely would not have received but for Joe Biden’s official position.

Evidence obtained during the Committees’ impeachment inquiry also establishes that the Biden family benefitted from Joe Biden’s official position by receiving other financial benefits that they otherwise likely would not have received. The Biden family often received payments in the form of purported loans, skirting campaign finance laws and peddling access to Vice President Biden for decades. The loans are often forgiven, void of underlying documentation, interest-free, and financially complex. Some have ended in litigation. Some are sourced from foreign entities. Some came from political donors or friends. All appear to have been made

the trial, in an email to a mutual business associate found on Hunter Biden’s abandoned laptop, Ho’s adviser had invited ‘Hunter’ to attend the dinner.”).

⁷⁶⁹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (Feb. 20, 2024).

⁷⁷⁰ Press Release, U.S. Dep’t of Just., Patrick Ho, Former Head Of Organization Backed By Chinese Energy Conglomerate, Convicted Of International Bribery, Money Laundering Offenses (Dec. 5, 2018).

⁷⁷¹ Press Release, U.S. Dep’t of Just., Patrick Ho, Former Head Of Organization Backed By Chinese Energy Conglomerate, Sentenced To 3 Years In Prison For International Bribery And Money Laundering Offenses (Mar. 25, 2019).

⁷⁷² Alexandra Stevenson & Matthew Goldstein, *Chinese Oil Company Official Talked Arms Deals and Evading Iran Sanctions*, U.S. SAYS, N.Y. TIMES (Oct. 4, 2018); James T. Areddy, *Bribery Trial Spotlights China’s ‘Belt and Road’*, WALL ST. J. (Nov. 23, 2018).

⁷⁷³ Larry Neumeister, *Hong Kong businessman ends prison sentence in bribery scheme*, ASSOCIATED PRESS (June 9, 2020).

⁷⁷⁴ See *Hearing With the IRS Whistleblowers: Hunter Biden Investigation Obstruction in Their Own Words: Before the H. Comm. on Ways & Means*, 118th Cong., at 10 (2023) (written testimony of Joseph Ziegler, Special Agent, Internal Revenue Serv.) (“[T]he \$1 million payment was not for legal fees and was misrepresented in the failed plea agreement.”); Ziegler Supplemental Affidavit 6, at 6 (“The evidence further indicates that this \$1 million payment was not for legal fees and was misrepresented by the Delaware U.S. Attorney’s Office in the statement of facts, and that its ultimate purpose was still under investigation by DOJ.”).

⁷⁷⁵ See, e.g., H. COMM. ON THE JUDICIARY ET AL., 118TH CONG., THE JUSTICE DEPARTMENT’S DEVIATIONS FROM STANDARD PROCESSES IN ITS INVESTIGATION OF HUNTER BIDEN, at 71–76 (2023).

because of the Biden “brand,” and the political power of Joe Biden. None have a legitimate purpose but to benefit the Biden family, including Joe Biden, financially and politically by trading on the “brand.”

A. James Biden received large cash loans, many of which remain unpaid, from numerous individuals who previously made political contributions to Joe Biden, as well as a bankrupt healthcare company.

Various individuals and companies—foreign and domestic—purportedly chose to go into business with Joe Biden’s brother, James, who had numerous failed business pursuits and owed multiple people hundreds of thousands of dollars. Evidence and witness testimony uncovered by the Committees show how James Biden accepted “loans” from a bankrupt company and other individuals by leveraging the power of the Biden name.

i. James Biden used inappropriately transferred funds from healthcare company Americore to pay back a purported loan from his brother, Joe Biden.

At the end of the Obama-Biden Administration, the Biden family, including Vice President Biden, began to make career plans that would continue to benefit the Biden brand. In early January 2017, Vice President Biden announced his plan to launch a nonprofit, the Biden Cancer Initiative, that would “begin a national conversation and get Congress and advocacy groups in to make sure [cancer] treatments are accessible for everyone.”⁷⁷⁶ Mere months after this announcement, James Biden also sought to join the healthcare industry through his own business venture with Americore.⁷⁷⁷

Americore was a healthcare company created to acquire distressed hospitals and revitalize their failing businesses.⁷⁷⁸ In summer 2017, James Biden pursued business opportunities with Americore.⁷⁷⁹ According to subsequent reporting, “[a]lthough he wasn’t a public health consultant or a medical expert, Jim Biden was the brother of Joe Biden, who had recently finished his term as vice president. The company’s chief executive believed Jim Biden would help provide the enterprise with ‘serious horsepower.’”⁷⁸⁰ An investigation from *Politico* revealed that in addition to James Biden, several other members of the Biden family or close associates worked for Americore or took part in meetings with its representatives leading up to Joe Biden’s 2020 presidential campaign.⁷⁸¹ Former Americore executives and executives from

⁷⁷⁶ Laurie McGinley, *Biden to tackle broad range of cancer issues, including drug prices, after leaving White House*, WASH. POST (Jan. 4, 2017).

⁷⁷⁷ Ben Schreckinger, *Biden’s brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024).

⁷⁷⁸ Fox Interview at 13, 64.

⁷⁷⁹ James Biden Interview at 215-16.

⁷⁸⁰ Joshua Goodman, et al., *Jim Biden’s last name has helped open doors. It also has made him a target of House Republicans*, ASSOCIATED PRESS (Nov. 11, 2023).

⁷⁸¹ See Ben Schreckinger, *Biden’s brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024) (“[A]t least three of Joe Biden’s relatives did work with Americore. They include Jim Biden’s wife, Sara, and his son, Jamie. The president’s son, Hunter Biden also met with its CEO, and his personal doctor – current White House physician Kevin O’Connor – joined a meeting with Jim Biden and the president of a hospital being

another healthcare firm have alleged that James Biden would invoke his brother's name during pitches to investors,⁷⁸² even mentioning once on a call that he was "sitting in a car next to his brother Joe."⁷⁸³

According to reports, multiple former Americore executives stated that "[President] Biden was central to Jim Biden's ambitions for the company."⁷⁸⁴ This was especially clear to one former executive who James Biden told that if Americore was successful in revitalizing rural health care, that "[it] would help his brother get elected if [Americore] were to take off and go."⁷⁸⁵

President Biden has claimed that he never discussed Americore with his brother James.⁷⁸⁶ Nonetheless, Joe Biden met Americore's CEO Grant White at a nonprofit fundraiser at the Wilmington Country Club during James Biden's tenure with the company in September 2017.⁷⁸⁷ Additionally, former Americore executives reported how James Biden spoke of plans to give his brother equity in the company and to put him on the board.⁷⁸⁸ However, during his transcribed interview with the Committees, James Biden denied having such plans, alleging that such an assertion was "ridiculous on its face."⁷⁸⁹

One of James Biden's focuses for Americore financing came from investors in the Middle East—primarily officials from Qatar.⁷⁹⁰ Recent public reporting uncovered that James Biden wrote a draft letter to an official at Qatar's sovereign wealth fund that read in part, "[m]y family could provide a wealth of introductions and business opportunities at the highest levels that I believe would be worthy of the interest of His Excellency," and, "[o]n behalf of the Biden family, I welcome your interest here."⁷⁹¹ While it is unclear if the letter was ever sent out in its final draft, it is clear that James Biden intended to lean into the Biden brand and his brother's international political connections to advance his personal financial interests.

acquired by Americore..."); Ben Schreckinger, *DOJ looked at transactions linked to Jim Biden as part of criminal investigation*, POLITICO (Mar. 26, 2024).

⁷⁸² Ben Schreckinger, *Justice Department's interest in Hunter Biden covered more than taxes*, POLITICO (Dec. 9, 2020); Ben Schreckinger, *Biden's brother touted Biden Cancer Initiative ties in investment pitch*, POLITICO (Sept. 26, 2019).

⁷⁸³ Ben Schreckinger, *Biden's brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024).

⁷⁸⁴ Ben Schreckinger, *James Biden's health care ventures face a growing legal morass*, POLITICO (Mar. 9, 2020); Ben Schreckinger, *Biden's brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024).

⁷⁸⁵ Ben Schreckinger, *Biden's brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024).

⁷⁸⁶ Ben Schreckinger, *James Biden's health care ventures face a growing legal morass*, POLITICO (Mar. 9, 2020); Ben Schreckinger, *Biden's brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024).

⁷⁸⁷ Ben Schreckinger, *Biden's brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024).

⁷⁸⁸ *Id.*

⁷⁸⁹ James Biden Interview at 43-44.

⁷⁹⁰ Ben Schreckinger, *Fund manager indicates Jim Biden was in business with Qatari officials*, POLITICO (Apr. 28, 2024).

⁷⁹¹ *Id.*

While working to secure Americore financing from Qatar, James Biden helped the company procure “an ill-advised bridge loan” from a hedge fund that “ended up unraveling” and had a negative effect on Americore’s “financial landscape.”⁷⁹² This bridge loan came from Michael Lewitt, a hedge fund manager and former business associate of James Biden.⁷⁹³ The financing came from Mr. Lewitt’s Third Friday Total Return Fund, which was managed by Mr. Lewitt’s investment advisory firm, Third Friday Management, LLC.⁷⁹⁴ Third Friday was “the largest crediting firm for Americore while it was in operation.”⁷⁹⁵

Carol Fox, who was appointed as trustee for Americore’s bankruptcy proceedings, attempted to determine James Biden’s role at Americore and what services he provided.⁷⁹⁶ Other than obtaining James Biden’s business card listing his title as “Principal,” Ms. Fox was not able to determine what role James Biden played at Americore or identify any services he provided.⁷⁹⁷ Ms. Fox testified:

Q. What was James Biden’s role at Americore?

A. I don’t think we know.

Q. When you say you don’t know, can you expand on that a little bit?

A. Well, we have what his business card says he does, but in as far as what he actually did while he was in the company, that preceded my involvement with the company. And so I think we have a business card that says what his . . . stated role was, but what he actually did, I don’t know.

Q. As part of being a trustee and filing this lawsuit, did you investigate or take any steps to try and find out what he did at the company?

A. Yes.

Q. What did you do?

A. So I do know that, through Mr. Biden’s consulting company, Lion Hall, he purportedly provided consulting services to the

⁷⁹² *In re Americore Holdings, LLC, et al., Carol Fox, Chapter 11 Trustee v. James Biden*, No. 19-61608 at ¶¶ 11–12 (Bankr. E.D. Ky. July 7, 2022); Fox Interview at 68; see Ben Schreckinger, *Fund manager indicates Jim Biden was in business with Qatari officials*, POLITICO (Apr. 28, 2024).

⁷⁹³ Ben Schreckinger, *Biden’s brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024).

⁷⁹⁴ Fox Interview at 63-64.

⁷⁹⁵ Nicholas Vercilla, *Settlement approved with former Americore creditor*, NEW CASTLE NEWS (Dec. 16, 2023).

⁷⁹⁶ Fox Interview at 17-19.

⁷⁹⁷ *Id.* at 16-19.

debtor, or to the debtors. But what those services were . . . I can't say specifically.

Q. Is it fair to say that you weren't able to identify any services that he provided to Americore?

A. Well, that's why I sued him . . . I did not think that he provided services to the debtors, no.⁷⁹⁸

While serving as a "principal" at Americore, James Biden received payments for \$400,000 and \$200,000, characterized as loans, from the company wired directly to his bank account.⁷⁹⁹

Regarding the \$400,000 loan provided to James Biden, Ms. Fox testified:

Q. And now I'd like to turn your attention to paragraph 11. And if you could please read paragraph 11 into the record.

A. Okay. "On January 12, 2018, Americore Health wire transferred the sum of \$400,000.00 to Defendant's bank account at PNC Bank, located in Philadelphia, Pennsylvania. The documentation evidencing the foregoing wire transfer prepared by Americore Health references the transfer as a 'LOAN.'"

Q. How did Americore or you find that there was this \$400,000 purported loan to James Biden on January 12th of 2018?

A. From its bank records.

Q. And after you were able to identify that money from the bank records, what were the next steps that you took to try and follow up to see the terms of the loan or whether it was a legitimate loan and to follow the money?

A. So we would have looked at the documents produced in this case to see if there was any evidence of a promissory note. I mean, that would be one thing that we would look for.

Q. And were there any documents or promissory notes or anything documenting the loan itself?

A. No. There was one thing that said "loan," and that's why this was called a loan, is because of the exhibits that were filed with this complaint. . . .

⁷⁹⁸ *Id.* at 18-19.

⁷⁹⁹ *In re Americore Holdings, LLC, et al., Carol Fox, Chapter 11 Trustee v. James Biden*, No. 19-61608 at ¶¶ 11-12 (Bankr. E.D. Ky. July 7, 2022).

Q. Is there any documentation showing what the interest of this purported loan was?

A. Right, so, no, because I told you, I couldn't find the promissory note.

* * *

Q. Do you know if there was any documentation showing what the loan was potentially collateralized by?

A. I didn't find any documentation supporting that.

Q. Did you find any documentation where James Biden submitted the reason why he was trying to obtain this loan from Americore?

A. No.

Q. And just to be clear, there was no documentation that even showed any terms of the loan at all?

A. That's correct.

Q. Would you agree with me that, based upon your expertise in looking at loans, that there usually is, if it's a legitimate loan, a promissory note or something memorializing the terms of the loan to some degree?

A. I would agree with you.⁸⁰⁰

In addition to this unexplainable "loan," Ms. Fox recalled a similar loan that Americore provided to James Biden for \$200,000 nearly two months later.⁸⁰¹ Ms. Fox stated:

Q. [H]ow did Americore come to learn that, in addition to the \$400,000 loan on January 12, 2018, that there was a \$200,000 purported loan on March 1st of 2018?

A. The same way. A review of the bank records.

Q. Was there any documentation, promissory note or any of the other documents that I discussed earlier, that supported this particular loan?

⁸⁰⁰ *Id.* at 22-24.

⁸⁰¹ *Id.* at 26.

- A. No
- Q. And so, again, there was nothing – there was no interest laid out or nothing that was collateralized that anyone's aware of that was documented or any contract or anything like that related to this particular loan?
- A. Right. So there was no document referencing a stated interest rate or repayment terms or collateralization.⁸⁰²

In June 2018, Americore transferred \$10,000 to James Biden, which was purportedly for consulting and marketing.⁸⁰³ But, like with the loans, Ms. Fox was unable to identify any supporting documentation.⁸⁰⁴ Ms. Fox stated:

- Q. And so, just to be clear, when it came to consulting and marketing, there w[ere] bank records that supported that, but when it came to the loan, there was no promissory note or no other records that showed that there was the loan.
- A. There's the same amount of documentation for the consulting and marketing agreement as there is for the loans – none.
- Q. So there was no – you couldn't find any documentation to support the consulting and marketing services either?
- A. There wasn't a consulting agreement that I came across in this litigation.⁸⁰⁵

In other words, although bank records identify two bank transfers from Americore to James Biden as “loans” and one transfer for consulting and marketing, Ms. Fox was unable to find any information corroborating that the transfers were, in fact, made for those reasons.⁸⁰⁶ Additionally, James Biden indicated during his transcribed interview that he viewed these “loans” as payments to him for his services—despite the bank records characterizing them as loans—and that he had no intention of paying the money back.⁸⁰⁷

Ultimately, Ms. Fox sued James Biden to recover the money he received from Americore for which the company did not receive a reasonably equivalent value in work or services.⁸⁰⁸ Ms.

⁸⁰² *Id.*

⁸⁰³ *Id.* at 27-28.

⁸⁰⁴ *Id.*

⁸⁰⁵ *Id.* at 28.

⁸⁰⁶ *Id.* at 22-29.

⁸⁰⁷ James Biden Interview at 216-17.

⁸⁰⁸ *In re Americore Holdings, LLC, et al., Carol Fox, Chapter 11 Trustee v. James Biden*, No. 19-61608 (Bankr. E.D. Ky. July 7, 2022).

Fox’s bankruptcy suit demanded that James Biden repay Americore the \$600,000, which the company referenced as a “loan” in its bank records.⁸⁰⁹ Yet, during his transcribed interview with the Committees, James Biden claimed that the \$600,000 he received from Americore should have been classified as repayment for his work for the company, including his bringing in the \$20 million from Mr. Lewitt.⁸¹⁰ However, James Biden testified that he did not receive a salary from Americore, and he could not provide a clear answer to what legitimate services he rendered to the company other than a failed joint venture proposal.⁸¹¹ Specifically, James Biden stated:

Q. [W]hat services did you render to Americore if you weren’t getting a salary?

* * *

A. . . . So my idea was to get drug and rehab and put it in one end of the hospital and put post-traumatic stress disorder in the other to cut down the timeline, but we would have to follow all the protocols that the VA had. And I saw that as a huge market because the VA or these rural hospitals was heavily populated by former veterans with this disease, and they weren’t getting any help or treatment. So what I was going to do and I proposed that we do is we file some sort of a joint venture with them and that we operate post-traumatic stress disorder clinics within the hospitals along on the other side of the hospital with drug- and alcohol-related problems, okay.⁸¹²

In filings for the bankruptcy suit, Ms. Fox alleged that James Biden made “representations that his last name, ‘Biden,’ could ‘open doors’ and that he could obtain a large investment from the Middle East based on his political connections.”⁸¹³ However, those representations never materialized.⁸¹⁴

On the same day that James Biden received the \$200,000 wire transfer from Americore into his bank account, James Biden then paid his brother Joe Biden \$200,000 for a “loan repayment.”⁸¹⁵ Ms. Fox confirmed the timing of these wire transfers during her transcribed

⁸⁰⁹ *In re Americore Holdings, LLC, et al., Carol Fox, Chapter 11 Trustee v. James Biden*, No. 19-61608 at ¶¶ 11-12, 29 (Bankr. E.D. Ky. July 7, 2022).

⁸¹⁰ James Biden Interview at 38-40, 178, 189-91.

⁸¹¹ *Id.* at 38-40.

⁸¹² *Id.*

⁸¹³ *In re Americore Holdings, LLC, et al., Carol Fox, Chapter 11 Trustee v. James Biden*, No. 19-61608 at ¶ 15 (Bankr. E.D. Ky. July 7, 2022).

⁸¹⁴ Ben Schreckinger, *Biden’s brother used his name to promote a hospital chain. Then it collapsed.*, POLITICO (Feb. 18, 2024).

⁸¹⁵ Press Release, Comer Releases Evidence of Direct Payment to Joe Biden, H. Comm. on Oversight & Accountability (Oct. 20, 2023).

interview with the Committees, acknowledging that the amount of money James Biden received from Americore matched the amount he sent to his brother that same day.⁸¹⁶ Ms. Fox testified:

Q. This is a check that the Oversight Committee was able to obtain pursuant to a subpoena, and it shows a check in the amount of \$200,000 paid to Joseph R. Biden, Jr., from Sarah and James Biden, Sr. And in the “For” column, it says, “loan repayment.” And it appears to be signed by an individual. What is the date of that check?

A. March 1, 2018.

Q. And now if you could flip back to exhibit 1, paragraph 12.

A. Okay.

Q. What was the date of the purported loan from Americore Health to James Biden?

A. March 1, 2018.

Q. And for how much?

A. \$200,000.

Q. And then if you’d flip back to exhibit 2, and I just read it, but what was the amount for for the check that went to Joe Biden?

A. \$200,000.

Q. In your review of the materials related to James Biden and Americore, did you see anything where James Biden informed Americore that he was going to take the \$200,000 that was purportedly a loan and give it to Joe Biden?

A. I did not.

Q. Have you seen this check before?

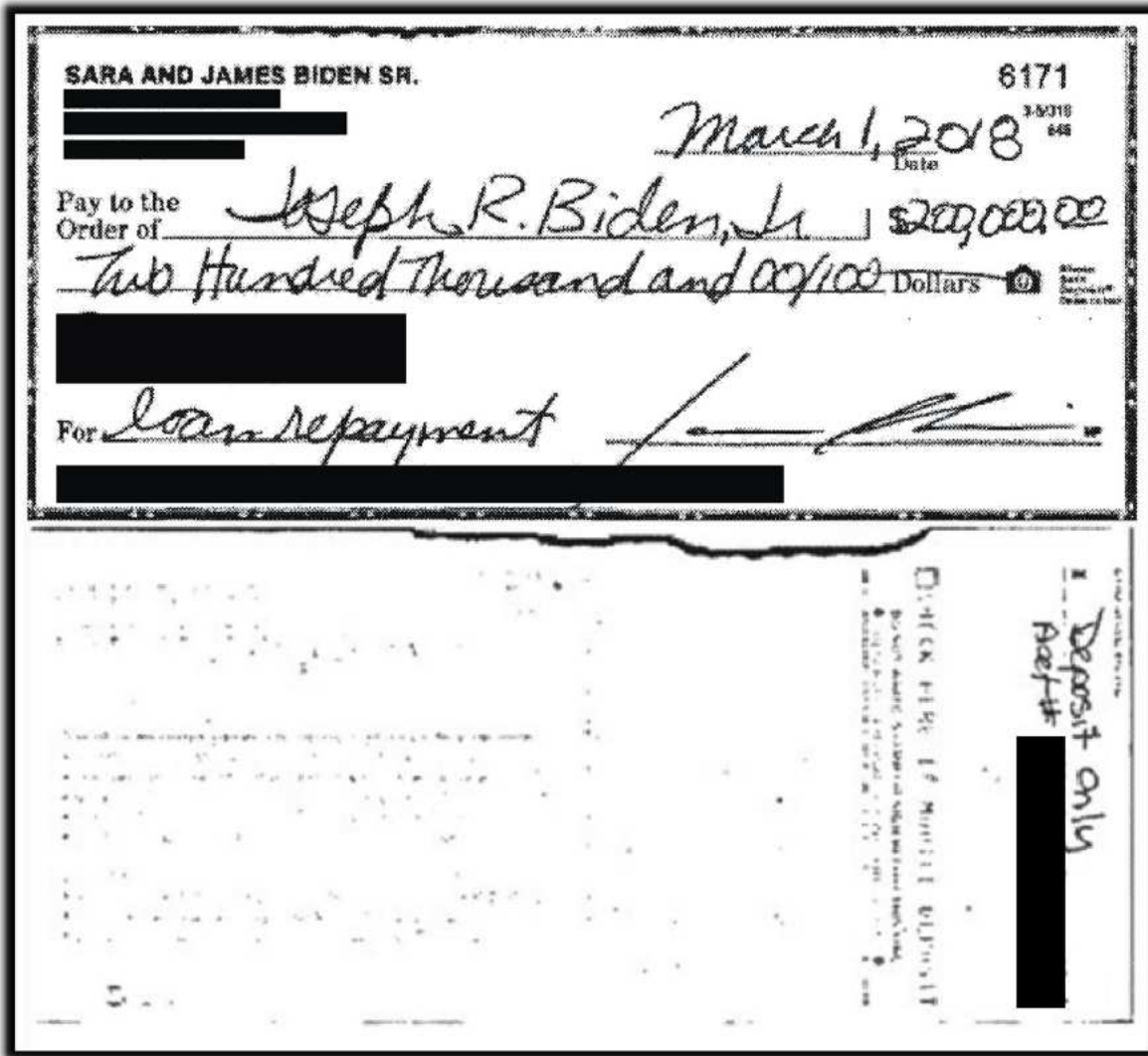
A. I saw it today for the very first time.

Q. So, looking at the check—and, as we just said, it’s for \$200,000, and it’s on the same day that James Biden received the same exact loan amount from Americore – this

⁸¹⁶ Fox Interview at 30-31.

would be the same amount, date . . . that you allege in the lawsuit as a fraudulent transfer, correct?

A. Yes.⁸¹⁷



During his transcribed interview with the Committees, James Biden confirmed the money he received from Americore was used to pay Joe Biden. James Biden testified:

Q. So the Americore money was used to, in your words, pay back Joe Biden. Is that what you're testifying to?

A. Yes.

Q. So the money that Joe Biden received came from Americore.

⁸¹⁷ *Id.*

- A. It came from money that I earned at Americore.
- Q. And you did end up paying back some of the money . . . to Americore, correct?
- A. Yes. . . . \$350,000. . . .⁸¹⁸

The \$350,000 payment was made as part of an agreement to settle Americore’s suit against James Biden.⁸¹⁹

Relatedly, over the course of 2019, Mr. Lewitt’s fund also provided \$225,000 in loans to James Biden’s company, Lion Hall Group.⁸²⁰ According to James Biden, Mr. Lewitt forgave the debt.⁸²¹ During his transcribed interview, James Biden testified:

- Q. We saw two deposits from Third Friday, total, into your company account . . . for \$50,000 on July 9th . . . it appears, of 2019, and then on August 19th of 2019. And then, in addition, we also identified two . . . wires that were sent in April and May of 2019 for \$50,000 each—
- A. Right.
- Q. —making it a total of \$225,000 from Third Friday to Lion Hall.
- A. Yes, sir.
- Q. The question is, why were you receiving money from Third Friday to Lion Hall?
- * * *
- A. It was a loan. It was a loan. . . .
- * * *
- Q. And when’s the repayment on that loan?
- A. They were forgiven.

⁸¹⁸ James Biden Interview at 193-94.

⁸¹⁹ *Id.*

⁸²⁰ Ben Schreckinger, *DOJ looked at transactions linked to Jim Biden as part of criminal investigation*, POLITICO (Mar. 26, 2024).

⁸²¹ James Biden Interview at 188-89.

Q. Say that again?

A. They were forgiven by Michael Lewitt.⁸²²

According to reporting, Mr. Lewitt disputes that he forgave James Biden's loans.⁸²³ The Oversight Committee subpoenaed Mr. Lewitt seeking his testimony, but he told the Committees he would invoke his constitutional fifth amendment right against self-incrimination and decline to answer the Committees' questions.⁸²⁴

ii. John Hynansky, a long-time donor and friend to President Biden, loaned James Biden over \$500,000 after receiving an international development loan during the Obama-Biden Administration.

Another individual with connections to President Biden, who loaned James Biden large sums of money, is a car dealer from Delaware, John Hynansky. Since 1987, Mr. Hynansky and his family have donated over \$100,000 to Joe Biden's campaigns—more than they have donated to any other candidate.⁸²⁵ During the Obama-Biden Administration, Mr. Hynansky received help from the federal government when he was looking to expand his business in Ukraine.⁸²⁶ In late 2009, a few months after Vice President Biden publicly mentioned meeting with “my very good friend, John Hynansky,”⁸²⁷ the Overseas Private Investment Corporation (OPIC) awarded Mr. Hynansky a \$2.5 million loan to build a new headquarters and distribution center in Kyiv for his car dealership.⁸²⁸ In July 2012, OPIC awarded Mr. Hynansky another \$20 million taxpayer-financed loan so he could grow his import car dealership in Ukraine.⁸²⁹ Although OPIC—which has since been replaced by another agency—was “intended to assist U.S. firms' foreign operations,”⁸³⁰ the terms of its loan to Mr. Hynansky provided that “all cars sold at his dealerships would be imported from Europe, not the United States, which meant that American-based automakers would not benefit from the taxpayer-backed venture.”⁸³¹

⁸²² *Id.* at 187-88.

⁸²³ Ben Schreckinger, *DOJ looked at transactions linked to Jim Biden as part of criminal investigation*, POLITICO (Mar. 26, 2024).

⁸²⁴ Subpoena from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, & Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Michael Lewitt, (May. 16, 2024); Letter from Michael Lewitt to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, & Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (May. 23, 2024).

⁸²⁵ Ben Schreckinger, *Donor with deep Ukraine ties lent \$500,000 to Biden's brother*, POLITICO (Aug. 15, 2019); see also John Hynansky, Contribution to Biden For President, FEC-C00703975 (FEC 2020), https://www.fec.gov/data/receipts/?data_type=processed&contributor_name=hynansky&min_date=01%2F01%2F1972&max_date=12%2F31%2F2020.

⁸²⁶ PETER SCHWEIZER, PROFILES IN CORRUPTION, at 74-75 (2021).

⁸²⁷ Remarks by Vice President Biden in Ukraine, The White House (July 22, 2009).

⁸²⁸ Paul Sperry, *All About Ukraine Auto Magnate and Joe Biden Megadonor John Hynansky*, REAL CLEAR INVESTIGATIONS (Apr. 26, 2023).

⁸²⁹ PETER SCHWEIZER, PROFILES IN CORRUPTION, at 75 (2021).

⁸³⁰ SHAYERAH ILIAS AKHTAR, CONG. RSCH. SERV., 98-567, THE OVERSEAS PRIVATE INVESTMENT CORPORATION: BACKGROUND AND LEGISLATIVE ISSUES, at 11 (2013)

⁸³¹ Paul Sperry, *All About Ukraine Auto Magnate and Joe Biden Megadonor John Hynansky*, REAL CLEAR INVESTIGATIONS (Apr. 26, 2023).

According to bank records subpoenaed by the Judiciary and Oversight Committees, one of Mr. Hynansky's businesses, Winner Imports Inc., wired \$75,000 on June 3, 2016 to James and Sara Biden's entity, the Lion Hall Group, with the memo line, "LOAN FOR PROMISSORY NOTE."⁸³² In May 2015, Mr. Hynansky also provided a \$500,000 loan to James and Sara Biden through another entity ambiguously titled, "1018 PL LLC," that had been created two months earlier.⁸³³ According to reporting in *Politico*, James Biden needed money after purchasing a \$2.5 million vacation home in Florida dubbed "the Biden Bungalow" and reportedly upgrading it with expensive renovations.⁸³⁴ James Biden missed over \$600,000 in federal tax payments in 2013 and 2014 and a contractor filed a \$75,000 lien on the property in December 2014 after James Biden failed to pay for services rendered.⁸³⁵ Mr. Hynansky's loan—which James Biden secured with a second mortgage on the property—was risky because Florida provides a first mortgage "preferential treatment in the event of a foreclosure[.]"⁸³⁶ In February 2018, Mr. Hynansky filed a document discharging the mortgage in which he "acknowledg[ed] only 'payment,' rather than full payment and satisfaction," meaning that James Biden likely had not paid back the loan in full.⁸³⁷

During his transcribed interview with the Committees, James Biden testified that he accepted substantial loans from Mr. Hynansky and admitted he still owes him \$97,000.⁸³⁸ James Biden testified:

Q. . . . It's been publicly reported that Mr. Hynansky has given you approximately \$900,000 in loans. Does that sound like a fair and accurate estimate?

A. Yes.

Atty. No. That seems quite high, actually.

Q. But he just said yes.

Atty. I know, but I—

A. No, I mean, I don't know.

⁸³² Bank record on file with Committees; CorporationWiki, *Winner Imports Inc.* (last accessed on Nov. 8, 2023).

⁸³³ Ben Schreckinger, *Donor with deep Ukraine ties lent \$500,000 to Biden's brother*, POLITICO (Aug. 15, 2019); see also *Official Records*, COLLIER CNTY. CLERK OF THE CIR. CT. & COMPTROLLER, <https://cor.collierclerk.com/coraccess/search/document> (search party name "James Biden" or instrument number "5128966") (last visited May 15, 2024).

⁸³⁴ Ben Schreckinger, *Donor with deep Ukraine ties lent \$500,000 to Biden's brother*, POLITICO (Aug. 15, 2019).

⁸³⁵ *Id.*

⁸³⁶ *Id.*

⁸³⁷ Ben Schreckinger, *Donor with deep Ukraine ties lent \$500,000 to Biden's brother*, POLITICO (Aug. 15, 2019); see also *Official Records*, COLLIER CNTY. CLERK OF THE CIR. CT. & COMPTROLLER, <https://cor.collierclerk.com/coraccess/search/document> (search party name "James Biden" or instrument number "5515357") (last visited May 15, 2024).

⁸³⁸ James Biden Interview at 172-75.

- Atty. But, no, because those loans are documented, and . . . that does not seem correct, from what we know.
- A. I know I have an outstanding balance of—I think it’s \$97,000 . . . that I still owe him.
- Q. Okay. So, if \$900,000 isn’t an accurate representation, what would be a closer to accurate representation?
- Atty. We believe it’s half of that, but Mr. Hynansky might be right.⁸³⁹

According to his testimony, James Biden claimed Mr. Hynansky has given him \$900,000 in loans; however, his attorney backtracked, stating that the amount is “half of that.”⁸⁴⁰ His attorney’s reasoning for believing the loans are lower is because “those loans are documented.”⁸⁴¹ The conflicting statements from James Biden and his lawyer suggest that Mr. Hynansky may have loaned approximately \$900,000 in total to James Biden, only half of which is documented.

Mr. Hynansky not only formed a close relationship with James Biden, but also with Joe Biden. During a speech in Ukraine in 2009, Vice President Biden called Mr. Hynansky “my very good friend.”⁸⁴² In his testimony, James Biden confirmed that Joe Biden and Mr. Hynansky had a close relationship. In fact, James Biden explained that Mr. Hynansky was also a “financial supporter” of Joe Biden’s campaigns.⁸⁴³ James Biden testified:

- Q. And, in 2009, while your brother was Vice President, he made a speech in Ukraine and called John Hynansky a “good friend” in his speech. Is that an accurate representation?
- A. Yeah. I mean . . . a good friend, a good acquaintance, a supporter. You know, he wrote a check for . . . one of his campaigns for . . . the \$2,500 or \$2,300, whatever it was. He may have, you know—
- Q. So he was a supporter of your brother as well?
- A. He was a supporter of my brother, yes.
- Q. He was a financial supporter of his campaigns.

⁸³⁹ *Id.* at 172, 174-75.

⁸⁴⁰ *Id.* at 174-75.

⁸⁴¹ *Id.* at 175.

⁸⁴² Remarks by Vice President Biden in Ukraine, The White House (July 22, 2009).

⁸⁴³ James Biden Interview at 174.

A. Yes. Correct. Yes.⁸⁴⁴

Mr. Hynansky appears to have benefited from this relationship as well. According to public reporting, the Biden Administration helped Mr. Hynansky’s business empire prepare for Russia’s invasion of Ukraine by “placing calls to his top executive in [Kyiv] 13 days in advance of Russian tanks crossing the border.”⁸⁴⁵ To date, Mr. Hynansky has declined the Committees’ request to sit for a transcribed interview regarding the money he loaned to Biden family members.⁸⁴⁶

iii. Long-time Biden family friend Joseph Langston paid over \$200,000 to James and Sara Biden, claiming he chose not to recoup the money to maintain his friendship with the Biden family.

James Biden also appears to have received significant loans from long-time Biden family friend Joseph Langston. During his interview with the Oversight and Judiciary Committees on February 1, 2024, Mr. Langston testified that he has been friends with the Biden family, including President Biden, since the late 1990s.⁸⁴⁷ Mr. Langston testified that he fundraised and attended multiple campaign events for then-Senator Biden and even took him to a college football game.⁸⁴⁸ Mr. Langston testified:

Q. Did you ever host events, any events for Mr. Biden?

A. Yes, I did host a dinner up at Pickwick. It wasn’t a fundraiser. He had gone to a fundraiser in Mississippi, and I have a home up at the—Pickwick is a lake near here. It’s on the Tennessee river, and they have a historical restaurant there. So I invited the Bidens. It was Jim, Joe, and I believe it was Beau came up, and they went to dinner with a lot of friends of mine. But we didn’t raise money.

Q. And when was this?

A. I’d say this was early 2000s, something like that. Maybe late ’90s.

Q. So, at some point, Mr. Patterson introduces you to the Bidens. You began getting involved with fundraising, campaigning for Mr. Biden. But it sounds like, at some point, you kind of built a relationship of your own with the Bidens.

⁸⁴⁴ *Id.*

⁸⁴⁵ Paul Sperry, *All About Ukraine Auto Magnate and Joe Biden Megadonor John Hynansky*, REAL CLEAR INVESTIGATIONS (Apr. 26, 2023).

⁸⁴⁶ See Letter from Rep. Jim Jordan, Chairman, H. Comm. on Judiciary and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to John Hynansky (Nov. 9, 2023).

⁸⁴⁷ Transcribed Interview of Joey Langston, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 20-21 (Feb. 1, 2024) [hereinafter “Langston Interview”].

⁸⁴⁸ Langston Interview at 23-26.

When did that transform to when you could just pick up the phone and call the Bidens and invite them down to dinner and they would come?

A. Well, they would come if they were available. . . . I can assure you they didn't cancel anything for me. But I did have my own relationship with them, yes. And I considered them both friends. And it was a comfortable friendship because I never made any demands on them, nor did they make demands on me.

Q. And you don't recall when you built that relationship?

A. I'd say it was starting in the mid- to late '90s. . . . I've known the Bidens for I want to say over 30 years. I'm estimating.⁸⁴⁹

In 2008, Mr. Langston pled guilty to conspiring to bribe a state court judge to receive a favorable ruling in a civil lawsuit.⁸⁵⁰ Mr. Langston claimed that he has not spoken to President Biden since getting into legal trouble.⁸⁵¹

However, based upon this close friendship with President Biden and his family, Mr. Langston maintained his connections with James Biden, who has monetarily benefited from their relationship.⁸⁵² In fact, Mr. Langston provided James Biden with numerous loans, namely to his consulting firm Lion Hall Group, made with the hope that their joint business ventures would take off and he would be paid back.⁸⁵³ Mr. Langston testified that he did not know why James Biden needed the money, other than James Biden telling him he needed the money to maintain his livelihood.⁸⁵⁴ When asked about the first time Mr. Langston provided James Biden a loan, he explained:

I presume that you're talking about 04/18/2016. If I had loaned money to him prior to that, I just don't remember that I did, because . . . here was the thing. Jimmy and I pursued some business interests together, and whenever we were pursuing business interests together, then at times I would, because I could, help him with the money it took to live, travel, pursue business interests. I would loan money in hopes of, and in anticipation of, whatever business interests we were pursuing would pay off, and he could pay me back. So that's how it worked. And I know it doesn't sound . . . like a very good businessman not to be more specific about it, but, you know, I

⁸⁴⁹ *Id.* at 23-24.

⁸⁵⁰ Ashley Elkins, *We tried to influence judge, Langston says*, DAILY JOURNAL (Jan. 18, 2008).

⁸⁵¹ Langston Interview at 24-25.

⁸⁵² See Langston Interview at 24-25, 52-53, 55-62, 65-68.

⁸⁵³ *Id.* at 51-53.

⁸⁵⁴ *Id.*

was loaning money to a friend. And he wasn't the only friend I ever loaned money to.⁸⁵⁵

Mr. Langston understood that Sara and James Biden's Lion Hall Group did "[c]onsulting work . . . in practice, general consulting to help people who were seeking help on how to navigate . . . Washington."⁸⁵⁶ However, Mr. Langston could not remember if James Biden's firm actually had an office, and stated that if he had office space, he was unaware of it.⁸⁵⁷ Mr. Langston equated sending the money to the Lion Hall Group as the same as sending money directly to James Biden.⁸⁵⁸ He testified:

- Q. And my question is: You're talking about these payments for Jim Biden for life, for his kids . . . to just get by. My question is: Did Jim have you pay the Lion Hall Group? . . . Or why were the payments going to the Lion Hall Group?
- A. You know, I wondered that myself . . . I can't remember why it went to the Lion Hall Group, but, you know, I considered it going to the Lion Hall Group and going to Jim as practically the same thing.⁸⁵⁹

On April 18, 2016, Mr. Langston sent \$100,000 to James Biden through the Lion Hall Group.⁸⁶⁰ Mr. Langston testified that he could not remember why James Biden needed the money.⁸⁶¹ Mr. Langston stated:

- Q. And what was the nature of the \$100,000 wire that you sent the Lion Hall Group?
- A. That was probably a loan. I don't remember specifically what it was, but from time to time, Jimmy asked me to loan money to him, and I would. And I don't remember that specifically on that one, but I do know that I . . . at times, loaned money to him.⁸⁶²

The \$100,000 loan was not the only loan that Mr. Langston provided James Biden. While this may have been the largest amount of money James Biden requested, Mr. Langston provided several other five-figure loans in 2016 during Vice President Biden's last year in office.⁸⁶³ Mr.

⁸⁵⁵ *Id.* at 52-53.

⁸⁵⁶ *Id.* at 51-52.

⁸⁵⁷ *Id.* at 51.

⁸⁵⁸ *Id.* at 59.

⁸⁵⁹ Langston Interview at 59.

⁸⁶⁰ *Id.* at 52; Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Joseph Langston (Nov. 9, 2023).

⁸⁶¹ Langston Interview at 51-53.

⁸⁶² *Id.* at 52.

⁸⁶³ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Joseph Langston (Nov. 9, 2023).

Langston testified that James Biden told him “he needed money for just maintaining his livelihood.”⁸⁶⁴ The Committees uncovered five loans that Mr. Langston provided to James Biden directly or through the Lion Hall Group in 2016 and 2017 that totaled \$212,000.⁸⁶⁵

<u>Date</u>	<u>Originating Account</u>	<u>Beneficiary Account</u>	<u>Transfer Method</u>	<u>Amount</u>
4/18/2016	Langston Law Firm Consulting, Inc.	The Lion Hall Group	Wire	\$100,000
9/22/2016	Langston Law Firm Consulting, Inc.	The Lion Hall Group	Wire	\$34,000
9/30/2016	Langston Law Firm Consulting, Inc.	Jim Biden	Check stating “Loan”	\$16,000
10/26/2016	Langston Law Firm Consulting, Inc.	The Lion Hall Group	Wire	\$37,000
6/16/2017	Langston Law Firm Consulting, Inc.	The Lion Hall Group	Wire	\$25,000
				\$212,000

Mr. Langston confirmed that the wire transfers the Committees uncovered between the Langston Law Firm Consulting, Inc. and the Lion Hall Group were essentially personal loans to James Biden.⁸⁶⁶ Although these were not small wire transfers, and James Biden has not repaid Mr. Langston in full, Mr. Langston claims not to have any documents supporting the loans.⁸⁶⁷ Mr. Langston testified:

Q. Did you have a promissory note for the \$100,000 loan?

A. At some point I had a promissory note, and I can’t remember when it was, and I have turned this place upside down looking for it. On my phone, I’m a serial deleter, is what I call myself. But if I have a call and I complete the call, I’ll delete it, you know. Our text message, same way. . . . I’m certain I had a note with Jim and Sara for money I loaned them at some point, and I wish I could produce it to you. . . . It’s going to be standard operating procedure. I’m loaning you this money. You’re paying me back and so forth and so on. But I don’t have it. I’ll continue to look for it. If I come up with it, I’ll send it to you.

Q. Okay. But sitting here today, you don’t have any documentary evidence for the \$100,000 note?

A. I don’t.

Q. Okay. What about for the \$34,000 loan?

A. No.⁸⁶⁸

⁸⁶⁴ Langston Interview at 62.

⁸⁶⁵ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Joseph Langston (Nov. 9, 2023).

⁸⁶⁶ Langston Interview at 59.

⁸⁶⁷ *Id.* at 56-59.

⁸⁶⁸ *Id.* at 56-57.

In other words, Mr. Langston explained that he would dispose of documentation when he was either paid or when he did not intend to pursue repayment from someone, as he did with James Biden.⁸⁶⁹

In addition to these general loans to James Biden, Mr. Langston gave another loan to James Biden for his Florida home.⁸⁷⁰ Mr. Langston stated:

Q. And then separately, based upon your prior testimony, it sounds as if there was a loan to James Biden for a property that was in Florida that may have undergone some damage. Do I have that correct?

A. Correct.

Q. But sitting here today, you couldn't tell us the exact amount for that particular loan, but the approximate amount I believe, correct me if I'm wrong, would have been in the hundreds of thousands of dollars. Do I have that right?

A. Yes.⁸⁷¹

According to James Biden, the reason he received these loans from Mr. Langston is “because [he] was in financial distress.”⁸⁷² Specifically, James Biden testified:

Q. Can you tell the committee why you received those loans?

A. Because I was in financial distress. . . .

* * *

The point is, I said, Joey, I am anticipating getting a substantial amount of money in the immediate short term. And . . . I was supposed to be paid from a deal—okay?—that didn't materialize, and it was supposed to be a done deal. A deal ain't done until it's done. . . . And so I said, I feel that I'll be able to pay you back this within the next, you know, 3 to 6 months, something like that. And he said, well, how much? And I said, you know, \$400,000. And then he said, no problem. And so I borrowed the 400,000 from him. And I paid this obligation that I had that was of a personal nature. . . . I subsequently paid him back his \$400,000. And it wasn't

⁸⁶⁹ *Id.*

⁸⁷⁰ *Id.* at 73.

⁸⁷¹ *Id.*

⁸⁷² James Biden Interview at 169.

a document, a written document, but he loaned me, personally, as a friend. And there was some interest that accrued. It was interest-related. You know, I mean, I don't know, it was 6 percent or something like that. And I haven't, to date, been able to pay him back the full amount.⁸⁷³

Mr. Langston could not quantify how many business ventures he and James Biden undertook but testified that he fronted all the money for the ventures—James Biden's role was to make the introductions.⁸⁷⁴ He stated:

Q. I just want to go back to the loans that you provided to Mr. James Biden. We provided you with documents prior to today. Some of them were the four wires that were discussed and one check I believe for \$16,000. We see no money going back from James Biden back to you in any form for these particular payments. It's our understanding that he did not repay any of the loans for these specific payments. Do we have that correct?

A. That's correct. And . . . my thinking on that was that those loans were made while we were pursuing business ventures. The business ventures never were successful for us. Now, I think at least Earth Care is still open, but when it became evident that we were not going to make any money on Earth Care matters, for example, then I really never intended to pursue collection of monies that I advanced by loan to Jimmy Biden during our pursuit of that business.⁸⁷⁵

In each of these ventures, James Biden never fronted any money because he was already borrowing money from Mr. Langston to stay afloat while they were pursuing business opportunities.⁸⁷⁶ Specifically, Mr. Langston stated:

Q. And how many ventures did the two of you [have]?

A. I'll tell you, it's hard to say. . . .

Q. And did you front any money for any of them?

A. To Jimmy?

Q. For any venture.

⁸⁷³ *Id.* at 169-71.

⁸⁷⁴ Langston Interview at 76-77.

⁸⁷⁵ *Id.* at 72-73.

⁸⁷⁶ *Id.* at 76-77.

A. I'm sure that I did. You know, practically all new businesses are looking for raising money, and, you know, we talked about trying to franchise Earth Care, but we never really got off the ground there. So I'm sure I advanced some money, but I don't remember specifically what or to whom.

Q. Did he?

A. I don't think so. He was borrowing money from me just to keep going while we were pursuing these things.

Q. What did he bring to the table?

A. Well, first of all, he brought the introduction for me. . . . He brought the business prospect to me. I didn't bring it to him and ask him as partner. He brought it to me.⁸⁷⁷

In essence, Mr. Langston found James Biden's value was in bringing him the business opportunities, while Mr. Langston fronted the money.⁸⁷⁸

Mr. Langston estimated that he has possibly loaned James Biden around \$800,000 but has only been repaid \$400,000.⁸⁷⁹ During his transcribed interview, Mr. Langston stated that he no longer has any documents that were used to execute the loans, though he maintains the loans were "standard."⁸⁸⁰ Mr. Langston estimated that James Biden still owes him roughly \$300,000 to \$400,000.⁸⁸¹ Even with this large outstanding balance, Mr. Langston testified that he never made any formal collection efforts.⁸⁸² During his transcribed interview with the Committees, James Biden, through his counsel, confirmed the amount of money he received from, and still owes, to Mr. Langston.⁸⁸³ When asked about the loans, James Biden's counsel acknowledged:

Q. We interviewed Joey Langston. . . . I'm just paraphrasing this—that he loaned you—he said approximately, I believe, around \$800,000 or so. He didn't have an exact amount.

Atty. That's not inconsistent with what we believe.

Q. And that you had paid back approximately half or \$400,000, I believe is what he said.

Atty. Also not inconsistent with what we believe.⁸⁸⁴

⁸⁷⁷ *Id.* at 76-77.

⁸⁷⁸ *Id.*

⁸⁷⁹ *Id.* at 65-68.

⁸⁸⁰ *Id.* at 55-57.

⁸⁸¹ *Id.* at 68.

⁸⁸² *Id.* at 57-58.

⁸⁸³ James Biden Interview at 169-71.

⁸⁸⁴ *Id.* at 171.

Although James Biden acknowledged that he has not paid Mr. Langston back in full, he did not explain when or if he intends to pay his outstanding debt. Rather, he joked that he still felt responsible to pay Mr. Langston back “once [he is] in a position [to] . . . after these usurious legal feels and all the other things that [he’s] been involved in.”⁸⁸⁵

Based upon Mr. Langston’s testimony, the “loans” James Biden received from Mr. Langston years ago can now effectively be considered gratuitous financial aid. Mr. Langston admitted as much when he testified that he chose not to recoup the remaining loans owed to him so that he could keep his friendship with James Biden.⁸⁸⁶ Although Mr. Langston testified that he has not spoken to a member of the Biden family since President Biden took office as president, he still considers them friends.⁸⁸⁷ Mr. Langston stopped working with James Biden sometime between 2017 and 2018—after Joe Biden left the vice presidency.⁸⁸⁸

Overall, there were multiple sources of funding that James Biden exploited over the years due to his relationship to his brother, President Biden. Public reporting and evidence gathered by the Committees strongly suggest that but for President Biden’s foreign and domestic connections he made throughout his political career, James Biden would not have received money for business ventures or personal loans previously discussed above.⁸⁸⁹

B. Democrat donor Kevin Morris has loaned \$6.5 million to Hunter Biden in order to protect Joe Biden’s presidential campaign.

Benefits to the Biden brand have also come in the form of protecting the family from criminal and financial distress—a responsibility taken up by Hunter Biden’s friend and entertainment attorney Kevin Morris.⁸⁹⁰

i. A fellow Biden donor connected Kevin Morris to Hunter Biden at a fundraiser for Joe Biden’s presidential campaign.

Mr. Morris first met both Hunter Biden and then-former Vice President Biden in November 2019 at a fundraiser in California for Joe Biden’s presidential campaign hosted by Lanette Phillips.⁸⁹¹ Mr. Morris donated money to Joe Biden’s presidential campaign in order to attend the event.⁸⁹² A week later, Mr. Morris met Hunter Biden for the second time and testified

⁸⁸⁵ James Biden Interview at 171. Following this statement, James Biden and his counsel both stated, “[t]hat was a joke.” *Id.*

⁸⁸⁶ Langston Interview at 58.

⁸⁸⁷ *Id.* at 24-25.

⁸⁸⁸ *Id.* at 76.

⁸⁸⁹ See, e.g., Ben Schreckinger, *Fund manager indicates Jim Biden was in business with Qatari officials*, POLITICO (Apr. 28, 2024); Joseph N. Distefano, *Joe Biden’s Friends and Backers Come Out on Top—at the Expense of the Middle Class*, THE NATION (Nov. 7, 2019); Ben Schreckinger, *Biden Inc.*, POLITICO (Aug. 2, 2019); Langston Interview at 21, 24–25.

⁸⁹⁰ See, e.g., Miranda Devine, Majorie Hernandez, and Patrick Reilly, *Hollywood lawyer paid off over \$2M of Hunter Biden’s delinquent taxes*, N.Y. POST (May 8, 2022); Zachery Leeman, *Meet Kevin Morris, Hunter Biden’s ‘Sugar Bro’ Hollywood Agent and Bankroller*, THE MESSENGER (Dec. 8, 2023).

⁸⁹¹ Morris Interview at 16-17.

⁸⁹² *Id.*

that during that meeting, he began his legal representation of Hunter Biden.⁸⁹³ During his transcribed interview with the Committees, Mr. Morris testified:

Q. What triggered the events that led you to then speaking with Hunter Biden again?

A. Lanette . . . called her friend, my accountant, and asked if I would go see Hunter. And I think I talked to her then. She said he's got some entertainment-ish issues and would I go talk to him.

* * *

Q. Did Lanette Phillips on that phone call bring up anything else other than just Hunter Biden's entertainment issues?

A. No. I mean, it was pretty obvious . . . he had other issues going on.

Q. What happened after she asked if you'd talk with him? Did you get his phone number? Or how did that proceed from there?

A. No, she set it up. A few days later . . . I went to his house and met him.

* * *

[W]hen I first got there, I wanted to look at his art. I'm an art collector and at that time I knew it was important to him. After we met, we spent a while looking through his stuff. I was impressed. And then . . . I met Melissa and saw that she was . . . pregnant. She made us some tea or whatever. And then Hunter and I just began a very long talk. And I just said, "Tell me what's going on." And then we spoke for five hours. And, you know, I began representing him at that moment. And . . . my understanding of the rules of professional responsibility and so forth is that's how you do it. That's how you can do it.⁸⁹⁴

During his transcribed interview, Mr. Morris refused to provide specific information about his representation of Hunter Biden.⁸⁹⁵ Rather, Mr. Morris interpreted his legal representation as all-encompassing, frequently using the attorney-client privilege to not answer

⁸⁹³ *Id.* at 18, 20-22.

⁸⁹⁴ *Id.*

⁸⁹⁵ *Id.* at 22-24, 38-39, 41-43.

the Committees' questions, even though he has never represented Hunter Biden in legal proceedings with respect to any of his numerous legal issues.⁸⁹⁶ When asked about what in his legal experience would make him a good match for representing Hunter Biden in his various legal matters, Mr. Morris testified:

Q. And I just want to get into your practice as a lawyer. How many notices of appearances have you filed in Federal or State court in the past three years for clients?

A. Thank God, none.

Q. How many depositions have you represented clients in any capacity in the past three years or so?

A. In the past three years?

Q. Yeah.

A. None.

Q. Have you appeared in any courts on behalf of Hunter Biden or any other clients in the past three years?

A. No, I don't do that

Q. It's fair to say you're not a tax lawyer either, correct?

A. Fair.

* * *

Q. [I]n the past three to five years, you never represented a Federal criminal defendant?

A. No.

Q. And you're not a divorce lawyer either? Is that correct?

A. That's correct.

Q. And you're not an expert on State court proceedings in Arkansas regarding alimony. Would that be correct?

* * *

⁸⁹⁶ *Id.* at 22-24.

A. I'm not admitted in Arkansas. It doesn't mean I don't know, I'm not familiar with the proceedings of courts in Arkansas.

Q. So what specific matters do you represent Hunter Biden in then? If you don't do any of those things, which many of them Hunter Biden is now going through legally, what is it that you represent him in? And the reason this is important is because you're . . . saying you can't answer a question because of privilege issues. So I think it's fair for us to fully understand, what are the contours of your representation of Hunter Biden?

A. Counsel, in my job I represent high-profile individuals. . . . [H]igh-profile individuals have basically virtual corporations. And in those virtual corporations, they have all kinds of staff and assistants. You know, agents and managers . . . publicists. You know, whatever. And what I do is I oversee . . . sort of the squad. Sort of like a general counsel. But I am involved in everything. I am involved in everything. And the same is with Hunter. If you check my retainer agreements, you'll see that it's not – it says all matters. And that's it.⁸⁹⁷

Contrary to his testimony about his legal work, Mr. Morris mostly provided the Committees with information related to the financial assistance he has given Hunter Biden within a month of meeting him.⁸⁹⁸ More specifically, Mr. Morris discussed the various payments he quickly began to make for Hunter Biden and his alleged motivations for doing so.⁸⁹⁹

ii. Mr. Morris provided extraordinary financial assistance to Hunter Biden leading up to and immediately after the 2020 presidential election.

Mr. Morris testified that he has made numerous payments to third-party vendors on Hunter Biden's behalf in order to facilitate Hunter Biden's lavish lifestyle.⁹⁰⁰ These payments were "loans" for Hunter Biden to fund a new residence in Venice, California, remedy the "upside down" payments on his Porsche, pay his debts to the IRS, and hire security, among other "basic living expenses."⁹⁰¹ With regards to his loan payments to Hunter Biden, Mr. Morris testified:

Q. . . . You're loaning money to Hunter Biden, correct?

A. Correct.

⁸⁹⁷ *Id.*

⁸⁹⁸ *See id.* at 29-30 ("I started lending Hunter Biden money. That was almost always direct payments to third-party vendors. And yeah . . . it was within a month.").

⁸⁹⁹ *Id.* at 29-30, 52-53, 77-78.

⁹⁰⁰ *Id.* at 29-30, 52-53, 77-78, 110-12.

⁹⁰¹ *Id.* at 29-30, 37-38, 52-53, 77-78, 106-07, 110-12.

- Q. . . . [I]f I were to go get a loan, sometimes you have to tell the bank, “Hey, I’m getting this loan for my house. I’m getting this loan for my car.” So each time that Hunter Biden gets a loan from you, does he have to come to you and tell you what he’s getting that loan for?
- A. . . . Hunter doesn’t come to me. He’s never asked me for anything. I’ve done these things voluntarily. I have an idea of what they were, and I keep a record. And the ones that are absolutely necessary I take care of with a loan.⁹⁰²

Mr. Morris explained that the loans were made in the form of approximately five promissory notes that were standard issue and interest-bearing with a maturity date set for Hunter Biden to begin repaying on them in 2025.⁹⁰³ However, Mr. Morris also stated that as the note holder, he would “decide how to enforce my rights” if the money he loaned to Hunter Biden was not repaid.⁹⁰⁴ Surprisingly, Mr. Morris testified that he has executed some of these loans prior to executing the proper promissory notes with Hunter Biden.⁹⁰⁵ Mr. Morris stated:

- Q. So you advanced money to Hunter, and then you would later formalize it into promissory notes?
- A. . . . [I]n terms of documentation, we catch it up, which is consistent with things I’ve done often. But it’s all to date. You know, it’s all documented. I guess that’s all.
- Q. So the loans are all documented?
- A. Well-documented.
- Q. What are the terms of the loans to Hunter?
- A. You know, I’ve—the terms of a promissory note have glossed over, but what I do know—you know, every lawyer knows—it has an interest rate, it has a term, and . . . some default provisions.
- Q. So when you say interest rate, do you have a sense of how much that is?
- A. It’s whatever the legal requirement is. 5 percent jumps to my head.

⁹⁰² *Id.* at 37.

⁹⁰³ *Id.* at 75-76, 112.

⁹⁰⁴ *Id.* at 105.

⁹⁰⁵ *Id.* at 75-76, 145.

- Q. And you said there's a default provision. Does that mean that if Hunter doesn't make payments on time that there's some sort of penalty for him?
- A. Yeah. There's a standard, you know, if . . . you don't pay, there's . . . the rights you have in the event of a default. It's pretty standard stuff.
- Q. So all of the terms of this loan are standard?
- A. Correct, very standard.
- Q. You said earlier that Hunter has to start making repayments starting in 2025. Is that right?
- A. Yeah.
- Q. Why not sooner?
- A. . . . I'm not required to ask for it sooner, and that's the business deal we made—our lawyers made.
- Q. So you said your lawyers made this deal. So is it fair to say your lawyer negotiated with Hunter's lawyer?
- A. I play a lawyer on TV. I'm not really a lawyer. Yeah, I have lawyers for lots of things.⁹⁰⁶

After his interview, on January 25, 2024, Mr. Morris, through his attorneys, provided the Committees with additional information pertaining to these promissory notes. As laid out in his attorneys' letter, Mr. Morris has loaned Hunter Biden large amounts of money in increments ranging between \$640,355 to \$2,600,000.⁹⁰⁷ Mr. Morris confirmed that he loaned the money to Hunter Biden before formalizing it in a legally enforceable document.⁹⁰⁸

⁹⁰⁶ *Id.* at 75-76.

⁹⁰⁷ See Letter from Bryan Sullivan, Attorney, Early Sullivan Wright Gizer & McRae LLP, to Oversight Committee Staff (Jan. 25, 2024).

⁹⁰⁸ Morris Interview at 145-46.



EARLY
SULLIVAN
WRIGHT
GIZER &
MCRAE LLP
ATTORNEYS AT LAW

[REDACTED]
January 25, 2024

VIA EMAIL ONLY

[REDACTED], Esq.
General Counsel
Committee on Oversight and Accountability
U.S. House of Representatives
[REDACTED]

Re: Kevin Morris Transcribed Interview

Dear Mr. [REDACTED]:

This letter responds to your January 23, 2024 email requesting some follow up information about questions asked at Mr. Morris's January 18, 2024 transcribed interview. Below is the information you requested.

As to the dates, amounts, and payment terms of the loans made by Mr. Morris to Mr. Biden, they are as follows:

- October 13, 2021 loan for \$1,417,634 to be repaid as follows: (i) \$500,000 on October 1, 2025; (ii) \$500,000 on October 1, 2026; (iii) \$417,634 on October 1, 2027; and (iv) all previously accrued and unpaid interest on October 1, 2027.
- October 15, 2021 loan for \$2,600,000 to be repaid as follows: (i) \$500,000 on October 1, 2025; (ii) \$500,000 on October 1, 2026; (iii) \$500,000 on October 1, 2027; (iv) \$500,000 on October 1, 2028; (v) \$600,000 on October 1, 2029; and (vi) all previously accrued and unpaid interest on October 15, 2029. This loan was used to pay, among other debts, Mr. Biden's tax debt to the IRS.
- October 17, 2022 loan for \$640,355 to be repaid as follows: (i) \$100,000 on October 15, 2025; (ii) \$100,000 on October 15, 2026; (iii) \$440,635 on October 15, 2027; and (iv) all previously accrued and unpaid interest on October 15, 2027.
- December 30, 2022 loan for 685,813.99 to be repaid as follows: (i) \$100,000 on October 15, 2025; (ii) \$100,000 on October 15, 2026; (iii) \$485,813.99 on October 15, 2027; and (iv) all previously accrued and unpaid interest on October 15, 2028.
- December 29, 2023 loan for \$1,218,609.81 to be repaid as follows: (i) \$100,000 on October 15, 2025; (ii) \$100,000 on October 15, 2026; (iii) \$1,018,609.81 on October 15, 2028; and (iv) all previously accrued and unpaid interest on October 15, 2029.

As negotiated by separate attorneys for Mr. Morris and Mr. Biden, each of these notes has an interest rate of 5%, a set payment term, and were negotiated by separate attorneys for Mr. Morris and Mr. Biden.

In addition, Mr. Morris's acquisition of Skaneateles, LLC was consummated in a written agreement, negotiated by separate attorneys representing Mr. Morris and Mr. Biden, dated November 17, 2021. While it has been reported that Mr. Biden paid approximately \$420,000 for the investment, Mr. Morris's purchase price was only the assumption of the remaining debt of \$157,729.69 that Skaneateles and Mr. Biden owed from their acquisition of Skaneateles' sole asset. Furthermore, Mr. Biden does not have any right to re-purchase the membership interests of Skaneateles, LLC, or any portion thereof, from Mr. Morris.

We already have seen Chairman Comer and other Members ignore the request we made to refrain from mischaracterizing Mr. Morris' testimony in a public statement. One more time—I am asking that this letter and its information not be released out of its context of the questions and answers Mr. Morris gave at his transcribed interview on January 18, 2024.

Nothing in this letter shall be considered a waiver of any of my client's rights, objections, or claims, all of which are expressly reserved.

Very truly yours,
[REDACTED]
[REDACTED]

of EARLY SULLIVAN WRIGHT GIZER & MCRAE LLP

Part of Mr. Morris’s stated rationale for loaning Hunter Biden millions of dollars was the fear that he would not be able to maintain his sobriety and relapse.⁹⁰⁹ Further, Mr. Morris claimed that he has provided loans to other friends as well who were “starting out who need a downpayment for their house.”⁹¹⁰ However, Hunter Biden’s sobriety and Mr. Morris’s desire to help a friend were not the only concerns. Mr. Morris admitted that if Hunter Biden relapsed, he feared that it would have the greatest effect on Joe Biden as he campaigned for president.⁹¹¹

Mr. Morris carefully reiterated during his interview that he made payments directly to third parties on Hunter Biden’s behalf rather than giving Hunter Biden money to handle on his own.⁹¹² However, Mr. Morris would not explain to the Committees how he knew when Hunter Biden needed financial assistance.⁹¹³ Mr. Morris testified:

Q. . . . You said Hunter never asked for anything. And so the question that I’m left with in my mind is, how did you know, for instance, that the IRS debt was 190 or that the Porsche debt, the financing for the car, was upside down and there was \$11,000, or other of the payments that you said that you lent to him, that you were paying directly to the providers? How did you know that those were loans or that those were necessary at that time?

* * *

A. I’m not going to talk about anything I discussed with Hunter. But I would—I don’t know. I was in—from day one, I was in his life completely and I knew what was going on . . . all the issues, you know, from a lot of sources.⁹¹⁴

Regardless of how Mr. Morris learned of Hunter Biden’s financial difficulties, evidence suggests that he was gravely concerned about quickly solving them—most notably Hunter Biden’s outstanding tax returns.⁹¹⁵

iii. Mr. Morris held a “crisis meeting” about Hunter Biden’s tax debt because it posed a “considerable risk personally and politically.”

According to documents SSA Shapley and SA Ziegler produced to the Ways and Means Committee, Mr. Morris held a “crisis meeting” around January 23, 2020, fearing the personal and

⁹⁰⁹ *Id.* at 78.

⁹¹⁰ *Id.* at 69.

⁹¹¹ *Id.* at 78.

⁹¹² *Id.* at 29-30, 78.

⁹¹³ *Id.* at 37-38, 89-90.

⁹¹⁴ *Id.* at 89-90.

⁹¹⁵ See H. Comm. on Ways & Means, Exhibit 607A: Emails Between Kevin Morris, Tory Schmidt, Lindsay Wineberg, George Mesires, Shep Hoffman, and Hunter B, Subject: Return. (Feb. 7, 2020) [Hereinafter “Exhibit 607A”].

political “risk” that Hunter Biden faced due to his delinquent tax returns.⁹¹⁶ Following the meeting, Mr. Morris sent a February 7 email to Troy Schmidt, a Biden family accountant, cryptically stating the “[e]mergency is off for today,” but that they still needed to file the tax returns days later.⁹¹⁷

Exhibit 607A

From: Troy Schmidt [REDACTED]
To: Kevin Morris
Sent: 2/7/2020 5:37:31 PM
Subject: RE: Return

Kevin,

Thank you. We will continue to press ahead with completing the returns and will be sending drafts later today for review by you and tax counsel. In this regard, do you have a new address or PO Box number for RHB? We need an address to use on his individual and corporate returns.

Troy

Troy Schmidt
Edward White & Co., LLP
Certified Public Accountants

-----Original Message-----
From: Kevin Morris [REDACTED]
Sent: Friday, February 07, 2020 12:19 PM
To: Troy Schmidt [REDACTED]
Cc: Lindsay Wineberg [REDACTED]; George R. Mesires [REDACTED]; Shep Hoffman [REDACTED]; Hunter B [REDACTED]
Subject: Return

Emergency is off for today. Still need to file Monday- we are under considerable risk personally and politically to get the returns in. Sorry for the pressure earlier. Please send the issues list ASAP.

Thanks for all.

During his interview with the Committees, Mr. Morris claimed that the emergency referenced in the email was in relation to the possibility that Hunter Biden could be called to testify during the 2019 impeachment investigation, but Mr. Morris was unable to define how this could present a “political” risk.⁹¹⁸

During an interview with IRS agents, Mr. Schmidt, Hunter Biden’s accountant, recounted to the Justice Department and IRS agents that Mr. Morris had only “first appeared two days

⁹¹⁶ See H. Comm. on Ways & Means, Ziegler Supplemental Affidavit 6 at 4-5 [Hereinafter “Ziegler Supplemental Affidavit 6”]; H. Comm. on Ways & Means, Exhibit 607: Memorandum of IRS Interview of Troy Schmidt (Nov. 16, 2021) [Hereinafter “Exhibit 607”].

⁹¹⁷ Exhibit 607A.

⁹¹⁸ Morris Interview at 137-40.

prior” to this two-and-a-half hour meeting.⁹¹⁹ Additionally, Mr. Schmidt recalled that there were at least ten people at the meeting, and he originally thought that they would be discussing the preparation of Hunter Biden’s tax returns, but that was not the case.⁹²⁰ It appears that the considerable political risk Mr. Morris referred to was associated with then-presidential candidate Joe Biden and the upcoming 2020 Super Tuesday primary elections that occurred only weeks later.⁹²¹

Mr. Morris further embroiled himself in Hunter Biden’s tax evasion through the immense loans he provided Hunter Biden to pay his taxes. During his testimony before the Committees, Hunter Biden confirmed that Mr. Morris loaned him a substantial sum of money. He testified:

Q. And you also have over \$6.5 million loans with Kevin Morris, correct?

A. I do not know the exact amount that I have with Kevin Morris, but, yes, I have loans with Kevin Morris.⁹²²

Of the more than \$6 million Hunter Biden is estimated to owe Mr. Morris, over \$1.9 million of the debt was accumulated when Mr. Morris chose to pay off the tax liabilities Hunter Biden had failed to pay.⁹²³ This is supported by evidence evaluated by SA Ziegler, who testified to the Ways and Means Committee that “Hunter [Biden] did not pay his delinquent taxes. Kevin Morris did.”⁹²⁴ However, SA Ziegler was wrongfully prevented from looking further into Mr. Morris’s motivations.⁹²⁵ SA Ziegler testified to the Ways and Means Committee:

A. So looking at this big-picture wise, this wasn’t about enriching one person. This was about enriching a family. A family that—this family benefitted from the last name Biden. And that is what this is about. It is not specifically one person. And then where we come in, it is pay your taxes on that money.

Q. Right.

A. Pay your taxes owed to the government.

⁹¹⁹ See Exhibit 607 at 4.

⁹²⁰ See *id.*

⁹²¹ See Stephen Collinson, *Biden’s surprise win in Texas caps historic Super Tuesday while Sanders turns to California*, CNN (Mar. 4, 2020) (“A reinvigorated Joe Biden has a nine state Super Tuesday victory haul capped by topping Sen. Bernie Sanders for an upset victory in Texas after his comeback campaign transformed the Democratic presidential race.”).

⁹²² Hunter Biden Deposition at 33.

⁹²³ See Morris Interview at 52-54; Catherine Herridge, et al., *Hollywood attorney Kevin Morris, who financially backed Hunter Biden, moves closer to the spotlight*, CBS News (Jan. 12, 2024) (“A source familiar with the financial arrangement told CBS News Morris loaned the president’s son more than \$2 million to pay off back taxes.”).

⁹²⁴ *Hearing With The IRS Whistleblowers: Hunter Biden Investigation Obstruction In Their Own Words*, 118th Cong., at 40 (2023).

⁹²⁵ *Id.* at 166-68, 173-74.

Q. The reason I ask is because you were prevented from rounding out your investigation 360 degrees, which is what agents and prosecutors are supposed to do. You were prevented from doing that. We now [need to] finish that job through our investigative authority. So the reason I am asking is, [w]hat were you prevented from doing that we can try to reconstruct to the best of our ability to get to that evidence if it so exists?

* * *

A. . . . In 2020, 2021, and 2022, Hunter Biden received approximately \$4.9 million in payments for personal expenses, again, in the form of a loan or gift from Democratic donor Kevin Patrick Morris. We have a reason to believe that Kevin Morris was on phone calls with the Presidential campaign prior to Joe Biden securing the Presidency. So you have the email. “Personally and politically.” Hunter Biden wasn’t running for office. So who was impacted politically by Hunter Biden’s tax returns not being filed? When did he meet Kevin Patrick Morris, and when were the tax payments made? It was about 2 months [after] meeting him.⁹²⁶

In other words, the timing of these payments is highly suspect as they occurred in the years during President Biden’s bid for the Oval Office, but SA Ziegler was ultimately unable to get the answers he sought.⁹²⁷ During his transcribed interview, Mr. Morris corroborated the testimony of SA Ziegler, stating:

Q. . . . Mr. Ziegler, who was a member of the IRS, testified before the Ways and Means Committee in December, that Hunter Biden owed and paid taxes for the years 2015 to 2019. He further testified that you loaned Hunter Biden approximately \$4.9 million during the period 2020 to 2022 to cover the tax payments and the personal expenditures. Is that basically correct?

* * *

A. Basically.⁹²⁸

⁹²⁶ *Id.* at 173-74.

⁹²⁷ *Id.* at 166-67, 173-74.

⁹²⁸ Morris Interview at 80.

Mr. Morris covered exorbitant sums of money Hunter Biden owed to both the federal government as well as various state governments.⁹²⁹ When testifying before the Committees, Mr. Morris confirmed that he paid off at least \$1.9 million of Hunter Biden’s tax debt.⁹³⁰ He testified:

Q. . . . I want to go through now payments that you’ve made on behalf of Hunter Biden via loan for his different tax liabilities. I’m going to read into the record where it says, “The Court” on line 9. “The Court: All right. In exhibit 1, there are references to taxes paid by a third party on Mr. Biden’s behalf of \$955,800 and \$956,632, as well as \$492,000 in 2016 and \$197,000 for 2019. Just looking at 2017 and 2018, which are the subject of this case, those numbers add up to more than \$1.9 million.” Did you pay for Hunter Biden, via loan, any of Hunter Biden’s tax debts or taxes that were owed to different State and Federal agencies?

A. Yeah, yes.⁹³¹

Mr. Morris’s wealth allowed him to cover these tax debts and other debts for Hunter Biden without regard to expectation of repayment.⁹³² The fact that he freely gave millions of dollars to Hunter Biden—during the years in which President Biden was running for and elected as President—causes serious concerns. It creates the perception, at the very least, there was an unspoken quid pro quo or unlawful campaign contribution for which Mr. Morris would erase Hunter Biden’s IRS troubles—and by extension, help the Biden campaign rid itself of a serious liability—and receive some benefit in return.

iv. Mr. Morris’s testimony suggests the reason for buying Hunter Biden’s company, Skaneateles, LLC, was to protect President Biden and the Biden brand.

In addition to solving Hunter Biden’s outstanding tax issues, Mr. Morris benefited the Biden brand by purchasing Hunter Biden’s company, Skaneateles, LLC in 2021.⁹³³ Skaneateles owned a 10 percent stake in a Chinese investment company, Bohai Harvest RST (BHR), that Hunter Biden co-founded with Chinese business partners in 2013.⁹³⁴ Hunter Biden’s original investment in BHR was worth \$420,000, but Mr. Morris purchased Skaneateles for \$157,729.69—the amount that Hunter Biden and Skaneateles still owed on the investment.⁹³⁵ Other than admitting that he bought the company from Hunter Biden and that it owned a share of

⁹²⁹ *Id.* at 52-53.

⁹³⁰ *Id.*

⁹³¹ *Id.*

⁹³² *Id.* at 68.

⁹³³ Morris Interview at 147-49.

⁹³⁴ *Id.*; Ashley Oliver, *Hunter Biden’s lawyer still owns his Chinese business shares*, WASH. EXAM’R (Jan. 24, 2024).

⁹³⁵ See Letter from Bryan Sullivan, Attorney, Early Sullivan Wright Gizer & McRae LLP, to Oversight Committee Staff (Jan. 25, 2024).

BHR, Mr. Morris had minimal knowledge of what Skaneateles does as a business.⁹³⁶ Mr. Morris testified:

- Q. . . . [W]hen did you become aware of Skaneateles, LLC?
- A. I think I had a general sense of [Hunter Biden's] corporations and corporate structure in the early days, in the first couple of months. I mean, that's a—you know, that's a piece of perspective that you have to have in representing someone.
- Q. What kind of company was Skaneateles?
- A. I mean, I don't know. An LLC, I think.
- Q. But did it sell shirts? What was it? I mean, what was the purpose of the company?
- A. I think it's—again . . . I'm not to the point sure, but it was an LLC and—you know, I think it—Hunter actually had a very simple corporate structure personally. I think this was one that was for some purpose that I can't remember. . . .
- Q. Do you know what Hunter Biden's role was with Skaneateles?
- A. No. I think he was the sole, sole member of an LLC.
- Q. And are you aware of an investment fund Bohai Harvest?
- A. Yes.
- Q. What is that?
- A. . . . [I]t's a hedge fund of Chinese Nationals, I believe, that raise money to make investments in public-private, and infrastructure programs.
- Q. And have you heard of Jonathan [Li], the CEO of BHR?
- A. I've heard of him, yeah.
- Q. You never met with him?
- A. No.

⁹³⁶ Morris Interview at 147-48.

Q. And do you know what kind of investments that BHR makes?

A. I knew better at one time. I remember going through them. I don't remember exactly what they were. I think they were – I don't know. I think they were infrastructure.⁹³⁷

Additionally, Mr. Morris would not tell the Committees why he purchased Skaneateles from Hunter Biden, claiming that it was protected by the attorney-client privilege.⁹³⁸ After further discussion with his counsel, Mr. Morris then stated that he believed purchasing Skaneateles would be a good investment.⁹³⁹ Specifically, Mr. Morris stated:

Q. . . . [W]hen did you purchase Skaneateles?

A. Was it—I—you know, in 2021.

Q. How did it come up that you were going to purchase Skaneateles? Or why did you buy Skaneateles of all the companies that Hunter Biden was involved with? Why that one?

A. That's privileged. I am not going to answer that because of attorney-client privilege.

Atty. No, no, no, why did you buy it? Like what?

A. I'm not going to answer it.

* * *

Atty. Can we go off the record for 2 minutes of the—

Q. Off the record.

A. Counsel, can you ask the question again?

Q. . . . Why did you buy BHR?

A. I did the transaction because . . . I evaluated it as a businessman, and I thought it was something that could be a very successful investment. . . . [B]ut I did diligence on the assets. I knew what . . . Hunter paid for it in the beginning,

⁹³⁷ *Id.*

⁹³⁸ *Id.* at 149-50.

⁹³⁹ *Id.* at 150.

and I saw, and I still see upside.⁹⁴⁰

In other words, Mr. Morris claimed that he conducted due diligence on Skaneateles,⁹⁴¹ yet he testified moments before that he was not “sure” of the company’s purpose.⁹⁴² It appears Mr. Morris’ purchased Skaneateles to benefit the Biden brand by helping Hunter Biden to quickly divest from this foreign business entanglement after his father was elected president.

Although Mr. Morris claimed to never have spoken to Hunter Biden or any other member of the Biden family about politics and that there was no political motivation behind his relationship with Hunter Biden,⁹⁴³ the overall history of their relationship indicates otherwise. In 2019, Mr. Morris met Hunter Biden at a fundraiser for President Biden’s campaign.⁹⁴⁴ Aside from the millions of dollars provided to Hunter Biden to date, Mr. Morris testified that he has provided between \$500,000 and \$700,000 to political action committees and candidates, most of which were Democrats.⁹⁴⁵

IV. As President, Joe Biden provided access and rewards to his family’s benefactors, as demonstrated by Hunter Biden’s sale of amateur art for exorbitant prices.

Hunter Biden also leveraged the Biden name to sell his artwork to his father’s donors for large sums of money. Around the same time that Hunter Biden met Kevin Morris, he also met art gallerist George Bergès.⁹⁴⁶ Although reporting claims that Hunter Biden has “been painting for decades,” Hunter Biden only sold his first piece through Mr. Bergès after Joe Biden was elected President in 2020.⁹⁴⁷

During his interview with the Committees, Mr. Bergès explained how he met Hunter Biden in 2019 through a mutual friend, Lanette Phillips.⁹⁴⁸ According to Mr. Bergès, Ms. Phillips knew he was a gallerist and “introduced [him] to a lot of other people,” but she told Mr. Bergès, “there’s this artist,” so he flew to California to look at Hunter Biden’s artwork.⁹⁴⁹ Mr. Bergès stated that he “liked the potential” in what he saw, and he “also liked [Hunter Biden’s] personal narrative for a variety of reasons.”⁹⁵⁰ Mr. Bergès testified that he never got the impression that Hunter Biden ever sold any art before Mr. Bergès became his gallerist.⁹⁵¹ However, once he began selling Hunter Biden’s art, Mr. Bergès confirmed that the Biden name influenced setting the price for his artwork.⁹⁵²

⁹⁴⁰ *Id.* at 149-50.

⁹⁴¹ *Id.* at 149-50.

⁹⁴² *Id.* at 147-48.

⁹⁴³ *Id.* at 98, 123-24, 136.

⁹⁴⁴ *Id.* at 16-17.

⁹⁴⁵ *Id.* at 96-97.

⁹⁴⁶ Transcribed Interview of George Bergès, H. Comm. on Oversight & Accountability & H. Comm. on the Judiciary at 14 (Jan. 9, 2024) [hereinafter “Bergès Interview”]. ; Morris Interview at 13.

⁹⁴⁷ Bergès Interview at 18-19; Graham Bowley, *At Hunter Biden’s Art Show, Line, Color and Questions*, N.Y. TIMES (Nov. 5, 2021).

⁹⁴⁸ Bergès Interview at 15-16.

⁹⁴⁹ *Id.* at 15.

⁹⁵⁰ *Id.*

⁹⁵¹ *Id.* at 99.

⁹⁵² *Id.* at 14–15, 64.

Hunter Biden’s transition into the art world showed immediate signs that he was looking to exploit the Biden name to make a profit. News reports covering feedback from art critics pushed back on the pricing of Hunter Biden’s art, calling the price range “extremely high” and “not common for any new artist.”⁹⁵³ One national art critic affirmed that, based on the exorbitant price of Hunter Biden’s art, “it is absolutely, 100 percent certain that what is being sold is the Biden name and story.”⁹⁵⁴ Another art critic similarly noted that people buying Hunter Biden’s art are “paying for the brush with fame,” and analogized such payments to “campaign contribution[s].”⁹⁵⁵

Hunter Biden signed his first contract with Mr. Bergès around December 2020—shortly after his father was elected president.⁹⁵⁶ On December 11, 2020, soon after the two signed the contract, Mr. Bergès sold Hunter Biden’s first piece of artwork.⁹⁵⁷ In the first contract, Hunter Biden insisted on inserting a term that required Mr. Bergès to tell Hunter Biden the names of who bought his artwork.⁹⁵⁸ Mr. Bergès testified that such a provision is unusual in the industry.⁹⁵⁹ Mr. Bergès stated:

Q. So according to your letter, the first sale of Hunter Biden’s art was on December [11th]. Had you established anything in writing regarding your relationship with Hunter Biden at that time? . . . At this point had there been discussions about keeping the buyers of Hunter Biden’s art anonymous?

A. . . . I believe in the first contract, he was. . . able to know who the buyers were.

Q Okay.

A Yeah. I don’t know how it was phrased or—but I remember that there—that that was the difference. So—

Q. Is that normal or unusual . . . ? Is it a normal kind of contract?

A. That part was different than—normally, the gallerist does not let the artist know who the collectors are.⁹⁶⁰

⁹⁵³ Tina Sfondeles & Alex Thompson, *We asked art critics about Hunter’s paintings*, POLITICO: WEST WING PLAYBOOK (July 27, 2021) (“For an emerging artist doing his first show, this would put Hunter Biden in the top, top tier of what was thinkable. These are prices for an already successful artist.” (quoting national art critic Ben Davis)).

⁹⁵⁴ *Id.*

⁹⁵⁵ *Id.*; see also Charles Hilu, *Is Hunter Biden’s art worth \$500,000? Here’s what a curator has to say*, WASH. EXAM’R (July 4, 2021) (“How much of that value [of Hunter Biden’s art] is due to the art itself? That’s easy: None of it.” (quoting Jeffrey Cudlin, Professor, Md. Inst. Coll. of Art)).

⁹⁵⁶ Bergès Interview at 15, 90.

⁹⁵⁷ *Id.* at 18-19.

⁹⁵⁸ See *Id.* at 27, 102.

⁹⁵⁹ *Id.* at 19, 102-03.

⁹⁶⁰ *Id.* at 19.

At the time of his transcribed interview, Mr. Bergès told the Committees he represented roughly fifteen artists, and unlike Hunter Biden, none of them asked to know the identity of their buyers when he began working with them.⁹⁶¹ Mr. Bergès stated that it was unusual for the gallerist to reveal the buyers' or collectors' identities to preserve the gallerist's relationship with the buyer and ensure the gallerist is not cut out of future sales.⁹⁶²

However, Hunter Biden and Mr. Bergès removed this provision in a subsequent September 2021 contract, over eight months into President Biden's first year in office.⁹⁶³ Mr. Bergès testified that there were two major changes in the second contract: (1) Mr. Bergès was required not to disclose the names of the individuals who purchased Hunter Biden's artwork; and (2) Hunter Biden received a 5 percent increase in commission from his art sales.⁹⁶⁴

⁹⁶¹ *Id.* at 21.

⁹⁶² *Id.* at 21-22 (“A. ...what you don’t want is your artists to circumvent you if they know your collectors...it’s kind of the bloodline of the gallery...which is an incentive of why galleries don’t necessarily want to give away their buyers because then [what] prevents them from just working directly.”).

⁹⁶³ *Id.* at 26-27.

⁹⁶⁴ *Id.* at 27-28, 36.



Georges Bergès Gallery

New York · Berlin

ARTIST-GALLERY CONTRACT

AGREEMENT made as of September 1, 2021 between Hunter Biden (hereinafter referred to as the "Artist"), and Georges Bergès Galleries, L.L.C. (hereinafter referred to as the "Gallery"), located at 462 West Broadway, New York, NY 10012.

WHEREAS, the Artist is a professional artist of good standing; and

WHEREAS, the Artist wishes to have artworks represented by the Gallery, and

WHEREAS, the Gallery wishes to represent the Artist under the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants hereinafter set forth and other valuable consideration, the parties hereto agree as follows:

1. **Scope of Agency.** The artist appoints the Gallery to act as Artist's exclusive agent for the exhibition and sales of all his artwork worldwide. ~~Artworks include but not limited to lithographs, other visual art, digital art and digital NFT products.~~ ^{Artworks include but not limited to lithographs, other visual art, ~~digital art and digital NFT products.~~ Excluding NFT} Gallery shall provide artist with two solo show exhibitions during the term of this agreement. Gallery shall maintain insurance for artworks in its possession.

2. **Term and Termination.** This agreement shall have a term of twenty-four (24) months and may be further extended by agreement or terminated by either party upon giving ~~thirty~~ ^{thirty} days written notice to the other. On termination of the Agreement, unsold artwork in the possession of the Gallery will be returned to Artist, at Artist's direction and expense.

3. **Commissions.** Gallery shall receive a commission of 40% of any and all sales. The Gallery will pay all funds due to the Artist under this agreement within 30 days of the date of receipt of funds from a Purchaser. Works done on a commissioned basis by the Artist, arranged by gallery, shall be considered gallery sales on which the Gallery shall be entitled to a commission. In the event that work does not sell, gallery will return work unframed. Gallery will cover insurance and shipping. ~~For the avoidance of doubt, all sales of Artist's artwork during the term of this agreement and until terminated per the terms of this Agreement shall proceed only through the Gallery and Gallery shall be entitled to a commission as outlined above.~~ ^{For the avoidance of doubt, all sales of Artist's artwork during the term of this agreement and until terminated per the terms of this Agreement shall proceed only through the Gallery and Gallery shall be entitled to a commission as outlined above.}

4. **Prices/Buyers.** Gallery shall set all sales prices based on its best professional judgment, and the Gallery shall not be required to sell any work at a price it deems inconsistent with a good faith, reasonable assessment of its value in the market. Gallery will not disclose the name of any Buyer(s) of Artist's Artwork to Artist or any agent of artist.

Even though he was required to do so under the original contract, Mr. Bergès claimed that he never told Hunter Biden the names of his buyers.⁹⁶⁵ Yet, during the terms of *both* contracts, Hunter Biden knew the purchasers for 70 percent of his art sales for a total of \$1,091,500 from known buyers.⁹⁶⁶ One of these known buyers is a prominent Democrat donor named Elizabeth Hirsh Naftali.⁹⁶⁷

⁹⁶⁵ *Id.* at 59.

⁹⁶⁶ *See id.* at 46-48; Letter from William Pittard, Kaiser Law, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Jan. 9, 2024).

⁹⁶⁷ Bergès Interview at 39, 46; Katherine Doyle, *Art dealer George Bergès detailed terms of Hunter Biden deals to House committees*, NBC NEWS (Jan. 22, 2024).

Mr. Bergès testified that he met Ms. Naftali in 2020 through Lanette Phillips, and “it took a lot of convincing” for Ms. Naftali to purchase art from Mr. Bergès.⁹⁶⁸ On February 17, 2021, after “a year of [Bergès] cajoling her,” and mere weeks after President Biden’s inauguration, Ms. Naftali purchased a Hunter Biden piece of art for \$42,000 on February 17, 2021.⁹⁶⁹ Prior to the February 2021 sale, Ms. Naftali had never purchased any artwork from Mr. Bergès.⁹⁷⁰ On December 9, 2022, she purchased a second Hunter Biden piece for \$52,000.⁹⁷¹

According to reports, Ms. Naftali is a California real estate investor and Democrat donor who has donated more than \$13,000 last year to President Biden’s reelection campaign and has visited the White House at least a dozen times.⁹⁷² In July 2022, President Biden appointed Ms. Naftali to the Commission for the Preservation of America’s Heritage Abroad.⁹⁷³ Notably, this is the same preservation board to which President Obama appointed Biden family associate Eric Schwerin in 2015.⁹⁷⁴ Mr. Schwerin subsequently thanked Hunter Biden when he was reappointed two years later before the end of the Obama Administration.⁹⁷⁵

Another known buyer who purchased the largest share of Hunter Biden’s artwork was Kevin Morris, who purchased \$875,000 worth of art.⁹⁷⁶ Mr. Bergès testified that he met Mr. Morris through Hunter Biden and had never sold Mr. Morris art prior to meeting him at Hunter Biden’s California home.⁹⁷⁷ Further, Mr. Morris purchased the \$875,000 worth of art—a total of 11 different pieces—through his art procurement entity, Kuliaky Art, LLC Management.⁹⁷⁸ However, Mr. Morris did not pay the full price of \$875,000, and only paid the commission owed to Mr. Bergès.⁹⁷⁹ Mr. Bergès explained:

Q. . . . You said that Mr. Morris’[s] payments for Hunter Biden’s art [went] towards Hunter Biden’s debt to Mr. Morris?

⁹⁶⁸ Bergès Interview at 22-23, 127.

⁹⁶⁹ *Id.* at 22-23, 115; Letter from William Pittard, Kaiser Law, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Jan. 9, 2024).

⁹⁷⁰ *See* Bergès Interview at 127.

⁹⁷¹ Letter from William Pittard, Kaiser Law, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Jan. 9, 2024).

⁹⁷² Matt Stieb, *Hunter Biden Sold a Painting to One of His Dad’s Donors*, N.Y. MAG.: INTELLIGENCER (July 25, 2023); Josh Christenson, *Democratic donor who bought Hunter Biden’s art visited White House a dozen times*, N.Y. POST (July 25, 2023); Disclosures, Visitor Logs, The White House (accessed July 2, 2024) (search “Naftali”).

⁹⁷³ Bergès Interview at 23; Briefing Room, President Biden Announces Key appointments to Boards and Commissions, The White House (July 1, 2022).

⁹⁷⁴ Office of the Press Secretary, President Obama Announces More Key Administration Posts, The White House (Mar. 10, 2015).

⁹⁷⁵ Office of the Press Secretary, President Obama Announces More Key Administration Posts, The White House (Jan. 5, 2017); Email from Eric Schwerin to Hunter Biden (Jan. 6, 2017, 1:23 AM).

⁹⁷⁶ Bergès Interview at 40-41, 91-92; *see* Letter from William Pittard, Kaiser Law, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Jan. 9, 2024).

⁹⁷⁷ Bergès Interview at 40.

⁹⁷⁸ *Id.* at 40; *see* Letter from William Pittard, Kaiser Law, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Jan. 9, 2024).

⁹⁷⁹ Bergès Interview at 91-92.

A. I think they had an arrangement, because I didn't pay Hunter Biden his commission, the artist commission, because it was dealt—that's how I remembered that, yes, he had to have known that he was the buyer because normally the gallery would then write a check for the artist[']s commission but I didn't. So I just got paid for my portion, for the gallery's portion, and they . . . negotiated [their portion] . . . I got paid for my portion. And then that portion was because they dealt with how they're going to . . . instead of him waiting for me to pay him, they were going to settle it together. So but I don't want to circumvent that. I want the gallery to make a profit. Obviously, otherwise, it's circumventing the gallery. . .

Q. So Kevin Morris just paid you the 40 percent of the \$875,000?

A. Correct.

Q. He gave you a check. Normally he would pay \$875,000 to the gallery, and then you would give the 60 percent to the artist.

A. Correct.

Q. Have you ever done that before? The arrangement that happened where you got paid directly the 40 percent from the purchaser, has that ever happened before?

A. Not that I can recall but it's not unusual if the collector and the artist have an existing relationship and they obviously want to pay me because he doesn't want to ruin the relationship. If I'm a collector, I don't want to ruin the relationship the artist has with the gallery.⁹⁸⁰

In other words, Hunter Biden eliminated \$525,000 of his total loan debt owed to Mr. Morris through this one-time purchase.⁹⁸¹

While Mr. Bergès still received the gallerist's fees and commission owed to him through the sale to Mr. Morris, he admitted that he could not recall any other time that he had seen an arrangement like this in art sales.⁹⁸² Additionally, this abnormal transaction raised questions regarding the tax implications for Hunter Biden since he did not receive a direct payment on Mr.

⁹⁸⁰ *Id.* at 91-93.

⁹⁸¹ *See id.* at 91-92.

⁹⁸² *Id.* at 92-93.

Morris's purchase.⁹⁸³ When asked about the subsequent tax documentation for this \$875,000 sale, Mr. Bergès testified:

- Q. Do you ever provide tax documentation for the artists?
- A. Yeah, I send them a I think it's a 1099
- Q. Okay. So for . . . Kevin Morris, Hunter Biden would get a 1099 that reflects he received a payment of \$525,000?
- A. I don't know. I'd have to talk to my accountant
- Q. So I guess the question is [a] . . . two part question. You ordinarily send tax documentation, correct?
- A. Yeah.

* * *

- Q. So that's the first question. The second question related is whether for the Kevin Morris transaction . . . because you didn't cut a check to Hunter Biden for the [\$525,000], that was something, I guess, handled between Mr. Morris and Mr. Biden, right?
- A. Right.
- Q. So you didn't provide tax documentation for that most likely, correct?
- A. I don't know.⁹⁸⁴

Mr. Bergès's testimony on this sale not only raised questions about whether Hunter Biden appropriately reported this for tax purposes, but also presented yet another example of how Hunter Biden expected and received special treatment because of the Biden name. Even after the provision requiring disclosure of buyers' names was removed in their second contract, Mr. Bergès admitted that there were no ramifications for Hunter Biden if he learned their names from any other source.⁹⁸⁵

The Committees also received testimony from Mr. Bergès with regards to the White House's involvement in his contract with Hunter Biden. According to the *Washington Post*, White House officials, along with one of Hunter Biden's attorneys, were involved in crafting the terms of the contract, "attempt[ing] to do so in a way that allows the [P]resident's son to pursue a

⁹⁸³ *Id.* at 91-93.

⁹⁸⁴ *Id.* at 94-95.

⁹⁸⁵ *Id.* at 48-50.

new career while also adhering” to President Biden’s pledge to maintain the highest ethical standards.⁹⁸⁶ Commenting on the contract’s requirement to maintain buyers’ confidentiality, a White House spokesman reportedly promised the arrangement “would ensure ethical dealings.”⁹⁸⁷ However, director of the Office of Government Ethics during the Obama-Biden Administration Walter Shaub disparaged the ethics arrangement as “the perfect method for funneling bribes” to the President and criticized it for “outsourc[ing] government ethics to an art dealer,” which he found particularly concerning given that the art industry is “notorious for money laundering.”⁹⁸⁸ Mr. Shaub denounced the lack of transparency provided by the arrangement, asserting that “we don’t know who is paying for this art and we don’t know for sure that [Hunter Biden] knows, we have no way of monitoring whether people are buying access to the White House,”⁹⁸⁹ and proclaimed that Hunter Biden’s art sales have “the absolute appearance that he’s profiting off his father’s fame.”⁹⁹⁰

However, Mr. Bergès testified that he had never spoken with anyone at the White House about the terms of his agreement with Hunter Biden, so he was “surprised” the White House stated that it was involved in drafting an ethics agreement for Hunter Biden’s art sales.⁹⁹¹ Specifically, Mr. Bergès testified:

Q. So when you’re seeing in the press that the White House is putting in certain safeguards regarding an ethics agreement but you’ve had no conversations with [the] White House, I mean, did you ever say to Hunter Biden, Hey, where’s this coming from? This is in the press, saying the White House is involved in this ethics agreement. They’re not even involved in the agreement at all.

A. I might have. I probably did, yeah.

Q. And do you remember what he said to you?

A. I don’t . . . I do remember being surprised.

Q. Why were you surprised?

⁹⁸⁶ See Matt Viser, *Deal of the art: White House grapples with ethics of Hunter Biden’s pricey paintings*, WASH. POST (July 8, 2021). With regard to specifically which White House officials were involved in developing the terms of Hunter Biden’s contract, *the New York Times* twice reported that the White House Counsel’s Office helped develop the terms. See Graham Bowley, *At Hunter Biden’s Art Show, Line, Color and Questions*, N.Y. TIMES (Nov. 5, 2021); Zolan Kanno-Youngs, *White House Sets Ethics Plan for Sales of Hunter Biden’s Art*, N.Y. TIMES (Sept. 13, 2021).

⁹⁸⁷ Zolan Kanno-Youngs, *White House Sets Ethics Plan for Sales of Hunter Biden’s Art*, N.Y. TIMES (Sept. 13, 2021).

⁹⁸⁸ Caroline Downey, *Former Obama Ethics Chief: Hunter Biden Art-Selling Arrangement ‘Perfect Mechanism for Funneling Bribes’*, NAT’L REV. (July 9, 2021).

⁹⁸⁹ Matt Viser, *Deal of the art: White House grapples with ethics of Hunter Biden’s pricey paintings*, WASH. POST (July 8, 2021).

⁹⁹⁰ Caroline Downey, *Former Obama Ethics Chief: Hunter Biden Art-Selling Arrangement ‘Perfect Mechanism for Funneling Bribes’*, NAT’L REV. (July 9, 2021).

⁹⁹¹ Bergès Interview at 28.

A. Because I hadn't had any communication with the White House about an agreement.⁹⁹²

In sum, Mr. Bergès's testimony confirms the financial benefit that Hunter Biden received in all lines of work solely because of the identify of his father. Even though joining the art industry is unlike any of Hunter Biden's other known business ventures, Mr. Bergès's testimony sheds light on how Hunter Biden is now using the Biden brand to increase the value of his work, especially with known Democrat supporters.⁹⁹³

Overall, the evidence collected by the Committees indicate that the Biden family's main priority has been to benefit the Biden brand. In doing so, the Biden family has utilized numerous business associates to help them exploit financial opportunities by leveraging the Biden name. Although some witnesses dispute or downplay the Biden family influence-peddling operation, testimony and documents collectively indicate that the Bidens, including President Biden, have been well-aware of their family's ability to take advantage of their power and influence for financial gain. This family's clear and apparent self-enrichment depends on President Biden's official position, and if not for President Biden's official position, it is highly unlikely the Bidens would have had access to the business contacts that have made them millions.

* * *

Abuse of power “encompass[es] a wide range of self-dealing, obstruction, and misuse of federal authority maneuvers.”⁹⁹⁴ Under the standard articulated by House Democrats in 2019, impeachable abuse of power occurs when the President exercises “official power to obtain an improper personal benefit, while ignoring or injuring the national interest.”⁹⁹⁵ President Biden has done just that.

In a years-long pattern of foreign and domestic influence peddling and graft, Joe Biden placed his personal interests and his family's financial benefits above the welfare of the nation and the security of American democracy. The acts constitute an abuse of power of the Vice Presidency. President Biden allowed his family to sell access and influence over first the Vice Presidency and even participated in these ventures with quick phone calls and drop-by meetings. Documents and testimony show that the Biden family would not have received the benefits it did without the official position of President Joe Biden.

⁹⁹² *Id.*

⁹⁹³ *Id.* at 46-48.

⁹⁹⁴ Turley Testimony at 23.

⁹⁹⁵ H.R. REP. NO. 116-346, at 44 (2019).

Financial records—documents that are used as evidence in federal court every day—show that, since at least the second term of Joe Biden as vice president, millions of dollars have flowed to Biden family members' (or their associated entities') bank accounts from foreign sources. Interviews with witnesses who were privy to these transactions could not identify value the Bidens provided to their foreign business partners other than access to or influence over Joe Biden. Joe Biden has abused the power and trust placed in him by the American public for personal gain. Joe Biden engaged in—and indeed made possible—a scheme to monetize the positions of public trust he has held for millions of dollars sourced from foreign parties.

**PRESIDENT BIDEN AND THE BIDEN-HARRIS ADMINISTRATION OBSTRUCTED CONGRESS AND
THE CRIMINAL INVESTIGATION OF PRESIDENT BIDEN’S SON**

President Biden has abused his office and misused official White House and Executive Branch resources to impede the Committees’ legislative investigations and impeachment inquiry and the criminal investigation of his son, Hunter Biden. As Professor Turley testified to the Oversight Committee, misusing official resources “to obstruct or frustrate efforts to investigate” misconduct is an impeachable offense.⁹⁹⁶ Accordingly, the Committees are compelled to examine the President’s actions, and those of his Administration, in obstructing Congress and obstructing justice.

I. President Biden and the White House obstructed Congressional investigations.

The President, the White House, and the Biden-Harris Administration have repeatedly evinced a hostility towards and unwillingness to cooperate with the House’s impeachment inquiry and Congress’s legislative oversight. Specifically, the President and the Biden-Harris Administration have taken affirmative steps to hinder or otherwise impede the Committees from effectuating their responsibility to conduct a thorough and necessary impeachment inquiry regarding both the circumstances surrounding Joe Biden’s mishandling and disclosure of classified materials and the breadth of Joe Biden’s involvement in his family’s influence peddling and graft.

The White House has obstructed the Committees’ impeachment inquiry and investigations in at least four distinct ways: (1) the White House prevented five current and former White House officials with personal knowledge of President Biden’s mishandling of classified documents from testifying before the Oversight Committee and refused to provide documents and information in response to requests from the Oversight Committee;⁹⁹⁷ (2) President Biden obstructed Congress by asserting executive privilege over subpoenaed material concerning President Biden’s mishandling of classified information;⁹⁹⁸ (3) the White House has obstructed Congress from obtaining documents and communications related to President Biden’s use of pseudonym email accounts;⁹⁹⁹ and (4) the White House has obstructed Congress from receiving other documents from the National Archives and Records Administration (NARA), including drafts of President Biden’s speech to the Ukrainian Rada in 2015 during which he called for the firing of Ukrainian Prosecutor General Viktor Shokin.¹⁰⁰⁰

⁹⁹⁶ Turley Testimony at 24.

⁹⁹⁷ Letter from Richard Sauber, Special Counsel to the President, White House, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Oct. 18, 2023).

⁹⁹⁸ Letter from Edward N. Siskel, White House Counsel, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (May 16, 2024).

⁹⁹⁹ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Jason Smith, Chairman, H. Comm. on Ways & Means, to Colleen Shogan, Archivist, Nat’l Archives and Records Admin. (Jan. 12, 2024).

¹⁰⁰⁰ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. Jason Smith, Chairman, H. Comm. on Ways & Means, to Edward Siskel, White House Counsel (Jan. 31, 2024).

A. President Biden’s White House obstructed Congress’s investigation of his mishandling of classified materials.

In January 2023, the White House announced that President Biden’s personal attorneys discovered classified materials at the Penn Biden Center for Diplomacy and Global Engagement (Penn Biden Center), an office space used by Joe Biden, in part, to run his private entity, CelticCapri Corp. (CelticCapri).¹⁰⁰¹ The White House Counsel’s Office released a statement, in part describing the circumstances surrounding the documents’ alleged discovery on November 2, 2022:

The White House is cooperating with the National Archives and the Department of Justice regarding the discovery of what appear to be Obama-Biden Administration records, including a small number of documents with classified markings. The documents were discovered when the President’s personal attorneys were packing files housed in a locked closet to prepare to vacate office space at the Penn Biden Center in Washington, D.C. The President periodically used this space from mid-2017 until the start of the 2020 campaign. On the day of discovery, November 2, 2022, the White House Counsel’s Office notified the National Archives. The Archives took possession of the materials the following morning.

The discovery of these documents was made by the President’s attorneys. The documents were not the subject of any previous request or inquiry by the Archives. Since that discovery, the President’s personal attorneys have cooperated with the Archives and the Department of Justice in a process to ensure that any Obama-Biden Administration records are appropriately in the possession of the Archives.¹⁰⁰²

Shortly after this announcement, President Biden’s personal attorneys allegedly discovered additional classified materials in President Biden’s possession in several other unsecured locations at President Biden’s personal residence in Delaware and at the University of Delaware.¹⁰⁰³

Days after the White House’s announcement regarding discovery of the improperly retained classified materials, the Oversight Committee and the Judiciary Committee opened separate investigations into the circumstances surrounding the discovery of the materials and Attorney General Garland’s appointment of former U.S. Attorney Robert Hur as special counsel

¹⁰⁰¹ Ian Sams (@IanSams46), Twitter (Jan. 9, 2023, 6:04 PM), https://x.com/IanSams46/status/1612586101692141570?s=20&f5dkjJ_yginkktzlagTJjA; Form 278e, *The President’s Annual Financial Disclosure Report for 2022* (2023), U.S. Office of Gov. Ethics.

¹⁰⁰² Ian Sams (@IanSams46), Twitter (Jan. 9, 2023, 6:04 PM), https://x.com/IanSams46/status/1612586101692141570?s=20&f5dkjJ_yginkktzlagTJjA.

¹⁰⁰³ Hur Report at 22-28.

over the matter.¹⁰⁰⁴ The appointment of Special Counsel Hur did not absolve President Biden, the Biden White House, or the Biden-Harris Administration from cooperating with the Committees’ investigation of this matter. Nonetheless, these parties have taken unprecedented steps to obstruct the Congressional investigation by blocking White House officials from testifying about their involvement in the discovery of or access to the classified materials and preventing the Attorney General from providing Congress the audio recordings of Special Counsel Hur’s interviews.

i. The White House prevented former and current White House officials from testifying before Congress regarding his mishandling of classified materials.

Since the beginning of the 118th Congress—and subsequently in furtherance of the impeachment inquiry—the Oversight Committee has investigated President Biden’s mishandling of classified documents and whether the White House led an effort to cover up his misconduct or mislead the American people about it. Through this investigation, the Committee learned that at least five White House employees—including then-White House Counsel Dana Remus—accessed the Penn Biden Center prior to the discovery of classified documents.¹⁰⁰⁵

The Committee has sought testimony from five current and former White House employees involved in the handling of President Biden’s classified documents. These five individuals were identified through the Oversight Committee’s transcribed interviews of Kathy Chung (a current Department of Defense employee and former Assistant to then-Vice President Biden) and two Penn Biden Center employees (Penn Biden Center Employee 1 and Penn Biden Center Employee 2):

- Dana Remus (former White House Counsel) played a central role in coordinating the organizing, moving, and attempted removal of President Biden’s boxes that were later found to contain classified materials.¹⁰⁰⁶
- Annie Tomasini (Assistant to the President and Senior Advisor to the President and Director of Oval Office Operations) went to the Penn Biden Center to take inventory of President Biden’s documents and materials on March 18, 2021.¹⁰⁰⁷
- Anthony Bernal (Assistant to the President and Senior Advisor to the First Lady) traveled to the Penn Biden Center with Ms. Remus and an unknown White House

¹⁰⁰⁴ See Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Stuart Delery, White House Counsel, The White House (Jan. 13, 2023); Letter from Reps. Jim Jordan & Mike Johnson, H. Comm. on the Judiciary, to Merrick Garland, Att’y Gen., U.S. Dep’t of Justice (Jan. 13, 2023).

¹⁰⁰⁵ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, & Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Peter Koski, Partner, Covington & Burling LLP (Nov. 13, 2023) [hereinafter, “Nov. 13 Remus Letter”].

¹⁰⁰⁶ See generally Transcribed Interview of Penn Biden Center Employee 1 (July 18, 2023) [hereinafter “Penn Biden Center Employee 1 Interview”].

¹⁰⁰⁷ Letter from Penn Biden Center Employee 1 to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Aug. 8, 2023) [hereinafter “Aug. 8 Employee 1 Letter”].

employee to take possession of the boxes of documents and materials but could not fit all the boxes into their vehicle.¹⁰⁰⁸

- Ashley Williams (Special Assistant to the President and Deputy Director of Oval Office Operations) traveled to the Penn Biden Center on October 12, 2022, with President Biden’s personal attorney, Pat Moore, to do another “wave of assessing files and looking at boxes.”¹⁰⁰⁹ Ms. Williams returned to the Penn Biden Center the following day, October 13, 2022, and left with “a few” of President Biden’s boxes.¹⁰¹⁰
- Katie Reilly (Advisor to Chief of Staff) was on email communications between Ms. Remus and Ms. Chung in May of 2022 regarding documents at the Penn Biden Center and connected Ms. Remus with Penn Biden Center employees.¹⁰¹¹

These individuals were all involved in the handling of boxes of Vice President Biden’s documents, which contained classified information, before the purported discovery that some of the documents contained classified information on November 2, 2022. The White House and President Biden’s personal attorneys omitted their interactions with the documents at the Penn Biden Center from any public statements.

The Committee learned from one Penn Biden Center Employee, Penn Biden Center Employee 1, that on March 18, 2021, the first White House employee, Annie Tomasini, went to the Penn Biden Center to take inventory of President Biden’s documents and materials.¹⁰¹² Notably, Special Counsel Hur’s report reveals that Ms. Tomasini reported back directly to the President after her review of the materials.¹⁰¹³ These facts are significant as it shows that the White House’s review began well over a year before the purported timeline and President Biden’s direct involvement.

Then, six months prior to the beginning of the White House’s timeline of events—Ms. Remus initiated an effort to retrieve President Biden’s files from the Penn Biden Center by contacting Kathy Chung, who served as an assistant to then-Vice President Biden, in May 2022.¹⁰¹⁴ Ms. Remus contacted Ms. Chung about this task via “her personal telephone and email account” rather than her government phone and Department of Defense email account.¹⁰¹⁵

According to Special Counsel Hur, Ms. Remus explained the “original purpose” was to “gather[] materials to prepare for potential congressional inquiries about the Biden family’s activities during the period from 2017 through 2019, when Mr. Biden was actively engaged with

¹⁰⁰⁸ Penn Biden Center Employee 1 Interview at 11-14.

¹⁰⁰⁹ Penn Biden Center Employee 1 at 17, 38-40; Aug. 8 Employee 1 Letter.

¹⁰¹⁰ Aug. 8 Employee 1 Letter.

¹⁰¹¹ Chung Interview at 27-28.

¹⁰¹² Aug. 8 Employee 1 Letter.

¹⁰¹³ Hur Report at 257.

¹⁰¹⁴ Transcribed Interview of Kathy Chung, H. Comm. on Oversight & Accountability, 119 (April 4, 2023) [hereinafter “Chung Interview”]; Hur Report at 257.

¹⁰¹⁵ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Dana Remus (May 5, 2023).

the Center.”¹⁰¹⁶ Ms. Remus later learned that President Biden’s materials at the Penn Biden Center were “not limited to records of his activities from 2017 through 2019.”¹⁰¹⁷ The purpose of the retrieval effort then “became to clear out all of President Biden’s materials from the Penn Biden Center.”¹⁰¹⁸ Ms. Remus “decided to ship material that could be relevant to future congressional inquiries to [Mr.] . . . Moore for further review,” “while personal items [were] shipped to [President] Biden’s Delaware home.”¹⁰¹⁹

Ms. Chung worked as Assistant to the Vice President from July 2012 through the end of the Obama-Biden Administration in January 2017.¹⁰²⁰ During the final days of the Obama-Biden Administration, Ms. Chung packed up several moving boxes with materials from the West Wing, including “mementos, photos, framed photos, [and] a lot of books.”¹⁰²¹

After the Obama-Biden Administration ended, Ms. Chung began working for President Biden at his corporate entity, CelticCapri, which was located in the Penn Biden Center.¹⁰²² However, Ms. Chung was working at the Department of Defense when Ms. Remus—whom Ms. Chung had not spoken to since the Biden presidential campaign a year and a half earlier—contacted her on May 24, 2022, to do what Ms. Chung “believed was a personal task for the President.”¹⁰²³ Ms. Chung did not believe the items she packed at the Penn Biden Center were “subject to the Presidential Records Act.”¹⁰²⁴ Ms. Remus contacted Ms. Chung about this task via “her personal telephone and email account” rather than her government phone and Department of Defense email account.¹⁰²⁵

Ms. Chung’s testimony to the Committee refutes the White House’s characterization of when these documents were discovered and how and where they were stored. According to the White House’s statement, in November 2022 the President’s personal attorneys discovered the documents in a “locked closet” at the Penn Biden Center while preparing to vacate the space.¹⁰²⁶ According to her testimony, however, Ms. Chung—not President Biden’s personal attorneys—packed boxes of documents at the Penn Biden Center on June 28, 2022—not November 2022.¹⁰²⁷ Ms. Chung also was not aware—contrary to the explanation given by the White House in January 2023—of any plan to vacate the office. She testified:

Q. . . . In May 2022, when Ms. Remus first reached out to you,
. . . were plans in progress to close down the Penn Biden

¹⁰¹⁶ Hur Report at 257-58.

¹⁰¹⁷ Hur Report at 258. It is not clear when exactly Ms. Remus learned this fact, as the Hur report only says she learned it “[t]hrough later conversations.” *Id.*

¹⁰¹⁸ *Id.*

¹⁰¹⁹ *Id.*

¹⁰²⁰ Chung Interview at 7-8.

¹⁰²¹ *Id.* at 20-21; 55-57.

¹⁰²² *Id.* at 11-12.

¹⁰²³ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Dana Remus (May 5, 2023) [hereinafter “May 5 Letter to Remus”].

¹⁰²⁴ Chung Interview at 96.

¹⁰²⁵ May 5 Letter to Remus.

¹⁰²⁶ Statement of Richard Sauber, Special Counsel to the President (Jan. 9, 2023).

¹⁰²⁷ Chung Interview at 86-88.

Center now that the Vice President was in the White House?

A. No. Not that I'm aware of.¹⁰²⁸

Instead, Ms. Remus asked her to pack up the Penn Biden Center documents because “they were his documents, [and] they wanted to take possession of them.”¹⁰²⁹

Ms. Chung's testimony also revealed that, of the thirteen boxes she packed—which were later found to contain classified materials—as well as an unspecified number of additional boxes that were never unpacked from the Obama-Biden Administration, were not in a locked closet.¹⁰³⁰ She testified:

Q. These boxes, when you went there on June 28th of 2022, and the items, were they in a locked closet?

A. No.

Q. Were any of the boxes in a locked closet at all?

A. No.

Q. Were any of the items that you boxed up and then put them in the 13 boxes—so now you've boxed them up and packaged them up. Were those boxes placed in a locked closet?

A. No.

Q. Would you have even had the ability to lock them in a closet yourself without getting [Penn Biden employees] involved?

A. No.¹⁰³¹

According to Ms. Chung, she found documents in multiple locations, none of which were secured.¹⁰³² She stated:

Q. When you first go into Penn Biden Center, I believe you said you need a fob to get in. Do I remember that correctly?

¹⁰²⁸ *Id.* at 119.

¹⁰²⁹ *Id.* at 18.

¹⁰³⁰ May 5 Letter to Remus..

¹⁰³¹ Chung Interview at 88.

¹⁰³² *Id.* at 82-83.

- A. Yes.
- Q. Do you need a fob to access any other part of Penn Biden Center once you go through the entrance?
- A. No.
- Q. So the fob is just to get you in the entranceway?
- A. Yes, to the suite.
- Q. Okay. In order to get into the storage room, was the storage room locked?
- A. I'm trying to think if [Penn Biden Employee 2] or [Penn Biden Employee 1] had to unlock—no, I believe not.
- Q. It's fair to say since it wasn't locked, you didn't have a key for the storage room then?
- A. No.
- Q. Did you have any other keys or fobs or anything else related to Penn Biden Center to get in any other areas that could be locked in Penn Biden Center?
- A. I had a fob and a key. I had a key to his office, which was not locked. No.¹⁰³³

Ms. Chung emailed Ms. Remus later that evening after she completed packing the boxes.¹⁰³⁴ The boxes Ms. Chung packed were later found to contain classified materials.¹⁰³⁵

The Oversight Committee's transcribed interviews with two Penn Biden Center employees provided further information about the circumstances of the discovery of the classified documents.¹⁰³⁶ Penn Biden Center Employee 1 was present when Ms. Chung went to the Penn Biden Center on June 28, 2022, and on June 30, 2022, when Ms. Remus, Mr. Bernal, and an unknown White House employee went to the Penn Biden Center to take possession of the boxes of documents and materials but could not fit all of the boxes into their vehicle.¹⁰³⁷ Through counsel, Penn Biden Center Employee 1 told the Oversight Committee that Ms. Remus "arrived approximately a half hour after Mr. Bernal."¹⁰³⁸

¹⁰³³ *Id.*

¹⁰³⁴ *Id.* at 86-88.

¹⁰³⁵ May 5 Letter to Remus.

¹⁰³⁶ *See generally* Penn Biden Center Employee 1 Interview; *see generally* Transcribed Interview of Penn Biden Center Employee 2 (July 21, 2023) [hereinafter "Penn Biden Center Employee 2 Interview"].

¹⁰³⁷ Penn Biden Center Employee 1 Interview at 36, 52, 58-59.

¹⁰³⁸ Aug. 8 Employee 1 Letter.

Ms. Remus told Special Counsel Hur that she discovered upon arriving at the Penn Biden Center “that there was much more than 13 boxes of material belonging to Mr. Biden, and some of it was not even packed.”¹⁰³⁹ According to Ms. Remus, the project of going through the volume of material and figuring out where things should go “was a much bigger task” than she expected.¹⁰⁴⁰ Ms. Remus and her colleagues left the Penn Biden Center without removing anything.¹⁰⁴¹ Although Ms. Remus left the White House in July 2022, she contacted Mr. Moore at some point and “asked him to review and properly dispose of the material stored at the Penn Biden Center.”¹⁰⁴²

On October 4, 2022—months after she packed up the boxes—Ms. Chung was notified by a Penn Biden Center employee that no one had picked them up. She testified:

- Q. Then if we can go to . . . the October 4, 2022, email at 10:32 a.m. from [Penn Biden Center Employee 1] to you. What does she write?
- A. “Hi, Kathy. Checking in to see if the below mentioned boxes will be picked up soon. Thanks, [Penn Biden Center employee 1].”
- Q. And what was your response?
- A. “Wait. Did they not pick up back in June?”
- Q. And as you discussed with my colleagues, you were surprised at this point that the items had not been picked up, correct?
- A. Correct.¹⁰⁴³

Penn Biden Center Employee 1 testified that on October 11, 2022—over three months after the three White House employees’ visit to the Penn Biden Center—Special Assistant to the President and Deputy Director of Oval Office Operations Ashley Williams reached out to Penn Biden Center Employee 1 about “com[ing] by this week with some of my colleagues to do the next wave of assessing of files and looking at boxes.”¹⁰⁴⁴

On October 12, 2022, Ms. Williams went to the Penn Biden Center with President Biden’s personal attorney, Patrick Moore.¹⁰⁴⁵ Mr. Moore told Special Counsel Hur that his “goal was to take stock of what was stored there, determine how much needed to be reviewed, and

¹⁰³⁹ Hur Report at 262.

¹⁰⁴⁰ *Id.*

¹⁰⁴¹ *Id.* at 262-63.

¹⁰⁴² *Id.* at 263.

¹⁰⁴³ Chung Interview at 94.

¹⁰⁴⁴ Penn Biden Center Employee 1 Interview at 17.

¹⁰⁴⁵ *Id.* at 17, 38-40, 66-67.

create a plan for moving everything out.”¹⁰⁴⁶ He stated “conducting the review was not a high priority because nobody expected to find classified documents or presidential records there.”¹⁰⁴⁷ Mr. Moore ultimately identified six or seven boxes containing documents to review, some of which he recalled finding in a small closet in President Biden’s office.¹⁰⁴⁸ According to Special Counsel Hur, Mr. Moore told FBI agents that he “believed the small closet was initially locked and that a Penn Biden Center staff member provided a key to unlock it, but his memory was fuzzy on that point.”¹⁰⁴⁹

During their transcribed interview, Penn Biden Center Employee 1 told the Committee neither Mr. Moore or Ms. Williams took items or boxes with them when they left on October 12.¹⁰⁵⁰ However, counsel for Penn Biden Center Employee 1 later clarified: “Ms. Williams returned to the Center by herself the following day, October 13, 2022, and removed a few boxes at that time. [Penn Biden Center Employee 1] does not have firsthand knowledge of the contents of the boxes that were removed.”¹⁰⁵¹

Also on October 13, 2022, Ms. Chung notified Bob Bauer, one of President Biden’s personal attorneys, that boxes remained at the Penn Biden Center.¹⁰⁵² She testified:

Q. And in this text message dated October 13 of 2022, you send a text to Mr. Bob Bauer, correct?

A. Yes.

Q. And you’ve said this before, but you knew Mr. Bauer from previously working in the administration and other government jobs; right?

A. Yes.

Q. Can you please read your text to him?

A. “Bob, one thing I forgot to ask you today. There are still boxes of materials at the Penn Biden Center. They are wondering if someone is going to pick up. Dana went there in June, but decided it was too much to take I was told.”¹⁰⁵³

Mr. Bauer responded via text message the same day, stating: “[Mr. Moore] has begun to sort through them and so we should get this organized in the near future.”¹⁰⁵⁴ Mr. Moore returned to

¹⁰⁴⁶ Hur Report at 263-64.

¹⁰⁴⁷ *Id.* at 264.

¹⁰⁴⁸ *Id.* at 264-65.

¹⁰⁴⁹ *Id.* at 265.

¹⁰⁵⁰ Penn Biden Center Employee 1 Interview at 22, 74.

¹⁰⁵¹ Aug. 8 Employee 1 Letter.

¹⁰⁵² Chung Interview at 95.

¹⁰⁵³ *Id.*

¹⁰⁵⁴ *Id.* at 96.

the Penn Biden Center several weeks later on November 2, 2022, with an associate from his law firm, at which point, according to the White House’s timeline, President Biden’s personal attorneys “unexpectedly discovered” the classified materials in “a locked closet.”¹⁰⁵⁵

Because the Oversight Committee learned of all this new information, not previously revealed by the White House, the Oversight Committee sought documents and information, and interviews with the five current and former White House employees, including Ms. Remus, to gain clarity about the events that preceded the “discovery” of documents at the Penn Biden Center in November of 2022. On May 5, 2023, the Oversight Committee first requested a transcribed interview with Ms. Remus—who had left the White House by the time of the first public reporting on classified materials possessed by President Biden.¹⁰⁵⁶ Through counsel, Ms. Remus requested guidance from the White House regarding her ability to speak to the Oversight Committee regarding this matter because of her position at the time in the White House.

On October 11, 2023, the Oversight Committee wrote to the White House seeking specific documents, interviews with certain White House personnel, and noticing its intent to conduct a transcribed interview of Ms. Remus.¹⁰⁵⁷ On October 18, 2023, the White House responded by informing the Oversight Committee that the White House would neither provide the requested documents nor make available White House officials—including former White House Counsel Remus—for interviews.¹⁰⁵⁸ After the Oversight Committee and Judiciary Committee issued subpoenas for Ms. Remus’s testimony, the White House again responded on November 17, 2023, requesting that the Committees withdraw all subpoenas issued in connection with this investigation of President Biden.¹⁰⁵⁹

The White House’s refusal to cooperate with the Committees’ investigation constitutes obstruction. Evidence obtained by the Oversight Committee’s investigation revealed numerous White House employees participated in the review and taking of material from the Penn Biden Center. This review was being conducted by a White House Counsel who told Special Counsel Hur that the White House’s motive for doing so was to prepare responses for potential congressional oversight.

¹⁰⁵⁵ Statement from Bob Bauer, Personal Attorney for the President (Jan. 14, 2023).

¹⁰⁵⁶ Letter from James Comer, Chairman, H. Comm. on Oversight & Accountability, to Dana Remus, Covington & Burling LLP (May 5, 2023); Chung Interview at 13-14; Penn Biden Center Employee 1 Interview at 10-11; Penn Biden Center Employee 2 Interview at 12.

¹⁰⁵⁷ Letter from James Comer, Chairman, H. Comm. on Oversight & Accountability, to Edward Siskel, White House Counsel (Oct. 11, 2023).

¹⁰⁵⁸ Letter from Richard Sauber, Special Counsel to the President, The White House, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Oct. 18, 2023).

¹⁰⁵⁹ Letter from Richard Sauber, Special Counsel to the President, The White House, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Nov. 17, 2023).

ii. The White House obstructed Congress from obtaining audio recordings of Special Counsel Hur’s two-day interviews with President Biden and his ghostwriter.

President Biden obstructed Congress by withholding material relevant to the Oversight and Judiciary Committees’ legislative oversight and the Committees’ impeachment inquiry. In the weeks following the February 5, 2024, release of Special Counsel Hur’s report, the Committees engaged with the Justice Department to obtain a limited set of documents and records related to the report. On February 16, 2024, the Department responded to the Committees’ February 12 letter but failed to produce any of the requested material—stating, instead, that it was “working to gather and process” responsive documents.¹⁰⁶⁰ The Department offered no timeframe or commitment for the production of requested documents and information.¹⁰⁶¹

Accordingly, on February 27, 2024, the Oversight and Judiciary Committees issued identical subpoenas to Attorney General Garland compelling the production of the four categories of materials:

1. All documents and communications, including audio and video recordings, related to Special Counsel Robert Hur’s interview of President Joseph R. Biden, Jr.;
2. All documents and communications, including audio and video recordings, related to Special Counsel Hur’s interview of Mr. Mark Zwonitzer;
3. The documents identified as “A9” and “A10” in Appendix A of Special Counsel Hur’s report, which relate to Vice President Biden’s December 11, 2015 call with then-Ukrainian Prime Minister Arseniy Yatsenyuk; and
4. All communications between or among representatives of the Department of Justice, including the Office of the Special Counsel, the Executive Office of the President, and President Biden’s personal counsel referring or relating to Special Counsel Hur’s report.¹⁰⁶²

The Judiciary and Oversight Committees subpoenaed these materials for several reasons, including: (1) to determine whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House of Representatives, (2) to determine whether the Justice Department was upholding its commitment to impartial justice, and (3) to ensure that federal agencies, including NARA, adequately accounted for records and documents meant to be returned to the federal government upon an executive branch employee’s departure

¹⁰⁶⁰ Letter from Assistant Att’y Gen. Carlos Felipe Uriarte, U.S. Dep’t of Justice, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability et al. (Feb. 16, 2024).

¹⁰⁶¹ *Id.*

¹⁰⁶² Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jim Jordan, Chairman, H. Comm on the Judiciary, to Merrick B. Garland, Attorney General, U.S. Dep’t of Justice (Feb. 27, 2024).

from office. To date, although the Department has produced some limited material, the Attorney General has refused to produce the audio recordings.

The subpoenas set a return date of March 7, 2024. On that date, the Department produced an incomplete set of documents comprising only correspondence exchanged between President Biden’s legal counsel and the Department, along with an offer to review two classified documents *in camera*—documents “A9” and “A10.”¹⁰⁶³ Special Counsel Hur’s report revealed those documents “concerned President Biden’s 2015 interactions with the Ukrainian government.”¹⁰⁶⁴ Two days later, on March 9, 2024, the Committees notified the Department that its initial production in response to the subpoenas was inadequate.¹⁰⁶⁵ In this letter, the Committees specifically noted that the Department had failed to produce unredacted transcripts and audio recordings of Special Counsel Hur’s interviews of President Biden or Zwonitzer.¹⁰⁶⁶ Because Special Counsel Hur was scheduled to testify in front of the Judiciary Committee on March 12, 2024, the Committees offered to accept a production of all materials responsive to the Committees’ subpoenas by March 11, 2024, at 3:00 p.m.¹⁰⁶⁷ The Department failed to comply with the Committees’ revised deadline,¹⁰⁶⁸ and instead informed the Committees that an “interagency review” for classified and confidential information was pending.¹⁰⁶⁹

Approximately two hours before Special Counsel Hur’s scheduled testimony in front of the Judiciary Committee on the morning of March 12, 2024, the Department produced to the Committees two redacted transcripts of Special Counsel Hur’s interviews with President Biden.¹⁰⁷⁰ The Department failed to produce the audio recordings of the interviews. In its letter accompanying the two redacted transcripts, which was transmitted to the Committees at approximately 7:45 a.m., the Department represented to the Committees that it had just completed the “standard interagency review process” earlier that morning, thereby allowing the material to be released.¹⁰⁷¹ Despite the Department’s representation, however, it was apparent

¹⁰⁶³ Letter from Carlos F. Uriarte, Assistant Att’y Gen., Office of Legislative Affairs, U.S. Dep’t of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 7, 2024); Letter from Carlos F. Uriarte, Assistant Att’y Gen., Office of Legislative Affairs, U.S. Dep’t of Justice, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Mar. 7, 2024) [collectively, “Mar. 7 Letters”].

¹⁰⁶⁴ H. Rept. 118-533, 118th Cong. at 8 (2024); Hur Report at A-2.

¹⁰⁶⁵ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Merrick B. Garland, Att’y Gen., U.S. Dep’t of Justice (Mar. 9, 2024) [hereinafter “Mar. 9 Letter.”].

¹⁰⁶⁶ *Id.*

¹⁰⁶⁷ *Id.*

¹⁰⁶⁸ Letter from Carlos F. Uriarte, Assistant Att’y Gen., Office of Legislative Affairs, U.S. Dep’t of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 12, 2024); Letter from Carlos F. Uriarte, Assistant Att’y Gen., Office of Legislative Affairs, U.S. Dep’t of Justice, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Mar. 12, 2024) (collectively “March 12 Letters”).

¹⁰⁶⁹ *Id.*

¹⁰⁷⁰ Email from Office Staff, Office of Legislative Affairs, Dep’t of Justice, to Comm. Staff, H. Comm. on Oversight & Accountability (Mar. 12, 2024, 7:48 a.m.); Email from Office Staff, Office of Legislative Affairs, Dep’t of Justice, to Comm. Staff, H. Comm. on Oversight & Accountability (Mar. 12, 2024, 7:49 a.m.); Email from Office Staff, Office of Legislative Affairs, Dep’t of Justice, to Comm. Staff, H. Comm. on Oversight & Accountability (Mar. 12, 2024, 7:49 a.m.).

¹⁰⁷¹ March 12 Letters.

that several news outlets had received and reviewed the transcripts before they were produced to the Committees.¹⁰⁷²

The Committees wrote to Attorney General Garland on March 25, 2024, regarding the Department's continued withholding of material responsive to the Committees' subpoenas, particularly the audio recordings of Special Counsel Hur's interviews with President Biden and the transcripts and audio recordings of Special Counsel Hur's interviews with Zwonitzer.¹⁰⁷³ The letter reminded Attorney General Garland about the legal obligations imposed upon him by the Committees' subpoenas and directed him to produce all responsive materials no later than 12:00 p.m. on April 8, 2024 to avoid further action on this matter, including the invocation of contempt of Congress proceedings.¹⁰⁷⁴

The Department replied on April 8, 2024, but again flouted the Committees' subpoenas, choosing instead to produce only the redacted transcripts of Special Counsel Hur's two interviews with Zwonitzer but not the audio recordings.¹⁰⁷⁵ In a letter to the Committees, the Department explained why it decided to withhold the audio recordings—not because of any applicable legal privilege, but instead based on the Department's unfounded accusations regarding the Committees' motives and its self-interested determination that the audio recordings were “cumulative” of other material already produced.¹⁰⁷⁶ Rather than engaging with the Committees and addressing their articulated reasons for seeking the audio recordings, the Department chose to dictate to the Committees what materials fulfilled the House's informational needs.¹⁰⁷⁷

The Committees addressed the Department's excuses for failing to comply with the subpoenas in a subsequent letter to Attorney General Garland dated April 15, 2024, writing that his response to the subpoenas suggests he is “withholding records for partisan purposes and to avoid political embarrassment for President Biden.”¹⁰⁷⁸ In that letter, the Committees rejected the Department's unsupported assertion that the audio recordings were “cumulative,” explaining how audio recordings are materially distinct from written transcripts and reminding the Attorney General that federal courts have held that Congress requires “all relevant evidence” in an impeachment inquiry.¹⁰⁷⁹

The Committees noted the Department had asserted no constitutional or legal privilege shielding the disclosure of the audio recordings and that any applicable privilege had been

¹⁰⁷² Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Merrick B. Garland, Att'y Gen., U.S. Dep't of Justice (Apr. 15, 2024) [hereinafter “Apr. 15 Letter”].

¹⁰⁷³ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Merrick B. Garland, Att'y Gen., U.S. Dep't of Justice (Mar. 25, 2024).

¹⁰⁷⁴ *Id.*

¹⁰⁷⁵ Letter from Carlos F. Uriarte, Assistant Att'y Gen., U.S. Dep't of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Apr. 8, 2024) [hereinafter “Apr. 8 Letter”].

¹⁰⁷⁶ *Id.*

¹⁰⁷⁷ *Id.*

¹⁰⁷⁸ Apr. 15 Letter.

¹⁰⁷⁹ *Id.* at 2-3.

waived by the release of the written transcripts to the media.¹⁰⁸⁰ The Committees also rejected the Department’s unsupported speculation about the Committees’ motives for obtaining the audio recordings, explaining the recordings’ evidentiary value and highlighting the Department’s hypocritical insistence on a standard of compliance here that it would never allow for a private party.¹⁰⁸¹ The Committees offered the Department until April 25 to produce the withheld materials or else the Committees would consider invoking contempt of Congress proceedings.¹⁰⁸²

The Department again refused to comply. On April 25, 2024, the Department responded to the Committees’ letter and argued, among other things, that the Committees “have not articulated a legitimate congressional need to obtain audio recordings from Mr. Hur’s investigation[,]” and that releasing the audio recordings “would harm law enforcement and the evenhanded administration of justice” because it “would compound the likelihood that future prosecutors will be unable to secure th[e] level of cooperation” that was important to Special Counsel Hur’s investigation.¹⁰⁸³

On May 13, 2024, the Committees each formally noticed a report recommending that the House hold Attorney General Garland in contempt of Congress to be considered at a business meeting on May 16, 2024.¹⁰⁸⁴ A mere two hours before the start of the Judiciary Committee’s meeting, the White House and the Department informed the Committees that President Biden had asserted executive privilege over the audio recordings.¹⁰⁸⁵ The Department’s letter explained that the Committees’ “contempt citation[s] [are] not justified[,]” and that “the President has asserted executive privilege over the requested audio recordings and is making a protective assertion of privilege over any remaining materials responsive to the subpoenas that have not already been produced.”¹⁰⁸⁶ The Department attached a separate letter, dated May 15, 2024, from Attorney General Garland to President Biden outlining “the legal bases for the assertion [of executive privilege]” and “request[ing]” that the President make such assertion.¹⁰⁸⁷ This letter contended that the audio recordings of the President’s and his ghostwriter’s interviews with Special Counsel Hur “fall within the scope of executive privilege” because the “[p]roduction of these recordings to the Committees would raise an unacceptable risk of undermining the Department’s ability to conduct similar high-profile criminal investigations”¹⁰⁸⁸

¹⁰⁸⁰ *Id.* at 3.

¹⁰⁸¹ *Id.* at 4.

¹⁰⁸² *Id.*

¹⁰⁸³ Letter from Carlos F. Uriarte, Assistant Att’y Gen., U.S. Dep’t of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Apr. 25, 2024) (internal quotation marks omitted).

¹⁰⁸⁴ See, e.g., Press Release, H. Comm. on Oversight & Accountability, Comer Opens Markup Initiating Contempt of Congress Proceedings Against Attorney General Garland (May 16, 2024).

¹⁰⁸⁵ Letter from Carlos F. Uriarte, Assistant Att’y Gen., U.S. Dep’t of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (May 16, 2024).

¹⁰⁸⁶ *Id.*

¹⁰⁸⁷ Letter from Merrick B. Garland, Att’y Gen., U.S. Dep’t of Just., to President Joseph R. Biden, Jr. (May 15, 2024) [hereinafter “Garland Request”].

¹⁰⁸⁸ *Id.* at 4.

Meanwhile, the White House’s letter stated that the President “has a duty to safeguard the integrity and independence of Executive Branch law enforcement functions and protect them from undue partisan influence that could weaken those functions in the future.”¹⁰⁸⁹ The White House also stated that “the Attorney General has warned that the disclosure of materials like these audio recordings risks harming future law enforcement investigations by making it less likely that witnesses in high-profile investigations will voluntarily cooperate.”¹⁰⁹⁰

The President’s invocation of executive privilege over the audio recordings is frivolous and appears intended to impede the Committees from examining his mishandling of classified information and the Department’s commitment to impartial justice. First, the President waived executive privilege over the contents of his and his ghostwriter’s interviews with Special Counsel Hur both when the Department produced the transcripts of such interviews to the Committees and when the Executive Branch provided such transcripts to the press before they were produced to the Committees.¹⁰⁹¹ This conclusion is consistent with *U.S. v. Mitchell*, which rejected a presidential claim of privilege over audio recordings where, as here, “portions of subpoenaed recordings” were “reduced to transcript form and published.”¹⁰⁹² In *Mitchell*, the Court concluded that “the privilege claimed [was] non-existent since the conversations are . . . no longer confidential.”¹⁰⁹³ Moreover, the Department could have taken steps to protect the confidentiality of the transcripts, but failed to do so when they released the transcripts to the press prior to providing them to the Committees and failed to request that the Committee take any action to protect the confidentiality of the transcripts.

Second, the President’s assertion of executive privilege was almost three months late, and, therefore, invalid. When the Committees subpoenaed Attorney General Garland on February 27, 2024, the subpoenas had a return date of March 7, 2024—meaning that any assertion of privilege over the requests should have occurred on or by that date.¹⁰⁹⁴ On that date, the Department produced an incomplete set of documents comprising only correspondence exchanged between President Biden’s legal counsel and the Department, along with an offer to review two classified documents *in camera*.¹⁰⁹⁵ At no point during that chain of correspondence did the President or the Department mention any legal or constitutional privilege, including executive privilege, as a justification for the Department’s failure to comply in full with the subpoenas. Instead, the Department’s correspondence attempted to avoid the subpoenas by insulting the Committees’ impeachment and oversight efforts.¹⁰⁹⁶ Accordingly, the Department’s eleventh-hour attempt to remedy its deficient subpoena response failed on its face.

¹⁰⁸⁹ *Id.*

¹⁰⁹⁰ *Id.*

¹⁰⁹¹ See Apr. 15 Letter.

¹⁰⁹² *United States v. Mitchell*, 377 F. Supp. 1326, 1330 (D.D.C. 1974) (citing *Nixon v. Sirica*, 487 F.2d 700, 718 (D.C. Cir. 1973)).

¹⁰⁹³ *Id.*; *Protect Democracy Project, Inc. v. Nat’l Sec. Agency*, 10 F.4th 879, 891 (D.C. Cir. 2021) (finding that “release of a document waives [executive privilege] for the document or information”).

¹⁰⁹⁴ See Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jim Jordan, Chairman, H. Comm on the Judiciary, to Merrick B. Garland, Attorney General, U.S. Dep’t of Justice (Feb. 27, 2024).

¹⁰⁹⁵ Mar. 7 Letters; DOJ-HJC-HUR-0000001-0000032.

¹⁰⁹⁶ See Mar. 7 Letters; DOJ-HJC-HUR-0000001-0000032.

Finally, even if the President’s invocation of executive privilege was valid, which it is not, it certainly has been overcome here. As an initial matter, the Committees have already demonstrated a sufficient need for the audio recordings as the recordings are likely to contain evidence important to the Committees’ inquiries. The audio recordings, which are uniquely in the possession of the Department, would offer unique and important information to advance the Committees’ impeachment inquiry and inform the Judiciary Committee as to the need for legislative reforms to the operations of the Department or the conduct of Special Counsel investigations. Moreover, contrary to the Department’s assertion that the audio recordings are “cumulative” of the transcripts, an audio recording is the best evidence of a witness interview. Where audio recordings and transcripts diverge, because of “inflection in a speaker’s voice or by inaccuracies in the transcript,” the audio recordings, not the transcripts, control.¹⁰⁹⁷

Such a divergence occurs and, in fact, it occurred recently with President Biden. A video and audio recording taken of President Biden’s speech on April 24, 2024, reflects him reading a teleprompter instruction to pause, saying: “Imagine what we could do next. Four more years, *pause*.”¹⁰⁹⁸ However, the official White House transcript of that same speech initially did not reflect that President Biden uttered the word “*pause*.”¹⁰⁹⁹ In this case, the video and audio recording is the best evidence of the words that President Biden actually spoke.

The Constitution does not permit the executive branch to dictate to the House of Representatives how to proceed with an impeachment inquiry or to conduct its oversight.¹¹⁰⁰ Rather, “congressional committees have significant discretion in how they approach an investigation[.]”¹¹⁰¹ The Committees are under no obligation to rely exclusively on transcripts created, refined, and produced by executive agencies subordinate to the President, especially when, as here, there exists superior evidence—audio recordings—that would ensure an accurate and complete record of the interviews. While the text of the Department-created transcripts

¹⁰⁹⁷ Don Zupanec, *Using Transcripts of Recordings as a Demonstrative Aid*, 23 No. 7 FED. LITIGATOR 13 (July 2008) (“The tape recording is evidence for you to consider. The transcript, however, is not evidence.”). See, e.g., *United States v. Hogan*, No. 2:06-CR-10, 2008 WL 2074112, at *1 (E.D. Tenn. May 14, 2008) (“[T]his Court will instruct the jury as to the limited use of the transcripts, as the transcripts are not the evidence but the audio recordings are the actual evidence.”).

¹⁰⁹⁸ See Anders Hagstrom, *Biden appears to read script instructions out loud in latest teleprompter gaffe: ‘Four more years, pause,’* FOX NEWS (Apr. 24, 2024).

¹⁰⁹⁹ See Remarks by President Biden at the North America’s Building Trades Union National Legislative Conference, The White House (Apr. 24, 2024), <https://web.archive.org/web/20240425002537/https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/04/24/remarks-by-president-biden-at-the-north-americas-building-trades-unions-national-legislative-conference/> (“Folks, imagine what we can do next. Four . . . more years (inaudible).”). The White House subsequently updated the transcript after public attention on the omission. See Remarks by President Biden at the North America’s Building Trades Union National Legislative Conference, The White House (Apr. 24, 2024), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/04/24/remarks-by-president-biden-at-the-north-americas-building-trades-unions-national-legislative-conference/>.

¹¹⁰⁰ See Linda D. Jellum, “*Which Is to be Master, the Judiciary or the Legislature? When Statutory Directives Violate Separation of Powers*,” 56 UCLA L. REV. 837, 884 (2009) (“Each branch of government deserves the autonomy necessary to carry out its functions within the constitutional scheme, and each branch should enjoy a protected sphere of control over its internal affairs. No branch should be able to regulate the inner workings of any other branch. Rather, each branch must be master in its own house.”) (cleaned up).

¹¹⁰¹ TODD GARVEY, CONG. RSCH. SERV., LSB11093, COMMITTEE DISCRETION IN OBTAINING WITNESS TESTIMONY, at 2 (2023).

purport to reflect the words uttered during these interviews, the transcripts do not reflect important verbal context, such as tone or tenor, or nonverbal context, such as pauses or pace of delivery. For instance, when interviewed, a subject's pauses and inflections can provide indications of a witness's ability to recall events, or whether the individual is intentionally giving evasive or nonresponsive testimony to investigators.

The verbal nuances in President Biden's answers are important to the Committees' legislative oversight investigation. Special Counsel Hur concluded that although there was evidence that President Biden's conduct satisfied the elements of willfully retaining classified information, justice would not be served by indicting President Biden because he would appear to a jury to be a "sympathetic, well-meaning elderly man with a poor memory."¹¹⁰² In coming to his conclusion, Hur considered "not just the words from the cold record of the transcript, but the entire manner in living color in real time of how the President presented himself" and the President's overall demeanor.¹¹⁰³ President Biden's personal attorneys and the White House Counsel's office have contested Special Counsel Hur's assessment.¹¹⁰⁴ However, Special Counsel Hur stood by his assessment during his sworn testimony before the Judiciary Committee.¹¹⁰⁵ The transcripts provided to the Committees are insufficient to arbitrate this dispute as to President Biden's mental state, an issue which goes directly to his culpability and whether the Justice Department appropriately pursued justice by declining to bring an indictment. Rather, the Committees need the best evidence of how the President presented himself during his interview with Special Counsel Hur, which is the audio recording of the interview.

The Committees must assess whether the declination decision, which was based in part on President Biden's poor mental state, was consistent with the Department's commitment to impartial justice or whether legislative reforms are necessary regarding Special Counsel investigations because they are not leading to impartial outcomes. The transcripts produced by the Department, due to their inherent limitations, are not sufficient for that purpose. The audio recordings offer unique and important information to inform the Committees as to the need for legislative reforms to the operations of the Department or the conduct of Special Counsel investigations.

The House of Representatives found Attorney General Garland in contempt of Congress on June 12, 2024.¹¹⁰⁶ Every day that President Biden and Attorney General Garland refuse to comply with the Committees' subpoenas is another day in which President Biden is obstructing Congress's impeachment inquiry and legislative oversight.

¹¹⁰² Hur Report at 219.

¹¹⁰³ *Hearing on the Report of Special Counsel Robert Hur: Hearing Before the H. Comm. on the Judiciary*, 118th Cong., at 105 (2024) (statement of Robert K. Hur, Special Counsel, U.S. Dep't of Just.).

¹¹⁰⁴ Betsy Woodruff Swan, *White House lawyers wrote Garland slamming Hur's report before its' release*, POLITICO (Feb. 15, 2024).

¹¹⁰⁵ *Hearing on the Report of Special Counsel Robert Hur: Hearing Before the H. Comm. on the Judiciary*, 118th Cong., at 18 (2024) (statement of Robert K. Hur, Special Counsel, U.S. Dep't of Just.) ("My assessment in the report about the relevance of the President's memory was necessary and accurate and fair.").

¹¹⁰⁶ H. Res.1293, 118th Cong. (2024).

B. President Biden’s White House has obstructed Congress from receiving relevant documents from the National Archives.

During the impeachment inquiry, the Committees learned that NARA possessed many records from Joe Biden’s tenure as Vice President critical to the investigation. The Presidential Records Act (PRA) subjects Vice-Presidential records to its provisions “in in the same manner as Presidential records.”¹¹⁰⁷ Under the PRA, a congressional committee may request special access to presidential records “if such records contain information that is needed for the conduct of its business and that is not otherwise available[.]”¹¹⁰⁸ Pursuant to the PRA, before releasing documents to the Oversight Committee, NARA must provide notice to the incumbent President, who normally has 60 days to review the relevant document and either assert a “constitutionally based privilege against disclosure” or permit NARA to release the document.¹¹⁰⁹

On August 17, 2023, the Oversight Committee requested Presidential Records Act Case Number 2023-0022-F, entitled “Email Messages To and/or From Vice President Biden and Hunter Biden related to Burisma and Ukraine,” “any document or communication in which a pseudonym for Vice President Joe Biden was” used, “including but not limited to Robert Peters, Robin Ware, and JRB Ware,” and “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,” among other documents.¹¹¹⁰ On August 30, 2023, the Oversight Committee requested records pertaining to the Biden family and its associates’ use of Air Force Two and Marine Two.¹¹¹¹ On September 6, 2023, the Oversight Committee requested unrestricted access from NARA to PRA Case Number 2022-0121-F, entitled “Records on Hunter Biden, James Biden and Their Foreign Business Dealings,” and documents and communications “to or from the Executive Office of the President (including but not limited to the Office of the Vice President)” related to known Biden family business associates.¹¹¹²

The Biden White House has refused to permit NARA to release thousands of documents responsive to the Oversight Committee’s August 17, August 30, and September 6 letters. The White House has relied on Executive Order 13489 to continually extend its review time of these documents, depriving Congress the ability to conduct its oversight responsibilities.¹¹¹³ The most notable obstruction of these requests concern the August 17, 2023 requests for all drafts of then-Vice President Biden’s speech to the Ukrainian Rada on December 9, 2015, and for documents and communications related to then-Vice President Biden’s use of pseudonym emails. NARA informed the Oversight Committee that it had collected the responsive documents within one week of receiving the August 17 letter and transmitted the documents to the White House on

¹¹⁰⁷ 44 U.S.C. § 2207.

¹¹⁰⁸ 44 U.S.C. § 2205.

¹¹⁰⁹ 44 U.S.C. § 2208.

¹¹¹⁰ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Colleen Shogan, Archivist, Nat’l Archives and Records Admin. (Aug. 17, 2023) (hereinafter “Aug. 17 NARA Letter”).

¹¹¹¹ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Byron Donalds, to Colleen Shogan, Archivist of the United States, Nat’l Archives and Records Admin. (Aug. 30, 2023).

¹¹¹² Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Colleen Shogan, Archivist of the United States, Nat’l Archives and Records Admin. (Sept. 6, 2023).

¹¹¹³ See, e.g., Letter from Colleen J. Shogan, Archivist, NARA, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, et al. (Jan. 25, 2024); Oversight Comm. staff meetings with NARA representatives.

August 24, 2023.¹¹¹⁴ President Biden continues to obstruct Congress by preventing NARA from providing these documents.

i. The White House has prevented NARA from disclosing certain evidence relevant to assessing the extent of Joe Biden’s involvement in Hunter Biden’s influence peddling in Ukraine.

The White House has obstructed Congress from obtaining documents and information related to Vice President Biden’s December 9, 2015 speech to the Ukrainian Rada, including drafts of his speech. On December 4, 2015, Hunter Biden “called D.C.” after Burisma executives “requested Hunter . . . help them with some of that pressure” Burisma was facing.¹¹¹⁵ On December 6, 2015, Vice President Biden flew to Ukraine and while on the plane to Ukraine, Vice President Biden “call[ed] an audible” and changed U.S. policy toward Ukraine.¹¹¹⁶ Just days later, on December 9, 2015, Vice President Biden delivered a speech to the Ukrainian Rada, in which he claimed the “Office of the General Prosecutor desperately needs reform.”¹¹¹⁷ Vice President Biden told then-President of Ukraine Petro Poroshenko: “If the prosecutor is not fired, you are not getting the money.”¹¹¹⁸ Vice President Biden, contrary to U.S. policy at the time, made the renewal of a \$1 billion loan guarantee for Ukraine contingent upon the firing of Ukrainian Prosecutor General Shokin—the official leading the investigation into Burisma and Zlochevsky.¹¹¹⁹ Shortly thereafter, President Poroshenko fired Prosecutor General Shokin and Shokin’s successor eventually dropped the case against Zlochevsky.¹¹²⁰

On August 17, 2023, the Oversight Committee requested that NARA produce all drafts of Vice President Biden’s speech that he delivered in Ukraine on December 9, 2015.¹¹²¹ Federal law permits Congress to request presidential records from former administrations and those records must be made available “subject to any rights, defenses, or privileges which the United States or any agency or person may invoke.”¹¹²² President Biden’s White House declined to authorize the production of the draft speeches.¹¹²³ On January 31, 2024, the Oversight Committee, along with the Judiciary and Ways and Means Committees, requested, again, that the White House permit

¹¹¹⁴ Email from NARA representatives to Oversight Comm. staff (Jan. 30, 2024).

¹¹¹⁵ Archer Interview at 34-37.

¹¹¹⁶ Glenn Kessler, *Inside VP Biden’s linking of a loan to a Ukraine prosecutor’s ouster*, WASH. POST (Sept. 15, 2023).

¹¹¹⁷ Remarks by Vice President Joe Biden to The Ukrainian Rada, The White House (Dec. 9, 2015).

¹¹¹⁸ Former Vice President Biden on U.S.-Russia Relations, Council on Foreign Relations (Jan. 23, 2018).

¹¹¹⁹ Glenn Kessler, *Inside VP Biden’s linking of a loan to a Ukraine prosecutor’s ouster*, WASH. POST (Sep. 15, 2023); see Letter from Victoria Nuland, Assistant Sec’y of State, U.S. Dep’t of State, to Viktor Shokin, Prosecutor General of Ukraine (June 9, 2015) (“We have been impressed with the ambitious reform and anti-corruption agenda of your government . . . The United States fully supports your government’s efforts to fight corruption.”); Email 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) (concluding that “Ukraine has made sufficient progress on its reform agenda to justify a third [loan] guarantee”).

¹¹²⁰ Impeachment Inquiry Memo at 8-9.

¹¹²¹ Aug. 17 NARA Letter.

¹¹²² 44 U.S.C. § 2205(2).

¹¹²³ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. Jason Smith, Chairman, H. Comm. on Ways & Means, to Edward Siskel, White House Counsel (Jan. 31, 2024).

NARA to release the draft speeches.¹¹²⁴ To date, President Biden’s White House has refused to permit the production of the draft speeches, which would allow the Committees to better understand Vice President Biden’s last minute change of U.S. policy toward Ukraine—a change that benefited the Biden family. For example, if the discussion in Biden’s speech to the Ukrainian Rada regarding the Office of the General Prosecutor were added or strengthened following Hunter Biden’s phone call, that would constitute powerful evidence that Burisma’s payments to Hunter Biden directly influenced United States policy towards Ukraine.

ii. The White House has refused to provide thousands of other documents requested under the Presidential Records Act, some of which it has retained for over eight months.

President Biden has obstructed Congress from receiving relevant documents and communications related to his use of pseudonym email addresses while Vice President. The Oversight Committee found evidence that then-Vice President Biden made use of various pseudonym email accounts to communicate with staff, his family, and his family’s business associates.¹¹²⁵ The August 17 Letter requested NARA produce “[a]ny document or communication in which a pseudonym for Vice President Joe Biden was included either as a sender, recipient, copied or was included in the contents of the document or communication, including but not limited to Robert Peters, Robin Ware, and JRB Ware[.]”¹¹²⁶ According to NARA staff, “the volume of records responsive to the Chairman’s three [letters] was over 300,000 pages.”¹¹²⁷ To date, the White House has permitted NARA to produce less than a third of this number, and what has been produced consists mostly of “junk mail.” In response to the Oversight Committee’s concerns that the productions were incomplete, NARA replied that the production “reflected merely those documents that the White House had cleared for release to the Committee.”¹¹²⁸

IRS whistleblowers provided the Ways and Means Committee evidence that confirmed then-Vice President Biden communicated with Mr. Schwerin and Hunter Biden, among others, using email accounts with various aliases, including robinware456@gmail.com, JRBWare@gmail.com, and Robert.L.Peters@pci.gov.¹¹²⁹ Mr. Schwerin also confirmed during his transcribed interview the Robert.L.Peters@pci.gov was Vice President Biden’s email account.¹¹³⁰ On December 5, 2023, the Ways and Means Committee publicly released the whistleblower evidence, which included metadata from 327 emails showing Vice President

¹¹²⁴ *Id.*

¹¹²⁵ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Colleen Shogan, Archivist, Nat’l Archives and Records Admin. (Aug. 17, 2023).

¹¹²⁶ *Id.*

¹¹²⁷ Email from NARA representatives to Oversight Comm. staff (Apr. 16, 2024); Letter from the Hon. Colleen J. Shogan, Archivist of the United States, Nat’l Archives & Records Admin., to Rep. James Comer et al. (Jan. 25, 2024).

¹¹²⁸ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Jason Smith, Chairman, H. Comm. on Ways & Means, to Colleen Shogan, Archivist, Nat’l Archives and Records Admin. (Jan. 12, 2024).

¹¹²⁹ Press Release, H. Comm. on Ways & Means, Newly Released Evidence Underscores Joe Biden’s Excessive Use of a Secret Email Address to Communicate with his Son’s Business Associates (Dec. 5, 2023).

¹¹³⁰ Schwerin Interview at 156-57.

Biden’s furtive correspondence with Mr. Schwerin, Hunter Biden, and others.¹¹³¹ Nearly 90 percent of these emails were sent during Joe Biden’s Vice Presidency.¹¹³²

Of the 327 emails released by the Ways and Means Committee, 54 were exclusively between Vice President Biden and Mr. Schwerin, and 38 were from White House email accounts to one of Vice President Biden’s private accounts and copied to Hunter Biden.¹¹³³ Five were sent within days of Vice President Biden’s June 2014 trip to Ukraine, while another 27 emails were sent before Vice President Biden returned to Ukraine in November 2014.¹¹³⁴ These documents have not been produced separately by NARA to the Oversight Committee.

II. President Biden and the Biden-Harris Administration Obstructed the Criminal Investigation of His Son and the Committees’ Impeachment Inquiry.

In 2023, two IRS whistleblowers, SSA Gary Shapley and SA Joseph Ziegler, notified the Ways and Means Committee that the Justice Department impeded, delayed, and obstructed the criminal investigation of the President’s son, Hunter Biden. The whistleblowers explained that Justice Department officials deviated “from the normal process that provided preferential treatment, in this case to Hunter Biden.”¹¹³⁵ These were not minor deviations from standard operating procedure. These were outcome-determinative decisions that precluded prosecution on some charges and weakened it on others. In an egregious breach of investigative and prosecutorial form, the Justice Department permitted the statute of limitations on several serious charges against Hunter Biden to lapse, withheld evidence from line investigators and prohibited these investigators from asking questions about President Biden during witness interviews, excluded investigators from meeting with defense counsel, and informed defense counsel about pending search warrants.¹¹³⁶

The fundamental mission of the Justice Department is to uphold the rule of law.¹¹³⁷ To do so, the Department has adopted values of integrity and impartiality, promising all Americans that it will enforce federal law “without prejudice or improper influence.”¹¹³⁸ The Department’s mission and its values are reflected in the Justice Manual, described as “a set of rules, regulations, [and] procedures that basically provides guidance to Department of Justice personnel.”¹¹³⁹ The Justice Manual includes a section specific to the fair and impartial enforcement of federal laws, explaining that uniform enforcement of criminal tax laws is necessary “[t]o achieve maximum deterrence” of tax crimes.¹¹⁴⁰

¹¹³¹ Press Release, H. Comm. on Ways & Means, *Newly Released Evidence Underscores Joe Biden’s Excessive Use of a Secret Email Address to Communicate with his Son’s Business Associates* (Dec. 5, 2023); *see also* D-Order Email Search Terms (Ziegler Exhibit 606).

¹¹³² Kayla Bartsch, *Biden Used Aliases to Exchange Hundreds of Emails with Hunter’s Business Partner*, NAT’L REV. (Dec. 6, 2023) (stating that 291 of the emails were sent while Vice President Biden was still in office).

¹¹³³ Press Release, H. Comm. on Ways & Means, *Newly Released Evidence Underscores Joe Biden’s Excessive Use of a Secret Email Address to Communicate with his Son’s Business Associates* (Dec. 5, 2023).

¹¹³⁴ *Id.*

¹¹³⁵ Shapley Interview at 10.

¹¹³⁶ *Id.*; *see* Ziegler Interview.

¹¹³⁷ *About DOJ*, U.S. DEP’T OF JUST., <https://www.justice.gov/about> (last visited Nov. 26, 2023).

¹¹³⁸ *Id.*

¹¹³⁹ Weiss Interview at 63.

¹¹⁴⁰ U.S. Dep’t of Just., *Just. Manual* § 6-4.010 (2023).

The Department failed to live up to its standards in the Hunter Biden investigation. After the whistleblowers exposed the Department’s preferential treatment toward the President’s son, the Biden Justice Department offered Hunter Biden an unprecedented plea agreement to resolve the charges against him.¹¹⁴¹ The plea agreement was on track to succeed until the arrangement imploded in court after a federal judge questioned the deal’s extraordinarily favorable terms to the President’s son.¹¹⁴² Equally damaging, the Department made inconsistent statements regarding the independence of its investigation to the Judiciary Committee, and President Biden prejudiced the investigation by publicly proclaiming his son’s innocence.¹¹⁴³ The Biden Justice Department was also weaponized against witnesses who provide evidence of his or his family’s wrongdoing.¹¹⁴⁴ Taken separately and together, the Biden-Harris Administration has obstructed the investigation into Hunter Biden to provide the President’s son special treatment and attempt to ensure an outcome favorable to the President’s family. Such misconduct is perhaps the paradigmatic example of obstruction of justice, wherein an individual, including the President, “endeavors to impede or influence an investigation or other proceeding . . . with an improper purpose.”¹¹⁴⁵ Indeed, no one would contest that “if the president interferes with an investigation because he worries that it might bring to light criminal activity that he, his family, or his top aides committed . . . then he acts corruptly, and thus criminally.”¹¹⁴⁶

A. Federal law enforcement began investigating Hunter Biden nearly seven years ago.

The investigations into Hunter Biden emerged in 2018 out of a separate international tax investigation the IRS was conducting into a foreign based amateur online adult platform suspected of failing to pay U.S. taxes.¹¹⁴⁷ In November 2018, IRS agents began to look into Hunter Biden after reviewing bank reports related to this separate investigation that showed that Hunter Biden was paying prostitutes that were potentially part of a prostitution ring.¹¹⁴⁸ They also discovered that Hunter Biden was “living lavishly through his corporate bank account” and not accurately reporting his taxes.¹¹⁴⁹ This information spurred an internal IRS investigation into Hunter Biden, focusing on his tax returns.¹¹⁵⁰

In a probe separate from the IRS’s tax investigation, the FBI, with help from the U.S. Attorney’s Office for the District of Delaware (USAO-DE), opened its own investigation into Hunter Biden in February 2019, after it became aware that Hunter Biden may have committed multiple financial violations, including money laundering in connection with his foreign business

¹¹⁴¹ Andrew C. McCarthy, Hunter Biden’s Sweetheart *Plea Deal Blows Up*, NAT’L REV. (July 27, 2023).

¹¹⁴² Memorandum of Plea Agreement, *United States v. Biden*, No. 23-mj-274 (D. Del. Aug. 2, 2023).

¹¹⁴³ See H. COMM. ON THE JUDICIARY ET AL., 118TH CONG., THE JUSTICE DEPARTMENT’S DEVIATIONS FROM STANDARD PROCESSES IN ITS INVESTIGATION OF HUNTER BIDEN (2023).

¹¹⁴⁴ See *infra* Section II.C.ii.

¹¹⁴⁵ Daniel J. Hemel & Eric A. Posner, *Presidential Obstruction of Justice*, 106 CALIF. L. REV. 1277, 1282 (2018) (internal quotation marks omitted).

¹¹⁴⁶ *Id.*

¹¹⁴⁷ Shapley Interview at 12.

¹¹⁴⁸ Ziegler Interview at 17.

¹¹⁴⁹ *Id.*

¹¹⁵⁰ Shapley Interview at 81-82.

dealings.¹¹⁵¹ A retired SSA at the FBI Wilmington Resident Agency (Retired FBI Supervisor) explained in a transcribed interview that he was the lead supervisor on the FBI’s Hunter Biden investigation from February 2019 until his retirement in June 2022.¹¹⁵² Retired FBI Supervisor explained how the FBI first had to obtain special approvals from FBI supervisors and FBI headquarters to open the case against Hunter Biden given the sensitive nature of the investigation’s main subject.¹¹⁵³ Specifically, the sensitivity revolved around the fact that Hunter Biden was the son of Joe Biden—a previous elected official and presumptive presidential candidate in 2020.¹¹⁵⁴

After Retired FBI Supervisor received approval to open an investigation into Hunter Biden in February 2019, he and his team became aware of the IRS’s investigation in April 2019.¹¹⁵⁵ Upon discovery of the concurrent IRS investigation, the Justice Department merged the FBI’s investigation of Hunter Biden with the ongoing IRS investigation.¹¹⁵⁶ Retired FBI Supervisor explained that after the merger, the FBI and IRS “worked hand-in-hand” conducting “regular meetings, regular conversations... [and] doing joint interviews together.”¹¹⁵⁷ However, in his transcribed interview, IRS SSA Gary Shapley explained how the merger created a myriad of problems that held up the IRS’s own investigation so as not to interfere with the covert nature of the Justice Department’s criminal investigation into Hunter Biden.¹¹⁵⁸

In October 2019, the FBI became aware that a computer repair shop possessed a laptop allegedly belonging to Hunter Biden and that the laptop contained evidence of potential crimes.¹¹⁵⁹ Retired FBI Supervisor testified that he was involved in verifying that the laptop belonged to Hunter Biden because his agents physically took possession of the laptop and completed a “forensic review” of the device.¹¹⁶⁰ After further investigation in November 2019, Retired FBI Supervisor verified the laptop’s authenticity “by matching the device number to Hunter Biden’s Apple iCloud ID.”¹¹⁶¹ The FBI then notified the IRS that the laptop contained evidence of tax crimes,¹¹⁶² though prosecutors withheld the contents of the devices from IRS case agents working on the Hunter Biden investigation.¹¹⁶³ Delaware AUSA Lesley Wolf’s stated that the FBI “ha[d] no reason to believe there [was] anything fabricated nefariously on the computer and or hard drive.”¹¹⁶⁴ Retired FBI Supervisor confirmed that AUSA Wolf made this statement.¹¹⁶⁵

¹¹⁵¹ 2024 Retired FBI Supervisor Interview at 10.

¹¹⁵² *Id.*

¹¹⁵³ *Id.*

¹¹⁵⁴ *Id.*

¹¹⁵⁵ *Id.* at 13.

¹¹⁵⁶ *Id.*

¹¹⁵⁷ *Id.*

¹¹⁵⁸ Shapley Interview at 25-26; Ziegler Interview at 22.

¹¹⁵⁹ Shapley Interview at 12.

¹¹⁶⁰ 2024 Retired FBI Supervisor Interview at 108.

¹¹⁶¹ Shapley Interview at 12; see also 2024 Retired FBI Supervisor Interview at 101.

¹¹⁶² Shapley Interview at 12.

¹¹⁶³ *Id.* at 16; Shapley Interview, Ex. 6.

¹¹⁶⁴ 2024 Retired FBI Supervisor Interview at 107.

¹¹⁶⁵ *Id.*

SSA Shapley's and SA Ziegler's testimony confirms that the IRS money laundering investigation into Hunter Biden deviated from the normal process.¹¹⁶⁶ Testimony from Retired FBI Supervisor also confirms that the FBI's separate investigation into Hunter Biden required heightened approvals due to the "sensitive" nature of the case.¹¹⁶⁷ Meanwhile, President Joe Biden promised to keep politics out of the Justice Department; just weeks before his inauguration, the President-elect said, "[i]t's not my Justice Department. It's the people's Justice Department," and that those leading the Justice Department will have the "independent capacity to decide who gets prosecuted and who doesn't."¹¹⁶⁸ Joe Biden lied about keeping politics out of the Justice Department, and the whistleblower testimony demonstrates how the Biden family received favorable treatment from the Biden Justice Department.

B. The special treatment the Justice Department afforded Hunter Biden stemmed from the politically "sensitive" and "significant" nature of the criminal investigation.

The Committees uncovered evidence that the Justice Department deviated from standard investigative practices, provided preferential treatment, and slow-walked its high-profile investigation of Hunter Biden. For example, witnesses described how the Department allowed the statute of limitations to lapse on serious felony charges, prohibited line investigators from asking about Joe Biden in witness interviews, and notified defense counsel of pending search warrants.¹¹⁶⁹ According to SSA Shapley, the criminal tax investigation of the President's son "has been handled differently than any investigation [he's] ever been a part of" throughout his 14-year career at the IRS.¹¹⁷⁰ SSA Shapley stated:

[T]he criminal tax investigation of Hunter Biden, led by the United States Attorney's Office for the District of Delaware, has been handled differently than any investigation I've ever been a part of for the past 14 years of my IRS service.

Some of the decisions seem to be influenced by politics. But whatever the motivations, at every stage decisions were made that had the effect of benefiting the subject of the investigation. These decisions included slow-walking investigative steps, not allowing enforcement actions to be executed, limiting investigators' line of questioning for witnesses, misleading investigators on charging authority, delaying any and all actions months before elections . . . well before policy memorandum mandated the pause.¹¹⁷¹

¹¹⁶⁶ Shapley Interview at 16, 32, 92; Ziegler Interview at 16, 32.

¹¹⁶⁷ 2024 Retired FBI Supervisor Interview at 10.

¹¹⁶⁸ Morgan Chalfant, *Biden, Harris pledge to keep politics out of DOJ*, THE HILL (Dec. 3, 2020).

¹¹⁶⁹ See generally Shapley Interview; Ziegler Interview.

¹¹⁷⁰ Shapley Interview at 11.

¹¹⁷¹ *Id.* at 11-12.

Other witnesses with knowledge of the case have since corroborated SSA Shapley’s testimony that the Justice Department treated Hunter Biden’s case differently than other criminal investigations.¹¹⁷²

i. The majority of witnesses with knowledge of the case acknowledged that there were inherent sensitivities with investigating and prosecuting the President’s son—and doing so in the President’s home state.

Several witnesses acknowledged the delicate approach used during the case, describing the investigation as a “sensitive” or “significant” matter.¹¹⁷³ From the outset, the FBI, the Justice Department, and IRS all recognized the sensitivity of investigating the former Vice President’s son, particularly in the state in which the Bidens are a prominent family. As a result, Hunter Biden was afforded extra protection, and investigators were forced to jump through additional hoops they would not normally experience in a typical case. Retired FBI Supervisor from the Wilmington Resident Agency who opened the FBI’s investigation of Hunter Biden explained that he had to obtain special approval to open the case due to its politically sensitive nature.¹¹⁷⁴ He testified:

Q. And when did you first learn about the Hunter Biden investigation?

A. I opened it. I was the supervisor that received the information and decided to pursue it.

Q. And what action did you take to open the investigation?

A. So we received some initial information, and like we did in many other cases, talked with members of the squad, checked relevant information available to us; and using that information . . . designated one of the members of my squad to be the lead case agent. We opened the case, I believe, it was February of 2019. I don’t recall the exact day. And I am trying to think what—because . . . the sensitivities involved in this, it required greater approval. So like any case that we would open, we would open a case . . . get approval. And in this case, it went higher up into FBI management as well at the criminal division at the FBI headquarters.¹¹⁷⁵

Retired FBI Supervisor explained that this sensitivity revolved around the fact that Hunter Biden was the son of Joe Biden, who was expected to announce his candidacy for the upcoming 2020 Presidential election around that time.¹¹⁷⁶ He testified:

¹¹⁷² See generally Ziegler Interview.

¹¹⁷³ Ziegler Interview at 45; 2024 Retired FBI Supervisor Interview at 10.

¹¹⁷⁴ 2024 Retired FBI Supervisor Interview at 10.

¹¹⁷⁵ *Id.*

¹¹⁷⁶ *Id.*

Q. When you say there were sensitivities involved in this case that required greater approvals, what were the sensitivities?

A. So a public figure who was politically connected. Although, at the time, the subject's father was not an elected official, he had just left government service. And we expected that he would probably be a candidate in the upcoming election. Although, he hadn't declared at the time we had opened the case.¹¹⁷⁷

Former U.S. Attorney for the Western District of Pennsylvania Scott Brady also testified about the "sensitive" nature of the Hunter Biden case.¹¹⁷⁸ More specifically, Mr. Brady provided the Committee with further insight on the FBI's overly cautious treatment of any investigative action related to Hunter Biden. Mr. Brady stated:

Q. And, when you say that the information was sensitive, what do you mean by that?

A. Certainly anything relating to Ukraine, Ukrainian nationals that intersected with Hunter Biden and his role serving on the Burisma board was sensitive and certainly in 2020, months before an election cycle when different policies kick in for the Department and for the FBI.

Q. And was it sensitive because Hunter Biden's father, Joe Biden, was running in the 2020 election?

A. Yes.¹¹⁷⁹

Likewise, Acting Deputy Assistant Attorney General for Criminal Matters within the Department's Tax Division, Stuart Goldberg, confirmed whistleblower testimony that the Hunter Biden case received special treatment, as it required "closer supervision" than other cases.¹¹⁸⁰ Mr. Goldberg testified:

Q. Was the fact that Hunter Biden was involved here, did that require DOJ Tax's sign-off because it's a sensitive matter?

A. Well, without getting into the case, again trying to answer a question at a slightly higher level, there are cases that are sensitive, people—some would say sensitive, sometimes say

¹¹⁷⁷ *Id.*

¹¹⁷⁸ Transcribed Interview of Scott Brady, & H. Comm. on the Judiciary at 37-39 (Oct. 23, 2023) [hereinafter "Brady Interview"].

¹¹⁷⁹ *Id.* at 19.

¹¹⁸⁰ Goldberg Interview at 17.

significant cases. And those cases typically have closer supervision than other, more run-of-the-mill cases.

Q. And if there's a target of an investigation that has some political significance attached to him or her . . . does that trigger any heightened review process within DOJ Tax?

A. So if something can be termed as sensitive pursuant to the case it might be because it's a public official or it's a person that has a noteworthy profile or it's going to generate a lot of media attention, or might be congressional interest. It could be a corporation or an individual. That might mean that the case would come to my level for ultimate sign-off on the case as opposed to be[ing] handled at the chief's level.

Q. . . . And is it fair to say that the Hunter Biden case fell into that category?

A. Yes.¹¹⁸¹

Thus, due to the sensitive nature of the case, Goldberg had an unusual responsibility to make approval decisions within his division at the Biden Justice Department.¹¹⁸² U.S. Attorney David Weiss also asked Goldberg to attend a meeting in Delaware with prosecutors and Hunter Biden's defense counsel—something he stated was “uncommon” for him to do.¹¹⁸³ Goldberg testified regarding the meeting:

Q. [Was] it customary for you to attend that type of meeting or did you only attend here because of the significance of the target and the investigation?

A. I attended because Mr. Weiss asked me to come up for the meeting.

Q. Okay. How frequently do you travel to U.S. Attorney's Offices for meetings of that sort? Was that unusual for you to—

A. For me to go to a U.S. Attorney's Office on a case?

Q. Yeah.

A. It's not something that I would commonly do.

¹¹⁸¹ *Id.*

¹¹⁸² *Id.*

¹¹⁸³ *Id.* at 25-27.

Q. Okay. How many times have you done it . . . [i]n your current role?

A. I think it's the only time I've done it.¹¹⁸⁴

The close supervision required by the Justice Department in the Hunter Biden case similarly applied to the FBI's investigation. The retired FBI Supervisor testified:

Q. And did you supervise a team of agents that were working on this case? How did that work?

A. Yeah, so it was limited—again, with sensitivities, there was a . . . strict need to know. So we limited it. We assigned a couple of agents on the squad, support staff. . . . [S]o it was very limited the number of people working on it initially.¹¹⁸⁵

SA Ziegler also explained how the Bidens were afforded special treatment due to being a politically powerful family. SA Ziegler recalled one instance in late 2018 where he sent documentation that would refer the case to the Department's Tax Division for further investigation up to his manager at the time, SSA Matt Kutz.¹¹⁸⁶ Upon reviewing the package of documents, SSA Kutz told SA Ziegler that "a political family like this, you have to have more than just an allegation and evidence related to that allegation. In order for this case to move forward, you basically have to show a significant amount of evidence and similar wrongdoing that would basically illustrate a prosecution report."¹¹⁸⁷ Ultimately, SA Ziegler had to draft three versions of the referral package before SSA Kutz approved it for review by the Tax Division.¹¹⁸⁸

Department and IRS officials also expressed obvious concerns over investigating a Biden in Delaware, ultimately leading to the Department's sensitive approach in handling this case. SA Ziegler described the challenges associated with investigating the Bidens in Delaware, explaining that "Delaware was in the State in which the subject's father lived, and the family was extremely well-known."¹¹⁸⁹ He testified:

Q. Okay. Just a question about working with the U.S. Attorney's Office in Delaware. It seems like the elephant in the room is that—correct me if I'm wrong, but—Joe Biden and anyone in the Biden family is royalty in Delaware. Is that not the case?

A. It was definitely something that was overly apparent in the State, yes.

¹¹⁸⁴ *Id.*

¹¹⁸⁵ 2024 Retired FBI Supervisor Interview at 11-12.

¹¹⁸⁶ Ziegler Interview at 17-18.

¹¹⁸⁷ *Id.* at 18-19.

¹¹⁸⁸ *Id.* at 19.

¹¹⁸⁹ *Id.* at 20.

- Q. So whether the President is a Republican or a Democrat, if you are in the district of Delaware, and you are in the U.S. Attorney's Office, and you are trying to bring a case against a family member of Joe Biden, that inherently has its challenges, doesn't it?
- A. Yes. . . . I think he is someone that's a big deal within that State.
- Q. Right. And so all the nonpolitically-appointed officials in the office certainly could be affected by the fact that we're dealing with Joe Biden, correct? In that office?
- A. I went into it with the belief that I would hope that that wouldn't happen. But it being in the Delaware area, it very well could have happened that way.¹¹⁹⁰

SSA Shapley similarly testified that an unidentified FBI case agent in Wilmington "was concerned about the consequences for him and his family" if he had to investigate the Bidens in Delaware.¹¹⁹¹ However, when he sat for his transcribed interview, Delaware U.S. Attorney Weiss would not acknowledge any fear or worry about investigating the President's son in the Biden family's home state. Weiss suggested that although there are only "a certain number of practitioners" in the small Delaware legal community, he was not concerned with bringing a case there against the President's son.¹¹⁹² Weiss testified:

- Q. Would you characterize the Delaware legal community as a small, tight-knit legal community?
- A. I would characterize the Delaware community as a small community, yes, for sure.
- Q. And, for the most part, all the key players who litigate in Federal court know one another?
- A. I think that's fair that folks get to know one another pretty quickly, yes.
- Q. . . . Did you ever have any concerns that you were responsible for bringing a case against the President's son and, yet, you're part of this close-knit community?

¹¹⁹⁰ *Id.* at 157-58.

¹¹⁹¹ Shapley Interview at 16.

¹¹⁹² Weiss Interview at 143-45.

- A. No, I didn't. . . . I just acknowledge that the Delaware, particularly in Federal court . . . there is only a certain number of practitioners locally[.]¹¹⁹³

Although Weiss would not acknowledge any fear or worry about investigating the President's son in their home state of Delaware, other Department and IRS officials expressed concern. The retired FBI supervisor testified the case was a "hot potato" that "[a] lot of people didn't want to get involved in . . ." ¹¹⁹⁴ IRS Director of Operations Michael Batdorf likewise testified about "concerns on the ability to interview witnesses" and the difficulty in "getting approvals" from Weiss's team to interview witnesses. ¹¹⁹⁵ Hunter Biden's own lawyer, Chris Clark, threatened prosecutors that they faced "career suicide if they pursued the investigation."¹¹⁹⁶

Overall, the testimony from Justice Department and other officials bolsters the IRS whistleblowers' prior testimony that the Justice Department's "sensitive" treatment of Hunter Biden's case was anything but normal.

ii. FBI bureaucrats hostile to the Trump Administration and senior officials in the Delaware U.S. Attorney's Office thwarted former U.S. Attorney Scott Brady's efforts to vet Ukraine-related information by slow-walking investigative action and withholding relevant information.

In late 2019 or early 2020, as the Hunter Biden investigation progressed and additional reporting on Ukraine-related information poured in, the Justice Department set up a system to coordinate multiple Department matters related to Ukraine. ¹¹⁹⁷ As part of this effort, on January 3, 2020, then-Attorney General Bill Barr and then-Deputy Attorney General Jeffrey Rosen gave then-U.S. Attorney for the Western District of Pennsylvania Scott Brady a limited assignment to vet information related to Ukraine coming into the Justice Department, and then to pass credible information along to U.S. Attorneys' Offices with relevant ongoing grand jury investigations by providing substantive briefings on their findings and recommending next steps. ¹¹⁹⁸

In his transcribed interview, Mr. Brady confirmed to the Committee that "any member of the public" could provide information as part of this intake process, and that his office treated the information the same as all other information provided to the Department. ¹¹⁹⁹ Mr. Brady

¹¹⁹³ *Id.* at 143-44.

¹¹⁹⁴ 2024 Retired FBI Supervisor Interview at 24.

¹¹⁹⁵ Batdorf Interview at 60-61.

¹¹⁹⁶ Shapley Interview at 27; Ziegler Interview at 122, 149.

¹¹⁹⁷ Letter from Stephen E. Boyd, Assistant Att'y Gen., U.S. Dep't of Just., to Rep. Jerrold Nadler, Chairman, H. Comm. on the Judiciary (Feb. 18, 2020).

¹¹⁹⁸ Brady Interview at 10-13; *see also id.* at 35 ("My goal was for us to do our task, our job that we were given by AG Barr, DAG Rosen."); *id.* at 43 ("Q. Okay. So the task that you were given came ultimately from Attorney General Barr. Is that right? A. I believe so, yes.").

¹¹⁹⁹ *Id.* at 14, 63; *see also* Letter from Stephen E. Boyd, Assistant Att'y Gen., U.S. Dep't of Just., to Rep. Jerrold Nadler, Chairman, H. Comm. on the Judiciary (Feb. 18, 2020) ("Nor do these procedures grant any individual unique access to the Department. Indeed, any member of the public who has relevant information may contact the Department and make use of its intake process for Ukraine-related matters. . . . All information provided through this process will be treated just like any other information provided to the Department.").

described his assignment as “an intake and vetting process, kind of akin to a due diligence,”¹²⁰⁰ involving assessing the credibility of information using publicly available resources and pre-existing FBI records.¹²⁰¹ Mr. Brady explained that his office did not have access to grand jury tools such as subpoenaing documents or witnesses.¹²⁰² When asked how the vetting process was structured without the typical vetting tools at his disposal, Mr. Brady testified:

Q. And how did you assess the credibility of information coming in?

A. Well, we would look at public sources. General Barr in other public statements had said that we are to coordinate with the FBI and intelligence services, so we did. We . . . met with them on a regular basis, asked [them] to . . . run names, emails, bank account numbers through their existing files. We would vet that against information that was provided by the public. And, again, open-source information, and then make a determination about credibility or next steps.

Q. And so, after you made an assessment regarding the credibility, then you would pass that information along to other offices who had predicated grand jury investigations. Is that correct?

A. That’s right. At the end of our process, we then would brief those offices with information that we believed was either credible or had indicia of credibility and we felt, in our judgment, required some additional investigation, probably using tools available to a grand jury. But, ultimately, it was their decision. Our visibility beyond that point was over.¹²⁰³

In his transcribed interview, Mr. Brady also detailed the “challenging working relationship” he had with the FBI in carrying out his assignment, as well as the FBI’s “reluctance . . . to really do any tasking related to [the] assignment from DAG Rosen and looking into allegations of Ukrainian corruption broadly and then specifically anything that intersected with Hunter Biden and his role in Burisma.”¹²⁰⁴ In particular, challenges arose from FBI headquarters slow-walking the vetting process, which the FBI purportedly did due to the “sensitive nature” of the assignment.¹²⁰⁵ When asked to elaborate on what he meant by “sensitive,” Mr. Brady agreed that it was sensitive because “Hunter Biden’s father, Joe Biden, was running in the 2020 election[.]”¹²⁰⁶

¹²⁰⁰ Brady Interview at 11.

¹²⁰¹ *Id.* at 11-12.

¹²⁰² *Id.* at 12, 15.

¹²⁰³ *Id.* at 12-13.

¹²⁰⁴ *Id.* at 37-38.

¹²⁰⁵ *Id.* at 37.

¹²⁰⁶ *Id.* at 19.

Mr. Brady explained that the FBI required Baltimore Field Office special agents to obtain an unnecessary and unprecedented number of approvals from FBI headquarters to take even the most basic investigative actions.¹²⁰⁷ Further, the requisite approval document that allowed the FBI to continue looking into Hunter Biden at Brady's request, "the assessment," required 17 Headquarters officials to sign off every 30 days—something Mr. Brady had never seen in his career.¹²⁰⁸ He testified:

Q. Did you get a sense of why the FBI was reluctant to take any action? . . .

A. I don't know why they were reluctant. I know that, because of what they deemed to be the sensitive nature, and this was sensitive, as it related to Mr. [Hunter] Biden, that there were a lot of steps of approval and a lot of eyes that had to look at things and sign off on any action that the special agents that were doing the day-to-day work and interacting with our team would take.

It was my understanding that FBI Headquarters had to sign off on every assignment, no matter how small or routine, before they could take action, which then just lengthened the amount of time . . . between us asking them to do something and them actually performing it.

Q. And, in your dealings with the FBI, was this level of signoff regular, that the special agent would have to get signoff to take any little investigative action?

A. Not in my experience. In my experience, on most investigations, even sensitive investigations, and/or public corruption investigations, it was usually contained within the field office. . . .

Even something as simple as extending the assessment that we talked about, that requires a renewal every 30 days under the FBI [Domestic Investigations and Operations Guide]. Normally that, either opening or renewal, can be . . . at the [Supervisory Special Agent] level. In this case, it required 17 different people, including mostly at the headquarters level to sign off on it before the assessment could be extended.

And so, at different times, we were told by the special agents that they had to go pens down sometimes for 2 or 3 weeks at a time before they could re-engage and take additional steps

¹²⁰⁷ *Id.* at 37.

¹²⁰⁸ *Id.* at 38.

because they were still waiting on, again, someone within the 17 chain signoff to approve.

Q. And had you ever seen a 17-person signoff required by the FBI?

A. Never in my career.¹²⁰⁹

Politicized bureaucrats at FBI Headquarters also told agents to withhold information from Brady's office. On one occasion, Mr. Brady explained, FBI headquarters told the Pittsburgh FBI team that "they were not to affirmatively share information with us but that they were only to share information with us if we asked them a direct question relating to that information, which is not typically how the investigative process goes."¹²¹⁰ Indeed, Brady testified that the FBI refused to share its Domestic Investigations and Operations Guide—"the FBI's bible for their processes and procedures"—with him, and when he registered an objection as "a presidentially appointed United States Attorney" who is "on the same team," the FBI advised him: "That's what we were told, so we can't, sir."¹²¹¹

The prohibition on sharing information between FBI Pittsburgh and Brady's office was out of the ordinary and resulted in unnecessary delays in the investigation. Mr. Brady explained:

Q. What was the normal kind of reporting process between your office and FBI Pittsburgh?

A. I mean, on a normal case, it's an iterative process, a collaborative process between agent, investigator, and [Assistant U.S. Attorney] and prosecutor. There's mutuality of information sharing. There's a certain transparency because . . . the goal is to conduct an investigation and make a determination at some point with the agency's recommendation about prosecute, not prosecute. But, even short of that . . . take investigative steps that you discuss and agree on, and you know, to move an investigation forward or to open other avenues, identify potential witnesses, subjects, targets. This was not that dynamic.

Q. And, with the FBI not following the typical investigative process at the direction of FBI headquarters, what did that mean for your assignment in vetting Ukraine-related information?

A. It just meant, as I testified earlier, there were stops and starts. It was sometimes difficult to get full information back from

¹²⁰⁹ *Id.* at 37-38.

¹²¹⁰ *Id.* at 85.

¹²¹¹ *Id.*

the FBI. Again, as I mentioned, sometimes they had to go pens down while they were awaiting approval from headquarters.¹²¹²

The FBI's prohibition on information sharing with the U.S. Attorney's Office for the Western District of Pennsylvania had real consequences. Mr. Brady informed the Committee that there were "many things" relevant to his investigation that the FBI did not share with his office.¹²¹³ Alarming, Mr. Brady "was not aware . . . that the FBI was in possession of the Hunter Biden laptop" until it was publicly reported in October 2020.¹²¹⁴ Mr. Brady expressed that he was "surprised" to learn this information from a media report because the laptop contained "information relating to Hunter Biden's activities on the board of Burisma in Ukraine, that might have been helpful in our assessment of the information that we were receiving about him" and that Mr. Brady "would have expected that be shared" with his office.¹²¹⁵ It was not just him that was surprised by the laptop story—his whole team working on the Ukraine-related information assignment was surprised that the FBI did not inform them of the laptop.¹²¹⁶

The FBI's reluctance to cooperate with Mr. Brady's assignment added further delays to the process of vetting Ukraine-related information coming into the Justice Department.¹²¹⁷ Ultimately, Mr. Brady had no choice but to seek help from the Deputy Attorney General's office "at least five or six times on a myriad of different issues" to get the FBI to follow its typical investigative process and stop hindering the assignment.¹²¹⁸ Simply put, the FBI and officials in headquarters slow-walked necessary investigative actions and prohibited information sharing that could have helped prosecutors gather evidence in the case against Hunter Biden. This lack of transparency and reluctance to take action due to sensitivities around the case ultimately benefited Hunter Biden.

In addition to the challenges posed to the investigation by FBI headquarters, senior officials in the Delaware U.S. Attorney's Office attempted to avoid learning information that could implicate President Biden in criminal activity. The Committees have obtained information showing that the U.S. Attorney's Office for the District of Delaware under the leadership of David Weiss also deviated from standard operating to the detriment of Mr. Brady's assignment. According to Mr. Brady, it was "regularly a challenge to interact with" Weiss's office.¹²¹⁹ Mr. Brady testified that the communication issues between his office and Weiss's office began almost immediately and that communication issues "became problematic at different points."¹²²⁰ There were times when the two U.S. Attorneys would have to get involved directly to attempt to resolve communication issues between their offices.¹²²¹ Mr. Brady testified:

¹²¹² *Id.* at 85-86.

¹²¹³ *Id.* at 105.

¹²¹⁴ *Id.*

¹²¹⁵ *Id.*; see also *id.* at 157 ("Q. . . . Were you surprised that you didn't know about the existence of this laptop? A. Yes.").

¹²¹⁶ *Id.* at 159.

¹²¹⁷ *Id.* at 38, 41, 86, 187.

¹²¹⁸ *Id.* at 39.

¹²¹⁹ *Id.* at 29.

¹²²⁰ *Id.*

¹²²¹ *Id.*

Q. Did you have any issues developing a channel of communication initially with the Delaware U.S. Attorney's Office?

A. Yes.

* * *

A. It became problematic at different points, which required Mr. Weiss and me to get involved and level set, as it were, but it was regularly a challenge to interact with the investigative team from Delaware.¹²²²

Mr. Brady testified that in his experience, U.S. Attorney's Offices are generally "fairly clear and transparent" with each other, "even on sensitive matters."¹²²³ He called the communication issues with Weiss's office "unusual."¹²²⁴

Mr. Brady explained that his team merely wanted "to understand what [Weiss's team] had looked at, what they had not looked at to make sure we weren't . . . duplicating efforts, stepping on toes, doing anything that would in any way complicate their lives and their investigation."¹²²⁵ Despite their best efforts to communicate with Weiss's team, Mr. Brady explained that the relationship deteriorated.¹²²⁶ Mr. Brady stated:

I don't want to speculate as to why, but I know that there was no information sharing back to us And, at one point, the communication between our offices was so constricted that we had to provide written questions to the investigative team in Delaware, almost in the form of interrogatories, and receive written answers back.¹²²⁷

Brady further elaborated on the stilted relationship between the two offices, stating:

Q. Now, also, based on what you said, throughout the process, you said that the Delaware U.S. Attorney's Office wasn't willing to cooperate, so much so that you had to send interrogatories?

A. Yes, we had conversations, asked for communication and a flow of information, mostly one way from us to them, but

¹²²² *Id.*

¹²²³ *Id.* at 31.

¹²²⁴ *Id.*

¹²²⁵ *Id.* at 37.

¹²²⁶ *Id.* at 30.

¹²²⁷ *Id.*

also, as I testified, we wanted to make sure we weren't duplicating what they were doing. They would not engage. And so finally, after me calling Mr. Weiss and saying can you please talk to your team, this is important, this is why we want to interact with them, the response that we got back is you can submit your questions to our team in written form, which we did.

Q. And that was unusual?

A. I had never seen it before.¹²²⁸

As their work continued on the investigation, Weiss's team would further deviate from standard investigative practices in ways that shielded Hunter Biden and the Biden family from close scrutiny.

iii. From requiring unnecessary and unprecedented layers of approval to preventing investigators from taking otherwise ordinary investigative actions, Justice Department officials slow-walked the investigation into Hunter Biden.

At great personal and professional risk, SSA Shapley and SA Ziegler came forward to advise Congress that recurring unjustified delays pervaded the Hunter Biden investigation, with Justice Department officials slow-walking and outright declining investigators' requests for action.¹²²⁹ Investigators were ready to proceed with overt actions in the summer of 2020, but, according to SA Ziegler, Justice Department officials slow-walked requests for action seemingly to get into the 60- to 90-day pre-election window when Justice Department policy does not allow overt action on politically sensitive cases.¹²³⁰ These delays helped run down the clock on potential criminal charges on Hunter Biden's under-reported income and tax avoidance that occurred while his father was Vice President. SSA Shapley noted that "every single time the process could be bogged down by deferring to some other approval level, [DOJ Tax] took full advantage of that."¹²³¹ IRS documents and testimony from Justice Department officials corroborated the whistleblowers' account of the constant roadblocks they encountered to properly work on and investigate Hunter Biden's case.

SA Ziegler, who opened the IRS's investigation into Hunter Biden in November 2018, testified that the USAO-DE and other Justice Department officials "would often slow-walk investigative steps, often not follow the appropriate investigative procedure, and would say that we couldn't do or had to wait on certain steps because there were too many approvals in front of us."¹²³² SA Ziegler expressed frustration among investigators that "we were always on an impending election cycle" according to prosecutors from DOJ Tax and USAO-DE beginning in

¹²²⁸ *Id.* at 156-57.

¹²²⁹ *See, e.g.*, Ziegler Interview at 23-30.

¹²³⁰ *See id.*

¹²³¹ Shapley Interview at 59.

¹²³² Ziegler Interview at 16.

early 2020.¹²³³ The first disagreement SA Ziegler recalled between IRS investigators and Justice Department officials was whether and when to go “overt” with the investigation.¹²³⁴ Contrary to IRS policy—which requires investigators to interview the subject “within 30 days of elevating the investigation”—the investigation remained covert until after the presidential election on December 8, 2020.¹²³⁵

SSA Shapley provided similar testimony. After he became supervisor of the Hunter Biden investigation in January 2020, he began coordinating with the FBI, DOJ Tax, and USAO-DE by attending biweekly meetings to discuss the case.¹²³⁶ In early March 2020, SSA Shapley submitted a sensitive case report up through the IRS chain of command, indicating that his team was prepared to seek search warrants in California, Arkansas, New York, and DC by mid-March.¹²³⁷ Shortly thereafter, SA Ziegler drafted an affidavit establishing probable cause for these warrants dated April 1, 2020, at which point they would contemporaneously execute the search warrants and interview fifteen witnesses.¹²³⁸ Yet, SSA Shapley explained, “after former Vice President Joseph Biden became the presumptive Democratic nominee for President in early April 2020, career [Justice Department] officials dragged their feet on the IRS taking these investigative steps.”¹²³⁹

By June 2020, it became evident to SSA Shapley that the Justice Department was intentionally delaying the investigation.¹²⁴⁰ SSA Shapley voiced his concerns to his IRS chain of command regarding the discrepancies between normal procedures and the current handling of the Hunter Biden case in a June 16 call.¹²⁴¹ During this call, SSA Shapley stated that “if normal procedures had been followed we already would have executed search warrants, conducted interviews, and served document requests.”¹²⁴² Nonetheless, he was instructed to defer to the Justice Department.¹²⁴³

From that point on, SSA Shapley “became the highest-ranking IRS [Criminal Investigation] leader to participate in . . . prosecution team calls, be up to date on specific case strategies, discuss the investigation with [Justice Department] and the Delaware U.S. Attorney’s Office, and address concerns as they arose.”¹²⁴⁴ SSA Shapley testified that “even after” the Justice Department denied or rejected “investigative steps” and “enforcement operations . . .

¹²³³ *Id.* at 23.

¹²³⁴ *Id.* at 21.

¹²³⁵ *Id.* at 21-22; *see also id.* at 21. (“In a normal investigation, we would typically advise the subject of the criminal investigation, try to get a statement from them, try to get an understanding of why there were unfiled returns. And it . . . puts them on notice that the IRS is looking into them currently and then it . . . preserves the record in an essence.”).

¹²³⁶ Shapley Interview at 12-13.

¹²³⁷ *Id.* at 13.

¹²³⁸ *Id.*

¹²³⁹ *Id.*

¹²⁴⁰ *Id.*

¹²⁴¹ *Id.*

¹²⁴² *Id.*

¹²⁴³ *Id.*

¹²⁴⁴ *Id.*

leading to the election in November 2020,” his team and other investigators “continued to obtain further leads in the [Hunter Biden] case and prepared for when [they] could go overt.”¹²⁴⁵

Both SSA Shapley and SA Ziegler recalled an instance in August 2020 where “assigned prosecutors did not follow . . . ordinary process, . . . slow-walked [investigative steps], and [required] unnecessary [layers of required] approvals.”¹²⁴⁶ Specifically, AUSA Wolf prohibited line investigators from looking into incriminating messages involving now-President Biden, including when Hunter Biden invoked his father in a threatening message to a Chinese business associate.¹²⁴⁷ When IRS investigators discovered Hunter Biden’s message, they asked AUSA Wolf if they could obtain location data to determine Hunter Biden’s location when he sent the messages to determine whether he was actually sitting next to his father and establish probable cause for interviewing now-President Biden.¹²⁴⁸ SSA Shapley explained that the message not only constituted evidence of potential tax crimes, but also raised national security and Foreign Agents Registration Act (FARA) concerns as well.¹²⁴⁹ Despite the fact that collecting location data is what investigators “would normally do” in this scenario,¹²⁵⁰ AUSA Wolf denied the request.¹²⁵¹ Investigators discovered other incriminating messages Hunter Biden had sent and received,¹²⁵² some of which suggested that now-President Biden was involved in his son’s foreign business ventures.¹²⁵³ According to SSA Shapley, these messages “included material [that investigators] clearly needed to follow up on,” and “made it clear [investigators] needed to search the guest house at the Bidens’ Delaware residence where Hunter Biden stayed for a time.”¹²⁵⁴ However, once again, “prosecutors denied investigators’ requests to develop a strategy to look into the messages and denied investigators’ suggestion to obtain location information to see where the texts were sent from.”¹²⁵⁵ SSA Shapley described this situation as “one of the major deviations [from standard operating procedure] in this case.”¹²⁵⁶

¹²⁴⁵ *Id.* at 14.

¹²⁴⁶ Ziegler Interview at 25; *see* Shapley Interview at 14.

¹²⁴⁷ Shapley Interview at 14, 163; Jerry Dunleavy, *Hunter Biden invoking ‘my father’ resulted in millions flowing from CCP-linked company*, WASH. EXAM’R (June 28, 2023); Josh Christenson, *Why Hunter Biden angrily threatened his Chinese business associate*, N.Y. POST (June 26, 2023).

¹²⁴⁸ Shapley Interview at 14, 163; *see also* *Timeline of Hunter Biden Investigation*, EMPOWER OVERSIGHT (last updated Sept. 29, 2023).

¹²⁴⁹ Shapley Interview at 164.

¹²⁵⁰ Ziegler Interview at 105; *see also* *Hearing with IRS Whistleblowers About the Biden Criminal Investigation: Before the H. Comm. on Oversight & Accountability*, 118th Cong., at 50–51 (2023) (statement of Gary Shapley, Supervisory Special Agent, Internal Revenue Serv.) (“I recall [prosecutors] saying to me that, how do we know that [Joe Biden] is there . . . and then I said well, we would get the location data. So as a part of my normal investigation, that is what I would do.”); *Id.* at 65 (statement of Joseph Ziegler, Special Agent, Internal Revenue Serv.) (“So typically, in that situation, you’d want to get location data, contemporaneous data that would show where that person is at, so that’s what we would typically look to.”).

¹²⁵¹ Shapley Interview at 14, 163, 165; Ziegler Interview at 105-06.

¹²⁵² *See generally* Ziegler Supplemental Production 2, Ex. 300.

¹²⁵³ *See e.g.*, Shapley Interview, Ex. 11 (listing a WhatsApp message Hunter Biden sent to a CEFC executive stating, “The Biden’s [sic] are the best I know at doing exactly what the Chairman wants from this partnership[.]”).

¹²⁵⁴ Shapley Interview at 14.

¹²⁵⁵ *Id.*

¹²⁵⁶ *Hearing with IRS Whistleblowers About the Biden Criminal Investigation: Before the H. Comm. on Oversight & Accountability*, 118th Cong., at 19 (2023) (statement of Gary Shapley, Supervisory Special Agent, Internal Revenue Serv.).

Documents produced to the Ways and Means Committee further evidence an effort to shield the Bidens from scrutiny. Shortly after declining investigators' request to collect location data, AUSA Wolf told the investigative team, "As a priority, someone needs to redraft attachment B . . . There should be nothing about Political Figure 1 in here."¹²⁵⁷ The attachment referenced by AUSA Wolf included terms for a search warrant for records related to Hunter Biden. The warrant defined "POLITICAL FIGURE 1" as "FORMER VICE PRESIDENT JOSEPH ROBINETTE BIDEN JR."¹²⁵⁸

EXHIBIT 202

From: Wolf, Lesley (USADE) [REDACTED]
Sent: Friday, August 07, 2020 7:41 PM
To: Wilson, Joshua J. (BA) (FBI); Hudson, Carly (USADE)
Cc: Roepcke, Susan C. (BA) (FBI); Hoffman, Michelle A. (BA) (FBI); Ziegler Joseph A; Gordon, Joseph P. (BA) (FBI)
Subject: RE: BS SW Draft

As a priority, someone needs to redraft attachment B. I am not sure what this is cut and pasted from but other than the attribution, location and identity stuff at the end, none if it is appropriate and within the scope of this warrant. Please focus on FARA evidence only. There should be nothing about Political Figure 1 in here.

Thanks.

18. POLITICAL FIGURE 1 - FORMER VICE PRESIDENT JOSEPH

ROBINETTE BIDEN JR. - VP BIDEN is currently the Democratic Party Presidential candidate for the United States and served as the 47th officeholder for the position of the Office of the Vice President of the United States (VPOTUS) in the Barack Obama Administration from January 20, 2009 to January 20, 2017. He is the father of SUBJECT 1.

On the warrant to search the guest house, Weiss's Delaware-based team similarly demurred. During a prosecution team call on September 3, 2020, AUSA Wolf stated that there was "no way" the team could get the approval to obtain a search warrant for the Delaware guest house of then-presidential candidate Joe Biden, where Hunter Biden frequently stayed, despite acknowledging that "there was more than enough probable cause for the physical search

¹²⁵⁷ Ziegler Supplemental Production 2, Ex. 202.

¹²⁵⁸ Ziegler Supplemental Production 2, Ex. 203.

warrant” and “a lot of evidence in [the] investigation would be found” there.¹²⁵⁹ SSA Shapley understood AUSA Wolf’s claim that the search request would not be approved as an “excuse” AUSA Wolf “hid[] behind” to not even attempt to get it approved.¹²⁶⁰ AUSA Wolf continued that the question of whether to search then-candidate Joe Biden’s guest house “was whether the juice was worth the squeeze” and that “optics were a driving factor in the decision on whether to execute a search warrant.”¹²⁶¹

SSA Shapley testified that prosecutors wanted to go as far as removing Hunter Biden’s name from “electronic search warrants, 2703(d) orders, and document requests” based on what they thought would get approved.¹²⁶² SA Ziegler corroborated SSA Shapley’s statement, recalling an instance in which he told prosecutors on a team call that he was uncomfortable removing Hunter Biden’s name from any documents “just based on what might or might not get approved,” and that he thought doing so was “unethical.”¹²⁶³

In September 2020, Deputy Attorney General Richard Donoghue issued a directive to cease all overt investigative actions due to the impending election.¹²⁶⁴ SA Ziegler testified that during the conference “[DOJ Tax and Delaware USAO] told us essentially that we were on pause from any overt activities or any activities that could be overt whatsoever.”¹²⁶⁵ The following month, the FBI imposed further restrictions on the number of interviews the IRS could conduct, which investigators challenged internally as an inappropriate interference.¹²⁶⁶ At that time, SA Ziegler testified, the investigative team were “getting ready to go overt after the election” due to DAG Donoghue’s instructions.¹²⁶⁷ He explained:

And we needed to do a walk-by to make sure where Hunter Biden lives. That’s typical of our [procedure.] [W]e would go in general clothes, walk by the residence, see what’s going on, see if there’s Secret Service. And in an email to Mark Daly, one of the DOJ Tax attorneys, he says: “Tax does not approve. This will be on hold until further notice.” I have never in my career . . . had Tax Division, let alone approve us doing a walk-by or anything like this.

So my response to him was: “I’m sure I’ll get asked. . . . [C]an you ask for the reasons why, since I think this would still be a covert action, especially since the U.S. Attorney approved this?” He says: “Call when free.” And, ultimately, we never were able to do the walk by the residence until after the election. And that’s ultimately when

¹²⁵⁹ Shapley Interview at 14-15.

¹²⁶⁰ *Id.* at 114.

¹²⁶¹ *Id.* 14-15.

¹²⁶² *Id.* 15.

¹²⁶³ Ziegler Interview at 25-26.

¹²⁶⁴ Shapley Interview at 15.

¹²⁶⁵ Ziegler Interview at 24.

¹²⁶⁶ Shapley Interview at 15-16.

¹²⁶⁷ Ziegler Interview at 24.

we went overt and were able to do the activities that day on December 8th.¹²⁶⁸

Then on October 22, 2020, AUSA Wolf informed the prosecution team that U.S. Attorney Weiss agreed that there was probable cause to search Hunter Biden’s residence, but that they would not be pursuing a search warrant nonetheless.¹²⁶⁹ SSA Shapley and SA Ziegler both testified that they have never heard a prosecutor say that optics were a driving factor in deciding whether to execute a search warrant.¹²⁷⁰

In December 2020, AUSA Wolf even went so far as to alert Hunter Biden’s defense attorneys about an impending search warrant for a storage unit owned by Hunter Biden.¹²⁷¹ On December 8, 2020, SA Ziegler drafted an affidavit in support of the search warrant for the storage unit.¹²⁷² Three days later, on December 11, SA Ziegler and AUSA Wolf had a phone call during which they disagreed about the plan to search the storage unit, with AUSA Wolf claiming that “she was worried about what this [search] might do to the relationship with the opposing counsel moving forward,” and that she would prefer to use a different method¹²⁷³ to obtain the documents in the storage unit.¹²⁷⁴ SA Ziegler pointed out that AUSA Wolf’s suggestion “affords [Hunter Biden] the opportunity to ‘decide’ what to turn[]over,” and that “in any other case, this wouldn’t be the normal course of action that they might take and that [prosecutors] are deviating now.”¹²⁷⁵ Shortly thereafter, AUSA Wolf decided not to pursue the search warrant for the storage unit.¹²⁷⁶ On December 14, SSA Shapley and IRS SAC Kelly Jackson called U.S. Attorney Weiss to discuss searching the storage unit and he agreed that they could proceed with obtaining a search warrant if no one accessed the unit for 30 days.¹²⁷⁷ Within an hour of the call with U.S. Attorney Weiss, however, SSA Shapley learned that AUSA Wolf and Tax Division Senior Litigation Counsel Mark Daly had informed Hunter Biden’s defense counsel about investigators’ plan to search the storage unit, thereby “ruining [investigators’] chance to get to evidence before [it was] destroyed, manipulated, or concealed.”¹²⁷⁸ Investigators were ultimately unable to search the storage unit.¹²⁷⁹

SA Ziegler described AUSA Wolf’s actions in obstructing the search of the storage unit as “a defining moment for [him] in the investigation” where he realized that “the Delaware U.S. Attorney’s Office was providing preferential treatment to [Hunter Biden] and his counsel,” and was “not following the normal investigative process.”¹²⁸⁰ SSA Shapley similarly noted that AUSA Wolf’s actions deviated from the norm, testifying that “there’s no prosecutor [he’s] ever

¹²⁶⁸ Ziegler Interview at 24-25.

¹²⁶⁹ Shapley Supplemental Production 3, Attachment 6.

¹²⁷⁰ *Hearing with IRS Whistleblowers About the Biden Criminal Investigation: Before the H. Comm. on Oversight and Accountability*, 118th Cong. At 57 (July 19, 2023) (statements of Gary Shapley and Joseph Ziegler).

¹²⁷¹ Shapley Interview at 21, 114–15; Ziegler Interview at 26-27, 120.

¹²⁷² Ziegler Interview at 26.

¹²⁷³ Ziegler redacted the method Wolf suggested for obtaining the documents in the storage unit.

¹²⁷⁴ Ziegler Supplemental Production 2, Ex. 205.

¹²⁷⁵ *Id.*

¹²⁷⁶ Ziegler Interview at 27.

¹²⁷⁷ Shapley Interview at 21.

¹²⁷⁸ *Id.*

¹²⁷⁹ Ziegler Supplemental Affidavit 2, at 2.

¹²⁸⁰ *Id.*

worked with that wouldn't say, go get those documents.”¹²⁸¹ SSA Shapley and SA Ziegler were not the only ones upset with these actions, as IRS SAC Kelly Jackson also expressed “frustration” with the Delaware USAO for “not allowing [the IRS] to go forth with the [search warrant].”¹²⁸²

Additional testimony obtained by the Committees shows that Hunter Biden received numerous other special privileges throughout the course of the investigation due to his last name. On December 8, 2020, investigators planned to take their investigation overt with a Day of Action, with roughly ten planned witness interviews, including an interview of Hunter Biden. But even then, the Justice Department hampered the investigators' actions. The retired FBI Supervisor corroborated SA Ziegler's and SSA Shapley's testimony that FBI headquarters tipped off then-President-elect Biden's transition team about IRS and FBI investigators' plan to interview Hunter Biden the following day.¹²⁸³ He explained:

- Q. Did you also receive information that the transition team was notified as well?
- A. I don't recall that exactly. . . . I know I was upset when I learned about it.
- Q. Why were you upset?
- A. I felt it was people that did not need to know about our intent. I believe that the Secret Service had to be notified for our safety, for lack of confusion, for deconfliction, which we would do in so many other cases, but I didn't understand why the initial notification.¹²⁸⁴

Retired FBI Supervisor provided further details on the irregularity of events that occurred the morning investigators were to interview Hunter Biden. Specifically, the retired FBI Supervisor elaborated on how one of his superiors ordered them to stand down and not go to Hunter Biden's house to interview the President's son.¹²⁸⁵ He stated:

- Q. What happened the next day? Did you learn any information given now that Secret Service headquarters knows? . . .
- A. So, obviously, we were on the West Coast. There were additional interviews across the country, to include the East Coast, which was 3 hours ahead. So we were up early. I was partnered with supervisor number two of the IRS. And as we got together or while we got together on that morning, I was

¹²⁸¹ Shapley Interview at 115.

¹²⁸² Shapley Supplemental Production 3, Attachment 11.

¹²⁸³ 2023 Retired FBI Supervisor Interview at 33-35; *see* Shapley Interview at 19; Ziegler Interview at 119-20.

¹²⁸⁴ 2023 Retired FBI Supervisor Interview at 33.

¹²⁸⁵ *Id.* at 33-35.

notified by my assistant special agent in charge that we would not even be allowed to approach [Hunter Biden's] house; that the plan, as told to us, was that my information would be given to the Secret Service, to whom I don't know exactly . . . with the notification that we would like to talk to Hunter Biden; and that I was not to go near the house and to stand by.

Q. In your career of 20 years, have you ever been told . . . that you had to wait outside of a target's home until they contacted you?

A. Not that I recall. I mean, there have been times where we waited for maybe something else operationally to happen, but, no, not from the point of view of the target, the subject of the investigation.

* * *

Q. And were you able to interview Hunter Biden . . . as part of your investigation?

A. I was not.¹²⁸⁶

During his interview, Retired FBI Supervisor explained how the treatment of Hunter Biden's interview was vastly different from interviews of other investigative targets. He stated that it is "important" for FBI agents conducting a criminal investigation to be discreet about their intent "to go out and talk with the target of a[n] investigation," to give themselves "the best opportunity to have a conversation with somebody and not have them influenced in some way" and to prevent targets and witnesses from destroying evidence.¹²⁸⁷ Such a common-sense tactic did not occur in Hunter Biden's case because FBI headquarters tipped off the Biden presidential transition team about investigators' plan to interview Hunter Biden.

Other information available to the Committees shows that Justice Department prosecutors prohibited the investigative team from asking about or referencing Joe Biden during witness interviews,¹²⁸⁸ even though Hunter Biden's communications about his business ventures often referenced Joe Biden.¹²⁸⁹ In addition, prosecutors also delayed investigators from conducting

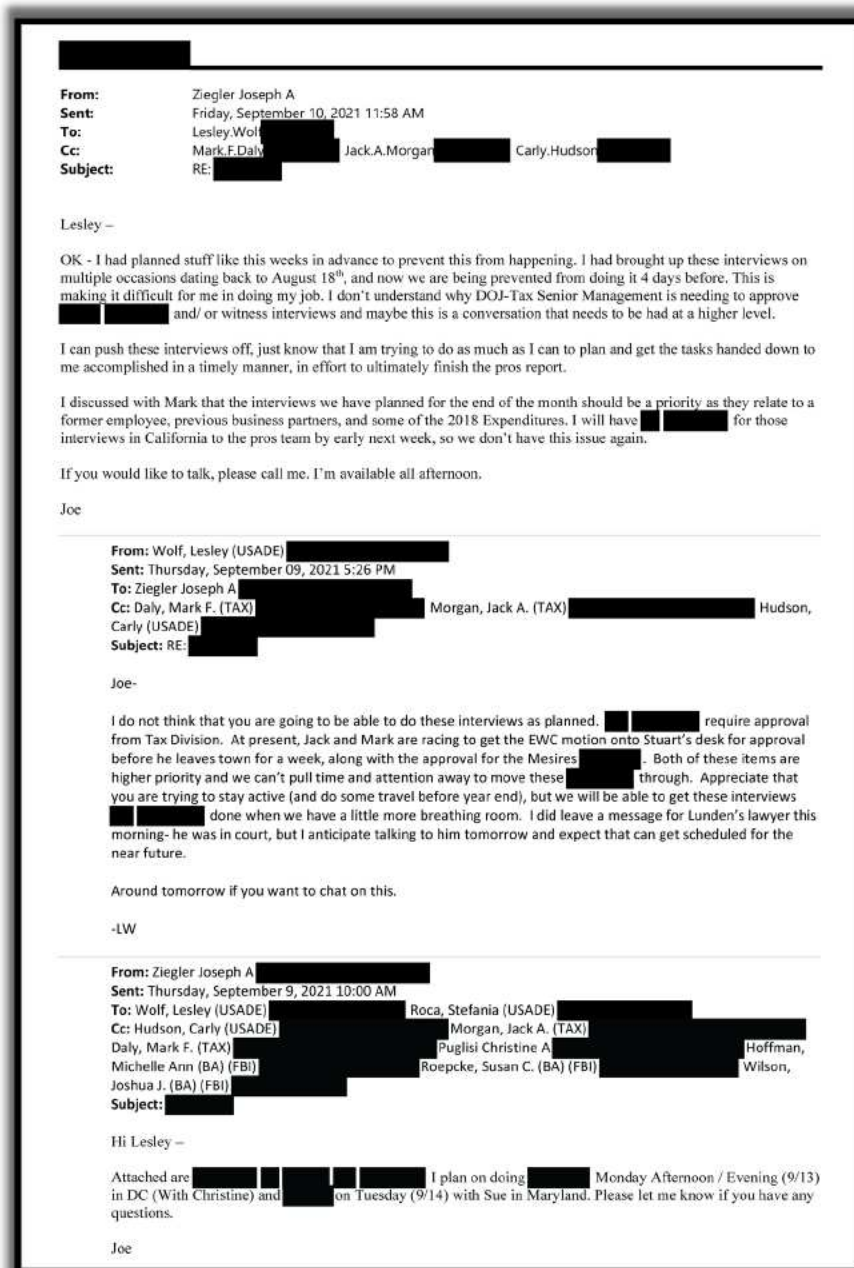
¹²⁸⁶ *Id.*

¹²⁸⁷ *Id.* at 25.

¹²⁸⁸ Shapley Interview at 18; *see also id.* at 119 ("There were multiple times where Lesley Wolf said that she didn't want to ask questions about dad. And dad was kind of how we referred to him. We referred to Hunter Biden's father, you know, as dad.").

¹²⁸⁹ *Id.* at 14; *see, e.g.,* Michael Goodwin, *Hunter biz partner confirms email, details Joe Biden's push to make millions from China*: Goodwin, N.Y. POST (Oct. 22, 2020) (quoting Hunter Biden's former business partner Tony Bobulinski as stating, "The reference to 'the Big Guy' in the much publicized May 13, 2017 email is in fact a reference to Joe Biden. . . . Hunter Biden called his dad 'the Big Guy' or 'my Chairman,' and frequently referenced asking him for his sign-off or advice on various potential deals that we were discussing.").

planned witness interviews. In an email sent on September 9, 2021, AUSA Wolf wrote to SA Ziegler, "I do not think that you are going to be able to do these interviews [with alleged escorts] as planned."¹²⁹⁰ SA Ziegler explained that he "didn't understand why DOJ-Tax management was needing to approve this," and that it "was not normal process and [he] ha[s] never had a case where DOJ-Tax management weighed in on low level, general interviews and records requests."¹²⁹¹ SA Ziegler's frustrations with the Department's constant roadblocks led him to lament that he was "sick of fighting to do what's right."¹²⁹²



¹²⁹⁰ Ziegler Supplemental Production 2, Ex. 208; see also Ziegler Supplemental Affidavit 2, at 3.

¹²⁹¹ Ziegler Supplemental Affidavit 2, at 3.

¹²⁹² Ziegler Supplemental Production 2, Ex. 209; see also Ziegler Supplemental Affidavit 2, at 3.

The Justice Department also prevented investigators from pursuing promising leads and interviewing crucial witnesses. In October 2021, AUSA Wolf prohibited investigators from interviewing Hunter Biden's adult children.¹²⁹³ Even though investigators determined that Hunter Biden had impermissibly taken tax deductions for payments he made to his children for personal expenses,¹²⁹⁴ AUSA Wolf told investigators they would be in "hot water" if they interviewed "the President's grandchildren."¹²⁹⁵ SA Ziegler described AUSA Wolf's response as "completely abnormal," explaining that it is "a completely reasonable step" and "part of [the] normal process" for investigators to interview "people who are receiving money or receiving payments related to a case like this."¹²⁹⁶ AUSA Wolf similarly prevented investigators from interviewing other members of the Biden family who received payments from Hunter Biden that he had deducted from his taxes.¹²⁹⁷

Not only were Justice Department prosecutors quick to limit or outright prohibit the use of the Biden name, they also impeded investigations into the full range of Hunter Biden's alleged criminal conduct. According to testimony from SSA Shapley, and further corroborated by documents produced to the Ways and Means Committee, AUSA Wolf stated on a May 2021 prosecution team conference call that she did not want any of the agents to look into potential campaign finance violations.¹²⁹⁸ Instead, AUSA Wolf tried to explain away the need to look into the violations, citing "a need to focus on the 2014 tax year, that we cannot yet prove the allegation beyond a reasonable doubt and that she does not want to include [DOJ's] Public Integrity unit because they would take authority away from her."¹²⁹⁹

Results & Challenges: *(empirical results - for example, SCIs initiated, indictments, seizures, and significant challenges/obstacles)*

At this point in time, evidence obtained to date supports a prosecution recommendation for DOE that he willfully evaded the assessment and payment of Federal income taxes due and owing. This investigation has been hampered and slowed by claims of potential election meddling. Even after the election, the day of action was delayed more than two weeks. The FBI is a participating agency and they have provided conflicting opinions on investigative decisions. FBI is actively investigating potential [REDACTED] violations. Through interviews and review of evidence obtained via [REDACTED] and search warrant, 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. She cited a need to focus on the 2014 tax year, that we cannot yet prove the allegation beyond a reasonable doubt and that she does not want to include their Public Integrity unit because they would take authority away from her. We do not agree with her obstruction on this matter. The assigned AUSA does not like dissenting opinions. The USAO and FBI received congressional inquiries concerning this investigation and it's believed they have ignored their requests. We continue to offer resources to complete outstanding investigative tasks but the AUSA prefers to continue to delay tasks to a later date.

¹²⁹³ Shapley Interview at 22; Ziegler Interview at 32, 129.

¹²⁹⁴ Ziegler Interview at 32. Shapley added that "[p]art of what [investigators] examined were charges made with Hunter Biden's card that might conceivably have been done by his children." Shapley Interview at 22.

¹²⁹⁵ Shapley Interview at 22; Ziegler Interview at 32, 52.

¹²⁹⁶ Ziegler Interview at 32, 130; *see also Hearing with IRS Whistleblowers About the Biden Criminal Investigation: Before the H. Comm. on Oversight and Accountability*, 118th Cong. (July 19, 2023) (written testimony of Joseph Ziegler, Special Agent, Internal Revenue Serv.) (stating that Wolf's response "was abnormal and a deviation from normal procedure").

¹²⁹⁷ Ziegler Interview at 53.

¹²⁹⁸ Shapley Interview at 22; Shapley Supplemental Production 3, Attachment 14.

¹²⁹⁹ Shapley Supplemental Production 3, Attachment 14.

However, as SSA Shapley told Congress, the line investigators “d[id] not agree with [AUSA Wolf’s] obstruction on this matter.”¹³⁰⁰ IRS Director of Field Operations Michael Batdorf corroborated SSA Shapley’s testimony, noting that his investigators expressed concerns about AUSA Wolf stonewalling their efforts to interview witnesses, which required approval from Weiss’s team.¹³⁰¹

Multiple witnesses corroborated the whistleblowers’ frustration that prosecutors on Weiss’s team were stonewalling the investigation and “slow-walking” the case.¹³⁰² SSA Shapley stated that, “[i]t was apparent that DOJ was purposely slow-walking investigative actions in this matter.”¹³⁰³ Similarly, Ziegler testified that he tried “to point out that the slow-walking and approvals for everything, a lot of that happened at the U.S. Attorney’s Office in Delaware and DOJ Tax level.”¹³⁰⁴

Testimony from SAC Thomas Sobocinski and ASAC Ryeshia Holley, both from the FBI’s Baltimore Field Office, underscored the whistleblowers’ concern that the Department was not moving at its typical pace in its investigation of Hunter Biden and instead was “slow-walking” the case.¹³⁰⁵ SAC Sobocinski described his frustration with the pace of the investigation multiple times, testifying that his goal was to get the case to a “resolution.”¹³⁰⁶ He also stated he “would have liked [the investigation] to move faster.”¹³⁰⁷ SAC Sobocinski stated:

Q. Was this case moving slow? You said like at least—

A. Yup.

Q. —three dozen times you wanted to get this thing to resolution. And so that sort of suggests that it wasn’t getting to resolution and you thought it should be moving [at] a little faster pace.

A. I would have liked for it to move faster.¹³⁰⁸

¹³⁰⁰ *Id.*; Shapley Supplemental Production 3, Attachment 14.

¹³⁰¹ Batdorf Interview at 60–61.

¹³⁰² *See* Shapley Interview at 13 (“It was apparent that DOJ was purposely slow-walking investigative actions in this matter.”); Ziegler Interview at 92 (“As far as my leadership goes, we’re trying to point out that the slow-walking and the approvals for everything, a lot of that happened at the U.S. Attorney’s Office in Delaware and DOJ Tax level.”).

¹³⁰³ Shapley Interview at 13.

¹³⁰⁴ Ziegler Interview at 92.

¹³⁰⁵ *See* Shapley Interview at 13 (“It was apparent that DOJ was purposely slow-walking investigative actions in this matter.”); Ziegler Interview at 92 (“As far as my leadership goes, we’re trying to point out that the slow-walking and the approvals for everything, a lot of that happened at the U.S. Attorney’s Office in Delaware and DOJ Tax level.”).

¹³⁰⁶ Sobocinski Interview at 34.

¹³⁰⁷ *Id.* at 99.

¹³⁰⁸ *Id.*

ASAC Holley likewise expressed “overall frustrat[ion]” about the slow pace of the investigative process.¹³⁰⁹ SAC Sobocinski and ASAC Holley’s frustration not only affirms the whistleblowers’ testimony regarding the pace of the investigation, but it also creates a perception that the Justice Department sought to purposefully slow down any potential prosecution of the President’s son.

Special Counsel Weiss even acknowledged that the case “lingered.”¹³¹⁰ Without ever defending the pace of his investigation, he testified:

Q. Do you have any goal as to when you’d like to bring it to conclusion?

A. Two weeks ago. No, I say—again, I say that in jest, but no. Look, I recognize that it’s never good for cases to linger, so I am interested in efficiency to the extent possible.

Q. It’s been 5 years.

A. I understand that . . . I absolutely do.

Q. So that doesn’t—you just used the term “linger.” That doesn’t fit the definition of “linger”?

A. I understand your question and appreciate it.¹³¹¹

However, despite appreciating that the criminal investigation of Hunter Biden had “linger[ed]” for five years, Special Counsel Weiss refused to provide the Committee with any sort of timeline for when the investigation would be completed.¹³¹² When asked if he would need another five years, Special Counsel Weiss stated, “I’m not going to put a timeframe on it” but “we plan to move as efficiently as possible.”¹³¹³

Ultimately, documents and testimony obtained by the Committees to date corroborate the whistleblowers’ account of the constant roadblocks they encountered to properly investigate Hunter Biden. The evidence indicates that Weiss’s prosecutors at the Delaware U.S. Attorney’s Office provided special treatment to the Biden family that it would not have provided any other American in any other investigation.

¹³⁰⁹ Holley Interview at 104.

¹³¹⁰ Weiss Interview at 151.

¹³¹¹ *Id.* at 150.

¹³¹² *Id.* at 175.

¹³¹³ *Id.*

iv. Two Biden-appointed U.S. Attorneys declined to partner with U.S. Attorney Weiss to prosecute Hunter Biden in their respective districts.

SSA Shapley and SA Ziegler told Congress that the possible felony tax charges against Hunter Biden for the 2014 and 2015 tax years involved “the most substantive criminal conduct.”¹³¹⁴ Those tax years involved income from Hunter Biden’s position on the board of directors of Burisma Holdings, and most importantly, connected Joe Biden’s official actions as Vice President to his son’s alleged criminal conduct. During Hunter Biden’s five-year tenure on Burisma’s board, he was paid up to \$1 million annually.¹³¹⁵ Burisma, though, cut Hunter Biden’s salary two months after Joe Biden left the vice presidency.¹³¹⁶

While Hunter Biden served on the Burisma board, Burisma and its owner were under investigation by the Ukrainian government.¹³¹⁷ Burisma executives explicitly asked Hunter Biden to help alleviate the “government pressure from Ukrainian Government investigations into [its CEO].”¹³¹⁸ In response, Hunter Biden “called D.C.”¹³¹⁹ The Ukrainian government soon fired the investigating Prosecutor General Viktor Shokin “after then-Vice President Joe Biden threatened to pull \$1 billion in U.S. aid” if Mr. Shokin remained in office.¹³²⁰ Notably, as the *Washington Post* reported, then-Vice President Biden unilaterally decided to change U.S. policy regarding the loan during a plane ride to Ukraine.¹³²¹

During its investigation, IRS investigators discovered one way in which Hunter Biden evaded paying taxes on his income from Burisma—by having it sent to the bank account of a company he co-owned with his business partner and then distributing the money to himself while falsely telling the IRS that the distribution was a nontaxable loan.¹³²² SSA Shapley explained that this was a “textbook” affirmative scheme by Hunter Biden to avoid paying taxes.¹³²³ In basic terms, as SA Ziegler put it, “you can’t loan yourself your own money. It just doesn’t make any sense.”¹³²⁴ Notably, IRS investigators could find no evidence typically needed to verify that a given payment is, in fact, a loan.¹³²⁵ However, when SSA Shapley informed Tax Division trial attorney Jack Morgan—whom the Justice Department has blocked from testifying before the Committees—that there was no such evidence, Mr. Morgan replied that “this is not a typical case” due to the fact that it involved President Biden’s son.¹³²⁶

¹³¹⁴ Shapley Interview at 25.

¹³¹⁵ STAFF REPORT, S. COMM. ON HOMELAND SEC. & GOVERNMENTAL AFFS. & S. COMM. ON FIN., HUNTER BIDEN, BURISMA, AND CORRUPTION: THE IMPACT ON U.S. GOVERNMENT POLICY AND RELATED CONCERNS, at 8 (2020).

¹³¹⁶ Bank records on file with the Committees.

¹³¹⁷ STAFF REPORT, S. COMM. ON HOMELAND SEC. & GOVERNMENTAL AFFS. & S. COMM. ON FIN., HUNTER BIDEN, BURISMA, AND CORRUPTION: THE IMPACT ON U.S. GOVERNMENT POLICY AND RELATED CONCERNS, at 8 (2020).

¹³¹⁸ Archer Interview at 34.

¹³¹⁹ *Id.* at 36.

¹³²⁰ Steven Nelson, *Ukrainian prosecutor whose ouster Biden pushed was ‘threatened,’ says Devon Archer*, N.Y. POST (Aug. 4, 2023).

¹³²¹ Glenn Kessler, *Inside VP Biden’s linking of a loan to a Ukraine prosecutor’s ouster*, WASH. POST (Sept. 15, 2023)

¹³²² Shapley Interview at 57-59; Ziegler Interview at 64-66.

¹³²³ Shapley Interview at 58-59.

¹³²⁴ Ziegler Interview at 66-67.

¹³²⁵ Shapley Interview at 59.

¹³²⁶ *Id.*

In late 2021, SA Ziegler compiled a Special Agent Report (SAR) recommending that Hunter Biden be prosecuted for tax crimes related to the 2014 and 2015 tax years.¹³²⁷ In particular, the SAR “recommend[ed] that [Hunter Biden] be prosecuted under the provisions of Title 26 USC Sections 7201 and 7206 (1) for the tax years 2014, 2018, and 2019 and under the provisions of Title 26 USC Section 7203 for the tax years 2015, 2016, 2017, 2018 and 2019.”¹³²⁸ In that SAR, Ziegler also indicated that not only did AUSA Wolf review the charges cited in the report but that she also “agree[d] with the prosecution recommendation of the above cited charges against RHB.”¹³²⁹

CONCLUSIONS AND RECOMMENDATIONS

The recommendation for prosecution is based on the facts above and [REDACTED] recommends that RHB be prosecuted under the provisions of Title 26 USC Sections 7201 and 7206 (1) for the tax years 2014, 2018 and 2019 and under the provisions of Title 26 USC Section 7203 for the tax years 2015, 2016, 2017, 2018 and 2019.

A draft of this SAR has been given to DOJ-Tax Senior Attorney Mark Daly, as well as Assistant United States Attorney Lesley Wolf. AUSA Wolf has reviewed the appendices and the charges cited in this report and agrees with the prosecution recommendation of the above cited charges against RHB.

In criminal tax cases, venue lies “where the subject resides or where the return is prepared or filed.”¹³³⁰ In Hunter Biden’s case, venue for the 2014 and 2015 charges would be in D.C. while venue for the 2016, 2017, 2018, and 2019 charges would be in the Central District of California.¹³³¹

In February 2022, U.S. Attorney Weiss sought to obtain “special attorney” status from senior officials at the Biden Justice Department, which would have enabled him to file charges outside of his home district of Delaware.¹³³² However, by U.S. Attorney Weiss’s own admission, the Biden Justice Department did not grant his request and instructed him to work and partner with the U.S. Attorneys in D.C. and the Central District of California to bring charges.¹³³³ He testified:

¹³²⁷ Shapley Interview, Ex. 2.

¹³²⁸ *Id.* The recommended charges included attempted tax evasion, filing false tax returns, and failure to file or pay a tax return.

¹³²⁹ *Id.*

¹³³⁰ Shapley Interview at 24.

¹³³¹ *Id.* at 24, 100; Ziegler Interview at 34. U.S. Attorney Weiss was able to initially file criminal tax charges against Hunter Biden in Delaware because Hunter Biden waived venue to help usher through an unprecedented plea agreement. See Memorandum of Plea Agreement at 1, *United States v. Biden*, No. 1:23-mj-00274-UNA (D. Del. Aug. 2, 2023).

¹³³² Weiss Interview at 15-16.

¹³³³ *Id.* at 15-16, 182.

Q. . . . And what did they tell you about bringing the case in D.C. or different jurisdictions from yours?

A. We discussed the fact that . . . they wanted me to proceed in the way it would typically be done, and that would involve ultimately reaching out to the U.S. Attorney in the District of Columbia.

I raised the idea of 515 authority at that time because I had been handling the investigation for some period of time. And, as I said, they suggested let's go through the typical process and reach out to D.C. and see if D.C. would be interested in joining or otherwise participating in the investigation.¹³³⁴

About a month later, U.S. Attorney Weiss called Matthew Graves, the U.S. Attorney for the District of Columbia, to discuss bringing charges in D.C.¹³³⁵ Mr. Weiss and Mr. Graves provided different accounts as to what transpired on that call. Special Counsel Weiss testified that he asked U.S. Attorney Graves to partner on the case,¹³³⁶ as he was instructed to do by Main Justice when they rejected his first request for 515 authority.¹³³⁷ U.S. Attorney Weiss testified that he “reached out [to Graves] . . . and basically inquired as to whether his office would be willing to join us or participate in this case.”¹³³⁸ When asked to elaborate on what exactly he was asking U.S. Attorney Graves to partner on, Special Counsel Weiss explained that he “was asking [Graves] to join in the prosecution of the case,” and whether U.S. Attorney Graves was “willing to assign someone to be co-counsel in the investigation.”¹³³⁹ Special Counsel Weiss also expressed that he had no recollection of asking D.C. for administrative support.¹³⁴⁰

Alternatively, U.S. Attorney Graves testified that U.S. Attorney Weiss requested administrative support, and that Mr. Graves brought up the idea of partnering on the prosecution. Mr. Graves stated:

¹³³⁴ *Id.* at 15-16.

¹³³⁵ Graves Interview at 16-17, 27 (stating that the call occurred in late February or early March); Weiss Interview at 19, 21, 55 (stating that the call occurred in early March).

¹³³⁶ See Weiss Interview at 124 (“I asked whether [Graves and Estrada] were interested in joining in or participating in the case, and they declined to do so[.]”); *id.* at 192 (“[W]hen I’m asking [Graves] about partnering . . .”); *id.* at 195 (“[W]e were giving [Graves] the opportunity to join in the investigation.”).

¹³³⁷ Weiss Interview at 16 (“And, as I said, they suggested let’s go through the typical process and reach out to D.C. and see if D.C. would be interested in joining or otherwise participating in the investigation.”); *id.* at 83 (“The first step was just to contact the U.S. Attorney’s Office to see if they wanted to join in the prosecution.”); *id.* at 86 (“They said to follow the process, talk to Graves, give him the opportunity to join.”); see also 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) (“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.*” (emphasis added)).

¹³³⁸ Weiss Interview at 57.

¹³³⁹ *Id.* at 192-93.

¹³⁴⁰ *Id.* at 55 (“Q. Okay. And when you approached Mr. Graves, did you ask him to provide administrative support as you were exploring the possibility of bringing charges in the District of Columbia? A. I don’t know whether I did or not, to tell you the truth. It was one conversation, 5 or 10 minutes, and I don’t recall the particulars with respect to the need for administrative support.”).

- Q. . . . Can you walk us through your recollection of how the Hunter Biden case was brought to your office?
- A. Yes. To the best of my recollection, in late February or early March of 2022, then U.S. Attorney Weiss, now Special Counsel Weiss, called me directly.
- Q. Okay. And what did he say?
- A. To my recollection, he said that he had a case where there was a component of that case that he had deemed he wanted to bring in the District of Columbia.
- Q. . . . And what did you say?
- A. So, at a high level, without getting into the case specifics, my recollection was generally . . . asking him whether he was just looking for the kind of normal administrative support that any U.S. Attorney would need if they were going to come and bring a case in another jurisdiction or have their people bring a case in another jurisdiction, or whether he was asking for us to join the investigation.
- Q. And what was his answer?
- A. To the best of my recollection, his answer was that, at a minimum, it was providing the support but we could discuss further joining or not.¹³⁴¹

After the call, U.S. Attorney Graves told his criminal division chief and principal AUSA that he needed to make a decision on partnering with Weiss's office quickly,¹³⁴² presumably because the statute of limitations on the 2014 and 2015 charges was about to lapse.¹³⁴³ Although Graves's team spent about three weeks analyzing the case—including unspecified case material they received from Weiss's office¹³⁴⁴—U.S. Attorney Graves indicated that he did not review any of the case material himself.¹³⁴⁵

¹³⁴¹ Graves Interview at 16-17.

¹³⁴² *Id.* at 20, 27, 45.

¹³⁴³ *See* Shapley Interview at 54 (“The statute [of limitations] was about to blow in March 2022.”). Prosecutors and defense counsel later agreed to toll the statute of limitations before it expired in March 2022. Prosecutors ultimately allowed the statute of limitations to expire in November 2022, despite defense counsel offering to sign another tolling agreement. *Id.* at 26, 54.

¹³⁴⁴ *See* Graves Interview at 20-21, 80; *see also* Weiss Interview at 22 (“We provided [Graves's office] with information so that they could make an informed judgment on deciding whether to participate in the investigation. But I'm not going to get into particulars of documentation.”).

¹³⁴⁵ Graves Interview at 18-19, 21, 80-81.

On March 19, 2022, Graves met with five or six members of his office—including the principal AUSA; criminal division chief; head of the fraud, public corruption, and civil rights practice; head of the fraud and public corruption unit; and a line assistant¹³⁴⁶—where they decided not to partner with Weiss’s office on prosecuting the Hunter Biden case.¹³⁴⁷ Rather than share his conclusion with U.S. Attorney Weiss directly, U.S. Attorney Graves “instructed [his] career prosecutors to convey the decision [not to partner] and the basis for the decision to [Weiss’s] career prosecutors.”¹³⁴⁸ In lieu of partnering, U.S. Attorney Graves simply offered to provide Weiss’s office with administrative support such as securing time before a grand jury.¹³⁴⁹ U.S. Attorney Weiss learned about U.S. Attorney Graves’s decision through his staff.¹³⁵⁰ Because the Justice Department denied U.S. Attorney Weiss’s February 2022 request for § 515 authority and U.S. Attorney Graves’s refusal to partner, U.S. Attorney Weiss was unable to bring charges in D.C.

A few months later, U.S. Attorney Weiss again tried partnering with another U.S. Attorney to bring charges relating to Hunter Biden’s crimes. In August 2022, U.S. Attorney Weiss asked Acting U.S. Attorney for the Central District of California Stephanie Christensen to partner with his office on prosecuting crimes against Hunter Biden in the Central District of California.¹³⁵¹

Current U.S. Attorney Martin Estrada testified that, prior to his confirmation, one of the Acting U.S. Attorneys in his district appointed Assistant U.S. Attorneys from Weiss’s office to serve as Special Assistant U.S. Attorneys (SAUSAs) in the Central District of California, meaning they were authorized to bring charges and litigate in that district.¹³⁵² U.S. Attorney Estrada was unsure how many SAUSAs were appointed but knew that there were more than one.¹³⁵³ Special Counsel Weiss was unable to provide any information on this matter.¹³⁵⁴

About a month later—sometime in late September or early October 2022—U.S. Attorney Estrada, shortly after being sworn-in as the new Biden-appointed U.S. Attorney, learned of U.S. Attorney Weiss’s request to partner on the case from career attorneys in his office.¹³⁵⁵ U.S. Attorney Estrada also learned that career attorneys in his office had already informed Weiss’s office that “they were recommending against partnering or cocounseling [o]n the charges being contemplated” and that U.S. Attorney Weiss wanted to discuss the matter with U.S. Attorney Estrada.¹³⁵⁶

¹³⁴⁶ *Id.* at 25.

¹³⁴⁷ *Id.* at 23-24.

¹³⁴⁸ *Id.* at 28.

¹³⁴⁹ *Id.* at 17, 31.

¹³⁵⁰ Weiss Interview at 19, 21.

¹³⁵¹ *Id.* at 102.

¹³⁵² Estrada Interview at 17-18, 23.

¹³⁵³ *Id.* at 18.

¹³⁵⁴ Weiss Interview at 102.

¹³⁵⁵ Estrada Interview at 14-15.

¹³⁵⁶ *Id.* at 15; *see also id.* at 87 (“So my understanding was that, at some point shortly after I started, I was told that there was a request from the District of Delaware to co-counsel, partner on the case; that my career attorneys had recommended against doing so; that had been communicated to the District of Delaware; and the District of Delaware then, through Mr. Weiss, wanted to talk to me about it.”).

In early October 2022, U.S. Attorney Estrada reviewed three “memoranda analyzing facts and law” drafted by his staff, Weiss’s staff, and DOJ Tax, which involved “the question of whether to co[-]counsel.”¹³⁵⁷ Estrada refused to disclose any additional details about the memoranda he reviewed during his interview with the Committee,¹³⁵⁸ other than to add that, in addition to the three memoranda, “there were many legal memoranda that were written and presented to [U.S. Attorney Estrada] in making this decision of whether or not to agree with the career attorneys.”¹³⁵⁹

Shortly after reviewing the memoranda, U.S. Attorney Estrada met with his staff to discuss the case and U.S. Attorney Weiss’s request to partner on prosecuting the case.¹³⁶⁰ U.S. Attorney Estrada ultimately agreed with his staff’s recommendation to not partner.¹³⁶¹ On October 19, 2022, U.S. Attorney Estrada told U.S. Attorney Weiss that he would not partner with Delaware to prosecute Hunter Biden.¹³⁶² Instead, he offered to provide Weiss’s office with administrative support if they needed it.¹³⁶³

U.S. Attorney Estrada explained that his decision to not partner with U.S. Attorney Weiss was due to the crime epidemic plaguing his district and his office’s already-limited resources. According to U.S. Attorney Estrada, his office “was down 40 AUSAs at the time [of Weiss’s request to partner], so we were very resource-strapped.”¹³⁶⁴ Regarding the crime epidemic plaguing his district, U.S. Attorney Estrada testified:

We have a Fentanyl epidemic which is one of the worst in the country[.]. We’ve done more death-resulting cases than any other district in the country. We’re on pace to do more this year than we ever had before. We’ve got a violent crime epidemic with firearms. We’ve done more Hobbs Act cases than we ever have in the past 2 years. We have a National Security Section, a division, unlike most other offices, because we’re the gateway to Asia. And we have the People’s Republic of China trying to influence our elections, trying to target some of our individuals. We have a lot of high-profile cases. We have a Public Corruption Section which has indicted three City Council members in the past few years and including the sitting sheriff of Los Angeles County.¹³⁶⁵

* * *

We also look to the practical impact of limited resources. As I mentioned, we have over . . . 20 million people in the district, yet, at

¹³⁵⁷ *Id.* at 20, 29, 71.

¹³⁵⁸ *Id.* at 20, 29.

¹³⁵⁹ *Id.* at 29.

¹³⁶⁰ *Id.* at 19-21.

¹³⁶¹ *Id.* at 21.

¹³⁶² *Id.* at 22; Weiss Interview at 103.

¹³⁶³ Estrada Interview at 22; Weiss Interview at 103.

¹³⁶⁴ Estrada Interview at 32.

¹³⁶⁵ *Id.* at 28.

the time I came in, about 140 AUSAs. That's just over one AUSA per 100,000 people in the district. At the same time, we're dealing with—as I said, we're the gang capital. We, unfortunately, export MS-13, Crips gangs, Hispanic gangs, Mexican mafia to the rest of the country. Our cartels infect the rest of the country. The fraud we have here infects the rest of the country. So there were a lot of issues I needed to deal with right there and then which called for resources.¹³⁶⁶

* * *

We don't have enough AUSAs to handle our national security matters. . . . [E]very AUSA in my office could be doing [Paycheck Protection Program (PPP)] fraud cases we have so much PPP fraud. . . . That's the COVID fraud, COVID-19 money fraud. Every AUSA in my office could be doing healthcare fraud cases we have so much healthcare fraud. We have to deploy our resources in the most effective manner to address the needs of the district. As I mentioned, we have a fentanyl epidemic. That includes not just death-resulting cases, it includes going after cartels which are distributing these pills, not just in powder form but in pill form. We routinely seize over a million pills at a time from vehicles, and we need to prosecute those cases. Each pill could be a death. And routinely now we're finding cartels transporting fentanyl in liquid form, which is a new thing that they're doing. So we have to do those cases.

We have a violent crime crisis where, for a variety of reasons, including some of the local policies, there has been an increase, certainly in our view, of violent crime and use of handguns in crimes. We have taco vendors on the streets getting robbed at gunpoint. So we are doing more of those types of offenses than we ever have before. We don't have enough resources to do those.¹³⁶⁷

U.S. Attorney Estrada also testified that on September 19, 2023, just weeks before his transcribed interview, he had a call with Special Counsel Weiss.¹³⁶⁸ However, he refused to apprise the Committees as to what was discussed on the call except for stating that the call “did not involve the question of whether to co[-]counsel on contemplated charges against Hunter Biden[.]”¹³⁶⁹ After U.S. Attorney Estrada declined to partner to bring a case against Hunter Biden

¹³⁶⁶ *Id.* at 34.

¹³⁶⁷ *Id.* at 65-66.

¹³⁶⁸ *Id.* at 26.

¹³⁶⁹ *Id.* Weiss similarly acknowledged the call's existence but also refused to provide further detail. *See* Weiss Interview at 149 (“Q. Mr. Estrada testified that there was another conversation in September of 2023. Do you remember that one? A. Yeah, I don't want to get into the particulars of any further conversations. I mean, the first one . . . spoke to my authority. The second one, I just — it would not be appropriate for me to comment on.”).

¹³⁶⁹ Estrada Interview at 17-18, 23.

in his district, U.S. Attorney Weiss, at that point in time, was unable to bring criminal charges against Hunter Biden in any district, save for the gun charge in Delaware.

The Committees have not been able to identify any further attempts U.S. Attorney Weiss made to bring charges against Hunter Biden in those districts for the tax years of 2014 and 2015 after the Justice Department denied Weiss’s request for § 515 authority and both U.S. Attorney Graves and U.S. Attorney Estrada refused to partner with him. Even more troubling, while U.S. Attorney Weiss sought to partner with the two U.S. Attorneys, he and Attorney General Garland misled Congress and the American people by asserting that U.S. Attorney Weiss had full authority over the Hunter Biden case. In reality, Biden-Harris Administration political appointees exercised significant oversight and control over the investigation as U.S. Attorney Weiss had to seek agreement from other Biden-appointed U.S. Attorneys to bring cases in other jurisdictions outside of Delaware.¹³⁷⁰

v. Prosecutors in U.S. Attorney Weiss’s office intentionally allowed the statute of limitations to lapse for some of Hunter Biden’s most serious crimes that also implicated President Biden.

The delays and obstruction by Biden-appointed U.S. Attorneys and Justice Department officials helped run down the clock on potential criminal charges regarding Hunter Biden’s under-reported income and tax avoidance that occurred while his father was Vice President. In October 2021, prosecutors held a “tax summit” where all prosecutors, including Tax Division attorneys Senior Litigation Counsel Jack Morgan and Tax Division Trial Attorney Mark Daly, agreed to recommend charges against Hunter Biden for tax years 2014 to 2019, with felony charges for 2014 and 2018.¹³⁷¹ In line with this agreement, in late 2021, IRS investigators compiled a SAR that recommended prosecuting Hunter Biden for tax crimes related to the 2014 and 2015 tax years¹³⁷² and prosecutors, including AUSA Wolf, Mr. Morgan, and Mr. Daly, agreed with the report’s recommendation.¹³⁷³ Soon thereafter, though, prosecutors and the Biden Justice Department’s Tax Division changed their recommendation.

On June 15, 2022, investigators and prosecutors attended a meeting at Main Justice in Washington, D.C. where Mr. Daly and Mr. Morgan gave a presentation on the reasons not to charge Hunter Biden for tax crimes committed during the 2014 and 2015 tax years.¹³⁷⁴ During his transcribed interview, the Acting Deputy Assistant Attorney General for Criminal Matters

¹³⁷⁰ See *Hearing on Oversight of the Department of Justice, Before the S. Comm. on the Judiciary*, 118th Cong. (2023) (statement of Merrick Garland, Att’y Gen., U.S. Dep’t of Just.) (asserting that Weiss “has full authority to . . . bring cases in other jurisdictions if he feels it’s necessary”); *Hearing on the Fiscal Year 2023 Justice Department Budget Request, Before the Subcomm. on Com., Just., Sci., & Related Agencies of the S. Comm. on Appropriations*, 117th Cong. (2022) (statement of Merrick Garland, Att’y Gen., U.S. Dep’t of Just.) (“[T]he Hunter Biden investigation . . . is being run by and supervised by the United States Attorney for the District of Delaware. . . . [H]e is in charge of that investigation. There will not be interference of any political or improper kind.”); 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) (In a letter to Congress, Weiss asserted that he was “granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges . . .”).

¹³⁷¹ Ziegler Interview at 32-33.

¹³⁷² Shapley Interview at 22-23, 42; see Shapley Interview, Ex. 2.

¹³⁷³ Shapley Interview, Ex. 2; Shapley Interview at 23.

¹³⁷⁴ Ziegler Interview at 160-64.

within the Department's Tax Division, Stuart Goldberg, confirmed the whistleblowers' account that Tax Division attorneys indeed gave a presentation, but Justice Department counsel who accompanied Mr. Goldberg would not allow him to discuss the substance of the presentation.¹³⁷⁵

During his transcribed interview, SSA Shapley testified that the Biden Justice Department allowed the statute of limitations to lapse on the 2014 and 2015 tax crimes.¹³⁷⁶ Specifically, SSA Shapley stated that up until a meeting he attended with U.S. Attorney Weiss on October 7, 2022, he believed, based on statements made by Attorney General Garland and Weiss, that prosecutors "were still deciding whether to charge 2014 and 2015 tax violations."¹³⁷⁷ During this period, SSA Shapley explained, prosecutors and Hunter Biden's legal team entered into agreements to toll the statute of limitations for crimes pertaining to the 2014 and 2015 tax years.¹³⁷⁸ However, despite the defense counsel's willingness to toll the statute of limitations on the charges again, the Biden Justice Department ultimately allowed the statute of limitations to lapse on those years in November 2022.¹³⁷⁹ SSA Shapley cited this decision as yet another example of the Biden Justice Department disregarding established norms to benefit Hunter Biden, explaining that "[l]etting a statute of limitations expire in an active criminal investigation is not normal."¹³⁸⁰

In his transcribed interview, Special Counsel Weiss confirmed that the Biden Justice Department allowed the statute of limitations for the 2014 and 2015 tax year charges to expire. However, he refused to explain why the charges were allowed to lapse.¹³⁸¹ Specifically, Special Counsel Weiss testified:

Q. [I]n 2014 and 2015, it's been well-established by the whistleblowers, Hunter Biden had in excess of over \$1 million in revenue coming in from Burisma that has avoided tax entirely. Do you think it's fair that he is able to avoid paying tax[es] on that gigantic sum of money?

A. Again, that's something I can't comment on. That pertains to the ongoing litigation and our outstanding investigation. I'm just not at liberty to comment at this time, but there will come a time.

Q. Even though the statute of limitations has lapsed?

A. Yes, yes.

Q. When is the appropriate time to address why the statute of limitations was allowed to lapse?

¹³⁷⁵ Goldberg Interview at 30-31.

¹³⁷⁶ Shapley Interview at 25-26, 54-55, 100.

¹³⁷⁷ *Id.* at 25.

¹³⁷⁸ *Id.* at 54.

¹³⁷⁹ *Id.* at 25-26, 54-55, 100.

¹³⁸⁰ *Id.* at 92.

¹³⁸¹ Weiss Interview at 93-94.

- A. I'll address it in the report, but even though the statute of limitations has lapsed and even though charges won't be filed, if there were to be an outstanding tax prosecution, there is no reason to believe that evidence pertaining to prior years, or witnesses involved in prior years, wouldn't be part of that litigation.¹³⁸²

Under the guise of the “ongoing litigation and [the] outstanding investigation”—even though criminal liability cannot result from any investigation given the lapse in the statute of limitations—the Biden Justice Department refused to explain why it failed to bring charges against Hunter Biden for the 2014 and 2015 tax years.¹³⁸³

AUSA Wolf testified that is the role of the line prosecutor to know when the statute of limitations for a crime is set to expire and that the statute of limitations did not lapse “by mistake.”¹³⁸⁴ She stated:

- Q. . . . [I]f you're working on a case and the statute of limitations is coming up, are there any procedures DOJ has to help everyone avoid that?
- A. Generally speaking?
- Q. Yeah.
- A. Not that I'm aware of. As a general matter, as a prosecutor, you have some sense of what the statute is, and if you're coming up on a statute of limitations, you're aware of it.
- Q. Okay. Whose responsibility, as a general matter, is it to manage that question, that is, the statute's expiring?
- A. Sorry, just so I understand the question, are you asking who's supposed to know that the statute is expiring, who's tasked with that?
- Q. Right.
- A. It would be the line prosecutors handling the case to be aware of the statute of limitations.
- Q. And are there any policies or procedures that require a line prosecutor to confer with the U.S. Attorney or with supervisory personnel as the statute is coming up on its

¹³⁸² *Id.* at 92-94.

¹³⁸³ *Id.* at 93.

¹³⁸⁴ *Id.* at 101-02.

deadline?

A. So I actually am not sure. . . . I'm not aware of any certainly in the Justice Manual. I do not know whether or not there are formal policies that are included in the District of Delaware Criminal [] Manual. But as a general matter, it would be unusual for someone to just unilaterally make that decision.

Q. So if the statute of limitations is about to expire and it does expire, it's not by mistake. Is that a fair thing to say?

Atty. I think she's answered the question.

A. I think – yeah. As a general matter, I would say that is accurate. I am quite sure that on occasion it happens. But as a general matter, you're aware of the statute and when it's due to run.¹³⁸⁵

This prosecutorial decision is highly significant because those years included Hunter Biden's income from and work on behalf of Ukrainian energy company Burisma, which relate his father's official actions in pressuring Ukraine to fire its prosecutor general. Ultimately, as SSA Shapley explained, “[t]he purposeful exclusion of the 2014 and 2015 years sanitized the most substantive criminal conduct and concealed material facts” in this matter, including “a scheme to evade . . . income taxes through a partnership with a convicted felon,” and “potential [Foreign Agents Registration Act] issues.”¹³⁸⁶

vi. From the beginning of the Biden-Harris Administration, U.S. Attorney Weiss and Attorney General Garland misled the investigative team and Congress about U.S. Attorney Weiss's authority over the matter given the inherent conflict of interest in Joe Biden's Justice Department investigating his son.

Attorney General Garland repeatedly claimed that U.S. Attorney Weiss had full authority over the Hunter Biden investigation. For example, he testified to Congress that Weiss “has full authority to . . . bring cases in other jurisdictions if he feels it's necessary”¹³⁸⁷ and stated publicly that Weiss “was given complete authority to make all decisions on his own.”¹³⁸⁸ Likewise, Weiss assured the Committee on the Judiciary that he had “ultimate authority” over the Hunter Biden

¹³⁸⁵ Wolf Interview at 101-02.

¹³⁸⁶ Shapley Interview at 25.

¹³⁸⁷ *Hearing on Oversight of the Department of Justice, Before the S. Comm. on the Judiciary*, 118th Cong. (2023) (statement of Merrick Garland, Att'y Gen., U.S. Dep't of Just.); see also *Hearing on the Fiscal Year 2023 Justice Department Budget Request, Before the Subcomm. on Com., Just., Sci., & Related Agencies of the S. Comm. on Appropriations*, 117th Cong. (2022) (statement of Merrick Garland, Att'y Gen., U.S. Dep't of Just.) (“[T]he Hunter Biden investigation . . . is being run by and supervised by the United States Attorney for the District of Delaware. . . . [H]e is in charge of that investigation. There will not be interference of any political or improper kind.”).

¹³⁸⁸ *AG Garland Maintains David Weiss Had Full Authority Over Hunter Biden Case*, C-SPAN (June 23, 2023).

investigation.¹³⁸⁹ However, the Committees have received documentary and testimonial evidence from multiple sources, including career Justice Department and FBI officials and three Biden-appointed U.S. Attorneys, confirming that Weiss did not maintain “ultimate authority” over the Hunter Biden matter. Instead, witnesses described the numerous approvals Weiss needed to obtain, including from the Biden Justice Department’s Tax Division and other U.S. Attorneys’ Offices, and the complex process he needed to navigate before he could file charges against Hunter Biden outside of Delaware.

U.S. Attorney Weiss, who was recommended by Delaware’s Democrat Senators and subsequently appointed by President Trump,¹³⁹⁰ was asked by the incoming Biden Justice Department in January 2021 to continue to serve as U.S. Attorney for the District of Delaware.¹³⁹¹ U.S. Attorney Weiss testified he initially spoke to Associate Deputy Attorney General Bradley Weinsheimer about the Hunter Biden investigation in February 2022.¹³⁹² At that time, U.S. Attorney Weiss sought to obtain special attorney status from the Justice Department for the purpose of filing charges against Hunter Biden in D.C.¹³⁹³ However, by Weiss’s own admission, the Biden Justice Department did not approve his request and instead instructed him to go through the process of asking the U.S. Attorney’s Office in D.C. to partner with him on the prosecution.¹³⁹⁴ Shortly thereafter, on April 26, 2022, Attorney General Garland told the Senate Appropriations Committee that U.S. Attorney Weiss is “supervising the investigation” and “is in charge of that investigation.”¹³⁹⁵ Almost a year later on March 1, 2023, Attorney General Garland told the Senate Judiciary Committee:

The U.S. Attorney in Delaware has been advised that he has full authority to make those kind[s] of referrals that you are talking about, or bring cases in other jurisdictions if he feels it’s necessary and I will assure that if he does, he will be able to do that . . . I have promised to ensure that he is able to carry out his investigation and that he be able to run it and if needs to bring it in another jurisdiction he will have full authority to do that.¹³⁹⁶

Weeks later, U.S. Attorney Weiss covered for Attorney General Garland, asserting in an unsolicited letter to Chairman Jordan: “[A]s the Attorney General has stated, I have been granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges and for making decisions necessary to preserve the integrity of the

¹³⁸⁹ 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).

¹³⁹⁰ Josephine Peterson, *David Weiss sworn in as Delaware U.S. Attorney*, NEWS J. (Feb. 23, 2018); *Carper, Coons release statement on Weiss’ appointment*, DEL. ONLINE (Feb. 23, 2018).

¹³⁹¹ Weiss Interview at 11.

¹³⁹² *Id.* at 14-15.

¹³⁹³ *Id.* at 15-16.

¹³⁹⁴ *Id.*

¹³⁹⁵ *Hearing on the Fiscal Year 2023 Justice Department Budget Request, Before the Subcomm. on Com., Just., Sci., & Related Agencies of the S. Comm. on Appropriations*, 117th Cong. (Apr. 26, 2022) (statement of Merrick Garland, Att’y Gen., U.S. Dep’t of Just.); see Brittany Bernstein, AG Garland: ‘There Will Not Be Interference’ in DOJ’s Hunter Biden Investigation, NAT’L REV. (Apr. 26, 2022).

¹³⁹⁶ *Hearing on Oversight of the Department of Justice, Before the S. Comm. on the Judiciary*, 118th Cong., C-SPAN 00:46:48 (Mar. 1, 2023) (statement of Merrick Garland, Att’y Gen., U.S. Dep’t of Just.).

prosecution...”¹³⁹⁷ However, in a subsequent June 30 letter to the Judiciary Committee, U.S. Attorney Weiss changed his tune, stating:

I stand by what I wrote and wish to expand on what this means. As the U.S. Attorney for the District of Delaware, my charging authority is geographically limited to my home district. 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.¹³⁹⁸

On July 10, 2023, U.S. Attorney Weiss again shifted his explanation of his authority, this time in a letter to Senator Lindsey Graham. In that letter, he acknowledged that he had “discussions” with unnamed “Departmental officials” about seeking Special Attorney status and “was assured” the authority would be granted.¹³⁹⁹ Special Attorney status, U.S. Attorney Weiss explained, “would have allowed me to file charges in a district outside my own without the partnership of the local U.S. Attorney.”¹⁴⁰⁰ He did not detail the substance of those discussions, the timing of them, or the officials with whom he spoke.

In other words, in his first letter, Weiss represented to the Judiciary Committee that he *had been* granted ultimate authority with respect to the filing of charges. But in his third letter, Weiss told Senator Graham that he had been assured by unnamed officials that he *would be* granted that authority in the future if necessary after going through a specified process, and he notably provided no explanation of who would make the determination of necessity.¹⁴⁰¹ These are inconsistent representations, and it is not possible for both of them to be true. Weiss’s shifting statements about his authority to bring charges against Hunter Biden, especially his authority to bring charges outside of Delaware, raise concerns that the Department is attempting to cover up improper political considerations that factored into the Department’s investigative and prosecutorial function.

Whistleblower testimony additionally contradicts with U.S. Attorney Weiss and Attorney General Garland’s statements regarding the scope of U.S. Attorney Weiss’s authority. SSA Shapley testified that, by fall of 2022, it became apparent that Justice Department decisions “were being made to conceal from the public the results of the investigation.”¹⁴⁰² On October 7, 2022, U.S. Attorney Weiss finally came clean to his prosecution team that he did not have “ultimate authority” over the Hunter Biden investigation. On that day, U.S. Attorney Weiss met

¹³⁹⁷ 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).

¹³⁹⁸ Letter from David C. Weiss, U.S. Att’y, Dist. of Del., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, at 1-2 (June 30, 2023).

¹³⁹⁹ Letter from David C. Weiss, U.S. Att’y, Dist. of Del., to Sen. Lindsey Graham, Ranking Member, S. Comm. on the Judiciary (July 10, 2023).

¹⁴⁰⁰ *Id.* at 1.

¹⁴⁰¹ *Compare* 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), *with* 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).

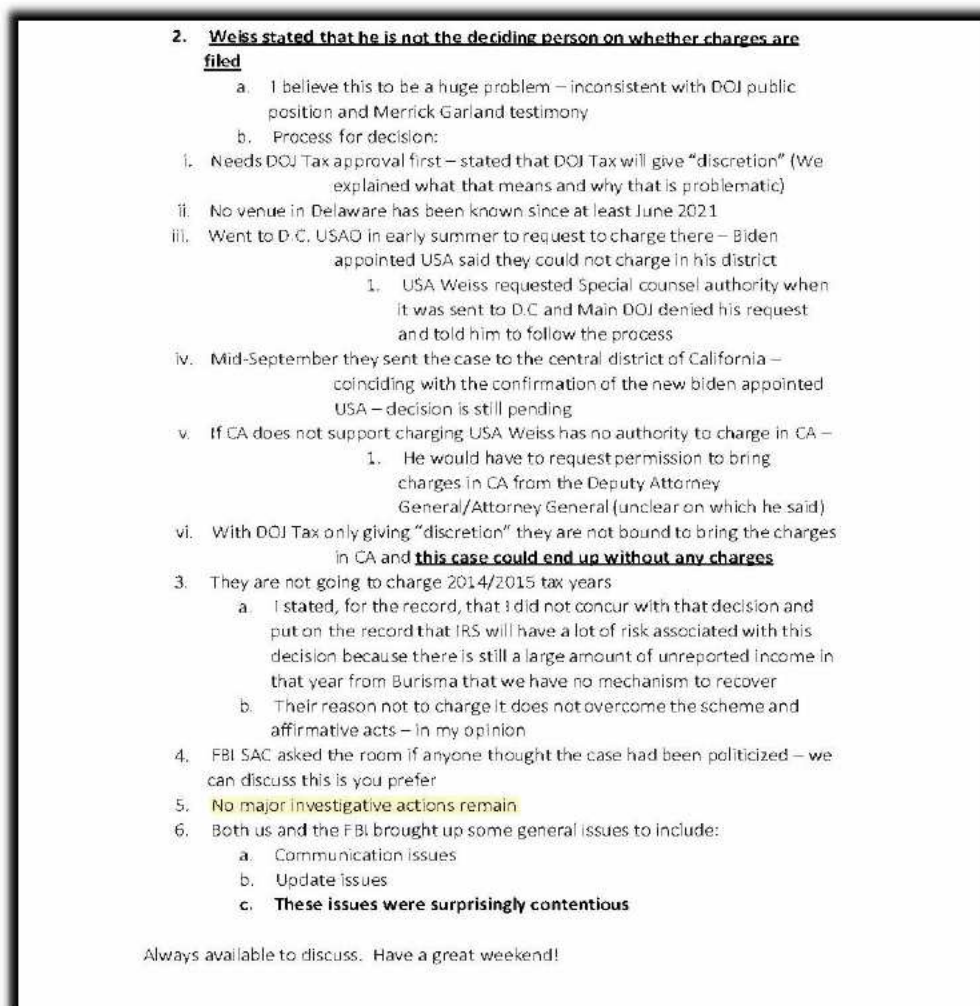
¹⁴⁰² Shapley Interview at 27.

at his office with senior level managers from IRS CI, FBI, and the Delaware U.S. Attorney's Office.¹⁴⁰³ In describing the meeting on October 7, 2022, SSA Shapley testified:

United States Attorney Weiss was present for the meeting. He surprised us by telling us on the charges, quote: "I'm not the deciding official on whether charges are filed," unquote.

He then shocked us with the earth-shattering news that the Biden-appointed D.C. U.S. Attorney Matthew Graves would not allow him to charge in his district. To add to the surprise, U.S. Attorney Weiss stated that he subsequently asked for special counsel authority from Main DOJ at the time and was denied that authority.¹⁴⁰⁴

SSA Shapley's contemporaneous notes taken during the October 7 meeting further substantiated his testimony.



¹⁴⁰³ Shapley Interview at 28.

¹⁴⁰⁴ *Id.*

U.S. Attorney Weiss’s confession revealed that Biden-Harris Administration political appointees were in fact controlling the investigation of the President’s son, despite Attorney General Garland’s sworn congressional testimony to the contrary.¹⁴⁰⁵ SSA Shapley described how troubling he found this news, coming to the realization that his years long investigation was now over, noting:

All of our years of effort getting to the bottom of the massive amounts of foreign money Hunter Biden received from Burisma and others during that period would be for nothing... I felt misled by the Delaware United States Attorney’s Office.¹⁴⁰⁶

In his contemporaneous handwritten notes taken at the October 7, 2022 meeting, SSA Shapley wrote that “[i]nvestigative work essentially complete per U.S. [Attorney].”¹⁴⁰⁷ Additionally, in an email to his superiors sent shortly after the meeting, SSA Shapley explained that “[n]o major investigative actions remain” with respect to the Hunter Biden investigation.¹⁴⁰⁸ SA Ziegler similarly testified that “the investigative process is 99.9 percent done[.]”¹⁴⁰⁹ During their interviews, FBI officials substantiated the claim that this investigation was dead in the water following the October 7 meeting. Specifically, neither SAC Sobocinski nor ASAC Holley could describe any real or significant progress made in U.S. Attorney Weiss’s investigation after the October 7 meeting through the August 11, 2023, special counsel announcement.¹⁴¹⁰ In other words, at the time of the “red-line” meeting that ultimately led the IRS whistleblowers to shine the light on misconduct in the investigation, the only remaining decision points were whether to pursue charges against Hunter Biden.

SSA Shapley testified that what transpired in this meeting became his “red-line” in the investigation because it fully displayed the Biden Justice Department’s malfeasance, which spurred him to subsequently come forward as a whistleblower to Congress.¹⁴¹¹ The realization of the prosecutorial misconduct that culminated in this meeting was the final straw for SSA Shapley and—unable to stand idly by as the Biden Justice Department effectively ended this important investigation—ultimately induced him to come forward to Congress as a whistleblower.¹⁴¹² Moreover, the fact that no further progress was made on this investigation following the October 7 meeting highlights the brazen action Biden Justice Department officials were willing to take to obscure the Biden family’s illegal activities. Without SSA Shapley’s and SA Ziegler’s choice to come forward as whistleblowers to testify about this injustice, the American people would very likely still be in the dark about this corrupt behavior.

¹⁴⁰⁵ See *Hearing on the Fiscal Year 2023 Justice Department Budget Request, Before the Subcomm. on Com., Just., Sci., & Related Agencies of the S. Comm. on Appropriations*, 117th Cong., at 25 (2022).

¹⁴⁰⁶ Shapley Interview at 28-29.

¹⁴⁰⁷ Letter from Mark D. Lytle, Partner, Nixon Peabody LLP, & Tristan Leavitt, President, Empower Oversight, to H. Comm. on Ways & Means & S. Comm. on Fin. (Sept. 13, 2023) (attaching Shapley’s notes from the October 7 meeting).

¹⁴⁰⁸ Email from Gary Shapley, Supervisory Special Agent, Internal Revenue Serv., to Michael Batdorf, Dir. of Field Ops., Internal Revenue Serv., Darrell Waldon, Special Agent in Charge, Washington Field Off., Internal Revenue Serv. (Oct. 7, 2022, 6:09 PM) (Shapley Interview, Ex. 10).

¹⁴⁰⁹ Ziegler Interview at 14.

¹⁴¹⁰ See Sobocinski Interview at 162-63; Holley Interview at 102-03.

¹⁴¹¹ Shapley Interview at 28, 134, 171.

¹⁴¹² *Id.* at 134.

C. After the IRS whistleblowers came forward, the Biden Justice Department attempted to cover-up its wrongdoing.

The Biden-Harris Administration improperly influenced the course of the independent IRS and Justice Department investigation into Hunter Biden. According to the available evidence, the Biden Justice Department shut down certain lines of inquiry and allowed the statute of limitations to lapse on certain charges. After whistleblowers came forward to detail the Department's obstruction, and the Department was compelled to take some prosecutorial action, the Department tried to push through a plea agreement that imploded in open court. The Biden Justice Department has made inconsistent statements to the Judiciary Committee about the independence of its investigation, and President Biden has prejudiced the investigation by making statements proclaiming his son's innocence. In short, evidence obtained to date details how the Biden-Harris Administration has deviated from its typical process to provide the President's son special treatment and influence the investigation in a way that is favorable to the President and his family.

i. After a multi-year investigation, U.S. Attorney Weiss offered Hunter Biden a lenient plea agreement that fell apart under simple questioning from the judge.

After a five-year investigation, slow-walked by Biden-appointees and beset by deviations from standard investigative practices, U.S. Attorney Weiss offered Hunter Biden a favorable plea agreement involving only two misdemeanor tax crimes and a pretrial diversion agreement for a felony firearm offense,¹⁴¹³ despite prosecutors' and investigators' original recommendation of charging Hunter Biden with six tax felonies and five tax misdemeanors.¹⁴¹⁴ Further, it was revealed during the hearing on the plea deal that prosecutors and defense counsel did not share the same understanding of the scope of Hunter Biden's immunity from additional charges.¹⁴¹⁵ The timing of the public announcement of the plea deal raises the perception that it was designed to avoid public criticism of the investigation. The Biden Justice Department announced the plea deal with Hunter Biden mere days before the Ways and Means Committee disclosed the whistleblower testimony detailing how the Department "provided preferential treatment, slow-walked the investigation, [and] did nothing to avoid obvious conflicts of interest in this investigation."¹⁴¹⁶

According to public reporting, Hunter Biden's attorney, Chris Clark, began pressuring the Department to end the Hunter Biden investigation as early as spring of 2022.¹⁴¹⁷ From mid-2022 to early 2023, Mr. Clark threatened prosecutors that they faced "career suicide" if they pursued

¹⁴¹³ Memorandum of Plea Agreement, *United States v. Biden*, No. 23-mj-274 (D. Del. Aug. 2, 2023).

¹⁴¹⁴ See Shapley Interview, Ex. 2.

¹⁴¹⁵ See Initial Appearance Plea Hearing, *United States v. Biden*, No. 23-mj-274, No. 23-cr-61 (D. Del. July 26, 2023); Glenn Thrush et al., *Judge Puts Hunter Biden's Plea Deal on Hold, Questioning Its Details*, N.Y. TIMES (July 26, 2023).

¹⁴¹⁶ Shapley Interview at 10-11.

¹⁴¹⁷ Betsy Woodruff Swan, *In talks with prosecutors, Hunter Biden's lawyers vowed to put the president on the stand*, POLITICO (Aug. 19, 2023).

the investigation,¹⁴¹⁸ demanded meetings “with people at the highest levels of the Justice Department,”¹⁴¹⁹ and warned that he would create a “Constitutional crisis” by calling President Biden to testify as a fact witness for the defense in a potential prosecution.¹⁴²⁰ He claimed that a prosecution of Hunter Biden would “immediately tarnish the credibility of the Department” as “another example of naked politics influenced by a vendetta of the former President against the current President.”¹⁴²¹ These threats worked on U.S. Attorney Weiss, who allowed the investigation to linger and did not pick the case back up until shortly after the whistleblowers came forward in May 2023.¹⁴²²

After negotiations with Hunter Biden’s counsel, the Biden Justice Department tried to push through an unprecedented plea deal, which imploded in open court. The negotiations culminated in a plea agreement publicly announced on June 20, 2023.¹⁴²³ The deal 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 successfully completed a two-year period of pretrial diversion supervision.¹⁴²⁴ 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.¹⁴²⁵ It also gave the District Court the sole power to determine whether

¹⁴¹⁸ Shapley Interview at 27; Ziegler Interview at 122.

¹⁴¹⁹ Betsy Woodruff Swan, *In talks with prosecutors, Hunter Biden’s lawyers vowed to put the president on the stand*, POLITICO (Aug. 19, 2023); *see also* Letter from Christopher Clark, Partner, Latham & Watkins LLP, to Lesley Wolf, Assistant U.S. Att’y, Dist. of Del. (Oct. 10, 2022) (requesting meetings with the Attorney General, Deputy Attorney General, Assistant Attorney General for the Criminal Division, and U.S. Attorney for the District of Delaware); Letter from Christopher Clark, Partner, Latham & Watkins LLP, to Mark Daly, Senior Litig. Counsel, Tax Div., U.S. Dep’t of Just. (Oct. 10, 2022) (requesting meetings with the Attorney General, the Deputy Attorney General, and the Acting Assistant Attorney General for the Tax Division); Letter from Christopher Clark, Partner, Latham & Watkins LLP, to Mark Daly, Senior Litig. Counsel, Tax Div., U.S. Dep’t of Just. (Jan. 31, 2023) (requesting meetings with the Attorney General, Deputy Attorney General, and Assistant Attorney General for the Criminal Division); Letter from Christopher Clark, Partner, Latham & Watkins LLP, to David Weiss, U.S. Att’y, Dist. of Del. (Jan. 31, 2023) (requesting meetings with the Attorney General, Deputy Attorney General, and Assistant Attorney General for the Criminal Division); Letter from Christopher Clark, Partner, Latham & Watkins LLP, to David Weiss, U.S. Att’y, Dist. of Del. (Feb. 3, 2023) (requesting meetings with the Office of Legal Counsel and the Office of the Solicitor General); Letter from Christopher Clark, Partner, Latham & Watkins LLP, to Michael Horowitz, Inspector Gen., U.S. Dep’t of Just. (Feb. 8, 2023) (requesting a meeting with the Office of the Inspector General).

¹⁴²⁰ Letter from Christopher Clark, Partner, Latham & Watkins LLP, to David Weiss, U.S. Att’y, Dist. of Del., at 16 (Oct. 31, 2022).

¹⁴²¹ *Id.* at 19.

¹⁴²² Defendant’s Response to the United States’ Motion to Vacate the Court’s Briefing Order at 1, *United States v. Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. Aug. 13, 2023); *see also* Email from Lesley Wolf, Assistant U.S. Att’y, Dist. of Del., to Christopher Clark, Partner, Latham & Watkins LLP (May 18, 2023, 10:02 PM) (on file with the Committees); James Lynch, *Hunter Biden began negotiating plea deal with DOJ right after IRS whistleblower first came forward, court docs show*, DAILY CALLER (Aug. 14, 2023).

¹⁴²³ Betsy Woodruff Swan, *In talks with prosecutors, Hunter Biden’s lawyers vowed to put the president on the stand*, POLITICO (Aug. 19, 2023).

¹⁴²⁴ Memorandum of Plea Agreement, *United States v. Biden*, No. 23-mj-274 (D. Del. Aug. 2, 2023); Diversion Agreement, *United States v. Biden*, No. 23-cr-61 (D. Del. Aug. 2, 2023); Josh Gerstein et al., *Hunter Biden reaches plea deal with feds to resolve tax issues, gun charge*, POLITICO (June 20, 2023).

¹⁴²⁵ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary et al., 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, *United States v. Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023).

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 benefiting Hunter Biden.¹⁴²⁶ While prosecutors understood the immunity provision of the pretrial diversion agreement to only protect Hunter Biden from additional charges related to his tax returns from 2014 to 2019 and his illegal gun purchase in 2014, defense counsel interpreted the immunity provision to also shield Hunter Biden from potential charges related to his foreign business ventures, such as violating the Foreign Agents Registration Act.¹⁴²⁷

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.¹⁴²⁸ The plea deal fell apart when prosecutors and defense attorneys could not provide answers to routine questions.¹⁴²⁹ Judge Noreika described the Department’s deal as “not standard” and “different from what I normally see.”¹⁴³⁰ The deal had an unusual structure, involving both a typical plea agreement, which is presented to the court, and a diversion agreement, which Judge Noreika noted is not.¹⁴³¹ Diversion agreements are not approved by a judge, but by a probation officer.¹⁴³²

Judge Noreika raised concerns about some “nonstandard terms” contained in the diversion agreement: (1) the “broad immunity” provision within the pretrial diversion agreement that would immunize Hunter Biden for not only the gun-related conduct that was the subject of the agreement, but also his unrelated tax crimes,¹⁴³³ and (2) the provision that “invokes the Court or involves the Court as part of that agreement” by prohibiting the government from bringing charges within the scope of the agreement unless and until Judge Noreika first determined that the diversion agreement had been breached.¹⁴³⁴ Judge Noreika expressed her concerns stating:

I think what I’m concerned about here is that you seem to be asking for the inclusion of the Court in this agreement, yet you’re telling me that I don’t have any role in it, and you’re leaving provisions of the plea agreement out and putting them into an agreement that you are not asking me to sign off on. So I need you to help me understand why this isn’t in the written plea agreement.¹⁴³⁵

¹⁴²⁶ Transcript of Record at 95, *United States v. Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023).

¹⁴²⁷ Glenn Thrush et al., *Judge Puts Hunter Biden’s Plea Deal on Hold, Questioning Its Details*, N.Y. TIMES (July 26, 2023).

¹⁴²⁸ See Betsy Woodruff Swan, *In talks with prosecutors, Hunter Biden’s lawyers vowed to put the president on the stand*, POLITICO (Aug. 19, 2023); Michael S. Schmidt et al., *Inside the Collapse of Hunter Biden’s Plea Deal*, N.Y. TIMES (Aug. 19, 2023).

¹⁴²⁹ See Betsy Woodruff Swan, *In talks with prosecutors, Hunter Biden’s lawyers vowed to put the president on the stand*, POLITICO (Aug. 19, 2023); Michael S. Schmidt et al., *Inside the Collapse of Hunter Biden’s Plea Deal*, N.Y. TIMES (Aug. 19, 2023).

¹⁴³⁰ Transcript of Record at 10, *United States v. Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. July 26, 2023).

¹⁴³¹ *Id.*

¹⁴³² *See id.* at 51.

¹⁴³³ *Id.* at 46-47, 83.

¹⁴³⁴ *Id.* at 92-93.

¹⁴³⁵ *Id.* at 50.

Neither prosecutors from the Biden Justice Department nor Hunter Biden’s counsel could provide a satisfactory explanation to Judge Noreika’s concerns.

First, the government’s promise of immunity, which would usually be in the plea agreement, was for unexplained reasons included in the diversion agreement—meaning Judge Noreika would have no authority over it.¹⁴³⁶ That immunity provision would immunize Hunter Biden for not only the felony gun charge subject to the diversion agreement, but also his unrelated and uncharged tax crimes.¹⁴³⁷ Judge Noreika noted that she “looked through a bunch of diversion agreements that [she] ha[s] access to . . . [but] couldn’t find anything that had anything similar to that.”¹⁴³⁸ She then asked the government, “Do you have any precedent for agreeing not to prosecute crimes that have nothing to do with the case or the charges being diverted?”¹⁴³⁹ Special Assistant U.S. Attorney Leo Wise could not provide any precedent for such a provision.¹⁴⁴⁰

Second, Judge Noreika expressed separation of powers concerns pertaining to the 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.¹⁴⁴¹ Judge Noreika stated:

Now I have reviewed the case law and I have reviewed the statute and I had understood that the decision to offer the defendant, any defendant a pretrial diversion rest[s] squarely with the prosecutor and consistent with that, you all have told me repeatedly that’s a separate agreement, there is no place for me to sign off on it, and as I think I mentioned earlier, usually I don’t see those agreements. But you all did send it to me and as we’ve discussed, some of it seems like it could be relevant to the plea.

One provision in particular stands out to me, and that is paragraph 14. That paragraph says if the United States believes that a knowing material breach of this agreement has occurred, it may seek a determination by the United States District Judge for the District of Delaware with responsibility for the supervision of this agreement. It then goes on to say that if I do find a breach, then the government can either give the Defendant time to remedy the breach or prosecute him for the crime that is the subject of the information or any other that falls within the language of the agreement. . . . Do you have any authority that any Court has ever accepted that or said that they would do that?¹⁴⁴²

¹⁴³⁶ *Id.* at 41.

¹⁴³⁷ *Id.* at 46-47.

¹⁴³⁸ *Id.* at 45.

¹⁴³⁹ *Id.* at 46.

¹⁴⁴⁰ *Id.*

¹⁴⁴¹ *Id.* at 92-93.

¹⁴⁴² *Id.* at 92-95.

When neither Mr. Wise nor Mr. Clark could provide any examples of such an agreement, Judge Noreika stated her concern that:

[The] provision makes me a gatekeeper to criminal charges and puts me in the middle of a decision as to whether to bring a charge. And we already talked about separation of powers and that choice as to whether to bring charges is . . . the executive branch, not the judicial branch, so is this even constitutional?”¹⁴⁴³

At that point, Mr. Clark finally admitted that the unprecedented gatekeeping provision was included for political reasons, stating:

There was a desire because of there being as Your Honor has seen a tremendous amount of political drag with this Defendant that the normal mechanism that might take place would have the protection of the Court not in the discretion to bring a charge, but in finding a breach, and so that that wouldn't be something that would become more politicized, but rather would be something that the parties could rely on, someone we consider a neutral arbiter to determine the breach, not the charge.¹⁴⁴⁴

Hunter Biden's lawyers sought to appeal to his unique circumstances as the son of the President to assert that he should receive atypical and seemingly unprecedented treatment in this plea deal. Therefore, they came up with an apparently unprecedented and potentially unconstitutional provision that would prevent prosecutors from filing future charges against Hunter Biden without judicial approval.¹⁴⁴⁵ Judge Noreika responded:

I understand. Look, I knew why you brought it, okay, I could see why you would want that provision in here, but . . . the government, the executive branch has the discretion to bring charges. Here, the government does not have discretion to continue to pursue this charge or any other charge unless you include the Court. And that seems like it's getting outside of my lane in terms of what I am allowed to do. And thus, I have concerns about the constitutionality of this provision. That gives me concerns about the constitutionality of this agreement because there doesn't seem to be a separate severability, and that gives me concerns about whether the Defendant has the protection from prosecution that he thinks he's getting if this agreement turns out to be not worth the paper it's written on.¹⁴⁴⁶

¹⁴⁴³ *Id.* at 95.

¹⁴⁴⁴ *Id.* at 97-98.

¹⁴⁴⁵ *Id.* at 95-98.

¹⁴⁴⁶ *Id.* at 98.

Judge Noreika concluded that she could not accept the plea agreement and postponed the proceedings.¹⁴⁴⁷ Hunter Biden’s attorneys and the Justice Department abandoned subsequent negotiations to modify the plea agreement before the announcement of U.S. Attorney Weiss’s special counsel appointment.¹⁴⁴⁸

When asked about the failed plea deal, Special Counsel Weiss refused to comment on Judge Noreika’s rejection of his office’s plea deal for Hunter Biden. He testified:

- Q. . . . On July 26th, the date of this plea agreement, Judge Noreika of U.S. District Court for the District of Delaware declined to accept the Department’s plea and pretrial diversion agreements, correct?
- A. I’m not going to comment on Judge Noreika’s decision at all. I’m just not going to offer any comment in that regard.
- Q. Okay. But she declines to—I mean, I don’t mean to be difficult here, but—
- A. The plea agreement did not go forward.
- Q. Okay. Because of the judge?
- A. I’m not going to comment on why, who said what, the judge’s comments. We’re in the matter before the judge as we speak, so I’m not going to say anything in that regard.¹⁴⁴⁹

After five years of investigating, the only thing U.S. Attorney Weiss had to show for the investigation as of the summer of 2023 was an unprecedented plea agreement that overtly appealed to the defendant’s special status as the President’s son to justify special treatment from the court. This plea agreement fell apart under scrutiny from a federal judge, leading to the Attorney General’s appointment of Weiss as special counsel. Weiss’s attempted plea deal is an important part of understanding the extent to which Weiss deviated from standard investigative practices in this case in a manner favorable to Hunter Biden, and his refusal to answer the Committee’s questions demonstrates his inability to defend his actions.

The evidence that the Committees have uncovered to date suggests that the Justice Department had no intention of aggressively acting upon allegations of potential criminal conduct by Hunter Biden until transparency forced accountability. If not for the whistleblowers shedding light on the Justice Department’s intentional slow-walking of the investigation and deviations from standard investigative practices, it seems likely that the Justice Department

¹⁴⁴⁷ *Id.* at 98-99, 104-09.

¹⁴⁴⁸ U.S. Motion to Voluntarily Dismiss Criminal Tax Information Without Prejudice so that Tax Charges Can Be Brought in a District Where Venue Lies, *United States v. Biden*, No. 23-mj-274-MN, No. 23-cr-61-MN (D. Del. Aug. 11, 2023).

¹⁴⁴⁹ Weiss Interview at 138.

would have never acted on the investigation. And if not for the questions posed by and concerns raised by Judge Noreika, the Justice Department would have never filed charges against Hunter Biden that reflected the seriousness of his wrongdoing.

ii. Hunter Biden’s attorneys have pushed the Biden Justice Department to investigate witnesses in retaliation for making protected disclosures regarding Hunter Biden’s alleged criminal conduct.

Hunter Biden’s legal team has engaged in a brazen effort to intimidate and harass the IRS whistleblowers who exposed irregularities in the Department’s investigation of Hunter Biden,¹⁴⁵⁰ and a former business associate of Hunter Biden who provided information to the FBI regarding the Bidens’ shady business practices. These tactics have included urging the Department to prosecute the whistleblowers for their protected disclosures to Congress.¹⁴⁵¹ Federal law protects whistleblowers from retaliation,¹⁴⁵² and efforts to intimidate these whistleblowers raise serious concerns about potential felonious obstruction of the Committees’ investigation.¹⁴⁵³ The willingness of the Hunter Biden legal team to push the Biden Justice Department into investigating whistleblowers shows the extent to which Hunter Biden believes he can influence the investigation in a manner favorable to him.

On June 30, 2023, Hunter Biden’s attorney wrote to the Ways and Means Committee, asserting without evidence that SSA Shapley and SA Ziegler had violated federal law in making their protected whistleblower disclosures to the Committee.¹⁴⁵⁴ The attorney’s letter slandered the IRS whistleblowers as “disgruntled agents” with an “axe to grind,” and suggested—again without evidence—that these men were responsible for leaks to media outlets, including the *Washington Post*.¹⁴⁵⁵ Hunter Biden, through his attorney, also implied that at least one of the whistleblowers, SSA Shapley, faced “some investigation into his *own conduct*.”¹⁴⁵⁶ On June 3, 2023, on his own accord, SSA Shapley provided Congress an affidavit that read, in part:

I was not the source for the October 6, 2022 Washington Post article, nor have I ever had any contact with [the article’s authors] Barrett or Stein. Because I am so confident of this fact, I hereby authorize the Washington Post and/or journalists Devlin Barrett, Perry Stein, or any other Washington Post reporter to release any communications directly or indirectly to or from me. In this regard, I am willing to waive any purported journalistic privilege and/or confidentiality that would have arisen had I been a source for the Washington Post.¹⁴⁵⁷

¹⁴⁵⁰ See Kimberley A. Strassel, *Hunter Biden’s Smear Strategy*, WALL ST. J. (July 6, 2023); Letter from Abbe Lowell, to Rep. Jason Smith, Chairman, H. Comm. on Ways & Means (June 30, 2023).

¹⁴⁵¹ See Michael S. Schmidt et al., *Inside the Collapse of Hunter Biden’s Plea Deal*, N.Y. TIMES (Aug. 19, 2023).

¹⁴⁵² See, e.g., 5 U.S.C. §§ 2302(b)(8)(C), 7211.

¹⁴⁵³ See 18 U.S.C. §§ 1505, 1512(b).

¹⁴⁵⁴ Letter from Abbe D. Lowell, Partner, Winston & Strawn LLP, to Rep. Jason Smith, Chairman, H. Comm. on Ways & Means (June 30, 2023).

¹⁴⁵⁵ *Id.*

¹⁴⁵⁶ *Id.*

¹⁴⁵⁷ Shapley Supplemental Affidavit at 4.

SSA Shapley went on to note that he had “never leaked confidential taxpayer information.”¹⁴⁵⁸

Hunter Biden’s lawyers have also directly urged the Justice Department—the law-enforcement component responsible to Hunter Biden’s father—to act against the whistleblowers. According to the *New York Times*, Hunter Biden’s “lawyers have contended to the Justice Department that by disclosing details about the investigation to Congress, they broke the law and should be prosecuted.”¹⁴⁵⁹ On October 31, 2023, Chris Clark sent a letter to U.S. Attorney Weiss falsely accusing SSA Shapley and SA Ziegler of illegally leaking information about the investigation to the press and demanding they be investigated.¹⁴⁶⁰ Mr. Clark also wrote to Justice Department Inspector General Michael Horowitz (twice),¹⁴⁶¹ Associate Deputy Attorney General Bradley Weinsheimer,¹⁴⁶² and Tax Division Senior Litigation Counsel Mark Daly and Delaware AUSA Lesley Wolf, and Delaware AUSA Carly Hudson¹⁴⁶³ demanding that the whistleblowers be investigated.

On September 18, 2023, Hunter Biden filed a lawsuit against the IRS alleging that SSA Shapley and SA Ziegler unlawfully disclosed his tax return information and that the IRS failed to safeguard its records systems.¹⁴⁶⁴ Hunter Biden’s claims are, of course, meritless as SSA Shapley’s and SA Ziegler’s disclosures were entirely lawful.¹⁴⁶⁵ On May 17, 2024, SSA Shapley and SA Ziegler filed a motion to intervene in the lawsuit to ensure their interests are represented.¹⁴⁶⁶ SSA Shapley and SA Ziegler informed the court of their two objectives if permitted to intervene: “(1) move to dismiss the Amended Complaint in its entirety, and (2) cite to legal authority not yet submitted to the Court by either party, to establish that their whistleblower activities were completely lawful, pursuant to whistleblower protections built into federal law[.]”¹⁴⁶⁷

Hunter Biden’s attempted intimidation tactics did not end with the whistleblowers. On October 7, 2023, Hunter Biden’s attorney sent a letter to U.S. Attorney Graves demanding an investigation into Tony Bobulinski for concerning statements that Mr. Bobulinski made about Hunter Biden.¹⁴⁶⁸ Mr. Bobulinski is Hunter Biden’s former business partner who had previously

¹⁴⁵⁸ *Id.*

¹⁴⁵⁹ Michael S. Schmidt et al., *Inside the Collapse of Hunter Biden’s Plea Deal*, N.Y. TIMES (Aug. 19, 2023).

¹⁴⁶⁰ Letter from Chris Clark to David Weiss, U.S. Att’y, Dist. of Del., at 2, 15–17 (Oct. 31, 2022) (on file with the Committees).

¹⁴⁶¹ Letter from Christopher Clark, Partner, Latham & Watkins LLP, to Michael Horowitz, Inspector Gen., U.S. Dep’t of Just. (Feb. 8, 2023); Letter from Christopher Clark, Partner, Latham & Watkins LLP, to Michael Horowitz, Inspector Gen., U.S. Dep’t of Just. (June 29, 2023).

¹⁴⁶² Letter from Christopher Clark, Partner, Latham & Watkins LLP, to Bradley Weinsheimer, Associate Deputy Att’y Gen, U.S. Dep’t of Just. (Apr. 21, 2023).

¹⁴⁶³ Letter from Christopher Clark, Partner, Latham & Watkins LLP, to Mark Daly, Senior Litig. Counsel, Tax Div., U.S. Dep’t of Just. et al. (Apr. 21, 2023).

¹⁴⁶⁴ Complaint, *Biden v. Internal Revenue Serv.*, No. 1:23-cv-02711 (D.D.C. Sept. 18, 2023).

¹⁴⁶⁵ See 26 U.S.C. § 6103(f)(5).

¹⁴⁶⁶ See Joint Motion to Intervene as Intervenor-Defendants and Incorporated Memorandum of Law in Support, *Biden v. Internal Revenue Serv.*, No. 1:23-cv-02711 (D.D.C. May 17, 2024).

¹⁴⁶⁷ *Id.* at 2.

¹⁴⁶⁸ Letter from Abbe D. Lowell, Partner, Winston & Strawn LLP, to Matthew M. Graves, U.S. Att’y, Dist. of D.C. (Oct. 7, 2023).

identified President Biden as the “big guy” who would take a stake in a joint venture with a Chinese energy company closely linked to the Chinese Communist Party.¹⁴⁶⁹ As Hunter Biden’s former business partner, Mr. Bobulinski has firsthand insight into any related financial arrangement, including direct knowledge of Joe Biden’s involvement.¹⁴⁷⁰ The demands for an investigation into Mr. Bobulinski are another shallow effort to discredit and intimidate a potential witness against Hunter Biden.

Hunter Biden’s lawyers have engaged in a relentless and shameful campaign to have whistleblowers arrested for making protected disclosures to Congress. They are asking senior Justice Department officials—officials who serve at the pleasure of the President—to prosecute witnesses for lawful disclosures that are harmful to the President’s son.

iii. Throughout the federal criminal investigation, President Biden and senior officials in his Administration made statements that prejudiced the Justice Department’s investigation and the appearance of impartial justice.

President Biden and his White House staff have prejudiced the Department’s investigation into Hunter Biden by making repeated public statements about Hunter Biden’s innocence.¹⁴⁷¹ President Biden is the head of the Executive Branch, and Justice Department officials are appointed by and serve at the pleasure of the President. As such, the President’s statements, as well as those from senior White House officials, risked influencing the Department’s actions and its decision-making in the criminal investigation of the President’s son, an investigation which has implicated the President himself.

On September 21, 2021, a CNN producer informed the IRS’s Criminal Investigation division that he had received “an email from Hunter [Biden] saying he expected all of this ‘stuff’ to go away when his dad becomes President.”¹⁴⁷² Just as Hunter Biden anticipated, upon taking office, President Biden and his subordinates attempted to wield their official power to make the investigation go away.¹⁴⁷³

¹⁴⁶⁹ Michael Goodwin, *Hunter biz partner confirms email, details Joe Biden’s push to make millions from China: Goodwin*, N.Y. POST (Oct. 22, 2020) (quoting Bobulinski as stating that “[t]he reference to ‘the Big Guy’ in the much publicized May 13, 2017 email is in fact a reference to Joe Biden.”).

¹⁴⁷⁰ See Ebony Bowden & Steven Nelson, *Hunter’s ex-partner Tony Bobulinski: Joe Biden’s a liar and here’s the proof*, N.Y. POST (Oct. 22, 2020).

¹⁴⁷¹ See, e.g., Jerry Dunleavy, *Hunter Biden investigation: How president’s denial of son’s wrongdoing colors DOJ inquiry*, WASH. EXAM’R (May 11, 2023).

¹⁴⁷² E-mail from Justin T. Cole, Dir., Off. of Comm’n, Crim. Investigation, Internal Revenue Serv., to James C. Lee, Chief, Crim. Investigation, Internal Revenue Serv., & James D. Robnett, Deputy Chief, Crim. Investigation Internal Revenue Serv. (Sept. 22, 2021, 9:11 AM) (Ziegler Exhibit 506).

¹⁴⁷³ See generally Weiss Report.

From: Cole Justin T <[REDACTED]>
Sent: Wednesday, September 22, 2021 9:11 AM
To: Lee James C <[REDACTED]>; Robnett James D
<[REDACTED]>
Subject: Sensitive Case Heads Up

Chief and Deputy Chief,

I took a call from a CNN producer yesterday who gives me a heads up on things he is working on and allows me the opportunity to comment. Yesterday he called me about Sportsman (he did not use that term obviously). He gave me the following tidbits:

- Producer is aware of a witness who was recently interviewed by our agents and FBI in Delaware. Witness told producer that he was under the impression that they were wrapping things up and just had a few basic questions to “put a bow on the investigation.”
- Producer has an email from Hunter saying he expected all of this “stuff” to go away when his dad becomes President.
- Producer said he is aware that a plea deal has been offered to Hunter but Hunter is not willing to accept it.

I reached out to Jonathan Larsen yesterday afternoon to let him know as well. I’m not sure of any kind of air date – if any – but wanted to pass on what he is aware of.

Thanks,
Justin

Since becoming President, Joe Biden has used the bully pulpit of his office to speak about the Justice Department’s investigation into his son in a manner that leaves no ambiguity that he believes the investigation to be baseless. For example, on October 11, 2022, a reporter asked President Biden about potential charges against his son.¹⁴⁷⁴ President Biden defended his son and stated, “I’m confident that he is—what he says and does are consistent with what happens.”¹⁴⁷⁵ President Biden then reiterated that he has “great confidence in my son.”¹⁴⁷⁶ On April 2, 2023, then-White House chief of staff Ron Klain said that President Biden “is confident that his son didn’t break the law” and “is confident that his family did the right thing.”¹⁴⁷⁷ In May 2023,

¹⁴⁷⁴ 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).

¹⁴⁷⁵ *Id.*

¹⁴⁷⁶ *Id.*

¹⁴⁷⁷ David Cohen, *Biden ‘confident’ his son didn’t break the law, White House chief of staff says*, POLITICO (Apr. 3, 2022).

President Biden again defended his son, stating, “[M]y son has done nothing wrong.”¹⁴⁷⁸ He added, “I trust him. I have faith in him.”¹⁴⁷⁹

Since President Biden and senior White House staff preemptively proclaimed Hunter Biden’s purported innocence, he has been indicted twice for a litany of offenses, including multiple felonies.¹⁴⁸⁰ Hunter Biden was even set to plead guilty to two charges before a federal judge threw out the plea agreement favorable to him, showing that he was not as innocent as the White House publicly asserted.¹⁴⁸¹

Despite their claims, these statements from both President Biden and his senior White House staff appear to be inconsistent with evidence that the Committees have gathered—including bank records, discussions with former business associates, interviews with investigators from the Hunter Biden criminal investigation, and government records from multiple agencies—that the investigation of Hunter Biden uncovered significant evidence of criminal activity. The statements by the President and senior White House officials send a strong signal to Justice Department prosecutors, who ultimately are accountable to the President, that an investigation into Hunter Biden has no merit. The President’s statements demonstrate he has facilitated his Justice Department’s failure to live up to its mission of fair and impartial administration of justice.

iv. The Biden Justice Department only began treating the Hunter Biden case like any other criminal matter after its special treatment of him was exposed.

For years, the Department gave Hunter Biden preferential treatment due to his last name. It was only after its misdeeds were exposed by two whistleblowers and it was publicly embarrassed in court that the Department began treating Hunter Biden’s criminal activity, at least as it relates to taxes and firearms, like any other criminal matter.

Following the failed plea deal, U.S. Attorney Weiss requested special counsel status from Attorney General Garland.¹⁴⁸² On August 11, 2023, Attorney General Garland appointed Weiss as special counsel to continue the investigation of Hunter Biden.¹⁴⁸³ During a meeting between defense counsel and Special Counsel Weiss’s office on August 29, 2023, it “became apparent to the parties that they had reached an impasse” in negotiating a resolution to the case.¹⁴⁸⁴ On September 14, 2023, a federal grand jury in Delaware returned an indictment charging Hunter

¹⁴⁷⁸ Katherine Doyle, *Biden defends son Hunter ahead of possible federal tax, gun charges*, NBC NEWS (May 5, 2023).

¹⁴⁷⁹ *Id.*

¹⁴⁸⁰ See Indictment, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023); Indictment, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Sept. 14, 2023); see also Information, *United States v. Biden*, No. 1:23-mj-274-UNA (D. Del. June 20, 2023); Information, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. June 20, 2023).

¹⁴⁸¹ See *supra* Section II.C.i.

¹⁴⁸² Press Release, U.S. Dep’t of Just., Appointment of a Special Counsel (Aug. 11, 2023).

¹⁴⁸³ OFF. OF THE ATT’Y GEN., ORDER NO. 5730–2023, APPOINTMENT OF DAVID C. WEISS AS SPECIAL COUNSEL (2023).

¹⁴⁸⁴ Order on Motion to Dismiss at 5–6, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Apr. 1, 2024).

Biden with three felony firearm offenses, including the same unlawful possession charge used in the original criminal information and two additional felonies for making false statements in connection with acquiring a firearm.¹⁴⁸⁵ On December 11, 2023, Hunter Biden filed four motions to dismiss the indictment.¹⁴⁸⁶ On April 12, 2024, Judge Noreika denied three of those motions.¹⁴⁸⁷ On May 9, 2024, the U.S. Court of Appeals for the Third Circuit dismissed Hunter Biden’s appeal of Judge Noreika’s orders denying his motions to dismiss.¹⁴⁸⁸ The same day, Judge Noreika denied Hunter Biden’s final pending motion to dismiss¹⁴⁸⁹ and scheduled the trial to begin on June 3, 2024.¹⁴⁹⁰ On June 11, 2024, the jury in that case found Hunter Biden guilty on all counts.¹⁴⁹¹

Sometime after the August 2023 meeting with defense counsel, Special Counsel Weiss “convened a grand jury in the Central District of California[.]”¹⁴⁹² On December 7, 2023, the grand jury returned an indictment charging Hunter Biden with three felony and six misdemeanor tax offenses.¹⁴⁹³ The charges included four misdemeanor counts of willfully failing to pay taxes, two misdemeanor counts of willfully failing to file tax returns, two felony counts of filing false tax returns, and one felony count of tax evasion.¹⁴⁹⁴

On February 20, 2024, Hunter Biden filed eight motions to dismiss the California indictment.¹⁴⁹⁵ On April 1, 2024, Judge Mark Scarsi denied all the motions.¹⁴⁹⁶ Judge Scarsi was especially critical of Hunter Biden’s motion to dismiss for “selective and vindictive prosecution,” describing it as “remarkable in that it fails to include a single declaration, exhibit, or request for judicial notice.”¹⁴⁹⁷ Judge Scarsi admonished Hunter Biden for “fil[ing] his motion without any

¹⁴⁸⁵ Indictment, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Sept. 14, 2023).

¹⁴⁸⁶ See Motion to Dismiss the Indictment Based on Immunity Conferred by Diversion Agreement, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Dec. 11, 2023); Motion to Dismiss the Indictment for Failure to Charge a Constitutionally Permissible Offense, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Dec. 11, 2023); Motion to Dismiss the Indictment Because Special Counsel Weiss Was Unlawfully Appointed and This Prosecution Violates the Appropriations Clause, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Dec. 11, 2023); Motion to Dismiss for Selective and Vindictive Prosecution and Breach of Separation of Powers, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Dec. 11, 2023).

¹⁴⁸⁷ See Memorandum Opinion, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Apr. 12, 2024) (ECF No. 97) (denying motion to dismiss based on the diversion agreement); Memorandum Opinion, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Apr. 12, 2024) (ECF No. 99) (denying motion to dismiss for selective and vindictive prosecution and violation of the separation of powers); Memorandum Order, *United States v. Biden*, No. 1:23-cr-061-MN (D. Del. Apr. 12, 2024) (ECF No. 101) (denying motion to dismiss based on the special counsel’s appointment and appropriations).

¹⁴⁸⁸ Order, *United States v. Biden*, No. 24-1703 (3d Cir. May 9, 2024) (per curiam).

¹⁴⁸⁹ Memorandum Order, *United States v. Biden*, No. 1:23-cr-00061-MN (D. Del. May 9, 2024).

¹⁴⁹⁰ Scheduling Order, *United States v. Biden*, No. 1:23-cr-00061-MN (D. Del. May 9, 2024).

¹⁴⁹¹ Gary Grumbach, et al, *Hunter Biden, the president’s son, found guilty on federal gun charges after a trial that laid bare his addiction struggles*, NBC NEWS (June 11, 2024).

¹⁴⁹² Order on Motion to Dismiss at 6, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Apr. 1, 2024).

¹⁴⁹³ Indictment, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Dec. 7, 2023).

¹⁴⁹⁴ *Id.*; see also Press Release, U.S. Dep’t of Just., Grand Jury Returns Indictment Charging Robert Hunter Biden with Three Felony Tax Offenses and Six Misdemeanor Tax Offenses (Dec. 7, 2023).

¹⁴⁹⁵ Order on Motion to Dismiss at 2-3, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Apr. 1, 2024).

¹⁴⁹⁶ See *id.*

¹⁴⁹⁷ *Id.* at 33; see also Perry Stein, *Hunter Biden lawyers gave no evidence tax charges are political, judge says*, WASH. POST (Mar. 27, 2024) (stating that during the hearing on the motions, Judge Scarsi “pushed back the hardest on the motion claiming that the indictment is the result of ‘selective and vindictive’ prosecution”).

evidence,” and “mischaracteriz[ing] the content” of many of the sources he did cite, none of which met evidentiary standards and which contained “multiple levels of hearsay[.]”¹⁴⁹⁸ This was not the only instance of Hunter Biden lacking evidence to support his false claims,¹⁴⁹⁹ which was “a consistent theme across his motions.”¹⁵⁰⁰ Despite the errors, Judge Scarsi denied the motion, as he did with the others, on substantive rather than procedural grounds.¹⁵⁰¹ On May 14, 2024, the U.S. Court of Appeals for the Ninth Circuit dismissed Hunter Biden’s appeal of Judge Scarsi’s decision denying his motions to dismiss.¹⁵⁰² The trial is scheduled to begin on September 5, 2024.¹⁵⁰³

The Justice Department’s recent decision to treat this case like any other criminal matter is not evidence of its commitment to impartially upholding the rule of law. Rather, it is a self-serving attempt to save face after being caught red-handed providing preferential treatment to the President’s son.

v. The Biden Justice Department’s unilateral scoping limitations and inadequate document productions have severely curtailed the Committees’ ability to gather information.

Since the whistleblowers came forward in the spring of 2023, the Biden Justice Department has refused to fully cooperate with the Committees’ investigation. In response to the Committees’ letters seeking pertinent documents, communications, and other information, the Justice Department, time and time again, failed to substantially comply, citing the Department’s “ongoing investigation.”¹⁵⁰⁴ The Justice Department also unilaterally and improperly limited the scope of authorized testimony for witnesses appearing before the Committees. The Department’s inappropriate scoping limitations have severely hindered the Committee’s ability to conduct oversight of the Biden Justice Department and its impeachment inquiry.

On June 29, 2023, the Committees requested transcribed interviews with eleven Justice Department and FBI officials believed to have personal knowledge about the Department’s handling of the Hunter Biden investigation based on the startling testimony from the IRS whistleblowers.¹⁵⁰⁵ The Committees asked the Department to make these specific employees available because “first-hand testimony from [Justice Department] employees is vital for

¹⁴⁹⁸ Order on Motion to Dismiss at 33, 33 n.21, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Apr. 1, 2024).

¹⁴⁹⁹ *See, e.g., id.* at 64 (observing that Hunter Biden “fail[ed] to substantiate his allegations that the agents influenced the prosecutorial decision with anything but speculation”).

¹⁵⁰⁰ Government’s Opposition to Defendant’s Motion to Dismiss for Selective and Vindictive Prosecution and Breach of Separation of Powers at 6, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Mar. 8, 2024).

¹⁵⁰¹ *See* Order on Motion to Dismiss at 42–55, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. Apr. 1, 2024).

¹⁵⁰² Order, *United States v. Biden*, No. 24-2333 (9th Cir. May 14, 2024).

¹⁵⁰³ Minutes of Hearing, *United States v. Biden*, No. 2:23-cr-599-MCS (C.D. Cal. May 22, 2024).

¹⁵⁰⁴ *See, e.g.,* Letter from Carlos Felipe Uriarte, Assistant Att’y Gen., U.S. Dep’t of Just., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Sept. 22, 2023).

¹⁵⁰⁵ *See* Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary et al., to Merrick B. Garland, Att’y Gen., U.S. Dep’t of Just. (June 29, 2023).

carrying out [the Committees’] oversight and for informing potential legislative reforms to the operations and activities of” the Department.¹⁵⁰⁶

Although the Committees have made many requests for documents concerning the Department’s handling of the Hunter Biden investigation since the beginning of the 118th Congress,¹⁵⁰⁷ the Committees agreed to proceed with witness interviews without the relevant documents as a significant accommodation to the Department. But shortly before each interview, the Department sent each witness a letter that unilaterally limited the scope of what each witness was authorized to discuss with the Judiciary Committee—limiting approved testimony to only two topics: (1) statements made by Weiss regarding his authority at an October 7, 2022 meeting, and (2) statements made by Weiss to Congress regarding his authority in investigating Hunter Biden.¹⁵⁰⁸ Notably, the Judiciary Committee never agreed to these extreme scope limitations, and has never even been consulted about whether the limitations would be acceptable.

Throughout the Judiciary Committee’s questioning of witnesses, the Department counsel who accompanied the witness would often not allow witnesses to answer specific and relevant questions necessary for the Committee’s investigation. For example, during the transcribed interview of Mr. Goldberg, the following exchange occurred:

Q. And are you able to tell us anything about what happened with the Hunter Biden case in terms of the process?

Atty. He is not.

Q. Do you know whether a prosecution report was drafted by DOJ Tax after receiving the special agent report?

Atty. To the extent there is a general process that applies in all cases, he can speak to that.

Q. Well, no, I’m asking about the Hunter Biden case. Do you know whether a prosecution report was prepared by DOJ Tax?

Atty. And I’m saying he can’t speak about the ongoing investigation. And so if there—

Q. He’s not asking what was in the report, he’s asking was it prepared.

¹⁵⁰⁶ *See id.*

¹⁵⁰⁷ *See* Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Merrick B. Garland, Att’y Gen., U.S. Dep’t of Just. (Feb. 28, 2023).

¹⁵⁰⁸ *See* Letter from Bradley Weinsheimer, Assistant Deputy Att’y Gen., U.S. Dep’t of Just., to Thomas J. Sobocinski, Special Agent in Charge, Balt. Field Off., Fed. Bureau of Investigation (Sept. 6, 2023); Letter from Bradley Weinsheimer, Assistant Deputy Att’y Gen., U.S. Dep’t of Just., to Ryeisha Holley, Assistant Special Agent in Charge, Balt. Field Off., Fed. Bureau of Investigation (Sept. 8, 2023).

Atty. Right. Yes, I understood the question. But the scope of his authorization does not allow him to speak about the ongoing investigation, whether it involves the contents or the fact of something that is prepared as part of the process.¹⁵⁰⁹

Later during the interview, Mr. Goldberg was asked if he “remember[ed] the purpose of the [June 15] meeting” about the 2014 and 2015 tax year charges.¹⁵¹⁰ The Justice Department counsel interjected, “And once we start getting into purpose, what happened at the meeting, those go beyond the scope of his authorization.”¹⁵¹¹

During the transcribed interview of U.S. Attorney Graves, the Justice Department’s counsel again limited his testimony. For example:

Q. Okay. Do you recall any discussions about a campaign finance charge related to the Hunter Biden tax matter?

Atty. Just even answering yes or no to that question, as I think you know, gets into questions associated with the ongoing investigation and prosecution, and it’s outside the scope of what he’s authorized to discuss.¹⁵¹²

The questions posed to the witnesses are critical to the Committees’ investigation. The Department’s decision to unilaterally limit witness testimony unnecessarily hinders the Committees’ oversight and prevents the Committees from gathering all necessary evidence.

Not only did the Department stifle testimony from current employees, but they severely limited testimony from former employees as well. Prior to her transcribed interview, former AUSA Lesley Wolf received a similar letter from the Department that put undue and inappropriate boundaries on the information she could provide to the Judiciary Committee.¹⁵¹³ Because of this letter former AUSA Wolf, acting on advice from the Department and her private counsel, she claimed she was not “authorized” to provide information sought by the Judiciary Committee a total of 79 times during her voluntary transcribed interview.¹⁵¹⁴ At no time during her interview did former AUSA Wolf provide any explanation for the deviations from standard investigative procedures identified by the Committees. Due to the Department’s and former AUSA Wolf’s obstruction, the Judiciary Committee subpoenaed Ms. Wolf to provide additional testimony.¹⁵¹⁵

¹⁵⁰⁹ Goldberg Interview at 24-25.

¹⁵¹⁰ *Id.* at 30.

¹⁵¹¹ *Id.*

¹⁵¹² *Id.* at 145.

¹⁵¹³ See Letter from Bradley Weinsheimer, Associate Deputy Att’y Gen., U.S. Dep’t of Just., to Lesley Wolf, former Assistant U.S. Att’y, Dist. of Del. (Dec. 12, 2023).

¹⁵¹⁴ See Wolf Interview; Steven Nelson, *Prosecutor who allegedly shielded Joe, Hunter Biden testified 79 times she’s ‘not authorized’ by DOJ to give answers*, N.Y. POST (Dec. 21, 2023).

¹⁵¹⁵ Subpoena from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jenny Kramer, Couns., Alston & Bird LLP (Dec. 1, 2023).

The Department also directed two Tax Division attorney, Senior Litigation Counsel Mark Daly and Trial Attorney Jack Morgan, to disregard lawfully issued deposition subpoenas from the Judiciary Committee because House rules prohibit agency counsel from attending depositions.¹⁵¹⁶ As a result, both employees failed to appear for their respective depositions, despite representations from their personal counsel that they were willing to appear but for the Department’s directive.¹⁵¹⁷ The Department’s directives resulted in the Judiciary Committee being unable to procure the testimony of two witnesses whose knowledge of the day-to-day operation of the Hunter Biden investigation is critical to this oversight.

The Department’s directives are concerning in light of its earlier requests that the Judiciary Committee delay the dates of Mr. Daly’s and Mr. Morgan’s depositions to accommodate their schedules. The Committee agreed to postpone the depositions for nearly a month as an accommodation to the Department. As it now appears that the Department always intended to direct Mr. Daly and Mr. Morgan not to appear, the Department’s request to postpone the deposition seems to have been a bad faith attempt to delay the Committee’s oversight and evade the Committee’s questions.¹⁵¹⁸ In addition, the Committee offered “an extraordinary accommodation” to address the Department’s concerns by allowing “agency counsel to remain physically present just outside the Committee room in which the deposition will occur and [permitting] a recess at any time for [the witness] and/or your [his] counsel to consult with agency counsel about any matters that may arise during the deposition.”¹⁵¹⁹ The Committee made this extraordinary accommodation in an unreciprocated act of good faith to address the Department’s purported concerns and to avoid litigation.¹⁵²⁰

Due to the Department’s blatant disregard for the Committee’s constitutional authority, on March 21, 2024, the Committee filed suit in the U.S. District Court for the District of Columbia to enforce its subpoenas.¹⁵²¹ During a status conference on April 5, 2024, Judge Ana Ryes, a Biden appointee, “spent nearly an hour accusing Justice Department attorneys of rank hypocrisy” for instructing Mr. Daly and Mr. Morgan not to comply with the Committee’s subpoenas.¹⁵²² Pointing out the irony of the Department’s belief that it could defy the Committee’s subpoenas when it recently prosecuted and imprisoned former advisor to President Trump, Peter Navarro,

¹⁵¹⁶ See Deposition of Mark Daly, Senior Litig. Couns., Tax Div., U.S. Dep’t of Just. (Oct. 26, 2023) [hereinafter “2023 Daly Deposition”]; Deposition of Jack Morgan, Tax Div., U.S. Dep’t of Just. (Nov. 6, 2023) [hereinafter “2023 Morgan Deposition”].

¹⁵¹⁷ See Daly Deposition at 3 (“Mr. Daly’s personal counsel indicated to us that Mr. Daly was willing to appear and answer our questions. But obviously, he has received an order from the Justice Department not to appear.”); Morgan Deposition at 4-5 (“Mr. Morgan[] has no per se objection to testifying, but, given the competing constitutional claims and interests expressed by his employer, the Department of Justice, he will be following his employer’s directive.”).

¹⁵¹⁸ See 2023 Daly Deposition at 3; 2023 Morgan Deposition at 5.

¹⁵¹⁹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mark Daly, Senior Litig. Couns., Tax Div., U.S. Dep’t of Just. (Feb. 22, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jack Morgan, Trial Att’y, Tax Div., U.S. Dep’t of Just. (Feb. 22, 2024).

¹⁵²⁰ See Complaint for Declaratory and Injunctive Relief at 42, *Comm. on the Judiciary v. Daly*, No. 1:24-cv-815 (D.D.C. Mar. 21, 2024).

¹⁵²¹ See *id.*; Plaintiff’s Motion for Preliminary Injunction, *Comm. on the Judiciary v. Daly*, No. 1:24-cv-815 (D.D.C. Mar. 21, 2024).

¹⁵²² Josh Gerstein & Kyle Cheney, ‘Are you kidding me?’: Biden-appointed judge torches DOJ for blowing off Hunter Biden–related subpoenas from House GOP, POLITICO (Apr. 5, 2024).

among others, for the same thing, Judge Reyes reminded the Department “there’s this person in jail right now because you all brought a criminal lawsuit against him because he did not appear for a House subpoena. . . . And now you guys are flouting those subpoenas willy-nilly because you just don’t want to show.”¹⁵²³ Fed up with the Department’s hypocrisy, Judge Reyes rebuked the Department for “making a bunch of arguments that you would never accept from any other litigant.”¹⁵²⁴ At Judge Reyes’s direction, the Department and the Committee are working to determine a mutually agreeable path forward to resolve the dispute.

The Department’s response to the Committees’ requests have been wholly inadequate, and there is no valid basis for the Department to obstruct the Committees’ inquiry other than shielding President Biden and Department officials from any liability. The Department’s suggestion that it can dictate the “timing and scope”¹⁵²⁵ of the Committees’ oversight because of the ongoing nature of the Department’s investigation lacks any valid legal basis and severely curtails the Committees’ ability to gather information from Department witnesses. The Department’s claim “rests on no constitutional privilege or case law authority” but rather on self-serving opinions unilaterally issued by the Department.¹⁵²⁶ The Department’s frivolous assertions are nothing more than an effort to evade congressional scrutiny.

President Biden and Attorney General Garland have turned the Justice Department into a shell of its former self. Under their failed leadership, the Justice Department has given up all pretense of upholding the rule of law and instead appears committed to undermining Congress’s constitutional obligations in a reckless attempt to hide the corrupt deeds of a weaponized Justice Department and crooked President. At every turn, the Department made baseless, indefensible, and sometimes nonsensical claims to justify its obstruction of the impeachment inquiry. Rather than providing answers, the Department provided excuses. Despite having to overcome countless obstacles imposed by the Department, the Committees have gathered overwhelming evidence that Biden-Harris Administration deviated from standard procedures in the criminal investigation into the President’s son.

D. President Biden had prior knowledge of Hunter Biden’s intent to defy two duly authorized congressional subpoenas.

On November 8, 2023, the Oversight and Judiciary Committees issued two subpoenas to Hunter Biden to appear for a deposition after uncovering evidence that Hunter Biden was at the center of many suspicious transactions involving the Biden family and foreign individuals and

¹⁵²³ Transcript of Status Conference at 21, *Comm. on the Judiciary v. Daly*, No. 1:24-cv-815 (D.D.C. Apr. 5, 2024).

¹⁵²⁴ *Id.* at 40.

¹⁵²⁵ See Letter from Carlos Felipe Uriarte, Assistant Att’y Gen., U.S. Dep’t of Just., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (July 13, 2023).

¹⁵²⁶ *Obstruction of Justice: Does the Justice Department Have to Respond to Lawfully Issued and Valid Congressional Subpoenas*, Hearing Before the H. Comm. on Oversight and Gov’t Reform, 112th Cong. (2011) (statement of Morton Rosenberg, Fellow, Const. Project); see also William McGurn, Opinion, *The ‘Ongoing Investigation’ Dodge on Hunter Biden*, WALL ST. J. (July 10, 2023) (quoting former Assistant U.S. Attorney Andrew McCarthy as stating, “The executive branch response of ‘ongoing investigation’ is really a political objection, rather than a legal one. There is no ‘ongoing investigation’ privilege.”).

entities while Joe Biden was Vice President.¹⁵²⁷ On November 28, 2023, Hunter Biden’s attorney responded to Chairman Comer declining to have Hunter Biden appear for a deposition in accordance with the terms of the subpoena, but instead requesting a public hearing.¹⁵²⁸ On December 1, 2023 Chairmen Comer and Jordan reminded Hunter Biden’s counsel that Congress has the authority to conduct investigations and compel testimony, and he should not interfere with or obstruct the investigation.¹⁵²⁹ On December 6, 2023, Hunter Biden, through his counsel, again declined to abide by the terms of the subpoena and reiterated his desire for a public hearing on December 13, 2023.¹⁵³⁰ Later that day, Chairmen Comer and Jordan made clear that if Hunter Biden did not appear for his deposition the Committees would initiate contempt of Congress proceedings.¹⁵³¹

On December 13, 2023, Hunter Biden did not appear for his deposition.¹⁵³² Instead of appearing before the Committees pursuant to the terms of the subpoenas, Hunter Biden read a prepared statement in front of the Capitol.¹⁵³³ In his prepared remarks, Hunter Biden generally denied the allegations against him and his family, attacked the Committees and the inquiry, and renewed his demand for special treatment in how the Committees obtained his testimony.¹⁵³⁴ He read:

Let me state as clearly as I can. My father was not financially involved in my business, not as a practicing lawyer, not as a board member of Burisma, not in my partnership with a Chinese private businessman, not in my investments at home nor abroad, and certainly not as an artist. . . . There is no evidence to support the allegations that my father was financially involved in my business because it did not happen.¹⁵³⁵

According to an official statement from the White House, it appears President Biden knew in advance that his son would defy the deposition subpoenas.¹⁵³⁶ During a White House press briefing, Press Secretary Karine Jean-Pierre stated, “The president was certainly familiar

¹⁵²⁷ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, & Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Abbe D. Lowell, Partner, Winston & Strawn LLP (Nov. 8, 2023).

¹⁵²⁸ Letter from Abbe D. Lowell, Partner, Winston & Strawn LLP, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Nov. 28, 2023).

¹⁵²⁹ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability to Abbe D. Lowell, Partner, Winston & Strawn LLP (Dec. 1, 2023).

¹⁵³⁰ Letter from Abbe D. Lowell, Partner, Winston & Strawn LLP, to Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability (Dec. 6, 2023).

¹⁵³¹ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, & Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Abbe D. Lowell, Partner, Winston & Strawn LLP, (Dec. 6, 2023).

¹⁵³² Hunter Biden Deposition; Jordain Carney, *Hunter Biden defies Public GOP subpoena, demanding public hearing at the Capitol*, POLITICO (Dec. 13, 2023).

¹⁵³³ *Hunter Biden Statement on Subpoena and Investigation*, C-SPAN (Dec. 13, 2023), <https://www.c-span.org/video/?532415-1/hunter-biden-statement-subpoena-investigation>.

¹⁵³⁴ *Id.*

¹⁵³⁵ *Id.*

¹⁵³⁶ Brett Samuels, *White House: President ‘familiar’ with what Hunter Biden planned to say*, THE HILL (Dec. 13, 2023).

with what his son was going to say”¹⁵³⁷ The President’s knowledge of his son’s decision to defy lawfully issued Congressional subpoenas and obstruct oversight into his family’s illegal activity raises additional questions that are relevant to the impeachment inquiry, particularly whether President Biden instructed him to defy the subpoenas. Other questions for consideration include whether President Biden assured his son that he would not be prosecuted if Congress were to refer a criminal contempt charge to the Justice Department; and what other government officials, if any, were aware of Hunter Biden’s intent to criminally defy duly authorized subpoenas. On December 27, 2023, the Oversight and Judiciary Committees sent a letter to the White House asking for information about President Biden’s prior knowledge of his son’s defiance of the Committees’ subpoenas,¹⁵³⁸ but the White House has not complied with this request.

On January 5, 2024, after Hunter Biden defied two legally issued subpoenas, Chairmen Comer and Jordan announced that their respective committees would hold a markup on January 10 to consider resolutions recommending that Hunter Biden be held in contempt of Congress.¹⁵³⁹ Before the Oversight Committee could begin the markup, Hunter Biden, along with his attorney, made a surprise appearance at the Committee, despite defying his subpoena—a criminal act.¹⁵⁴⁰ Despite this political stunt, both Committees approved the reports and recommended Hunter Biden be held in contempt.¹⁵⁴¹

After the Committees approved the report, Hunter Biden agreed to appear for a deposition before the House Oversight and Judiciary Committees on February 28, 2024.¹⁵⁴² Following the deposition, Chairman Comer invited Hunter Biden and his business associates to testify at an Oversight Committee Hearing concerning Joe Biden’s alleged involvement in the Biden family’s business dealings.¹⁵⁴³ Despite Hunter Biden demanding a public hearing from the start, he declined to attend.¹⁵⁴⁴

On December 27, 2023, the Committees asked the White House for documents and information regarding President Biden’s foreknowledge of his son’s intent to defy duly

¹⁵³⁷ Press Release, White House Briefing Room, Press Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John Kirby (Dec. 13, 2023).

¹⁵³⁸ See Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, and Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Edward Siskel, Assistant to the President & White House Counsel, White House (Dec. 27, 2023).

¹⁵³⁹ Press Release, H. Comm. on Oversight & Accountability, Comer Announces Markup of Resolution to Hold Hunter Biden in Contempt of Congress (Jan. 5, 2024).

¹⁵⁴⁰ Press Release, H. Comm. on Oversight & Accountability, What They Are Saying: Hunter Biden Fails to Make a Point with Stunt Appearance to Distract from Contempt of Congress (Jan. 11, 2024).

¹⁵⁴¹ Press Release, H. Comm. on Oversight & Accountability, Oversight Committee Approves Resolution Recommending the House of Representatives Find Hunter Biden in Contempt of Congress (Jan. 10, 2024); Brooke Singman, *House committees formally recommended to hold Hunter Biden in contempt of Congress*, FOX NEWS (Jan. 10, 2024).

¹⁵⁴² Press Release, H. Comm. on Oversight & Accountability, Comer & Jordan Statement on Hunter Biden Deposition (Jan. 18, 2024).

¹⁵⁴³ Press Release, H. Comm. on Oversight & Accountability, Comer Invites Hunter Biden & His Business Associates to Testify at a Hearing Examining Joe Biden’s Role in His Family’s Influence Peddling (Mar. 6, 2024).

¹⁵⁴⁴ Kevin Breuninger, *Hunter Biden declines to attend public hearing on House impeachment inquiry*, CNBC (last updated Mar. 18, 2024).

authorized subpoenas.¹⁵⁴⁵ President Biden’s conduct here, including his unwillingness to respond to the Committees’ request for information, taken in light of his many other acts to undermine the Committees’ investigative efforts, is part of a larger scheme to corruptly obstruct the impeachment inquiry.

E. Impeachment inquiry witnesses lied to the Committees to protect Joe Biden.

On June 5, 2024, the Committees sent Attorney General Merrick Garland and Special Counsel David Weiss a 60-page criminal referral of Hunter Biden and James Biden. The criminal referral is related to the interviews of Robert Hunter Biden and James Biden before the Oversight and Judiciary Committees.

Hunter Biden and James Biden provided false testimony to the Oversight Committee and the Judiciary Committee, in what appears to be a conscious, calculated effort to insulate Joe Biden from the duly authorized impeachment inquiry. The Committees recommended that both Hunter Biden and James Biden be charged under 18 U.S.C. § 1001 (false statements), and, additionally, that Hunter Biden be charged under 18 U.S.C. § 1621 (perjury)

i. Hunter Biden was a direct beneficiary of foreign money funneled into the Rosemont Seneca Bohai bank account

Hunter Biden’s use and control of the entity known as Rosemont Seneca Bohai, LLC (RSB), has been an important element of the Committees’ investigation. As discussed in this report, Rosemont Seneca Bohai’s bank account received payments from foreign individuals shortly before and/or after Joe Biden met with them. It is also an entity that Eric Schwerin—the business partner of Hunter Biden and bookkeeper for then-Vice President Joe Biden—did not have visibility into. Evidence reviewed by the Committee also shows that the U.S. Securities and Exchange Commission’s (SEC) Enforcement Division investigated Hunter Biden’s connection to RSB and a criminal scheme involving it.

The RSB account was initially funded by a wire from Russian billionaire Yelena Baturina.¹⁵⁴⁶ In February 2014, Ms. Baturina wired \$3.5 million to Rosemont Seneca Thornton; \$1 million was then transferred to Mr. Archer, and the remainder was used to fund RSB.¹⁵⁴⁷ Prior to RSB receiving this wire, Vice President Biden joined a dinner that Ms. Baturina attended at Café Milano in Washington D.C in the spring of 2014.¹⁵⁴⁸ This relationship greatly benefitted Ms. Baturina, who avoided the Biden-Harris Administration’s addition of several Russian oligarchs to a public sanctions list after Russia invaded Ukraine.¹⁵⁴⁹

¹⁵⁴⁵ Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability & Rep. Jim Jordan, Chairman, H. Comm. on Judiciary, to Edward Siskel, Assistant to the President & White House Counsel, The White House (Dec. 27, 2023).

¹⁵⁴⁶ Third Bank Memo at 2, 14, 18.

¹⁵⁴⁷ *Id.* at 2.

¹⁵⁴⁸ *Id.* at 2, 10-11.

¹⁵⁴⁹ *Id.* at 11 (citing John Hyatt, *The Russian Oligarch Billionaires Who Haven’t Been Sanctioned*, FORBES (Apr. 7, 2022)).

In 2014 and 2015, Hunter Biden received income from Burisma, a Ukrainian energy company, into the Rosemont Seneca Bohai account.¹⁵⁵⁰ As board members of Burisma, Hunter Biden and Mr. Archer were paid \$1 million per year, or approximately \$83,333 per month.¹⁵⁵¹ Hunter Biden received payments from Burisma to the RSB account until late 2015, at which point Hunter Biden began receiving Burisma money into his corporate account, Owasco P.C.¹⁵⁵² Importantly, Hunter Biden’s Owasco account and other bank accounts existed during the time period he was receiving wires from Burisma.¹⁵⁵³ Devon Archer testified that he and Hunter Biden set the Rosemont Seneca Bohai bank account up, in part because the Burisma payments were viewed as revenue for their shared business. Mr. Archer testified:

Q. . . . So why was Hunter Biden not receiving this money in his Owasco account, where his name would be affiliated with?

A. I don’t have an answer to that. I actually don’t know.

Atty. Well, you answered that in part before. Did you view these payments as personal payments to you and Hunter, or was that revenue for—

A. Revenue for our business. But at the end of the day, that was how we set it up. There were investments made from it. You know, it’s all—I see all . . . in here. And it just kind of happened from there. I don’t . . . that’s all I know.¹⁵⁵⁴

Mr. Biden also received \$142,300 through the Rosemont Seneca Bohai account from a Kazakhstani oligarch for the purchase of a sports car.¹⁵⁵⁵ In February of 2014, Hunter Biden met a Kazakhstani oligarch, Kenes Rakishev, at the Hay Adams Hotel in Washington D.C.¹⁵⁵⁶ Mr. Rakishev requested a visit from Secretary of State John Kerry to Kazakhstan, to which Mr. Archer responded, “if we have some business started as planned I will ensure its planned soonest.”¹⁵⁵⁷ On April 22, 2014, Mr. Rakishev wired \$142,300 from his Singaporean entity, Novatus Holdings, to the RSB bank account.¹⁵⁵⁸ The RSB account wired out \$142,300 the next day to a New Jersey-based car dealership to purchase an expensive sports car for Hunter

¹⁵⁵⁰ *Id.*; Archer Interview at 16, 18-19 (Hunter Biden’s agreement with Burisma ensured that received \$83,000 per month, which would be paid through RSB); *see also* Archer Interview at 28-29 (Mr. Archer testified that it was Hunter Biden’s value to Burisma was the Biden brand—meaning his relationship to then Vice President Joe Biden); *see also* Archer Interview at 30 (“Well, I think there was – there are particular, you know, objectives that Burisma was trying to accomplish. And a lot of it’s about opening doors, you know, globally in D.C. And I think that, you know, that was the, you know – and then obviously having those doors opened, you know, send the right signals, you know, for Burisma to, you know, carry on its business and be successful.”).

¹⁵⁵¹ Third Bank Memo at 14-16.

¹⁵⁵² *Id.* .

¹⁵⁵³ Archer Interview at 67; Schwerin Interview at 15-17.

¹⁵⁵⁴ *Id.* at 67-68.

¹⁵⁵⁵ *Id.* at 58; Third Bank Memo.

¹⁵⁵⁶ Third Bank Memo at 11 (citing Email from Kenes Rakishev to Hunter Biden and Devon Archer (Feb. 5, 2014) (on file with the Committees)).

¹⁵⁵⁷ *Id.*

¹⁵⁵⁸ *Id.*

Biden.¹⁵⁵⁹ Mr. Archer testified that the purpose of this wire was “[f]or Hunter’s car.”¹⁵⁶⁰ This wire occurred around the same time that then-Vice President Biden attended a dinner with Kenes Rakishev, Karim Massimov, Yelena Baturina, Hunter Biden, and Devon Archer at Café Milano in Washington D.C., and one week after another dinner in which Vice President Joe Biden and Karim Massimov, among others, dined again at Café Milano in Washington, D.C.¹⁵⁶¹ Rakishev maintained ties to Karim Massimov, then prime minister of Kazakhstan, who was sentenced to 18 years in prison for treason, abuse of power, and attempting a coup, in April of 2023.¹⁵⁶² As a result, while engaging in business with Hunter Biden, a Kazakhstani oligarch dined with then-Vice President Biden shortly before wiring Hunter Biden \$142,300 for a luxury car.

ii. Hunter Biden attempted to distance himself from RSB during his deposition.

In his deposition before the Committee, Hunter Biden provided conflicting testimony about his involvement and knowledge of RSB, and more specifically, bank accounts associated with RSB.¹⁵⁶³ Interestingly, the use of “Seneca” in RSB has ties to Hunter Biden. In his deposition before the Committees, Hunter Biden stated:

—originally Devon’s firm was Rosemont Capital. Originally my firm was Seneca Global Advisors. I changed the name of the firm to Rosemont Seneca Partners, which is not Rosemont Seneca Partners, which is not Rosemont Seneca Thornton, and it’s not Rosemont Seneca Bohai. If Devon sets up accounts on his own under those names, they were not at my behest, not for my benefit, and not in – I had not control or understanding of.¹⁵⁶⁴

According to Mr. Archer, “Rosemont Seneca Bohai was set up to hold the equity of BHR,” which stands for Bohai Harvest Rosemont [Partners],¹⁵⁶⁵ which was supposed to be a private equity fund based in China to engage in cross-border investments.¹⁵⁶⁶ Notably, Hunter Biden did have an equity interest in BHR, which was held by Mr. Archer in the RSB account, which constitutes a direct benefit to Hunter Biden.¹⁵⁶⁷

Hunter Biden further denied that the RSB account was “affiliated with” him. He testified:

Q. And then I want to also discuss a second portion of – another 10 percent that was purchased out of the Rosemont Seneca Bohai account to purchase another 10 percent equity into

¹⁵⁵⁹ *Id.*

¹⁵⁶⁰ Archer Interview at 62.

¹⁵⁶¹ Third Bank Memo at 12.

¹⁵⁶² *Id.* at 11 (citing Sentence passed in the case of Massimov K. and others, Court of Astana City (translated using Google Translate) (Apr. 24, 2023), <https://astana.sud.kz/rus/news/vynesen-prigovor-po-delu-masimova-k-i-drugih>).

¹⁵⁶³ Hunter Biden Deposition at 25-28.

¹⁵⁶⁴ Hunter Biden Deposition at 25.

¹⁵⁶⁵ Archer Interview at 15.

¹⁵⁶⁶ Hunter Biden Deposition at 19-20.

¹⁵⁶⁷ *Id.* at 33-34.

BHR Partners. Were you aware that, in December of 2014, that there was another 10 percent purchase out of the Rosemont Seneca Bohai account for 10 percent of BHR Partners?

- A. No, not directly aware, no. Again, I would like to state for the—for everybody here is that neither of these accounts were under my control nor affiliated with me. Any of this is outside of my knowledge.¹⁵⁶⁸

He testified further that he had no control or authority over the RSB accounts. Hunter Biden explained:

- Q. . . . Did you receive payments from other foreign sources into the Rosemont Seneca Bohai account?

- A. Again, you say “foreign sources.” The people that I did business with that were from other countries other than the United States, the answer is, yes; I have received—but not—I don’t know whether they went into Rosemont Seneca Bohai or that they went into Rosemont Seneca Thornton. I had no control. I have no authority over those accounts, and I have no view inside of it. There was no transparency to me that I know of.¹⁵⁶⁹

The RSB account held Hunter’s equity interest until 2017 when that equity was transferred to Skaneateles prior to its sale to Kevin Morris.¹⁵⁷⁰ Hunter Biden testified, under oath, that he had an interest in BHR, prior to its transfer to Kevin Morris. He stated:

- A. What I’m telling you is that I sold my equity interest in BHR, and part of that arm’s length transaction is the assumption of the loan, and that loan is between Jonathan Li and the equity holder.

- Q. And that equity holder is Kevin Morris, correct?

- A. Yes, it is.

- Q. What you did is in 2017 you took your BHR equity, which was being held by Devon Archer in the Rosemont Seneca Bohai account, and you transferred it into Skaneateles. Isn’t that correct?

¹⁵⁶⁸ *Id.* at 24-25.

¹⁵⁶⁹ *Id.* at 26.

¹⁵⁷⁰ *Id.* at 33-34.

A. I don't know how exactly that—the transactions worked, but I do know that Skaneateles was the holder of the equity.

Q. And you sold Skaneateles to Kevin Morris, correct?

A. Yes, I did.

Q. And you also have over \$6.5 million loans with Kevin Morris, correct?

A. I do not know the exact amount that I have with Kevin Morris, but yes, I have loans with Kevin Morris.¹⁵⁷¹

Notably, Mr. Morris could not testify as to the purpose of Skaneateles. Mr. Morris stated:

Q. What kind of company was Skaneateles?

A. I mean, I don't know. An LLC, I think.

Q. But did it sell shirts? What was it? I mean, what was the purpose of the company?

A. I think it's—again, . . . I'm not to the point sure, but it was an LLC and . . . I think it—Hunter actually had a very simple corporate structure personally. I think this was one that was for some purpose that I can't remember. . . .¹⁵⁷²

Mr. Morris did admit, however, that Skaneateles only owned the BHR equity. He testified:

Q. What else did Skaneateles own?

A. I don't know.

Q. Does it own anything else?

A. I don't think so.

Q. But sitting here today, you're not exactly sure what Skaneateles—

A. I'm pretty sure it doesn't have anything else.¹⁵⁷³

¹⁵⁷¹ *Id.* at 33.

¹⁵⁷² Morris Interview at 147-48.

¹⁵⁷³ *Id.* at 149.

Mr. Morris purchased Skaneateles, and therefore Hunter Biden's equity in BHR, in 2021, after Joe Biden was elected President.¹⁵⁷⁴ He did so because although Hunter Biden was not on the RSB account,¹⁵⁷⁵ in addition to holding Hunter's equity interest in BHR, the RSB account was a funnel for additional foreign money of which Hunter Biden was a direct beneficiary. Bank records reviewed by the Committee revealed that Hunter Biden received wires from RSB to personal accounts from money originating from several foreign sources, including Russia, Ukraine, and Kazakhstan.¹⁵⁷⁶

Hunter Biden tried to distance himself from RSB, in part, because the RSB Bank Account was directly implicated in a tribal bond scheme in which several individuals were ultimately convicted of defrauding investors in purchasing fraudulent Native American tribal bonds and violating the antifraud provisions of the federal securities laws and other rules.¹⁵⁷⁷

As early as 2016, attorneys within the SEC's Enforcement Division were investigating a tribal bond scheme that implicated several of Hunter Biden's business associates. During the SEC's investigation, the SEC subpoenaed numerous individuals and entities for documents, communications, and testimony, including Devon Archer, RSB, and Hunter Biden himself.¹⁵⁷⁸

On March 11, 2016 the SEC issued a subpoena to RSB, requesting documents, agreements and communications relating to the bonds, as well as documents identifying all bank or brokerage accounts in RSB's name or over which RSB has control and associated institution names and account numbers, an organizational chart identifying all direct and indirect beneficial owners of RSB, documents relating to RSB's formation, and documents identifying the business purpose of RSB.¹⁵⁷⁹

RSB was directly implicated in the scheme.¹⁵⁸⁰ As described in the Complaint, "On or about October 1, 2014, Rosemont purchased the entirety of the Second Tribal Bond Issuance, the face amount of which was \$15,000,000."¹⁵⁸¹ In an interview with the Committee, Devon Archer testified that "Hunter was a corporate secretary of RSB," and that they "had a handshake 50-50 ownership."¹⁵⁸²

¹⁵⁷⁴ *Id.*

¹⁵⁷⁵ Archer Interview at 16.

¹⁵⁷⁶ *See generally* Third Bank Memo.

¹⁵⁷⁷ Press Release, U.S. Sec. and Exch. Comm'n, SEC Charges Individual Who Headed Fake Investment Manager Used In Tribal Bonds Scheme (Nov. 16, 2016); Press Release, U.S. Sec. and Exch. Comm'n, SEC Charges New Defendant in \$43 Million Tribal Bonds Scheme (June 26, 2019); Brendan Pierson, *New York jury finds three guilty of \$60 mln tribal bond fraud*, REUTERS (June 28, 2018).

¹⁵⁷⁸ Press Release, U.S. Sec. and Exch. Comm'n, SEC Charges Individual Who Headed Fake Investment Manager Used In Tribal Bonds Scheme (Nov. 16, 2016); Press Release, U.S. Sec. and Exch. Comm'n, SEC Charges New Defendant in \$43 Million Tribal Bonds Scheme (June 26, 2019); Brendan Pierson, *New York jury finds three guilty of \$60 mln tribal bond fraud*, REUTERS (June 28, 2018); Subpoena from U.S. Sec. and Exch. Comm'n to Devon Archer (on file with the Committees); Subpoena from U.S. Sec. and Exch. Comm'n to Rosemont Seneca Bohai (on file with the Committees); Subpoena from U.S. Sec. and Exch. Comm'n to Hunter Biden (on file with the Committees).

¹⁵⁷⁹ Subpoena from U.S. Sec. and Exch. Comm'n to Rosemont Seneca Bohai (on file with the Committees)

¹⁵⁸⁰ Complaint at 30, *United States v. Galanis*, No. 1:15-cr-00371-RA (S.D.N.Y. 2016).

¹⁵⁸¹ *Id.*

¹⁵⁸² Archer Interview at 64-65.

iii. Documents provided to the Committee on Ways and Means prove that Hunter Biden lied during his deposition.

In May 2024, the Committee on Ways and Means released additional evidence proving that Hunter Biden was involved in RSB.¹⁵⁸³ In 2014, Hunter Biden identified himself as having a role in RSB.¹⁵⁸⁴

According to Hunter Biden, he was the beneficial owner of RSB.¹⁵⁸⁵ A May 14, 2014 letter from Hunter Biden, on Rosemont Seneca Partners letterhead, directs Burisma to pay his monthly salary to the RSB account:

Please let this letter act as confirmation that Hunter Biden is the beneficial owner of Rosemont Seneca Partners, and of the bank account in the name of Rosemont Seneca Bohai, LLC.

Mr. Biden has executed the Service Agreement with Burisma Holdings Limited dated 18th April, 2014, and according to sub-clause 5.1 of the Agreement serves Burisma Holdings Limited as Member of the Board of Directors; and he has the will and requests the company Burisma to pay his monthly fees (salary) to the Rosemont Seneca Bohai, LLC bank account...¹⁵⁸⁶

¹⁵⁸³ H. Comm. on Ways & Means, Meeting on Documents Protected Under Internal Revenue Code Section 6103, Executive Session Materials Released (May 22, 2024).

¹⁵⁸⁴ *Id.*

¹⁵⁸⁵ Exhibit 901.

¹⁵⁸⁶ Exhibit 901.




ROSEMONT SENECA 
PARTNERS

14th May 2014

To whom it may concern:

Please let this letter act as confirmation that Hunter Biden is the beneficial owner of Rosemont Seneca Partners, and of the bank account in the name of Rosemont Seneca Bohai, LLC.

Mr. Biden has executed the Service Agreement with Burisma Holdings Limited dated 18th April, 2014, and according to sub-clause 5.1 of the Agreement serves Burisma Holdings Limited as Member of the Board of Directors; and he has the will and requests the company Burisma to pay his monthly fees (salary) to the Rosemont Seneca Bohai, LLC bank account detailed here:

Bank Name: Citibank, NY
ABA: 
Account Name: Morgan Stanley Smith Barney LLC
Account #: 1172
FFC Account Name: Rosemont Seneca Bohai LLC
FFC Account #: 18483

Furthermore, pursuant to sub-clause 8.1 of the Agreement Burisma Holdings shall cover all his reasonable expenses, and in this respect and I kindly request that these be paid to the same bank account.

Thank you

Kind regards,

R. Hunter Biden



The Committee on Ways and Means also released the signed RSB Corporate Resolution wherein Hunter Biden identifies himself as “the duly elected, qualified, and acting Secretary of Rosemont Seneca Bohai LLC.”¹⁵⁸⁷

CORPORATE RESOLUTION

I, Robert Hunter Biden, hereby certify that I am the duly elected, qualified and acting Secretary of Rosemont Seneca Bohai LLC, a Corporation organized and existing under the Laws of the State of DE, and that at a meeting of the Board of Directors of said corporation, held on the 29th day of April, 2014, at which a quorum was present, the following Resolution was duly introduced and adopted:

RESOLVED, that Robert Hunter Biden is hereby authorized and empowered to enter into a contractual obligation with Grand Prix Motors, which will be or has been assigned to Porsche Financial Services, Inc. or an assignee designated by Porsche Financial Services, Inc., in the form presented to the Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary of this corporation and affixed the corporate seal of this corporation this 29th day of April, 2014.



(Seal)

RHB
Signature of Secretary of Corporation

PFS 1011 (3/01)

¹⁵⁸⁷ H. Comm on Ways and Means, Exhibit 902: April 29, 2014, Email from Katie Dodge to Ralph Krakhmal, re: Signed Rosemont Seneca Bohai LLC Corporate Resolution (May 22, 2024).

iv. Hunter Biden relied on the Vice President’s title to deter an investigation into his role in RSB.

The SEC also issued a subpoena to Hunter Biden on March 16, 2016, relating to *In the Matter of Hughes Capital Management*.¹⁵⁸⁸ Among other things, the subpoena compelled documents and concerning payments that Hunter Biden made to or received from RSB, documents sufficient to identify any ownership interest possessed by Hunter Biden in RSB, documents identifying any position he held with respect to RSB, and documents concerning RSB’s communications purchase of a \$15 million bond issued by the Wakpamni Lake Community Corporation in October 2014.¹⁵⁸⁹

The Committees also possess Hunter Biden’s response through counsel, dated April 20, 2016, which states:

The confidential nature of this investigation is very important to our client and it would be unfair, not just to our client, but also to his father, the Vice President of the United States, if his involvement in an SEC investigation and parallel criminal probe were to become the subject of any media attention.¹⁵⁹⁰

On May 11, 2016, the SEC published a press release—announcing the indictments of seven individuals relating to the tribal bond scheme—excluding any mention of Hunter Biden.¹⁵⁹¹ Hunter Biden’s reference to then-Vice President Biden in an SEC and parallel criminal investigation encapsulates his continuous invocation of Joe Biden’s name and title to attain personal benefit.

v. The Committees referred Hunter Biden to the Justice Department for lying while under oath.

On June 5, 2024, the Oversight Committee and the Judiciary Committee sent a criminal referral to the Justice Department based on several false statements made by Hunter Biden during his testimony before the Committees, including false statements made by Hunter Biden regarding RSB.¹⁵⁹²

The subpoenaed bank records for the RSB account illustrate that while Hunter Biden was not listed as a client or contact, foreign companies wired millions of dollars into the RSB account intended for Hunter Biden, and many payments were made using the RSB credit card on Hunter Biden’s behalf.¹⁵⁹³

¹⁵⁸⁸ Subpoena from U.S. Sec. and Exch. Comm’n to Hunter Biden.

¹⁵⁸⁹ *Id.*

¹⁵⁹⁰ *Id.*

¹⁵⁹¹ Press Release, U.S. Sec. and Exch. Comm’n, SEC Charges Father, Son, Others in Tribal Bonds Scheme (May 11, 2016).

¹⁵⁹² Referral at ¶ 19.

¹⁵⁹³ Referral at ¶ 20.

During his deposition before the Committee, Hunter Biden repeatedly emphasized that he had no control or affiliation to the RSB account. According to the Committee's Referral, Hunter Biden made the following false statements regarding his involvement with the RSB account:

- a. Hunter Biden did not know if foreign payments were made into the Rosemont Seneca Bohai Bank Account;
- b. The Rosemont Seneca Bohai Bank Account was not for his benefit;
- c. He had no understanding of or affiliation with the Rosemont Seneca Bohai Bank Account; and
- d. Hunter Biden had no control or authority over the Rosemont Seneca Bohai Bank Account.¹⁵⁹⁴

Hunter Biden sought to separate himself from the RSB account because it was the conduit of millions of dollars of foreign payments received by him and was directly implicated in a fraudulent scheme in which two of his business associates have been sentenced. His false statements, however, are directly contradicted by documents that he signed representing himself as the beneficial owner and secretary of RSB.

vi. The Committees referred James Biden to the Justice Department for making false statements to Congress.

As previously discussed, on May 2, 2017, Joe Biden, James Biden, Hunter Biden, and Tony Bobulinski met at the Beverly Hilton Hotel.¹⁵⁹⁵ This meeting was a material fact to the investigation because Joe Biden has publicly denied discussing business with Hunter Biden and James Biden.¹⁵⁹⁶ This meeting proved Joe Biden made misleading statements regarding his knowledge of and involvement in his family's foreign business endeavors.

The Committees asked James Biden about the meeting, and he denied being present. He testified:

Q. When you were at the [Beverly Hilton H]otel, do you recall having a meeting with Hunter Biden and Tony Bobulinski and Joe Biden?

A. Absolutely not.

Q. It's your testimony here today that meeting never took place?

A. Yes, sir.

¹⁵⁹⁴ Referral at ¶ 25.

¹⁵⁹⁵ Hunter Biden Deposition at 141-42; Bobulinski Interview at 47-52, 104.

¹⁵⁹⁶ See Press Release, H. Comm. on Oversight & Accountability, Joe Biden Lied At Least 16 Times About His Family's Business Schemes (Aug. 24, 23).

Atty. That he was present for.

A. That I was present for.¹⁵⁹⁷

The Committees sought to clarify if James Biden could not remember the meeting or was denying the meeting occurred. James Biden's counsel clarified "You asked him if he had a meeting with Bobulinski and Hunter. He said no to that, a meeting."¹⁵⁹⁸ In complete contrast to James Biden's testimony, Hunter Biden and Tony Bobulinski both testified they met with Joe Biden at the lobby bar in the Beverly Hilton Hotel in the presence of James Biden.¹⁵⁹⁹ In addition, Mr. Bobulinski produced text messages to the Committees that corroborate Hunter Biden's and Mr. Bobulinski's testimony that there was a meeting on May 2, 2017 with Joe Biden, Hunter Biden, James Biden, and Tony Bobulinski.¹⁶⁰⁰ During the interview, the Committees showed James Biden a text message from him to Tony Bobulinski stating, "I'll get back to you 15 min! Let's meet at same place as last night! Jim[.]"¹⁶⁰¹ The Committees again asked James Biden whether Joe Biden was at the meeting, he responded:

Q. And then the first text, which appears to be from you, says, "I'll get back to you 15 min! Let's meet at same place as last night! Jim."

Do you remember what you're referring to when you say that?

A. It could have been the bar. I don't know.

Q. Well, did you go to the Beverly Hotel bar the night before the Milken Conference?

A. I don't recall.

Q. Do you recall whether you were at the bar with Hunter Biden, Tony Bobulinski, and Joe Biden?

A. That I know did not happen.

Q. Who were you at the bar with?

¹⁵⁹⁷ James Biden Interview at 100.

¹⁵⁹⁸ *Id.* at 101.

¹⁵⁹⁹ Hunter Biden Deposition at 141-142; Tony Bobulinski Interview at 47-48.

¹⁶⁰⁰ See Text from Hunter Biden to Tony Bobulinski (May 2, 2017, 3:56 PM); see also Text from Tony Bobulinski to James Biden (May 2, 2017, 11:40 PM).

¹⁶⁰¹ See Text from James Biden to Tony Bobulinski (May 3, 2017, 7:36 AM).

A. I could have been there just with Tony Bobulinski. I could have been there with Hunter as well. But my brother was never there.¹⁶⁰²

The Committees provided another opportunity for James Biden to correct himself with additional questioning about whether Tony Bobulinski ever met with Joe Biden. He stated:

Q. But it's your testimony here today that Tony Bobulinski never met Joe Biden in your presence? Is that correct?

A. That's correct.

Q. And it's your testimony here today that Tony Bobulinski, you're not aware of him meeting with Joe Biden while you were not in the room.

A. Correct. He never, to my knowledge, met with my brother.¹⁶⁰³

Given the testimony from Hunter Biden and Tony Bobulinski and the text messages, the evidence shows that a meeting occurred on May 2, 2017, at the Beverly Hilton Hotel and that Joe Biden, Hunter Biden, Tony Bobulinski, and James Biden were present for the meeting.

James Biden knowingly made a false statement to the Committees because he completely denied any meeting between Joe Biden and Tony Bobulinski occurred, despite the Committees requesting clarification if he could not remember and showing him text messages that disproved his testimony. James Biden lied about this meeting for at least two reasons. First, Joe Biden has denied publicly that his family received money from China and that he ever met with his family's business associates. If James Biden admitted that Tony Bobulinski, a business associate who was leading a Chinese business deal, met with his Joe Biden and Hunter Biden, then Joe Biden's lies would be exposed because of his testimony. Second, the Oversight Committee has traced money from James and Sara Biden's bank accounts to Joe Biden that was funded by a CEFC related company, and Jim Biden therefore wanted to distance Joe Biden from any involvement in his family's Chinese-related business ventures.¹⁶⁰⁴

The Committees gave James Biden several opportunities to correct his claim that Joe Biden did not attend the meeting, but the evidence proves his statements regarding this meeting were knowingly false.

¹⁶⁰² James Biden Interview at 103.

¹⁶⁰³ *Id.* at 134-35.

¹⁶⁰⁴ *See generally* Fourth Bank Memo.

F. The Biden Justice Department prevented the home confinement of Jason Galanis with the explicit goal of stopping him from testifying to Congress about Hunter Biden’s most serious crimes that implicated President Biden.

In addition to obstructing the criminal investigation of Hunter Biden, the Biden Justice Department has politicized Hunter Biden’s business associate’s, Jason Galanis’s, case and his time in prison as a result of his attempts to shed light on his illicit work with the Biden family on international business deals. On September 24, 2020, the U.S. District Court for the Southern District of New York sentenced Mr. Galanis “to 189 months in person for his participation in multiple fraudulent schemes,” including “defrauding the clients of an investment advisory firm” and “for his role in a scheme to defraud a Native American tribal entity and the investing public of tens of millions of dollars in connection with the issuance of bonds by the tribal entity.”¹⁶⁰⁵ Mr. Galanis, along with others, including Devon Archer, “engaged in a fraudulent scheme to misappropriate the proceeds of bonds issued by the Wakpamni Lake Community Corporation,” a Native American tribal entity, and “to use funds in the accounts of clients of asset management firms” that Mr. Galanis controlled “to purchase the Tribal Bonds, which the clients were then unable to redeem or sell because the bonds were illiquid and lacked a ready secondary market.”¹⁶⁰⁶ Mr. Galanis and his co-defendants also misappropriated the proceeds of the tribal bonds “for their own personal use.”¹⁶⁰⁷ On February 23, 2024, Mr. Galanis testified that he has “24 months left” on his sentence.¹⁶⁰⁸

Hunter Biden was an informed beneficiary of the same illegal and fraudulent business dealings that landed Mr. Galanis in federal prison. Notably, prosecutors from the U.S. Attorney’s Office in the Southern District of New York (SDNY) went extremely lightly on Mr. Galanis’s accomplices. For example, the SDNY did not indict Hunter Biden at all despite the available documentation that he was a partner in the same crime.¹⁶⁰⁹ Mr. Galanis stated:

In fact, Hunter Biden and Devon’s company, Rosemont Seneca Bohai, received \$15 million of the Tribal bond fraudulent scheme to be invested in the Burnham Group. I believe the SDNY’s prosecution strategy was intended to protect Hunter Biden and, ultimately, Vice President Biden.¹⁶¹⁰

Further, in 2015 and 2016, four-years prior to Mr. Galanis’s conviction and sentencing, he offered the SDNY information on a “pay-for-play for foreign nations being conducted by Archer and Biden.”¹⁶¹¹ The SDNY, however, “was not interested,” which surprised Mr. Galanis’s defense lawyer, who “remarked that he had never seen the SDNY reject information about criminal conduct, especially paper-based information that could be corroborated independently

¹⁶⁰⁵ Press Release, U.S. Dep’t of Just., Jason Galanis Sentenced In Manhattan Federal Court For Multiple Securities Fraud Schemes (Sept. 24, 2020).

¹⁶⁰⁶ *Id.*

¹⁶⁰⁷ *Id.*

¹⁶⁰⁸ Galanis Interview at 105.

¹⁶⁰⁹ *Id.* at 13.

¹⁶¹⁰ *Id.* at 13.

¹⁶¹¹ *Id.* at 58.

from my statements.”¹⁶¹² Likewise, in another peculiar event, Mr. Galanis had proffered information to the SEC about “Russian money laundering using Rosemont entitles,” but “[t]he U.S. Attorney office took the unusual step to quash the scheduled follow-up by the SEC”¹⁶¹³

In December 2020, Mr. Galanis submitted a petition for commutation with the Office of Pardon Attorney at the Department of Justice that highlighted Hunter Biden’s role in the illegal activities.¹⁶¹⁴ Mr. Galanis submitted this petition knowing that it could incur the wrath of the incoming Biden-Harris Administration and its Justice Department—fears that came to fruition. Mr. Galanis provided his testimony against the Biden family to the Committees while serving as an inmate in the custody of the Federal Bureau of Prisons (BOP). As a result of his willingness to inform on the Biden family’s involvement in illicit activity, he believes BOP has retaliated against him. He testified that he has been the “victim of a pattern of retribution by the Department of Justice in order to prevent my home confinement, which would have allowed full and free access to congressional investigators.”¹⁶¹⁵

In particular, Mr. Galanis alleged that his application for home confinement under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was initially approved by local BOP officials in Florida and California, was subsequently denied by SDNY prosecutors for political reasons.¹⁶¹⁶ On February 4, 2023, Mr. Galanis applied to the BOP for home confinement pursuant to the CARES Act.¹⁶¹⁷ His application proceeded through the process as normal. In March 2023, the U.S. Probation Office serving the San Diego location of the Southern District of California approved Mr. Galanis’s post-confinement residence.¹⁶¹⁸ The warden of the BOP facility where Mr. Galanis resided at the time, FPC Pensacola, later signed off on the application, and Mr. Galanis’s application went on to the Residential Reentry Management (RRM) center in Long Beach, California.¹⁶¹⁹ On June 9, 2023, the Long Beach RRM approved Mr. Galanis’s request for home confinement and reached out to the SDNY regarding the application’s approval.¹⁶²⁰

On June 12, 2023, the Oversight Committee announced that it had subpoenaed Mr. Galanis’s business partner, Devon Archer, to testify about his relationship with Hunter Biden and the Biden family’s business activities.¹⁶²¹ Around the same time as the Oversight Committee’s announcement, an SDNY Assistant U.S. Attorney, Negar Tekeei, responded to the Long Beach RRM with her “strongest objection,” and threatened to go “hard on this” to the BOP Director if Mr. Galanis’s application went any further.¹⁶²² On June 22, 2023, a BOP official informed Mr.

¹⁶¹² *Id.* at 58-59.

¹⁶¹³ *Id.* at 59.

¹⁶¹⁴ *Id.* at 13.

¹⁶¹⁵ *Id.* at 15.

¹⁶¹⁶ *Id.* at 13-16.

¹⁶¹⁷ *Id.* at 13-14.

¹⁶¹⁸ *Id.* at 13-14.

¹⁶¹⁹ *Id.* at 13-14.

¹⁶²⁰ *Id.* at 14.

¹⁶²¹ Letter from Rep. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Matthew L. Schwartz, Managing Partner, Boies Schiller Flexner LLP (June 12, 2023).

¹⁶²² Galanis Interview at 14.

Galanis that his application had been denied on June 13—the day after the Oversight Committee’s announcement.¹⁶²³

On August 8, 2023, Mr. Galanis appealed the denial of his home confinement to the warden of FPC Pensacola, who subsequently denied his appeal on the erroneous grounds that the “amount of time” he requested on home confinement “was not appropriate.” On September 22, 2023, Mr. Galanis appealed the warden’s denial to the Southeast Regional RRM and, after receiving no response, he appealed to the BOP Central Office.

On February 8, 2024, the Committees informed BOP that they intended to interview Mr. Galanis at the BOP facility where he presently resides, FPC Montgomery.¹⁶²⁴ The next day, the BOP Central Office sent Mr. Galanis its denial of his appeal, which was dated January 4, over a month earlier. In this denial, BOP changed its reasoning from an “inappropriate amount of time” for home confinement to the “CARES Act has expired.” This reason, however, is also not a proper basis for denial. Per BOP practice, and consistent with basic due process, anyone who applied for home confinement prior to expiration of the CARES Act—and whose appeal rights have not been exhausted—remained eligible to be considered under the Act.¹⁶²⁵ In fact, Mr. Galanis initially applied for home confinement on February 4, 2023, well before the May 31 expiration of the CARES Act.¹⁶²⁶ Three days after Mr. Galanis sat for a transcribed interview with the Committees, BOP gave Mr. Galanis its final denial of his home confinement application under the CARES Act.

The timing of advancements in Congress’s investigation into President Biden’s illegal activity and the Department’s change of heart with respect to Mr. Galanis’s home confinement—which would have allowed Congress to interview Mr. Galanis regarding his knowledge of the Biden family’s crimes with more ease—raise concerns. Furthermore, Mr. Galanis testified that the reasons stated for BOP’s reversal of his home confinement has shifted. According to Mr. Galanis:

With each appeal stage, the BOP reason for my denial changed. For example, first, it was that there was too much time left on my sentence. This is not a valid reason for the denial.

Next, it was that the CARES Act expired on May 10, 2023. This rationale is contrived and is contradicted by the approval on June 9th, a date after the purported May 10th expiration. Moreover, the BOP policy is that all CARES Act applications submitted before May 10th were to be processed, which I witnessed firsthand with fellow inmates being released well into late summer. I was being treated differently.¹⁶²⁷

¹⁶²³ *Id.* at 14.

¹⁶²⁴ *Id.* at 15. Mr. Galanis transferred to FPC Montgomery in August 2023.

¹⁶²⁵ Press Release, U.S. Dep’t of Just., Final Rule Issued for Home Confinement Under the Coronavirus Aid, Relief and Economic Security (CARES) Act (Apr. 4, 2023).

¹⁶²⁶ Galanis Interview at 14.

¹⁶²⁷ *Id.* at 14.

Additionally, Mr. Galanis testified that beginning in January 2023, while in BOP custody, he was the victim of sexual harassment and assault by a BOP staff member.¹⁶²⁸ When Mr. Galanis notified authorities of these attacks, BOP staff immediately removed him from FPC Pensacola.¹⁶²⁹ However, as of July 2024, the investigation into the allegations remains incomplete and evidence indicates that the culprit remains employed with the BOP.¹⁶³⁰

The Biden Justice Department’s actions against Mr. Galanis appear to be an alarming abuse of power.

* * *

President Biden obstructed lawful Congressional inquiries and has abused his power to obstruct, unduly influence and delay federal investigations into his son, Robert Hunter Biden, hindering investigators from uncovering the facts surrounding the Biden family’s influence peddling and his involvement thereof.¹⁶³¹ President Biden has obstructed Congress’s impeachment inquiry by failing to provide relevant documents and also preventing his Administration from turning over relevant documents.

Under the standard adopted by House Democrats in 2019—“[w]here the President illegally seeks to obstruct such an [impeachment] inquiry, the House is free to infer that evidence blocked from its view is harmful to the President’s position”¹⁶³²—the House may fairly conclude that the evidence is probative of President Biden’s criminal conduct.

President Biden’s failure to produce relevant documents and his obstruction of Congress “gives rise to the inference that the evidence is unfavorable to him,” that earlier drafts of his speech to the Ukrainian Rada, before his call to his son and before he called an audible, do not include claims that the Office of the General Prosecutor desperately needed reform;¹⁶³³ that the White House knew President Biden had willfully retained and had still possessed classified documents as early as May of 2021 and covered it up until after the 2022 midterm elections; that he used pseudonym emails to interact with and coordinate the activities of Biden family business associates; that he is unfit to serve as President of the United States. Such obstruction alone is a high crime and misdemeanor under the Constitution.¹⁶³⁴

President Biden, however, has also abused his office to obstruct criminal investigations into his son, Hunter Biden. President Biden and his subordinates and agents have “prevented, obstructed, and impeded the administration of justice . . . to delay, impede, cover up, and conceal the existence of evidence” related to Hunter Biden’s criminal investigation, which implicates his own wrongdoing. The American justice system operates on the adversarial principle—that is, the

¹⁶²⁸ *Id.* at 14-15.

¹⁶²⁹ Galanis Interview at 14-15.

¹⁶³⁰ *Oversight of the Federal Bureau of Prisons: Hearing Before the Subcomm. on Crime & Fed. Gov’t Surveillance of the H. Comm. on the Judiciary*, 118th Cong. (July 23, 2024).

process pits parties with adverse interests against each other on a theory that through each side's zealous advocacy, the truth will emerge and justice will be done.¹⁶³⁵ For the process to work as designed, it presumes that the prosecutor and the defendant will engage in "partisan advocacy on both sides of a case" to ensure that "the guilty be convicted and the innocent go free."¹⁶³⁶ The Biden Justice Department, however, for a long time was not an adversary of the President's son, Hunter Biden. They were the opposite; they were, in the words of one long-time federal prosecutor, "in cahoots."¹⁶³⁷

The Biden Justice Department impeded, delayed, and obstructed the criminal investigation into Hunter Biden by permitting the statute of limitations to lapse on several serious charges against him, withholding evidence from disinterested line investigators, prohibiting line investigators from inquiring about President Biden, and sharing information with Hunter Biden's attorneys.¹⁶³⁸

To ensure that the Justice Department, which President Biden controls by virtue of his Constitutional position, knew exactly where he stood, the President publicly claimed that his son was innocent of the charges that his Department was investigating. Thereafter, the Biden Justice Department offered Hunter Biden an unprecedented plea agreement—that was so ill-devised it fell apart in open court under the most basic questions—and openly targeted witnesses that dare to speak out about the President's and his son's criminal conduct. This is not the adversarial system. This is not justice. This is obstruction and corruption, and it deserves a constitutional remedy.

¹⁶³⁵ See *United States v. Cronin*, 466 U.S. 648, 655–57 (1984).

¹⁶³⁶ *United States v. Cronin*, 466 U.S. 648, 655 (1984) (internal citation and quotation marks omitted).

¹⁶³⁷ Andrew C. McCarthy, *The fix was in for Hunter Biden—until a hero judge stepped up*, N.Y. POST (July 26, 2023).

¹⁶³⁸ Shapley Interview at 10.

CONCLUSION

Joe Biden has exhibited conduct and taken actions that the Founders sought to guard against in drafting the impeachment provisions in the Constitution: abuse of power, foreign entanglements, corruption, and obstruction of investigations into these matters. The Committees investigative work has revealed that the Biden family—with the full knowledge and cooperation of President Biden—has engaged in a global influence peddling racket from which they made millions of dollars. The Biden family’s influence peddling was vast and involved entities and individuals from some of America’s greatest adversaries, such as China and Russia. Clearly aware of the political risks associated with Joe Biden’s participation in this scheme, the Biden family and their business associates sought to conceal his involvement by funneling money through an extensive network of shell or third parties’ companies, using code names, and engaging in other obfuscatory tactics designed to maintain, as James Biden described, “plausible deniability.”

As the Committees, whistleblowers, witnesses, and a few brave media outlets that pursued leads regarding the Biden family’s business dealings, President Biden, the Biden-Harris Administration, and senior White House officials have sought to bury the President’s involvement in his family’s conspiracy to monetize his high office. Whenever the Committees produced new evidence refuting the White House’s narrative, the White House changed its story. President Biden has not been able to maintain a consistent narrative regarding his role in these schemes and has resorted to making outlandish statements and outright denials that are provably false with bank records and other evidence.

To date, the testimony and documents received by the Committees show President Biden knew about, participated in, and benefited from his family’s influence peddling conspiracy. While President Biden to date has avoided accountability for his corruption, the Committees are dedicated to ensuring that political influence is not for sale and that those entrusted to hold public office are committed only to promoting the country’s interests, not their own. As both president and vice president, Joe Biden has abused his office of public trust, putting his family’s financial interests above the interests of the American people. Although the Committees’ fact-finding is ongoing amid President Biden’s obstruction, the evidence uncovered in the impeachment inquiry to date already amounts to impeachable conduct. The Committees present this information to the House of Representatives for its evaluation and consideration of appropriate next steps.