

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<https://oversight.house.gov>

March 11, 2024

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

I write to respectfully request that you now make public all information related to your decision last July to release a Federal Bureau of Investigation (FBI) Form FD-1023 containing unverified, uncorroborated, and unsubstantiated allegations. As you know, these allegations have now turned out to be a tissue of lies planted, likely as part of a disinformation campaign, by an individual now in jail with significant ties to “foreign intelligence services, including Russian intelligence agencies.”¹ Although you previously pledged to “assess” the tipsheet and “report . . . only facts when they are verified and indisputable,” the allegations that the Committee disseminated through government resources, social media, and reporters to the American people were unverified and unproven—and they were never “facts.”²

Given that our Committee and its resources were thus made party to a fraud on the American people, the people now have a right to know what steps you took—if any—to assess the allegations contained in the FBI tipsheet *before* releasing these allegations to the world. Critically, the American public also has the right to understand how a congressional Committee became a mouthpiece—wittingly or not—for what now looks to be a classic active measure foreign disinformation campaign.

Last June, you trumpeted the FD-1023 tipsheet as “credible” evidence that “then-VP Joe Biden engaged in a criminal bribery scheme”³—a claim that former Speaker of the House Kevin

¹ Senator Chuck Grassley, *Press Release: Grassley Obtains & Releases FBI Record Alleging VP Biden Foreign Bribery Scheme* (July 20, 2023) (online at www.grassley.senate.gov/news/news-releases/grassley-obtains-and-releases-fbi-record-alleging-vp-biden-foreign-bribery-scheme); Government’s Application for Review of Magistrate Judge’s Bail Order; Memorandum of Points and Authorities, Exhibits, 7 (Feb. 21, 2024) *United States of America v. Alexander Smirnov*, Central District of California (No. CR 2:24-cr-00091-ODW).

² *House Republican News Conference on Hunter Biden Investigation*, C-SPAN (May 10, 2023) (online at www.c-span.org/video/?527960-1/house-republican-news-conference-hunter-biden-investigation).

³ *E.g.*, Rep. James Comer (@RepJamesComer), X (May 4, 2023) (online at <https://twitter.com/RepJamesComer/status/1654302048530190336>) (“I have reviewed credible whistleblower disclosures that then-VP Joe Biden allegedly engaged in a bribery scheme with a foreign national.”); Rep. James

McCarthy, Judiciary Committee Chairman Jim Jordan, Ways and Means Committee Chairman Jason Smith, and other Republicans in Congress have repeatedly cited as proof going to the core of your purported case for impeaching President Biden.⁴

In fact, you felt that the FD-1023 tipsheet was so central to the Committee’s ongoing inquiry that you accused the Department of Justice (DOJ) of “seeking to bury this record to protect the Bidens.”⁵ Claiming that “[t]he FD-1023 form contains a significant amount of highly relevant information,” you threatened to hold the Director of the FBI, Christopher Wray—who was appointed by former President Donald Trump no less—in criminal contempt for refusing to provide you an unredacted copy of it.⁶ Eventually, you even decided to release the FD-1023 after obtaining a copy from “whistleblowers,” calling it “[t]he FBI’s Biden Bribery Record” and claiming that “the American people must be able to read this record for themselves.”⁷

At the time you decided to release the tipsheet, the Committee had received substantial warnings, including notably from the FBI itself, about the questionable veracity of the allegations it contained. For example, on May 10, 2023, the FBI wrote us a letter explaining:

Comer (@RepJamesComer), X (June 9, 2023) (online at <https://twitter.com/RepJamesComer/status/1667273922025226240>) (“Now we know a highly credible informant at the FBI has indicated that then-VP Joe Biden engaged in a criminal bribery scheme.”); *Rep. Comer to Newsmax: Hearsay FBI Informant’s Info ‘Credible’*, Newsmax (June 6, 2023) (online at www.newsmax.com/newsmax-tv/james-comer-biden-family-fbi-informant/2023/06/06/id/1122612/) (Chairman Comer stated: “That’s why I think this is a credible allegation.”); *James Comer Speaks Out After FBI Phone Call Over Biden Bribery Allegations Doc*, Fox News (May 31, 2023) (online at www.youtube.com/watch?v=vlf8vQOfB0s) (Chairman Comer stated: “So there’s a pattern here that would suggest this is a credible allegation”); *Biden Is Now Prioritizing Illegal Migrants Over Homeless Vets . . . and Our Media Isn’t Being Honest About Trump’s Ukraine Comments*, Fox Across America with Jimmy Failla (May 15, 2023) (online at www.listennotes.com/podcasts/fox-across-america/biden-is-now-prioritizing-VbSZA4wU5nW) (Chairman Comer stated: “And here’s why I think it’s credible.”).

⁴ *WATCH: House Speaker McCarthy Announces House Impeachment Inquiry of Biden*, PBS NEWS HOUR (Sept. 12, 2023) (online at www.pbs.org/newshour/politics/watch-house-speaker-mccarthy-announces-house-impeachment-inquiry-of-biden); Hannity, *Fox News* (Jan. 11, 2024) (online at www.foxnews.com/video/6344716486112); Rep. Jason Smith, (@JasonSmithMO), X (July 20, 2023) (online at <https://twitter.com/JasonSmithMO/status/1682111038810931200?s=20>).

⁵ Senator Chuck Grassley, *Grassley Obtains & Releases FBI Record Alleging VP Biden Foreign Bribery Scheme* (July 20, 2023) (online at www.grassley.senate.gov/news/news-releases/grassley-obtains-and-releases-fbi-record-alleging-vp-biden-foreign-bribery-scheme).

⁶ Committee on Oversight and Accountability, *Report: Resolution Recommending that the House of Representatives Find Christopher Wray, Director, U.S. Federal Bureau of Investigation, in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Accountability* (June 7, 2023) (online at <https://oversight.house.gov/wp-content/uploads/2023/06/Oversight-Resolution-6.7.2023.pdf>); Committee on Oversight and Accountability, *Press Release: Comer Releases Resolution Holding FBI Director Wray in Contempt of Congress* (June 7, 2023) (online at <https://oversight.house.gov/release/comer-releases-resolution-holding-fbi-director-wray-in-contempt-of-congress/>).

⁷ Senator Chuck Grassley, *Grassley Obtains & Releases FBI Record Alleging VP Biden Foreign Bribery Scheme* (July 20, 2023) (online at www.grassley.senate.gov/news/news-releases/grassley-obtains-and-releases-fbi-record-alleging-vp-biden-foreign-bribery-scheme).

Information from confidential human sources is unverified and, by definition, incomplete. An FD-1023 form documents information as told to a line FBI agent. Recording the information does not validate the information, establish its credibility, or weigh it against other information known or developed by the FBI. The mere existence of such a document would establish little beyond the fact that a confidential human source provided information and the FBI recorded it. Indeed, the FBI regularly receives information from sources with significant potential biases, motivations, and knowledge, including drug traffickers, members of organized crime, or even terrorists.⁸

Furthermore, the allegations in this tipsheet—that then-Vice President Biden and his son, Hunter, were engaged in a corrupt project to help the Ukrainian energy company Burisma—closely followed the narrative constructed in well-known propaganda and disinformation promoted by Russia and its intelligence services over the past decade.⁹

For years, there have been official public warnings in the United States about the Kremlin’s campaign to circulate this conspiracy theory—a top Russian project well understood both in the Barack Obama and Donald Trump Administrations.

⁸ Letter from Acting Assistant Director Christopher Dunham, Office of Congressional Affairs, Federal Bureau of Investigation, to Chairman James Comer, Committee on Oversight and Accountability (May 10, 2023) (online at www.grassley.senate.gov/imo/media/doc/fbi_to_grassley_comer_-_biden_1023_response.pdf).

⁹ E.g., Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin’s Statement Following Review of Debunked FBI Tip* (June 5, 2023) (online at <https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-following-review-of-debunked-fbi-tip>) (“We now know what I had long suspected: that Chairman Comer’s subpoena is about recycling stale and debunked Burisma conspiracy theories long peddled by Rudy Giuliani and a Russian agent, sanctioned by former President Trump’s own Treasury Department, as part of the effort to smear President Biden and help Mr. Trump’s reelection campaign.”); Senate Committee on Homeland Security & Government Affairs, *Election Interference: Majority Investigation Amplifies Russian Attack on 2020 Election* (Sept. 23, 2020) (online at www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/200923_FullReport_PetersHSGACWydenFinance.pdf) (“The Russian government has encouraged a disinformation campaign against former Vice President Biden. This campaign was already underway in 2015 in response to his anticorruption efforts in Ukraine, and it gained renewed fervor because of his candidacy in the 2020 presidential election”); House Foreign Affairs Committee, *Press Release: Engel Releases Summary of State Department Records Undercutting Senate Republican Smear: Records Reveal Russian Origins of Smear against Former Vice President* (Sept. 23, 2020) (online at <https://democrats-foreignaffairs.house.gov/2020/9/engel-releases-summary-of-state-department-records-undercutting-senate-republican-smear>) (“The documents show that on the evening of December 5, 2015, U.S. Embassy officials in Kyiv noticed articles in Russian-language media highlighting Hunter Biden’s role at Burisma and using that to undercut anti-corruption efforts that were being led by Vice President Biden. . . . [T]he records show this attack had its origin in Russian propaganda, and it was designed to undercut the efforts of Vice President Biden and the entire US government to support anticorruption efforts in Ukraine and prosecution, not leniency, for Burisma’s Zlochevsky.”); U.S. Department of the Treasury, *Press Release: Treasury Sanctions Russia-Linked Election Interference Actors* (Sept. 10, 2020) (online at <https://home.treasury.gov/news/press-releases/sm1118>); U.S. Department of the Treasury, *Press Release: Treasury Takes Further Action Against Russian-linked Actors* (Jan. 11, 2021) (online at <https://home.treasury.gov/news/press-releases/sm1232>); U.S. Department of State, *Press Statement by Secretary of State Michael R. Pompeo: Sanctioning Russia-Linked Disinformation Network for Its Involvement in Attempts to Influence U.S. Election* (Jan. 11, 2021) (online at <https://2017-2021.state.gov/sanctioning-russia-linked-disinformation-network-for-its-involvement-in-attempts-to-influence-u-s-election/>); National Intelligence Council, *Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections* (Mar. 10, 2021) (online at www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf).

For example, under the Trump Administration, the Treasury Department imposed sanctions in 2020 and 2021 against individuals who were advancing “disinformation narratives that U.S. government officials have engaged in corrupt dealings in Ukraine.”¹⁰ Andrii Derkach (who was identified by the Treasury Department as a “Russian agent”), Andriy Telizhenko, and Konstantin Kulyk—all of them sanctioned by the Trump Administration—promoted this disinformation at the highest levels in the United States, especially through Rudy Giuliani, Senator Ron Johnson, and a discredited columnist at *The Hill*, John Solomon.¹¹

In a January 11, 2021, statement, Secretary of State Michael Pompeo denounced the Russian-backed individuals who “coordinated dissemination and promotion of fraudulent or unsubstantiated allegations involving a U.S. political candidate” (Joe Biden) and “repeated public statements advancing malicious narratives that U.S. Government officials have engaged in corrupt dealings in Ukraine.”¹²

A March 2021 report from the Intelligence Community (IC) entitled *Foreign Threats to the 2020 US Federal Election* likewise concluded that a

[K]ey element of Moscow’s strategy this election cycle was its use of proxies linked to Russian intelligence to push influence narratives—including misleading or unsubstantiated allegations against President Biden—to US media organizations, US officials, and prominent US individuals, including some close to former President Trump and his administration.

¹⁰ U.S. Department of the Treasury, *Press Release: Treasury Takes Further Action Against Russian-linked Actors* (Jan. 11, 2021) (online at <https://home.treasury.gov/news/press-releases/sm1232>).

¹¹ *E.g., Exclusive: How an Accused Russian Agent Worked with Rudy Giuliani in a Plot against the 2020 Election*, Time (May 28, 2021) (online at <https://time.com/6052302/andriy-derkach-profile/>) (“In the fall of 2019, [Andrii Derkach] gained access to Trump’s inner circle through Rudy Giuliani, the President’s personal lawyer. He then provided Giuliani with documents purporting to show that Joe Biden and his family were involved in corruption. . . . Derkach could not have gotten through to American voters without help from Trump and Giuliani, while the Trump campaign’s attacks against the Biden family relied in large part on the ammunition Derkach provided.”); *Exclusive: Putin’s Allies Offered a ‘Back Channel to Key Witness in New Senate Report on the Bidens*, Time (Sept. 23, 2020) (online at <https://time.com/5892440/senate-gop-biden-report-russia-offer/>) (“Over the past year, Telizhenko has repeatedly aired his claims about corruption in the Biden family while appearing on Giuliani’s YouTube channel and podcast. . . . With help from Giuliani, these claims also found their way to the U.S. Senate, where Johnson and his staff have had repeated contacts with Telizhenko for over a year. The Wisconsin Senator first met with Telizhenko in July 2019, a month before Johnson teamed up with Senator Grassley to investigate allegations of corruption against the Biden family.”); *Exclusive: Ukraine to Fire Prosecutor who Discussed Bidens with Giuliani—Source*, Reuters (Nov. 4, 2019) (online at www.reuters.com/article/idUSKBN1XE20B/) (“In April, Kulyk gave an interview to the columnist John Solomon at The Hill newspaper in Washington. In that article, Kulyk said he and other prosecutors were investigating allegations concerning Shokin’s dismissal. Kulyk told The Hill that Ukrainian officials had unsuccessfully tried to pass on evidence on this and other probes to the U.S. authorities before looking for other people, including Giuliani, to present their findings.”); U.S. Department of Treasury, *Press Release: Treasury Sanctions Russia-Linked Election Interference Actors* (Sept. 10, 2020) (online at <https://home.treasury.gov/news/press-releases/sm1118>).

¹² U.S. Department of State, *Press Statement by Secretary of State Michael R. Pompeo: Sanctioning Russia-Linked Disinformation Network for Its Involvement in Attempts to Influence U.S. Election* (Jan. 11, 2021) (online at <https://2017-2021.state.gov/sanctioning-russia-linked-disinformation-network-for-its-involvement-in-attempts-to-influence-u-s-election/>).

The report noted that the “primary effort the IC uncovered revolved around a narrative—that Russian actors began spreading as early as 2014—alleging corrupt ties between President Biden, his family, and other US officials and Ukraine.”¹³

Despite the FBI’s clear warnings about the potential unreliability of the allegations in the FD-1023 tipsheet and the knowledge that they were nearly identical to those advanced continuously as part of the years-long Russian disinformation effort, you repeatedly cited the tipsheet as key evidence in the ongoing impeachment inquiry. For example, in an appearance on *Sunday Night in America*, you vouched for the FD-1023 tipsheet saying, “I think it’s credible,”¹⁴ and in an appearance on *Jesse Watters Primetime*, you described it as “a very crucial piece of our investigation.”¹⁵

Once released into the world, the false allegations contained in the tipsheet were aggressively promoted by many Members of the House Republican conference, who cited these tired and debunked allegations as evidence of wrongdoing justifying your Biden impeachment inquiry. For example, in a post on social media on July 20, 2023, Chairman Smith said:

Smoking gun: The D-1023 [*sic*] form showing proof that Joe and Hunter Biden were involved in the \$5,000,000 bribery scheme with a Burisma executive has been released by Senator Chuck Grassley.

Thank you @ChuckGrassley!¹⁶

When he announced that he had instructed several committees to open an impeachment inquiry into the President, former Speaker McCarthy invoked the debunked tipsheet, stating: “Even a trusted FBI informant has alleged a bribe to the Biden family.”¹⁷

And just weeks ago, in a joint appearance on Sean Hannity’s broadcast with you and Chairman Smith again hustling the impeachment inquiry, Chairman Jordan said that “the most corroborating evidence we have is that 1023 form from this highly credible confidential human source.” If you have any reason to doubt the central role of the tipsheet, Chairman Jordan called its phony allegations “the heart of this matter.”¹⁸

¹³ National Intelligence Council, *Intelligence Community Assessment: Foreign Threats to the 2020 US Federal Elections* (Mar. 10, 2021) (online at www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf).

¹⁴ *Sunday Night in America*, Fox News (June 12, 2023) (online at www.foxnews.com/media/house-oversight-chair-james-comer-claims-1023s-alleging-biden-bribery-scheme-exist).

¹⁵ *Jesse Watters Primetime*, Fox News (May 22, 2023) (online at www.foxnews.com/video/6328046559112).

¹⁶ Rep. Jason Smith, (@JasonSmithMO), X (July 20, 2023) (online at <https://twitter.com/JasonSmithMO/status/1682111038810931200?s=20>).

¹⁷ *WATCH: House Speaker McCarthy Announces House Impeachment Inquiry of Biden*, PBS NEWS HOUR (Sept. 12, 2023) (online at www.pbs.org/newshour/politics/watch-house-speaker-mccarthy-announces-house-impeachment-inquiry-of-biden).

¹⁸ Hannity, *Fox News* (Jan. 11, 2024) (online at www.foxnews.com/video/6344716486112).

As you are undoubtedly aware, a federal grand jury has now indicted Alexander Smirnov, the confidential human source who made the fraudulent allegations recorded in the FD-1023. He has been charged with providing false statements “that were recorded in an official record of the Federal Bureau of Investigation (FBI) known as a Form 1023.” According to Special Counsel David C. Weiss, a Trump appointee:

[D]espite repeated admonishments that he must provide truthful information to the FBI and that he must not fabricate evidence, Smirnov provided false derogatory information to the FBI about Public Official 1 [President Biden], and Businessperson 1 [Hunter Biden], the son of Public Official 1, in 2020, after Public Official 1 became a presidential candidate.¹⁹

As Special Counsel Weiss has alleged, Mr. Smirnov has “extensive foreign ties, including, most troublingly and by his own account, contact with foreign intelligence services, including Russian intelligence agencies, and has had such contacts recently.”²⁰ In particular, Mr. Smirnov admitted that “officials associated with Russian intelligence were involved in passing a story about Business person 1 [Hunter Biden].”²¹ Critically, the Special Counsel has warned that “Smirnov’s efforts to spread misinformation about a candidate of one of the two major parties in the United States continues” [*sic*] and “[h]e is actively peddling new lies that could impact U.S. elections after meeting with Russian intelligence officials in November.”²²

Your protracted and often successful efforts to spread the false allegations in the FD-1023 tipsheet are part of a striking pattern of transmitting disinformation provided by criminals operating as foreign agents and assets. You also used the Oversight Committee’s resources and good name in your attempt to validate demonstrably false narratives peddled by yet another individual under federal criminal indictment. According to an eight-count indictment by the U.S. Attorney’s Office for the Southern District of New York, in addition to allegedly engaging in trafficking arms, your witness Gal Luft:

[S]ubverted foreign agent registration laws in the United States to seek to promote Chinese policies by acting through a former high-ranking U.S. Government official; he acted as a broker in deals for dangerous weapons and Iranian oil; and he told multiple lies about his crimes to law enforcement.²³

¹⁹ U.S. Department of Justice, Special Counsel David C. Weiss, *Press Release: Grand Jury Returns Indictment Charging FBI Confidential Human Source with Felony False Statement and Obstruction Crimes* (Feb. 15, 2024) (online at www.justice.gov/sco-weiss/pr/grand-jury-returns-indictment-charging-fbi-confidential-human-source-felony-false).

²⁰ Government’s Application for Review of Magistrate Judge’s Bail Order, Memorandum of Points and Authorities, 7 (Feb. 21, 2024) *United States of America v. Alexander Smirnov*, Central District of California (No. CR 2:24-cr-00091-ODW) (online at https://storage.courtlistener.com/recap/gov.uscourts.cacd.915062/gov.uscourts.cacd.915062.11.0_4.pdf).

²¹ *Id.* at 5.

²² *Id.* at 20–21.

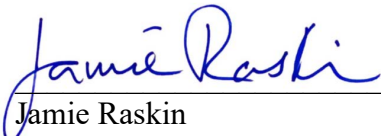
²³ United States Attorney’s Office, Southern District of New York, *Press Release: U.S. Attorney Announces Charges Against Co-Director of Think Tank for Acting as an Unregistered Foreign Agent, Trafficking in Arms*,

Although it had already been reported that Mr. Luft had already been arrested “on suspicion of arms trafficking to Libya and China,” you publicly identified him in July 2023 as “a very credible witness on Biden family corruption” who “provided incriminating evidence to six officials from the FBI and the DOJ.”²⁴ Notably, at the time, Mr. Luft was also a fugitive from the law, having “fled after being released on bail while extradition proceedings were pending” in a foreign country.²⁵ In July 2023, Congressman Dan Goldman and I wrote to you requesting access to “all materials and information provided by Mr. Luft to the Committee.”²⁶ However, to date, you have failed to respond to this request for materials that we are entitled to see or to provide any materials shared by the mysterious and very worldly Mr. Luft. We are still left in the dark.

Now the American people deserve to understand why you rushed to publish and amplify the FD-1023 tipsheet, turning this Committee into a mouthpiece for lies likely concocted and promoted by Russian intelligence services. Accordingly, I ask that you immediately release a detailed account of what steps you took—if any—to objectively assess the allegations contained in the FBI tipsheet *before* releasing it, including any documents and information you used to assess the credibility of these allegations and any documents and information that reflect the efforts by third parties to encourage or coax you to release the FD-1023 tipsheet publicly.²⁷

There was indeed a Russian hoax—a hoax by Russian intelligence and Vladimir Putin to pin utterly false smears on Joe Biden. Please explain how our Committee came to be used in this sinister campaign.

Very truly yours,



Jamie Raskin
Ranking Member

Violating U.S. Sanctions Against Iran, And Making False Statements To Federal Agents (July 10, 2023) (online at www.justice.gov/usao-sdny/pr/us-attorney-announces-charges-against-co-director-think-tank-acting-unregistered).

²⁴ *Id.*; *Israeli Professor Arrested on Suspicion of Arms Trafficking to China, Libya*, Jerusalem Post (Feb. 19, 2023) (online at www.jpost.com/israel-news/article-732050); James Comer (@RepJamesComer), Twitter (July 7, 2023) (online at <https://twitter.com/RepJamesComer/status/1677414170411560962>).

²⁵ United States Attorney’s Office, Southern District of New York, *Press Release: U.S. Attorney Announces Charges Against Co-Director of Think Tank for Acting as an Unregistered Foreign Agent, Trafficking in Arms, Violating U.S. Sanctions Against Iran, And Making False Statements To Federal Agents* (July 10, 2023) (online at www.justice.gov/usao-sdny/pr/us-attorney-announces-charges-against-co-director-think-tank-acting-unregistered).

²⁶ Letter from Ranking Member Jamie Raskin, and Rep. Dan Goldman, Committee on Oversight and Accountability, to Chairman James Comer, Committee on Oversight and Accountability (July 11, 2023) (online at <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-07-11.JBR%20Goldman%20to%20Comer%20re%20Luft.pdf>).

²⁷ To the extent you believe that any such information involves protected whistleblower disclosures, please provide that portion to me and my staff, and we will evaluate it consistent with congressional practices on whistleblower protections, including confidentiality protections.