

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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June 16, 2023

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Wray:

I write in regard to the briefing Chairman James Comer and I received on June 5, 2023, regarding the Form FD-1023 subpoenaed by Chairman Comer on May 3, 2023. During the briefing, senior FBI officials answered questions for more than an hour and provided crucial context to understand the Form FD-1023 and the investigative efforts of the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ). In particular, in the briefing, the FBI explained that this form was created as part of an assessment, which Attorney General Barr assigned to Scott Brady, the U.S. Attorney for the Western District of Pennsylvania, to examine allegations made by Rudy Giuliani. In August 2020, after eight months of investigative efforts, Mr. Brady's team found insufficient evidence to warrant escalating this assessment to a preliminary or full investigation, and it was closed with the concurrence of Mr. Brady and high-level DOJ officials. I appreciate that the FBI accommodated the Committee's request and made the form available to all Members of the Committee. However, I believe our Members would also benefit from the additional, non-classified information provided in the briefing and request that the FBI reiterate this information in writing.

The FBI took important steps to respond to Chairman Comer's May 3, 2023, subpoena and also protect the safety of its confidential human sources (CHS) and the integrity of its programs and investigations. Although Chairman Comer made no effort to seek the FBI's voluntary compliance with his request prior to issuing a subpoena, the FBI made significant accommodations. For example, the FBI provided two staff-level briefings on its CHS program on May 15, 2023, and May 22, 2023, made a minimally-redacted version of the form available for *in camera* review by all Members of the Committee, and provided Chairman Comer and me with a briefing.¹ At the briefing, senior members of the FBI, including the Deputy Assistant

¹ The minimal redactions were in line with Republican Committee staff's own recommendation that the "FBI redact portions of the FD-1023 form that would reveal the CHS's identity." Committee on Oversight and Accountability, *H.Res. _____, 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>).

Director of the FBI's Criminal Investigation Division, devoted more than an hour to answering questions.²

The form at issue memorializes a CHS's June 2020 interview, during which the CHS relayed statements made to him by individuals in Ukraine years prior. As set forth in the Form FD-1023, the CHS noted that it is not unusual for Ukrainian business executives to brag and show-off and that he could not offer any opinion as to the veracity of the allegations he was relaying. During the briefing, the FBI clearly and repeatedly shared the following:

- In January 2020, then-Attorney General William Barr selected Scott Brady, the U.S. Attorney for the Western District of Pennsylvania, based in Pittsburgh, to review allegations made by Mr. Giuliani that then-Vice President Biden and Hunter Biden were involved in a corruption scheme involving the Ukrainian energy company Burisma and to examine information Mr. Giuliani collected in Ukraine.
- As part of that investigative effort, formally an "assessment," U.S. Attorney Scott Brady led a team of prosecutors and FBI agents to examine these allegations, including by reviewing relevant suspicious activity reports (SARs) filed by banks and identifying and interviewing a CHS, who had previously provided information regarding Burisma that was unrelated to any allegations regarding President Biden or Hunter Biden. The CHS's June 2020 interview was memorialized in the Form FD-1023.
- Much of the information that the CHS provided had previously been provided to Mr. Brady and his team by Mr. Giuliani.
- After eight months, Mr. Brady's assessment was closed in August 2020 with no outstanding investigative steps or tasks remaining. The FBI explained that the assessment was closed because Mr. Brady's team found insufficient evidence to warrant escalating their probe of Mr. Giuliani's allegations from an assessment of the allegations to a preliminary or full investigation. The FBI read an excerpt from a memorandum closing down the assessment with the concurrence of both Mr. Brady and high-level officials at DOJ.
- At no point during the briefing did the FBI state or suggest in any way that "Joe Biden is currently under investigation for bribery."³

It is deeply concerning that recent public statements are plainly inconsistent with


² 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>).

³ *James Comer: The Biden Family Had 20 Shell Companies*, Fox News (June 11, 2023) (online at www.youtube.com/watch?v=Fp1ueI4ua-8) (In an interview, Chairman Comer asserted: "So, according to the FBI and according to Bill Barr, Joe Biden is currently under investigation for bribery.").

statements made by the FBI in the June 5, 2023, briefing.⁴ The statements made by the FBI are critical to fully assess the credibility and validity of the double hearsay allegations set forth in the Form FD-1023.⁵ I request that no later than Friday, June 23, 2023, the FBI reiterate in writing the non-classified information provided to the Chairman and me in the June 5, 2023, briefing.

The Committee on Oversight and Accountability is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051. Thank you for your prompt attention to this matter.

Sincerely,


Jamie Raskin
Ranking Member

cc: The Honorable James Comer, Chairman

⁴ See, e.g., ‘*Maybe They Don’t Exist*’: *Republicans Question Legitimacy of Alleged Audio Recordings of Biden Bribery Scheme*, CNN (June 15, 2023) (online at www.cnn.com/2023/06/15/politics/republican-reaction-alleged-audio-recordings-biden-bribery-scheme/index.html) (quoting Chairman Comer: “The FBI’s Biden bribery record contains several investigative leads, but it is unclear what, if anything, the FBI has done to verify these allegations”); *Christopher Wray Has ‘No Control’ over the FBI: Rep. James Comer*, Fox Business (June 15, 2023) (online at www.foxbusiness.com/video/6329480824112) (In an interview, Chairman Comer asserted: “One thing that I know for sure, Maria, is the FBI never did one single thing to investigate this.”); compare Fox News (June 11, 2023) (online at www.foxnews.com/video/6329224933112) (In an interview, former Attorney General William Barr claimed: “The reason the Pittsburgh people didn’t escalate it is because they weren’t authorized to start a new investigation. They simply were performing a unique and limited task of vetting information that would then go to pending, already open investigations.”) with *Material From Giuliani Spurred a Separate Justice Dept. Pursuit of Hunter Biden*, New York Times (Dec. 11, 2020) (online at www.nytimes.com/2020/12/11/us/politics/hunter-biden-justice-department-pittsburgh.html) (reporting that as part of his assessment, “Mr. Brady almost immediately started pushing to take aggressive steps,” including steps that were “outside ‘normal investigative procedures’”).

⁵ See, e.g., *Former Giuliani Associate Raises Questions About Hunter Biden’s ‘Hard Drive from Hell’*, Politico (Oct. 24, 2020) (online at www.politico.com/news/2020/10/24/hunter-biden-hard-drive-lev-parnas-432108) (reporting that Mykola Zlochevsky, a Ukrainian oligarch and the owner of Burisma, told Rudy Giuliani on July 7, 2019, that “No one from Burisma ever had any contacts with VP Biden or people working for him during Hunter Biden’s engagement.”); *Non-Men*, The Vicki McKenna Show (June 14, 2022) (online at www.listennotes.com/podcasts/the-vicki-mckenna/the-vicki-mckenna-show-non-men-aqpGXnv4FsL) (In an interview, Senator Johnson commented on some of the allegations in the Form FD-1023: “That’s what this person says, but again, take that with a grain of salt. This could be coming from a very corrupt oligarch who could be making this stuff up.”).