### 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

June 29, 2023

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

Dear Chairman Comer:

All Members of the Committee have now had an opportunity to review the June 2020 Form FD-1023, which you subpoenaed from the Federal Bureau of Investigation (FBI). When discussing the second-hand allegations made by a Ukrainian oligarch that are memorialized in that form, it is important that Committee Members appreciate and convey the full context of what we know about those allegations. In particular, I write today to remind you that in attempting to gather information damaging to the Biden family from Ukrainian sources during 2019 and 2020, Rudy Giuliani received evidence that directly contradicts the allegations in the Form FD-1023. This evidence was turned over to Congress—and made available to both Republicans and Democrats—by Mr. Giuliani's associate, Lev Parnas, as part of the impeachment inquiry against then-President Trump.<sup>1</sup>

As both the FBI and Mr. Giuliani himself have stated, the allegations relayed to the FBI by the confidential human source (CHS), based on his conversations with a Ukrainian oligarch, in the June 2020 Form FD-1023, largely repeated allegations Mr. Giuliani had previously shared with the FBI.<sup>2</sup> In 2019 and 2020, Congress thoroughly reviewed and debunked Mr. Giuliani's

<sup>2</sup> See Letter from Ranking Member Jamie Raskin, Committee on Oversight and Accountability, to Director Christopher Wray, Federal Bureau of Investigation (June 16, 2023) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2023-06-16.JBR%20to%20Wray-FBI%20re%20Subpoena%20Briefing%20FINAL.pdf); *Giuliani to Newsmax: DOJ Overlooked Evidence of Biden Bribery*, Newsmax (June 10, 2023) (Rudy Giuliani stated in an interview: "[Special counsel Jack] Smith said that in the United States, there's one system of laws and it ... applies equally to everyone. Well, of course, that's the most

<sup>&</sup>lt;sup>1</sup> Vitaly Pruss, *VPAnswers July7th2019* (Word Document) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf) (This document was provided to Congress as part of a complete extraction of Lev Parnas's iPhone, which was seized by the government upon his arrest on October 9, 2019. The extraction of Mr. Parnas's phone was turned over to Congress as part of the impeachment inquiry against then-President Trump, in response to an October 10, 2019, subpoena. The document was sent as a Word document attached to iMessages from Mr. Parnas to Rudy Giuliani and to Victoria Toensing on July 8, 2019. The Word document's metadata indicates it was originally created by Vitaly Pruss.); see also *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).

The Honorable James Comer Page 2

allegations, which were based on a theory that then-Vice President Biden caused the dismissal of Ukrainian prosecutor Viktor Shokin in order to thwart an investigation of Ukrainian energy company Burisma Holdings (Burisma) and its founder, Mykola Zlochevsky, while Hunter Biden served on Burisma's board.<sup>3</sup>

As the FBI explained, the allegations were also thoroughly investigated by Donald Trump's own Justice Department as part of a formal assessment, which Attorney General Barr assigned to Scott Brady, the U.S. Attorney for the Western District of Pennsylvania. That assessment was closed in August 2020 after eight months of investigative efforts, which included interviewing Mr. Giuliani and the CHS, as well as reviewing suspicious activity reports (SARs) filed by banks. 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 Department of Justice (DOJ) officials.<sup>4</sup>

As part of the impeachment inquiry against then-President Trump, Congress learned that Mr. Zlochevsky, the Ukrainian oligarch and the owner of Burisma, whom Republican Committee Members appear to have identified as the source of the allegations memorialized in the Form FD-1023, squarely rebutted these allegations in 2019.<sup>5</sup> Despite being interviewed as part of a campaign by Mr. Giuliani and his proxies in 2019 and 2020 to procure damaging information about the Biden family, Mr. Zlochevsky explicitly and unequivocally denied those allegations.<sup>6</sup> Specifically, Mr. Zlochevsky denied (1) that anyone at Burisma had "any contacts" with then former Vice President Biden or his representatives while Hunter Biden served on the Burisma board, and (2) that former Vice President Biden or his staff "in any way" assisted Mr. Zlochevsky or Burisma.<sup>7</sup>

<sup>4</sup> Committee on Oversight and Accountability, *Press Release: Ranking Member Raskin's Statement on the Facts Following FBI Briefing and In-Person Document Review* (June 7, 2023) (online at https://oversightdemocrats.house.gov/news/press-releases/ranking-member-raskin-s-statement-on-the-facts-following-fbi-briefing-and-in).

<sup>5</sup> The GOP 'Bribery' Allegations Against Biden Remain Transparently Thin, Washington Post (June 13, 2023) (online at www.washingtonpost.com/politics/2023/06/13/gop-biden-allegation-analysis/); 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).

<sup>6</sup> The Complex Network Pushing for Ukraine Dirt—with Rudy Giuliani at Its Center, Washington Post (Jan. 16, 2020) (online at www.washingtonpost.com/politics/2020/01/16/complex-network-pushing-ukraine-dirt-with-rudy-giuliani-its-center/).

<sup>7</sup> Vitaly Pruss, *VPAnswers July7th2019* (Word Document) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf).

ridiculous idiotic statement to make on a day in which we find out that the Bidens took a \$10 million bribe from a Ukrainian Mykola Zlochevsky, which I could have told you, you know, and did tell [the DOJ] three years ago.") (online at www.newsmax.com/newsmax-tv/joe-biden-bribery-ukraine/2023/06/10/id/1123109/).

<sup>&</sup>lt;sup>3</sup> Committee on the Judiciary, *Impeachment of Donald J. Trump President of the United States*, 116th Cong. (2019) H. Rept. 116-346; United States Senate Committee on Homeland Security and Governmental Affairs and Senate Finance Committee Minority Staff Report, *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 Honorable James Comer Page 3

Mr. Zlochevsky's statements are recorded in a written document produced by Mr. Giuliani's associate, Lev Parnas, to the House Committees overseeing the first impeachment inquiry concerning former President Trump in January 2020.<sup>8</sup> Thus, this information has been available to the Oversight Committee since that date. Moreover, the FBI obtained the document when it seized Mr. Parnas's phone pursuant to a warrant in 2019.<sup>9</sup> It was therefore in the possession of the DOJ at the time Mr. Brady was evaluating Mr. Giuliani's allegations regarding Burisma and the Biden family.

According to reports, Mr. Giuliani was eager to get information directly from Mr. Zlochevsky regarding Hunter Biden's work as a member of Burisma's board of directors. Mr. Giuliani charged one of his associates, Lev Parnas, with sending a series of questions for Mr. Zlochevsky to Vitaly Pruss, another long-time associate of Mr. Giuliani who was a close friend of Mr. Zlochevsky.<sup>10</sup> Mr. Zlochevsky's answers to those questions were memorialized in a document titled "VPanswers July7th 2019." The metadata for the document indicates that it was created by Mr. Pruss.<sup>11</sup>

After receiving Mr. Zlochevsky's responses, Mr. Parnas forwarded the document via text messages on July 8, 2019, respectively, to Mr. Giuliani and to Victoria Toensing, an attorney working in conjunction with Mr. Giuliani on his Ukrainian efforts to gather damaging information about the Bidens. Mr. Giuliani reportedly was "not satisfied" with Mr. Zlochevsky's answers, and according to Mr. Parnas, was "furious" that Mr. Zlochevsky did not provide the factual support he wanted.<sup>12</sup> The questions and answers by Mr. Zlochevsky set forth in the document include the following:

Were you aware that Hunter Biden had met at [*sic*] with State Department officials in both May 2015 (Blinken) and December 2015? What did you understand the purpose of those contacts were?

## WE NEVER APPROVED OR ASKED HIM TO CONDUCT THOSE MEETINGS ON BEHALF OF BURISMA

<sup>10</sup> 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).

<sup>11</sup> Vitaly Pruss, *VPAnswers July7th2019* (Word Document) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf).

<sup>12</sup> 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).

<sup>&</sup>lt;sup>8</sup> Order, The Honorable J. Paul Oetken, U.S. District Court for the Southern District of New York (Jan. 3, 2020) (authorizing production of materials by Mr. Parnas to U.S. House of Representatives Permanent Select Committee on Intelligence).

<sup>&</sup>lt;sup>9</sup> Letter from Joseph A. Bondy, Attorney for Lev Parnas, to J. Paul Oetken, U.S. District Judge (Dec. 30, 2019); see also *Giuliani Associate Lev Parnas Asks Court for Permission to Turn Over Records to House*, CBS News (Dec. 31, 2019) (online at www.cbsnews.com/news/lev-parnas-rudy-giuliani-associate-asks-court-for-permission-to-turn-over-records-to-house/).

Did you ever learn why VP Joe Biden asked for Shokin to be fired as PG?

#### WE LEARNED ABOUT IT FROM NEWSPAPERS AND INTERNET. WE NEVER HAD CONTACTS WITH VP BIDEN DURING HIS VISITS TO UKRAINE

Please detail any contacts you had with VP Joe Biden and his office from 2013 through 2019. Did Hunter ever facilitate any of those contacts?

#### NO ONE FROM BURISMA EVER HAD ANY CONTACTS WITH VP BIDEN OR PEOPLE WORKING FOR HIM DURING HUNTER BIDEN'S ENGAGEMENT

Did VP Biden or his staff assist you or your company in any way with business deals or meetings with world leaders or any other assistance?

#### NO

# Did you ever become aware of documents suggesting \$900k was paid to Hunter Biden for "lobbying" his father?

#### **NO**<sup>13</sup>

These statements directly contradict and refute the allegations in the Form FD-1023. They are further evidence of former Attorney General Barr's own warning that "[t]here are a lot of agendas in the Ukraine, there are a lot of cross-currents, and we can't take anything we receive from the Ukraine at face value."<sup>14</sup> As Senator Johnson who, as Chair of the Senate Homeland Security and Governmental Affairs Committee, led Senate Republicans' 2020 investigation into the allegations involving Burisma recently conceded in discussing the information 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."<sup>15</sup>

Mr. Zlochevsky's statements are just one of the many that have debunked the corruption allegations against President Biden that were first leveled by Rudy Giuliani and have been reviewed by former President Trump's own Justice Department. Indeed, as part of their own investigation into these allegations in 2020, Republican Members of the Senate Homeland Security and Governmental Affairs and Finance Committees interviewed State Department officials who confirmed that calls for Mr. Shokin's dismissal were based not on any investigation

<sup>&</sup>lt;sup>13</sup> Vitaly Pruss, *VPAnswers July7th2019* (Word Document) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/VPanswersJuly7th2019.pdf).

<sup>&</sup>lt;sup>14</sup> Barr Confirms Justice Department Is Receiving Giuliani Information About Ukraine, CNN (Feb. 10, 2020) (online at www.cnn.com/2020/02/10/politics/justice-department-rudy-giuliani-ukraine/index.html).

<sup>&</sup>lt;sup>15</sup> *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).

The Honorable James Comer Page 5

of Burisma, but rather, on his failure to pursue corruption in Ukraine, including at Burisma.<sup>16</sup> Moreover, Shokin was dismissed by the Ukrainian Parliament in 2016 with the broad support of the U.S. and other Western nations, as well as international organizations such as the International Monetary Fund, based on his failure to prosecute corruption in Ukraine and his continued protection of Ukrainian oligarchs.<sup>17</sup> Further, as has been widely reported, any probe by Ukrainian authorities into Burisma became dormant once Mr. Shokin was appointed prosecutor general in early 2015.<sup>18</sup> Senior State Department officials also confirmed in the Senate investigation that U.S. policy in Ukraine was in no way influenced by, and did not benefit, Hunter Biden.<sup>19</sup>

The Form FD-1023 reports unsubstantiated, second-hand hearsay allegations. During his June 2020 interview recounting conversations with a Ukrainian oligarch years after they took place, the CHS explicitly noted that it is not unusual for Ukrainian business executives to brag and show off and that he could not offer any opinion supporting the veracity of the allegations he was relaying. For this reason, the full factual context surrounding the form—including Mr. Zlochevsky's statements contradicting the reported information—is crucial to properly understanding these allegations. In this case, that context includes not just repeated and failed efforts in 2019 and 2020 by Mr. Giuliani, Senate Republicans, and Trump's Justice Department to find support for these allegations, but also clear evidence that then-Vice President Biden's actions carried out the policy of the United States, its allies, and its international partners to combat corruption in Ukraine.

Very truly yours,

ame Kashi

Jamie Raskin Ranking Member

<sup>16</sup> United States Senate Committee on Homeland Security and Governmental Affairs and Senate Finance Committee Minority Staff Report, *Election Interference: Majority Investigation Amplifies Russian Attack on 2020 Election* (Sept. 23, 2020) (online at www.hsgac.senate.gov/wp-

<sup>17</sup> Ukraine Ousts Viktor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance, New York Times (Mar. 29, 2016) (online at www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html).

<sup>18</sup> E.g., *Was Ukrainian Prosecutor Viktor Shokin Prosecuting Burisma?*, CNN (online at www.cnn.com/factsfirst/politics/factcheck\_3fae078e-8724-4c28-9340-2c154688af43) (accessed June 11, 2023); FactCheck.Org, *Trump Revives False Narrative on Biden and Ukraine* (Oct. 15, 2020) (online at www.factcheck.org/2020/10/trump-revives-false-narrative-on-biden-and-ukraine/).

<sup>19</sup> United States Senate Committee on Homeland Security and Governmental Affairs and Senate Finance Committee Minority Staff Report, *Election Interference: Majority Investigation Amplifies Russian Attack on 2020 Election* (Sept. 23, 2020) (online at www.hsgac.senate.gov/wpcontent/uploads/imo/media/doc/200923 FullReport PetersHSGACWydenFinance.pdf).

 $content/uploads/imo/media/doc/200923\_FullReport\_PetersHSGACWydenFinance.pdf).$