



HOUSE COMMITTEE ON
OVERSIGHT AND ACCOUNTABILITY
DEMOCRATS
RANKING MEMBER JAMIE RASKIN

FACT v. FICTION: FBI FORM FD-1023

Fiction

An [FBI Form FD-1023](#) alleges that Mykola Zlochevsky, the founder of Ukrainian energy company Burisma, admitted that he paid then-Vice President Biden a bribe to “deal with” Ukraine’s prosecutor general, Viktor Shokin.

[Oversight Committee Chairman Comer](#): “The FBI has been sitting on allegations for years that Joe Biden solicited and received a bribe while he was Vice President of the United States.”

Facts

The allegations in the Form FD-1023 were investigated by the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) during the Trump Administration. They have been repeatedly undermined and debunked.

In January 2020, then-Attorney General Barr established a process to review allegations and documents provided by President Trump’s personal attorney, Rudy Giuliani. These included Mr. Giuliani’s claim that Mr. Zlochevsky paid a bribe to then-Vice President Biden. Together with the FBI, Mr. Barr’s hand-picked U.S. Attorney, Scott Brady, examined Mr. Giuliani’s allegations. As part of this effort, in June 2020, the FBI interviewed a confidential human source (CHS), who recounted three conversations he had with Mr. Zlochevsky between late 2015 and 2019. The Form FD-1023 simply memorializes the CHS’s unvetted account.

The veracity of the allegations the CHS recounted to the FBI, years after the fact, have been repeatedly called into question and outright refuted by [independent fact checkers](#) and multiple sources, including by the CHS who relayed the information, Mr. Zlochevsky himself, Mr. Giuliani’s associate Lev Parnas, and Republicans, including Senator Ron Johnson, who, as Chair of the Senate Homeland Security and Governmental Affairs Committee, led Senate Republicans’ 2020 investigation into the allegations involving Burisma.

The 2020 FBI Form FD-1023 is based on a Confidential Human Source's (CHS) recollection of a years-old conversation with Mr. Zlochevsky, who, according to the CHS, may have been lying

- The [FBI Form FD-1023](#) memorializes a June 26, 2020, conversation between a CHS and the FBI. In that conversation, the CHS recollected three conversations he had with Mykola Zlochevsky sometime between late 2015 and 2019.
- The CHS explicitly noted he could not provide an “opinion as to the veracity of Zlochevsky’s aforementioned statements.” He added that it is “very common for businessmen in post-Soviet countries to brag or show-off.”
- In one of these conversations, which took place sometime in 2016, the CHS recalled Mr. Zlochevsky told him: “It cost 5 (million) to pay one Biden, and 5 (million) to another Biden.” The CHS added that he “understood” this to mean Mr. Zlochevsky was saying he paid Hunter and Joe Biden “presumably to ‘deal with Shokin.’”
- Three days after his original interview, on June 29, 2020, the CHS provided additional information and stated Mr. Zlochevsky had claimed to have “recordings [that] evidence Zlochevsky was somehow coerced into paying the Bidens to ensure Ukraine Prosecutor General Viktor Shokin was fired.”

The 2020 FBI Form FD-1023 was generated as part of an assessment conducted by the Federal Bureau of Investigation (FBI) and U.S. Attorney Scott Brady at the request of then-Attorney General Barr to review information and allegations from Rudy Giuliani

- According to [public reporting](#) and a June 5, 2023, [FBI briefing](#), 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 Burisma and to examine information Mr. Giuliani collected in Ukraine.
- The information received from Mr. Giuliani triggered a broader investigative effort, formally an “assessment,” led by U.S. Attorney Brady. As part of this effort, prosecutors and FBI agents reviewed relevant suspicious activity reports (SARs) filed by banks and identified and interviewed the 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.
- At the June 5, 2023, briefing, the FBI read an excerpt from the August 2020 memorandum closing Mr. Brady’s assessment. [Mr. Brady and high-level DOJ officials concurred in the decision to close the assessment.](#)
- According to both [Mr. Giuliani](#) and the FBI, much of the information that the CHS provided, including the allegation of a bribe, had previously been provided to Mr. Brady and his team by Mr. Giuliani.

Mr. Zlochevsky himself has explicitly and flatly denied that President Biden was ever involved in bribery of any kind or took any official action on behalf of Burisma

- During the 2020 presidential campaign, Mr. Giuliani engaged in a campaign to gather information damaging to the Biden family from Ukrainian sources in order to enhance Donald Trump's prospects for reelection in 2020. Mr. Giuliani passed on some of the [information from this campaign to Mr. Brady](#).
- As part of this effort, Mr. Giuliani [received evidence from Mr. Zlochevsky himself](#) that directly contradicts the allegations in the Form FD-1023. Specifically, Mr. Zlochevsky explained that "no one from Burisma ever had any contacts with VP Biden or people working for him" and that neither "VP Biden or his staff" assisted Mr. Zlochevsky or Burisma "in any way." This evidence was turned over to Congress—and made available to both Republicans and Democrats—by Mr. Giuliani's former associate, Lev Parnas, during former President Trump's first impeachment inquiry.
- Mr. Giuliani plainly understood that Mr. Zlochevsky's responses undermined the false claim that Mr. Zlochevsky bribed then-Vice President Biden. [According to Lev Parnas](#), who transmitted the responses to Mr. Giuliani, Mr. Zlochevsky's "answers gave us nothing – because there *was* nothing." Moreover, as Mr. Parnas wrote to Chairman Comer: "On reading Zlochevsky's reply, Giuliani turned red and yelled, 'What is this shit? This is bullshit. Make sure nobody sees this. Bury this.'"

Lev Parnas, Rudy Giuliani's former associate, admitted that no evidence has ever existed to support the bribery allegations in the Form FD-1023

- In July 2023, [Mr. Parnas sent a letter to Chairman Comer](#) "to share the information that I know to be true, so that we can lay to rest the conspiracy theories about Biden's supposed corruption in Ukraine once and for all." Mr. Parnas's letter completely contradicted the statements in the Form FD-1023 and the Republican conspiracy theory, based on his close firsthand knowledge of the relevant events.
- As [Mr. Parnas acknowledged](#): "Throughout all these months of work, the extensive campaigns and networking done by Trump allies and Giuliani associates, including the enormously thorough interviews and assignments that I undertook, **there has never been any evidence that Hunter or Joe Biden committed any crimes related to Ukrainian politics**. Never, during any of my communications with Ukrainian officials or connections to Burisma, did any of them confirm or provide concrete facts linking the Bidens to illegal activities. ... The truth is that everyone, from Giuliani and the BLT Team to Devin Nunes and his colleagues, to the people at FOX News, knew that these allegations against the Bidens were false. **There has never been any factual evidence, only conspiracy theories** spread by people who knew exactly what they were doing."

Devon Archer, Hunter Biden’s former business partner and fellow Burisma board member, also specifically denied that President Biden was involved in wrongdoing of any kind with respect to Burisma or took any action to benefit the company

- During his August 2023 [transcribed interview](#) before Oversight Committee Members and staff, Devon Archer, Hunter Biden’s former business associate and fellow Burisma board member, directly refuted the allegations in the Form FD-1023 and unequivocally rejected the notion that the form provides any evidence of wrongdoing by President Biden.
- Mr. Archer, who also served on the board of Burisma, explained that, as a member of Burisma’s board, he was [unaware of any \\$5 million payment to any Biden](#), much less any payment to then-Vice President Biden (pp. 111-112). He also dismissed the allegations in the Form FD-1023 as the kind of brag, exaggeration, and fib that are common among Ukrainian businessmen, and explicitly rejected the notion that they constituted “evidence that Joe Biden was bribed by Mykola Zlochevsky” (p. 112).
- Mr. Archer explained that the bipartisan and international effort to oust Mr. Shokin, Ukraine’s corrupt Prosecutor General, which then-Vice President Biden led, was “bad for Burisma” because the company had him “under control.” (pp. 106, 108).

Republicans, including former Attorney General Barr and Senator Johnson, who led Senate Republicans’ Burisma probe, also expressed skepticism about these allegations

- Senator Johnson, who, as then-Chairman of the Senate Homeland Security and Governmental Affairs Committee, led Senate Republicans’ 2020 investigation into the allegations involving Burisma, cast doubt on the truthfulness of Mr. Zlochevsky’s purported allegations: [“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.”](#)
- Then-Attorney General Barr warned in early 2020 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.”](#)
- Senator Grassley, who, as then-Chairman of the Senate Finance Committee, led the Senate’s 2020 investigation together with Senator Johnson, and who, together with Chairman Comer, [publicly released the FBI Form FD-1023](#), explicitly stated that he was [“not interested” in whether the accusations in the form “are accurate or not.”](#)