

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

LARRY KLAYMAN

A Florida Citizen and Elector

Plaintiff

v.

MICHAEL RUBENS BLOOMBERG

903 Third Avenue

New York, New York 10022-4731

and

**FLORIDA RIGHTS RESTORATION
COALITION, INC.**

c/o Registered Agent

Desmond Meade

4081 LB McLeod Road, Unit C

Orlando, Florida 32811

and

BIDEN FOR PRESIDENT

Treasurer Maju Varghese

Post Office Box 58178

Philadelphia, Pennsylvania 19102

and

BIDEN VICTORY FUND

Treasurer Joseph W. Smolskis

430 South Capitol Street SE

Washington, D.C. 20003

and

DEPARTMENT OF STATE

of the State of Florida,

Laurel M. Lee, Secretary

DIVISION OF ELECTIONS

R.A. Gray Building

500 South Bronough Street

Tallahassee, Florida 32399-0250

Case Number: _____

(Civil)

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

and

DEPARTMENT OF STATE
of the State of Florida,
Laurel M. Lee, Secretary
ELECTIONS CANVASSING COMMISSION
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Defendants

**EMERGENCY COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF TO
PREVENT ELECTION MISCONDUCT AND FRAUD AND ENFORCE FLORIDA'S
ELECTION LAW**

Plaintiff, LARRY KLAYMAN, a natural person who is a voter (elector) in the State of Florida, hereby sues the Defendants and state as follows. Plaintiff sues for election misconduct, fraud and other illegalities and the dilution of his vote, as well as other grounds as set forth below.

INTRODUCTION

1. This case arises from the announced decision by and project of MICHAEL RUBENS BLOOMBERG, working in concert with what is referred to below as the Bloomberg Defendants,¹ to pay the fines, restitution orders, and fees arising from criminal convictions of Floridians for the expressed, self-announced and self-described purpose of manipulating the November 3, 2020, general election by diluting the vote of Florida citizens.

2. The State of Florida will hold an election for state and federal offices on November 3, 2020, ("2020 general election").

¹ Note that other Michael Bloomborgs with different middle initials or in other states appear as donors in the Federal Election commission financial disclosure database.

3. The statements of the Bloomberg Defendants as set forth herein are public declarations made through themselves and/or their official public relations spokespersons for the express purpose in their context of having those statements widely and publicly disseminated and known to the general public.

4. The Bloomberg Defendants, acting in concert, are in the act of implementing pay-outs to pay the restitution obligations, criminal fines, and fees of felons not eligible to vote in Florida by the FLORIDA RIGHTS RESTORATION COALITION, Inc. (“The Project”) as their vehicle and instrumentality. Exhibit 1.

5. This Project is designed and spearheaded by Michael R. Bloomberg, as detailed in a memorandum (“Bloomberg Memorandum”) whose contents have been widely reported by *The Washington Post*.

6. As described in the Bloomberg Memorandum, The Project is intended to register to vote Florida citizens in order to illegally manipulate the election for President within Florida in and during the 2020 general election.

7. Showing that The Project is designed for the defeat of a candidate for federal office within the meaning of federal campaign finance laws and regulations, Bloomberg is simultaneously boasting and announcing, set forth in public announcements of The Project, that he is also spending an additional \$100 million in the State of Florida to defeat Donald Trump as a candidate for President of the United States and elect Joe Biden to become President for the 2020 to 2025 presidential term.

8. Because Bloomberg has announced his spending of \$100 million to defeat Donald Trump for re-election, the recipients of his largesse who are felons with voting rights restored will fully understand who the Bloomberg Defendants are inducing them to vote for on November

3, 2020 by paying their criminal fines to make them eligible to vote.

9. Michael R. Bloomberg has announced through his public relations agents for the obvious express purpose of public dissemination that he has raised \$16.2 million so far to pay the fines, restitution obligations, and fees of Florida felons, with those funds payable to the Defendant Florida Rights Restoration Coalition, Inc. to carry out what is in effect a racketeering enterprise intended to skew the voting of the upcoming presidential election on November 3, 2020.

10. That is, donations are ‘earmarked’ and designated at the direction of Bloomberg.

11. The design of The Project is Michael Bloomberg’s design, with conditions and criteria set by Michael Bloomberg, but implemented by the Florida Rights Restoration Council such that The Project is controlled by Bloomberg Defendants through Bloomberg’s designation of donations, as well as the other Democrat Defendants herein.

12. The foundation of The Project is to illegally circumvent the 2018 Amendment 4 to the Florida Constitution which by voter referendum altered the provisions of Article VI, Section 4 concerning disqualifications from the right to vote to allow felons to regain their right to vote in Florida elections including Floridians voting for national offices.

JURISDICTION AND VENUE

13. This Court has in personam jurisdiction over the out-of-state Defendants pursuant to Florida Statutes 48.193.

14. This Court has subject matter jurisdiction pursuant to Florida Statutes 104.168.

15. As the Florida Supreme Court has held that jurisdiction is proper in this court even with regard to federal issues:

We acknowledge that Miguel DeGrandy, et al., have questioned this Court's jurisdiction to proceed and have asserted that jurisdiction lies in the

federal district court. However, the reapportionment of state legislative bodies is not a power delegated by the Constitution of the United States to the federal government. Under the provisions of the Tenth Amendment to the United States Constitution, this is a power reserved to states. Of course, this Court is obligated to apply any applicable federal constitutional provisions and any federal statutes implementing these provisions.

In re: Constitutionality of Senate Joint Resolution 2G, Special Apportionment Session 1992, 601 So.2d 543 (Fla. 1992)

16. Here, in like manner, the States are responsible for the conduct of elections within their territory, not the federal government, even when election of federal officials is a consequence.

THE PARTIES

17. Plaintiff, Larry Klayman, is a citizen of the State of Florida and is a registered voter and thus an elector in the State of Florida. Mr. Klayman ran for the U.S. Senate from the State of Florida in 2003-2004. Klayman also participated in the Gore v. Bush election cases in 2000. Klayman is also the Founder, Chairman, and General Counsel of Freedom Watch, Inc. and before that Judicial Watch, Inc., which public interest group participated in the 2000 Gore v. Bush election litigation before this Honorable Court, Judge N. Sanders Sauls then presiding.

18. The unlawful acts and practices, which include but are not limited to the failure to adhere to Florida election law, fraud, misconduct and corruption as set forth herein dilute, subvert and thus nullify Mr. Klayman's vote and thus harm his rights as a Florida citizen and elector.

19. Defendant MICHAEL RUBENS BLOOMBERG is an individual natural person and a former Presidential candidate, who has listed his address at 903 Third Avenue, New York, New York 10022-4731 for the purpose of campaign finance disclosure requirements when donating funds to federal candidates, as shown in campaign finance reports published by the Federal Election Commission. Mr. Bloomberg is the founder and head of Bloomberg, Inc. and

its majority owner, and an extremely wealthy, successful businessman with a reported net worth of approximately \$50 billion.

20. The FLORIDA RIGHTS RESTORATION COALITION, Inc. is a corporation organized under the laws of the State of Florida and a corporate resident of Florida and is apparently, on information and belief, an IRS 501(3) tax-exempt organization because it states on one of its donation pages (donations being set up for different purposes) that donations to the Florida Rights Restoration Coalition, Inc. are tax deductible. Only IRS 501(c)(3) organizations can qualify for donations to be deducted from a donors' taxes at the federal level, which is apparently what the organization's website is referring to (federal and state income taxes, not just Florida state income taxes).

21. Some of the organization's activities appear to be focused on the efforts of helping incarcerated convicts upon release. Some of their efforts educate convicted felons of the ways in which they can seek a modification of their fines or fees. Now the organization's mission to subvert, acting in concert with the Bloomberg Defendants, the 2020 general election by implementing illegal means for felons, who are inclined to vote for Joe Biden and Kamala Harris for president, and those candidates who are opposed to strong law and order and the rule of law, much more the strictures of the Constitution.

22. However, a part of their efforts are focused on having donations pay for the fines and fees of convicted felons.

23. Defendants BIDEN FOR PRESIDENT and BIDEN VICTORY FUND are election campaign committees operated for the election of Joe Biden and Kamala Harris in the 2020 General Election for President and Vice President, respectively. These Defendants are involved in conspiring with and acting in concert to implement with the other Defendants The

Project.

24. The Plaintiff sues for the purpose of seeking relief the DIVISION OF ELECTIONS at the Florida DEPARTMENT OF STATE to enjoin the improper registration of voters through the Division of Elections as a result of the bribery of Florida voters who have been convicted as felons by the Bloomberg and other Defendants, as well as for a declaratory judgment.

25. The ELECTIONS CANVASSING COMMISSION of the Florida DEPARTMENT OF STATE is a necessary party.

26. The term "Bloomberg Defendants" as used herein constitute the Defendants other than the Florida Department of State.

GENERAL ALLEGATIONS

27. Plaintiff also sues all of the Defendants as a Florida citizen and elector for a declaratory judgment.

28. Plaintiff Klayman will cast his ballot to vote in the November 3, 2020, general election in Florida, including casting a vote for electors from the State of Florida to participate in the Electoral College to elect a President for the next four year term.

29. Under Section 97.021(14), Florida Statutes (2011), "Elector" is defined as "synonymous with the word 'voter' or 'qualified elector or voter'".

30. Plaintiff Klayman is a registered voter and thus elector in the State of Florida, having met the qualifications of Section 97.041(1)(a), Florida Statutes (2011).

31. Meanwhile, a report on September, 2020, by the U.S. Senate Committee on Homeland Security and Governmental Affairs and the U.S. Senate Committee on Finance Majority Staff Report further documented the illegal financial transactions between Joe Biden's

immediate family and businessmen and apparent agents of Russia, China, and the Ukraine. See attached, as Exhibit 3.

32. The Bloomberg Defendants are seeking to get criminals to vote for an alleged criminal who is alleged through official Senate reports to have participated in a Ukrainian money laundering racketeering enterprise with his son Hunter Biden. Joe Biden, they believe Biden will appeal to convicted felons in the Florida electorate.

33. Following the common, time-tested practice of paying bribes to spouses or children of public officials rather than directly to public office holders, some nations and interests of hostile nations have paid tens of millions of dollars or more in bribes to then Vice President Joe Biden through his family. See, Exhibit 3, attached.

34. The actions of the Bloomberg Defendants are explicitly announced and intended to dilute the votes of Klayman and others.

35. As reported by *The Washington Post* and widely in other news outlets:²

The money will fund a program organized by the Florida Rights Restoration Coalition to pay the fines, fees and restitution costs for former prisoners who are already registered to vote in Florida but barred by law from participating in the election because of those outstanding debts.

36. As explained in *The New York Post*, from comments by Congressman Matt Gaetz (R-Fla.)³

“Rep. Matt Gaetz warned billionaire Michael Bloomberg that he may be facing a criminal probe for paying the outstanding fines

² Michael, Scherer, “Mike Bloomberg raises \$16 million to allow former felons to vote in Florida,” *The Washington Post*, September 22, 2020, https://www.washingtonpost.com/politics/mike-bloomberg-raises-16-million-to-allow-former-felons-to-vote-in-florida/2020/09/21/6dda787e-fc5a-11ea-8d05-9beaaa91c71f_story.html

³ Emily Jacobs, “Rep. Matt Gaetz: Bloomberg may face criminal probe for paying felons’ fines,” *The New York Post*, September 23, 2020, <https://nypost.com/2020/09/23/rep-gaetz-bloomberg-may-face-criminal-probe-for-paying-felons-fines/>

and fees of 32,000 convicted felons in Florida so they could regain their right to vote ahead of the November election.

Speaking to Fox News' "Hannity" Tuesday evening, Gaetz (R-Fla.) said he had spoken to Florida Attorney General Ashley Moody prior to his appearance on the show about Bloomberg's voter effort in the Sunshine State.

On Tuesday, it was reported that the former NYC mayor had raised over \$16 million for, and donated \$5 million to,⁴ the Florida Rights Restoration Coalition.

"[Under Florida law] it's a third-degree felony for someone to either directly or indirectly provide something of value to impact whether or not someone votes. So the question is whether or not paying off someone's fines and legal obligations counts as something of value, and it clearly does. If Michael Bloomberg was offering to pay off people's credit card debts, you would obviously see the value in that."

"When you improve someone's net worth by eliminating their financial liabilities, that's something of value. Normally, it would be very difficult to prove that that was directly linked to impacting whether or not someone was going to vote. But they literally wrote their own admission," the Florida Republican argued, referencing a Washington Post report.

A memo from the Bloomberg team, obtained Tuesday by the newspaper, explained that the billionaire businessman saw the effort as "a more cost-effective way of adding votes to the Democratic column than investing money to persuade voters who already have the right to vote."

"We have identified a significant vote share that requires a nominal investment. The data shows that in Florida, Black voters are a unique universe unlike any other voting bloc, where the Democratic support rate tends to be 90%-95%," the memo read. Gaetz argued that the memo helped prove that this could be viewed as bribery.

"The law is clear, this is something of value, and I am encouraged after my conversation with the attorney general. I hope we have good law enforcement all over the country looking for the cheating

⁴ Apparently meaning that Michael Bloomberg donated another \$5 million of his own money in addition to arranging donations by \$16 million by others or that \$5 million of the \$16 million was his money

and the tricks that these Democrats are going to try in this election,” he told the network.

In addition to the millions that Bloomberg delivered to helping felons regain their right to vote, the one-time presidential candidate announced a \$100 million push for Democratic presidential nominee Joe Biden in the state earlier this month.

When announcing the move, Bloomberg adviser Kevin Sheekey argued that it was beneficial to other swing states as well.

“Voting starts on Sept. 24 in Florida so the need to inject real capital in that state quickly is an urgent need. Mike believes that by investing in Florida it will allow campaign resources and other Democratic resources to be used in other states, in particular the state of Pennsylvania,” Sheekey, who served as campaign manager during Bloomberg’s 2020 run, said in a statement.

A spokesperson for Bloomberg could not immediately be reached for comment. Exhibit 2

37. The Project was explained and set forth in a memorandum of the plan, described by those who have read it as follows, as *The Washington Post* explained: ⁵

Bloomberg, who has committed at least \$100 million to electing Biden in the state, raised the money from individuals and foundations over the past week, his advisers said. He saw the donations as a more cost-effective way of adding votes to the Democratic column than investing money to persuade voters who already have the right to vote, *a Bloomberg memo said*.

(Emphasis added).

38. *The Washington Post* went on to further explain the contents of Bloomberg’s memorandum about this project:

It said Florida voters have largely already made up their minds about the November election, leaving “only a small margin of voters that are targets for persuasion.”

⁵ Michael, Scherer, “Mike Bloomberg raises \$16 million to allow former felons to vote in Florida,” *The Washington Post*, September 22, 2020, https://www.washingtonpost.com/politics/mike-bloomberg-raises-16-million-to-allow-former-felons-to-vote-in-florida/2020/09/21/6dda787e-fc5a-11ea-8d05-9beaaa91c71f_story.html

“We know to win Florida we will need to persuade, motivate and add new votes to the Biden column,” the document read. “This means we need to explore all avenues for finding the needed votes when so many votes are already determined.”

(Emphasis added).

39. Bloomberg’s project was publicly explained by his official spokesman as follows:

Bloomberg’s advisers identified that group as both likely to vote for Biden and more likely to vote than other groups of former felons.

“Mike wanted to get this done for two reasons,” said a Bloomberg adviser, who spoke on the condition of anonymity to discuss private conversations. “One, because it’s the right thing to do for the democracy. And two, because it immediately activates tens of thousands of voters who are predisposed to vote for Joe Biden.”

Bloomberg aides said the former New York mayor, who is worth more than \$50 billion, had raised the money for this effort from others and that the sum would not count against the \$100 million or more he has personally committed to spend on behalf of Biden in the state.

See Footnote 5, supra. (Emphasis added)

40. The declared purpose of those donations and the use of those donations is to corrupt the 2020 Presidential election in Florida by paying the fines, orders of restitution, and fees of convicted felons for the express purpose of getting those felons to register to vote and to vote for alleged criminals like Joe Biden, now proven to have been involved in bribery with bribes funneled through his family from private businesses, private businessmen and oligarchs and government officials from Russia, China, and the Ukraine.

APPLICABLE LAW

41. As the U.S. Court of Appeals for the Eleventh Circuit has decided and explained in this area:

Like many other States, Florida has long prohibited convicted felons from voting. The first Constitution of Florida gave the legislature the power “to exclude . . . from the right of suffrage, all persons convicted of bribery, perjury, or other infamous crime.” Fla. Const. art. VI, § 4 (1838). The legislature exercised this power to disenfranchise those convicted of an “infamous crime” shortly after the Union admitted Florida in 1845. 1845 Fla. Laws 78. And until late 2018, the Constitution of Florida provided without qualification that “[n]o person convicted of a felony . . . shall be qualified to vote or hold office until restoration of civil rights.” Fla. Const. art. VI, § 4(a) (2018).

* * *

In 2018, the people of Florida amended their constitution to restore the voting rights of some felons. Amendment 4 began as a voter initiative that appeared on the general election ballot in November 2018. The amendment provides that “any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.” Fla. Const. art. VI, § 4(a). It does not apply to felons convicted of murder or a felony sexual offense. *Id.* § 4(a)–(b).

Shortly after Amendment 4 took effect, the Florida Legislature enacted a statute, Senate Bill 7066, to implement the amendment. This statute defined the phrase “[c]ompletion of all terms of sentence” in Amendment 4 to mean any portion of a sentence contained in the sentencing document, including imprisonment, probation, restitution, fines, fees, and costs. Fla. Stat. § 98.0751(2)(a). The Supreme Court of Florida later agreed with that interpretation and ruled that the phrase “all terms of sentence” includes all financial obligations imposed as part of a criminal sentence. *Advisory Opinion to the Governor re: Implementation of Amendment 4*, 288 So. 3d 1070, 1084 (Fla. 2020).

Kevin Lee Jones, et al. v. Governor of Florida, et al., U.S. Court of Appeals for the Eleventh Circuit, Record No. 20-12003, September 11, 2020.

As Judge Friendly explained, early American States may have based the practice on the Lockean understanding that those who break the social contract by committing a crime “have abandoned the right to participate in further administering the compact.” *Green v. Bd. of Elections*, 380 F.2d 445, 451 (2d Cir. 1967). And as a practical matter, “it can scarcely be deemed unreasonable for a state to decide that perpetrators of serious crimes shall not take part in electing the legislators who make the laws, the executives who

enforce these, the prosecutors who must try them for further violations, or the judges who are to consider their cases.” *Id.*

Id.

States may unquestionably require felons to complete their terms of imprisonment and parole before regaining the right to vote. *See Richardson*, 418 U.S. at 55–56; *Hayden*, 594 F.3d at 171. The reason for this difference is clear: requiring felons to complete their sentences is directly related to voting qualifications because imprisonment and parole are imposed as punishment for the crimes by which felons forfeited their right to vote.

Id.

**COUNT I – DECLARATORY JUDGMENT THAT DEFENDANTS’ VOTER
REGISTRATION DRIVE IS UNLAWFUL**

42. Plaintiff re-alleges and incorporates by reference the allegations and exhibits in paragraphs 1 through 41.

43. A party seeking declaratory relief must show that:

there is a bona fide, actual, present practical need for the declaration; that the declaration should deal with a present, ascertained or ascertainable state of facts or present controversy as to a state of facts; that some immunity, power, privilege or right of the complaining party is dependent upon the facts or the law applicable to the facts; that there is some person or persons who have, or reasonably may have an actual, present, adverse and antagonistic interest in the subject matter, either in fact or law; that the antagonistic and adverse interest are all before the court by proper process or class representation and that the relief sought is not merely the giving of legal advice by the courts or the answer to questions propounded from curiosity. *Santa Rosa County v. Admin. Comm’n, Div. of Admin. Hearings*, 661 So.2d 1190, 1192-93 (Fla.1995) (citations omitted).

Westport Recovery Corp. v. Midas, 954 So.2d 750, 752 (Fla. App., 2007)

44. As set forth in the allegations above, incorporated by reference as if set forth fully herein to avoid duplication, the Bloomberg Defendants are seeking to register to vote felons previously ineligible to vote in ways that are not permitted under Florida law.

45. There is a present dispute as to the applicable law and its application which

requires a declaratory judgment to declare the legal obligations and rights of the parties.

46. Plaintiff requests a declaratory judgment that purported ballots which are not from properly registered voters, here these formerly disqualified felons, must be sequestered from other ballots while this court considers the underlying issues.

47. Plaintiff requests a declaratory judgment that purported ballots which are not from properly registered voters, here these formerly disqualified felons, must not be counted.

48. Plaintiff requests a declaratory judgment that voter registrations which are not from properly eligible voters, here these formerly disqualified felons, be denied registration by the Department of State.

49. The Bloomberg Defendants have publicly admitted that they are engaging in “misconduct, fraud, or corruption” under Florida’s election laws, as alleged in detail above, under Bloomberg’s plan as set forth and admitted in the Bloomberg Memorandum reported on by *The Washington Post* which obtained the memo and other news outlets that reported on it.

50. The admitted conduct and plans of the Bloomberg Defendants call for a declaratory judgment that The Project and their illegal scheme violates Florida election law, specifically:

A. UNLAWFUL CONSIDERATION TO REGISTER TO VOTE

51. Pursuant to Florida Statutes 104.012, the project of the Bloomberg Defendants is a criminal violation by paying consideration to induce persons to register to vote.

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This section shall

not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and, upon any subsequent conviction, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

52. The Bloomberg Defendants openly and clearly state that they are undertaking to “give[] anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter....”

53. The very purpose and core of Bloomberg's plan is to relieve convicted felons of part of the punishment that was imposed as their sentence by paying fines and/or restitution orders which felons were sentenced to pay in lieu of additional time of imprisonment that would have otherwise be imposed for the conviction for crimes in Florida and other courts.

54. The very purpose and core of Bloomberg's plan is to pay the financial obligations of felons ineligible to vote in Florida to register them to vote in the 2020 general election.

55. The very purpose and core of the plan is to do what Florida Statutes 104.012 prohibits and makes a felony of the third degree.

B. CORRUPTLY INFLUENCING VOTING

56. Pursuant to Florida Statutes 104.061, the project of the Bloomberg Defendants is a criminal violation by paying money to corruptly influence voting.

104.061 Corruptly influencing voting.—

(1) Whoever by bribery, menace, threat, or other corruption whatsoever, either directly or indirectly, attempts to influence, deceive, or deter any elector in voting or interferes with him or her in the free exercise of the elector's right to vote at any election commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 for the first conviction, and a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for any subsequent conviction.

(2) No person shall directly or indirectly give or promise anything of value to another intending thereby to buy that person's or another's vote or to corruptly influence that person or another in casting his or her vote. Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, this subsection shall not apply to the serving of food to be consumed at a political rally or meeting or to any item of nominal value which is used as a political advertisement, including a campaign message designed to be worn by a person.

57. As set forth in the allegations above, incorporated by reference as if set forth fully herein to avoid duplication, the Bloomberg Defendants announce that they will “directly or indirectly give or promise anything of value to another intending thereby to ... corruptly influence that person or another in casting his or her vote.”

58. The Bloomberg Defendants are undertaking a project with the express purpose of corruptly influencing felons to register to vote and then vote for Bloomberg's preferred candidate for President, for whom Bloomberg has announced he will spend \$100 million in Florida to elect, Joe Biden.

C. PROHIBITED VOTE SELLING

59. Pursuant to Florida Statutes 104.045, the project of the Bloomberg Defendants is a criminal violation for persons in Florida to sell their vote for payment.

104.045 Vote selling.—Any person who:

- (1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or
- (2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

60. As set forth in the allegations above, incorporated by reference as if set forth fully herein to avoid duplication, the Bloomberg Defendants are asking felons to register to vote by the Bloomberg Defendants paying their fines and restitution orders and court fees and to vote in return for those financial payments for their chosen candidate Joe Biden.

61. The Bloomberg Defendants are asking felons currently ineligible to vote to sell their vote in return for the extinguishment of a debt, that debt being part of the punishment of their sentence with the felon is supposed to shoulder to fully serve their criminal sentence.

62. While the first clause of the statute may require a response from the voter to sell their vote, the second clause does not require any response from a voter.

D. PAYMENT FOR PROHIBITED PURPOSE

63. Pursuant to Florida Statutes 104.071, the project of the Bloomberg Defendants is a criminal violation by paying consideration to induce persons to register to vote.

104.071 Remuneration by candidate for services, support, etc.; penalty.—

- (1) It is unlawful for any person supporting a candidate, or for any candidate, in order to aid or promote the nomination or election of such candidate in any election, directly or indirectly to:

(a) Promise to appoint another person, promise to secure or aid in securing appointment, nomination or election of another person to any public or private position, or to any position of honor, trust, or emolument, except one who has publicly announced or defined what his or her choice or purpose in relation to any election in which he or she may be called to take part, if elected.

(b) Give, or promise to give, pay, or loan, any money or other thing of value to the owner, editor, publisher, or agent, of any communication media, as well as newspapers, to advocate or oppose, through such media, any candidate for nomination in any election or any candidate for election, and no such owner, editor, or agent shall give, solicit, or accept such payment or reward. It shall likewise be unlawful for any owner, editor, publisher, or agent of any poll-taking or poll-publishing concern to advocate or oppose through such poll any candidate for nomination in any election or any candidate for election in return for the giving or promising to give, pay, or loan any money or other thing of value to said owner, editor, publisher, or agent of any poll-taking or poll-publishing concern.

(c) Give, pay, expend, or contribute any money or thing of value for the furtherance of the candidacy of any other candidate.

(d) Furnish, give, or deliver to another person any money or other thing of value for any purpose prohibited by the election laws.

This subsection shall not prohibit a candidate from furnishing complimentary tickets to the candidate's campaign fund raiser to other candidates.

(2) A candidate may give his or her own personal or business funds to another candidate, so long as the contribution is not given in exchange for a promise or expectation that the recipient will directly or indirectly do anything to aid or promote the candidacy of the contributor which the recipient would not have otherwise done.

(3) Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, and from and after conviction shall be disqualified to hold office.

64. This section prohibits the Bloomberg Defendants so that they may not “(1)(d)Furnish, give, or deliver to another person any money or other thing of value for any purpose prohibited by the election laws.”

65. The admitted purpose of the Bloomberg Defendants’ project and their actual actions is to “furnish, give or deliver” to felons not currently eligible to vote money or other thing of value (such as the extinguishment of a debt) for the purpose of bribing those restored voters, inducing them to register to vote and to vote for Joe Biden.

66. The Bloomberg Defendants’ actions are to “furnish, give or deliver” to felons not currently eligible to vote money or other thing of value (such as the extinguishment of a debt) to further corruption of the 2020 general election as prohibited by the statutes identified in Count I, Count II, and Count III above.

E. AIDING, ABETTING, CONSPIRING

67. Pursuant to Florida Statutes 104.091, The Project of the Bloomberg Defendants actions are a criminal violation by aiding, abetting, advising, or conspiring a violation of the election code:

104.091 Aiding, abetting, advising, or conspiring in violation of the code.—

- (1) Any person who knowingly aids, abets, or advises the violation of this code shall be punished in like manner as the principal offender.
- (2) Any person who agrees, conspires, combines, or confederates with another person to commit a violation of this code shall be

punished as if he or she had committed the violation.

(3) Any person who knows of a felony violation of this code and gives any aid to the offender who has violated this code, with intent that the offender avoid or escape detection, arrest, trial, or punishment, shall be punished as if he or she had committed the violation.

This subsection does not prohibit a member of The Florida Bar from giving legal advice to a client.

68. The Bloomberg Defendants admit that they are aiding, abetting, advising, and conspiring with and to one another, and particularly with and to the Florida Rights Restoration Coalition, Inc. to violate the election laws set forth in Counts I, II, and III above.

COUNT II – COMPLAINT OF MISCONDUCT, FRAUD OR CORRUPTION

69. Plaintiff re-alleges and incorporates by reference the allegations and exhibits in paragraphs 1 through 68.

70. Pursuant to Florida Statutes 102.168(3), a complaint can be filed on the grounds of:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

* * *

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

71. Within the meaning of Florida Statutes 102.168(3)(3), "elector" means any voter, including the felons whom the Bloomberg Defendants seek to register to vote to vote in the 2020

General Election by paying their fines and/or restitution orders and fees.

72. Therefore, Larry Klayman as a Florida elector may bring this challenge.

73. Pursuant to Florida Statutes 102.168(1), a complaint can be filed by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

74. Under Florida Election Code section 102.168(1), "the certification of election or nomination of any person to office... may be contested in the circuit court... by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively."

75. Under the laws set forth in Count I, *supra*, set forth in sections A through E, Bloomberg's project violates numerous Florida election laws.

76. These violations of law will corrupt the outcome of the 2020 general election by introducing as many as 32,000 ballots from ineligible voters, a sufficient quantity to change the outcomes of the general election.

77. However, if this project by the Bloomberg Defendants is not enjoined ahead of time, or the questioned votes sequestered, it will be impossible to unravel the votes of felons unqualified to vote after they are dumped into the pool of all secret ballots.

78. Unless this court either orders all ballots by felons whose rights have been allegedly restored sequestered from other ballots or enjoins the registration of such felons allegedly restored, there will be no possible relief from this illegal corruption of the 2020 General Election. No one will know which ballots are improper and tainted.

79. Florida Statute 102.168 applies, including because Joe Biden has been officially nominated within the Florida 2020 General Election for President of the United States.

80. Under Title 11 of the Code of Federal Regulations, federal election regulations affirm this exact understanding, declaring unopposed nominees elected on the date on which the

primary election was held by the state:

"With respect to any major party candidate who is unopposed for nomination within his or her own party, and who is certified to appear as that party's nominee in the general election for the office sought, the primary election is considered to have occurred on the date on which the primary election was held by the candidate's party in that State."

11 C.F. R. 100.2(C)(5).

81. Therefore, the statute applies.

REQUEST FOR IMMEDIATE HEARING

82. Plaintiff has a clear legal right to insist and seek to enforce as a voter and elector registration of only qualified voters and that votes not be cast in the 2020 general election by those legally eligible to vote.

83. Plaintiff has no adequate remedy other than as pled herein without a temporary restraining order or temporary injunction because if ineligible Florida felons are registered to vote and they do vote, their secret ballots will be co-mingled with all other ballots and it will be impossible to later correct this situation by retrieving and withdrawing those ballots.

84. All conditions precedent to this action have occurred, have been excused, or have been waived.

85. Plaintiff therefore requests an immediate hearing and that this case be given priority over other pending cases. Specifically, Plaintiff requests that an initial hearing in this matter be immediately set due to the important and public concern regarding this matter.

WHEREFORE, Plaintiff Larry Klayman, respectfully requests that the Court:

- a. Issue a declaratory judgment and enjoin the Division of Elections from accepting the voter registrations of those not eligible under the legal criteria identified above.

- b. Issue a declaratory judgment and enjoin the Election Canvassing Commission from allowing the acceptance of ballots from those not eligible under the legal criteria identified above.
- c. Issue a declaratory judgment and enjoin the Election Canvassing Commission to keep sequestered from mingling with other ballots the ballots from those not eligible under the legal criteria identified above.
- d. Declare that the actions of the Bloomberg Defendants are unlawful and that the felons registered to vote through this scheme are not eligible to vote.
- e. Grant any further relief as the Court deems appropriate including entertaining the immediate discovery, including written interrogatories, requests to produce, requests for admissions and videotaped depositions into the allegations of this Complaint and an expeditious evidentiary hearing.
- f. Plaintiff reserves the right to amend this Complaint as more evidence emerges through discovery and otherwise concerning the fraud, misconduct and corruption of Bloomberg Defendant as alleged herein.

Dated: September 29, 2020

Respectfully Submitted,

/s/ Larry Klayman
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EXHIBIT 1

The Washington Post

Mike Bloomberg raises \$16 million to allow former felons to vote in Florida

September 22, 2020 at 10:30 a.m. EDT

Former New York mayor Mike Bloomberg and his team have raised more than \$16 million to pay the court fines and fees of nearly 32,000 Black and Hispanic Florida voters with felony convictions, an effort aimed at boosting turnout for Democratic presidential candidate [Joe Biden](#).

The money will fund a program organized by the Florida Rights Restoration Coalition to pay the fines, fees and restitution costs for former prisoners who are already registered to vote in Florida but barred by law from participating in the election because of those outstanding debts.

Bloomberg, who has [committed at least \\$100 million](#) to electing Biden in the state, raised the money from individuals and foundations over the past week, his advisers said. He saw the donations as a more cost-effective way of adding votes to the Democratic column than investing money to persuade voters who already have the right to vote, a Bloomberg memo said.

“We have identified a significant vote share that requires a nominal investment,” the memo read. “The data shows that in Florida, Black voters are a unique universe unlike any other voting bloc, where the Democratic support rate tends to be 90%-95%.”

The memo noted that Biden was polling worse among Cuban American voters than Hillary Clinton, the 2016 nominee, while winning other Hispanic groups by a margin of 3 to 1.

The Florida Rights Restoration Coalition is a nonpartisan group that has been fundraising to return all former felons in the state to the voting rolls. Desmond Meade, the group’s president, said the group does not share Bloomberg’s goal of empowering only one political side in the upcoming election.

“Different people may give for different reasons, but we are in this for one reason, and that reason is to place people over politics,” Meade said. “We are concerned with people from all walks of life, from all sorts of politics.”

He said that through separate efforts, his organization has raised about \$7 million from about 44,000 donors to help pay the debts of citizens with felony convictions so they can return to the voting rolls. The average debt, the group said, is about \$1,000.

After organizing by Meade's group, Florida voters passed a statewide constitutional amendment in 2018 that gave former felons, except those convicted of murder or felony sexual offenses, the opportunity to vote in upcoming elections. The Republican-controlled legislature subsequently passed, and the Republican governor signed, a law that conditioned their return to the voting rolls on the payment of all fees, fines and restitution that were part of their sentence.

Subsequent court challenges upheld the power of the legislature to condition voting rights on the payment of debts by former felons. Judge Barbara Lagoa, who is under consideration by President Trump as a possible replacement for Supreme Court justice Ruth Bader Ginsburg, cast a concurring opinion on the 11th Circuit Court of Appeals upholding the state law requiring payment of debts.

The Republican effort is expected to limit what some viewed as a political benefit to Democrats of the constitutional change, which passed by ballot initiative with 65 percent support. A study by the University of Florida found that nearly 775,000 former felons still owed money related to their convictions and would be barred from the voting booth by the law. The vast majority are too poor to pay their outstanding debts, according to evidence presented in court documents challenging the law.

Several philanthropic groups, including a nonprofit founded by the professional basketball player LeBron James, have since committed donations to pay the owed money. The Bloomberg effort, which his aides said will be pooled with about \$5 million already raised by the Florida Rights Restoration Coalition, is narrowly focused only on Black and Hispanic voters who are already registered to vote and whose debts are less than \$1,500.

Bloomberg's advisers identified that group as both likely to vote for Biden and more likely to vote than other groups of former felons.

"Mike wanted to get this done for two reasons," said a Bloomberg adviser, who spoke on the condition of anonymity to discuss private conversations. "One, because it's the right thing to do for the democracy. And two, because it immediately activates tens of thousands of voters who are predisposed to vote for Joe Biden."

Bloomberg aides said the former New York mayor, who is worth more than \$50 billion, had raised the money for this effort from others and that the sum would not count against the \$100 million or more he has personally committed to spend on behalf of Biden in the state.

The Bloomberg memo pointed out that the 31,790 targeted voters, including 25,548 who are Black, are nearly equivalent to the margin by which Gov. Ron DeSantis (R) won election in 2018, and about three times as big as the margin that elected Sen. Rick Scott (R-Fla.) that same year.

It said Florida voters have largely already made up their minds about the November election, leaving “only a small margin of voters that are targets for persuasion.”

“We know to win Florida we will need to persuade, motivate and add new votes to the Biden column,” the document read. “This means we need to explore all avenues for finding the needed votes when so many votes are already determined.”

Meade said his group would be in charge of spending the money raised by Bloomberg and will continue fundraising to enfranchise more Floridians with felony convictions.

“No person really dictates how we are operating,” he said.

Updated September 26, 2020

Election 2020: What to know

Polling from The Washington Post and ABC News shows tight races in Florida and Arizona, as the national economy, despite its weakened state, remains President Trump’s strongest issue.

How to vote: Find out the rules in your state. Some states have already started sending out mail ballots; see how to make sure yours counts.

Absentee and mail ballots are two terms for the same thing, mostly used interchangeably. Barring a landslide, we may not have a result in the presidential election on Nov. 3. Are you running into voting problems? Let us know.

Electoral college map: Who actually votes, and who do they vote for?

Explore how shifts in turnout and voting patterns for key demographic groups could affect the presidential race.

Policy: Where Biden and Trump stand on key issues defining the election.

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EXHIBIT 2

NEWS

Rep. Matt Gaetz: Bloomberg may face criminal probe for paying felons' fines

By [Emily Jacobs](#)

See

Rep. Matt Gaetz warned billionaire Michael Bloomberg that he may be facing a criminal probe for [paying the 32,000 convicted felons](#) in Florida so they could regain their right to vote ahead of the November election.

[Speaking to Fox News' "Hannity"](#) Tuesday evening, Gaetz (R-Fla.) said he had spoken to Florida Attorney General Jeff Sessions during his appearance on the show about Bloomberg's voter effort in the Sunshine State.

On Tuesday, it was reported that the former NYC mayor had raised over \$16 million for, and donated \$5 million to, the Florida Restoration Coalition.

Bloomberg's push would benefit ex-cons as part of a 2018 state constitutional amendment allowing felons to regain their right to vote.



Michael Bloomberg

Getty Images

Before they can regain that right, however, they need to pay any fines, fees or restitution.

In a statement to Axios, a representative for Bloomberg said, “The right to vote is fundamental to our democracy. We are determined to end the discrimination that has always driven it.”

To Gaetz and Moody, however, there are legal concerns regarding Bloomberg’s political spending in this special election.

“I believe there may be a criminal investigation already underway of the Bloomberg-connected activities in Florida,” Gaetz said on Fox News’ Hannity.

“[Under Florida law] it’s a third-degree felony for someone to either directly or indirectly provide something c not someone votes. So the question is whether or not paying off someone’s fines and legal obligations coun clearly does. If Michael Bloomberg was offering to pay off people’s credit card debts, you would obviously se

“When you improve someone’s net worth by eliminating their financial liabilities, that’s something of value. N to prove that that was directly linked to impacting whether or not someone was going to vote. But they litera the Florida Republican argued, referencing [a Washington Post report](#).

 **Matt Gaetz**

Matt Gaetz

Getty Images

A memo from the Bloomberg team, obtained Tuesday by the newspaper, explained that the billionaire busin more cost-effective way of adding votes to the Democratic column than investing money to persuade voters vote.”

“We have identified a significant vote share that requires a nominal investment. The data shows that in Floric universe unlike any other voting bloc, where the Democratic support rate tends to be 90%-95%,” the memo |

Gaetz argued that the memo helped prove that this could be viewed as bribery.

“The law is clear, this is something of value, and I am encouraged after my conversation with the attorney ge enforcement all over the country looking for the cheating and the tricks that these Democrats are going to tr network.

In addition to the millions that Bloomberg delivered to helping felons regain their right to vote, the one-time | announced [a \\$100 million push for Democratic presidential nominee Joe Biden](#) in the state earlier this mont

When announcing the move, Bloomberg adviser Kevin Sheekey argued that it was beneficial to other swing

“Voting starts on Sept. 24 in Florida so the need to inject real capital in that state quickly is an urgent need. M in Florida it will allow campaign resources and other Democratic resources to be used in other states, in part

9/29/2020

Rep. Gaetz: Bloomberg may face criminal probe for paying felons' fines

Pennsylvania,” Sheekey, who served as campaign manager during Bloomberg’s 2020 run, said in a statement.

A spokesperson for Bloomberg could not immediately be reached for comment.

FILED UNDER 2020 PRESIDENTIAL ELECTION, FLORIDA, JOE BIDEN, MATT GAETZ, MICHAEL BLOOMBERG, 9/23/20

EXHIBIT 3

**Hunter Biden, Burisma,
and Corruption:
The Impact on U.S.
Government Policy and
Related Concerns**

**U.S. Senate Committee on Homeland
Security and Governmental Affairs**

**U.S. Senate Committee on Finance
Majority Staff Report**

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I. EXECUTIVE SUMMARY

In late 2013 and into 2014, mass protests erupted in Kyiv, Ukraine, demanding integration into western economies and an end to systemic corruption that had plagued the country. At least 82 people were killed during the protests, which culminated on Feb. 21 when Ukrainian President Viktor Yanukovich abdicated by fleeing the country. Less than two months later, over the span of only 28 days, significant events involving the Bidens unfolded.

On April 16, 2014, Vice President Biden met with his son's business partner, Devon Archer, at the White House. Five days later, Vice President Biden visited Ukraine, and he soon after was described in the press as the "public face of the administration's handling of Ukraine." The day after his visit, on April 22, Archer joined the board of Burisma. Six days later, on April 28, British officials seized \$23 million from the London bank accounts of Burisma's owner, Mykola Zlochevsky. Fourteen days later, on May 12, Hunter Biden joined the board of Burisma, and over the course of the next several years, Hunter Biden and Devon Archer were paid millions of dollars from a corrupt Ukrainian oligarch for their participation on the board.

The 2014 protests in Kyiv came to be known as the Revolution of Dignity — a revolution against corruption in Ukraine. Following that revolution, Ukrainian political figures were desperate for U.S. support. Zlochevsky would have made sure relevant Ukrainian officials were well aware of Hunter's appointment to Burisma's board as leverage. Hunter Biden's position on the board created an immediate potential conflict of interest that would prove to be problematic for both U.S. and Ukrainian officials and would affect the implementation of Ukraine policy.

The Chairmen's investigation into potential conflicts of interest began in August 2019, with Chairman Grassley's letter to the Department of Treasury regarding potential conflicts of interest with respect to Obama administration policy relating to the Henniges transaction.¹ During the Obama administration, the Committee on Foreign Investment in the United States (CFIUS) approved a transaction that gave control over Henniges, an American maker of anti-vibration technologies with military applications, to a Chinese government-owned aviation company and a China-based investment firm with established ties to the Chinese government. One of the companies involved in the Henniges transaction was a billion-dollar private investment fund called Bohai Harvest RST (BHR). BHR was formed in November 2013 by a merger between the Chinese-government-linked firm Bohai Capital and a company named Rosemont Seneca Partners. Rosemont Seneca was formed in 2009 by Hunter Biden, the son of then-Vice President Joe Biden, by Chris Heinz, the stepson of former Secretary of State John Kerry, and others.²

¹ Press Release, Chairman Charles Grassley, S. Comm. on Fin., Grassley Raises Concerns Over Obama Admin Approval of U.S. Tech Company Joint Sale to Chinese Government and Investment Firm Linked to Biden, Kerry Families (Aug. 15, 2019), <https://www.finance.senate.gov/chairmans-news/grassley-raises-concerns-over-obama-admin-approval-of-us-tech-company-joint-sale-to-chinese-government-and-investment-firm-linked-to-biden-kerry-families>.

² Peter Schweizer, *Inside the Shady Private Equity Firm Run by Kerry and Biden's Kids*, NEW YORK POST (Mar. 15, 2018), <https://nypost.com/2018/03/15/inside-the-shady-private-equity-firm-run-by-kerry-and-bidens-kids/>; Peter Schweizer, *The Troubling Reason Why Biden is so Soft on China*, NEW YORK POST (May 11, 2019), <https://nypost.com/2019/05/11/the-troubling-reason-why-biden-is-so-soft-on-china/>; Tom Llamas et al., *Biden Sidesteps Questions About His Son's Foreign Business Dealings but Promises Ethics Pledge*, ABC NEWS (June 20, 2019), <https://abcnews.go.com/Politics/biden-sidesteps-questions-foreign-business-dealings-promises/story?id=63820806> (Stating that Hunter Biden was a managing partner at Rosemont Seneca Partners.).

Access to relevant documents and testimony has been persistently hampered by criminal investigations, impeachment proceedings, COVID-19, and several instances of obstructive behavior. Accordingly, this investigation has taken longer than it should have. The Chairmen’s efforts have always been driven by our belief that the public has the right to know about wrongdoing and conflicts of interest occurring within government, and especially those conflicts brought about by the actions of governmental officials. This is a good-government oversight investigation that relies on documents and testimony from U.S. agencies and officials, not a Russian disinformation campaign, as our Democratic colleagues have falsely stated.

What the Chairmen discovered during the course of this investigation is that the Obama administration knew that Hunter Biden’s position on Burisma’s board was problematic and did interfere in the efficient execution of policy with respect to Ukraine. Moreover, this investigation has illustrated the extent to which officials within the Obama administration ignored the glaring warning signs when the vice president’s son joined the board of a company owned by a corrupt Ukrainian oligarch. And, as will be discussed in later sections, Hunter Biden was not the only Biden who cashed in on Joe Biden’s vice presidency.

This report not only details examples of extensive and complex financial transactions involving the Bidens, it also describes the quandary other U.S. governmental officials faced as they attempted to guide and support Ukraine’s anticorruption efforts. The Committees will continue to evaluate the information and evidence as it becomes available.

Key Findings

- In early 2015 the former Acting Deputy Chief of Mission at the U.S. Embassy in Kyiv, Ukraine, George Kent, raised concerns to officials in Vice President Joe Biden’s office about the perception of a conflict of interest with respect to Hunter Biden’s role on Burisma’s board. Kent’s concerns went unaddressed, and in September 2016, he emphasized in an email to his colleagues, **“Furthermore, the presence of Hunter Biden on the Burisma board was very awkward for all U.S. officials pushing an anticorruption agenda in Ukraine.”**
- In October 2015, senior State Department official Amos Hochstein raised concerns with Vice President Biden, as well as with Hunter Biden, that Hunter Biden’s position on Burisma’s board enabled Russian disinformation efforts and risked undermining U.S. policy in Ukraine.
- Although Kent believed that Hunter Biden’s role on Burisma’s board was awkward for *all* U.S. officials pushing an anti-corruption agenda in Ukraine, the Committees are only aware of two individuals — Kent and former U.S. Special Envoy and Coordinator for International Energy Affairs Amos Hochstein — who raised concerns to Vice President Joe Biden (Hochstein) or his staff (Kent).
- The awkwardness for Obama administration officials continued well past his presidency. Former Secretary of State John Kerry had knowledge of Hunter Biden’s role on

Burisma's board, but when asked about it at a town hall event in Nashua, N.H. on Dec. 8, 2019, Kerry falsely said, "I had no knowledge about any of that. None. No." Evidence to the contrary is detailed in Section V.

- Former Assistant Secretary of State for European and Eurasian Affairs Victoria Nuland testified that confronting oligarchs would send an anticorruption message in Ukraine. Kent told the Committees that Zlochevsky was an "odious oligarch." However, in December 2015, instead of following U.S. objectives of confronting oligarchs, Vice President Biden's staff advised him to avoid commenting on Zlochevsky and recommended he say, "I'm not going to get into naming names or accusing individuals."
- Hunter Biden was serving on Burisma's board (supposedly consulting on corporate governance and transparency) when Zlochevsky allegedly paid a \$7 million bribe to officials serving under Ukraine's prosecutor general, Vitaly Yarema, to "shut the case against Zlochevsky." Kent testified that this bribe occurred in December 2014 (seven months after Hunter joined Burisma's board), and, after learning about it, he and the Resident Legal Advisor reported this allegation to the FBI.
- Hunter Biden was a U.S. Secret Service protectee from Jan. 29, 2009 to July 8, 2014. A day before his last trip as a protectee, Time published an article describing Burisma's ramped up lobbying efforts to U.S. officials and Hunter's involvement in Burisma's board. Before ending his protective detail, Hunter Biden received Secret Service protection on trips to multiple foreign locations, including Moscow, Beijing, Doha, Paris, Seoul, Manila, Tokyo, Mexico City, Milan, Florence, Shanghai, Geneva, London, Dublin, Munich, Berlin, Bogota, Abu Dhabi, Nairobi, Hong Kong, Taipei, Buenos Aires, Copenhagen, Johannesburg, Brussels, Madrid, Mumbai and Lake Como.
- Andrii Telizhenko, the Democrats' personification of Russian disinformation, met with Obama administration officials, including Elisabeth Zentos, a member of Obama's National Security Council, at least 10 times. A Democrat lobbying firm, Blue Star Strategies, contracted with Telizhenko from 2016 to 2017 and continued to request his assistance as recent as the summer of 2019. A recent news article detailed other extensive contacts between Telizhenko and Obama administration officials.
- In addition to the over \$4 million paid by Burisma for Hunter Biden's and Archer's board memberships, Hunter Biden, his family, and Archer received millions of dollars from foreign nationals with questionable backgrounds.
- Archer received \$142,300 from Kenges Rakishev of Kazakhstan, purportedly for a car, the same day Vice President Joe Biden appeared with Ukrainian Prime Minister Arsemy Yatsenyuk and addressed Ukrainian legislators in Kyiv regarding Russia's actions in Crimea.
- Hunter Biden received a \$3.5 million wire transfer from Elena Baturina, the wife of the former mayor of Moscow.

- Hunter Biden opened a bank account with Gongwen Dong to fund a \$100,000 global spending spree with James Biden and Sara Biden.
- Hunter Biden had business associations with Ye Jianming, Gongwen Dong, and other Chinese nationals linked to the Communist government and the People's Liberation Army. Those associations resulted in millions of dollars in cash flow.
- Hunter Biden paid nonresident women who were nationals of Russia or other Eastern European countries and who appear to be linked to an "Eastern European prostitution or human trafficking ring."

II. INTRODUCTION

The Senate Committee on Homeland Security and Governmental Affairs (HSGAC) and the Senate Committee on Finance undertook this investigation into potential conflicts of interest, and the involvement of the Biden family in foreign business ventures while Joe Biden was vice president, following allegations that the Obama administration's Ukraine policy could have been affected by Hunter Biden's position on the board of Burisma, and that family members may have improperly sought to benefit from their relationship with the vice president.

The first letter written regarding potential conflicts of interest was sent by Chairman Grassley on Aug. 14, 2019, relating to the Henniges transaction.³ That was an Obama-era Committee on Foreign Investment in the United States (CFIUS) approved transaction which gave control over Henniges, an American maker of anti-vibration technologies with military applications, to a Chinese government-owned aviation company and a China-based investment firm with established ties to the communist Chinese government. One of the companies involved in the Henniges transaction was a billion-dollar private investment fund called Bohai Harvest RST (BHR). BHR was reportedly formed in November 2013 by a merger between the Chinese government-linked firm Bohai Capital and a U.S. company named Rosemont Seneca Partners. Rosemont Seneca Partners was reportedly formed in 2009 by Hunter Biden, the son of then-Vice President Joe Biden, by Chris Heinz, the stepson of former Secretary of State John Kerry, and by others.⁴

The direct involvement of Hunter Biden and Heinz in the acquisition of Henniges by the Chinese government creates a potential conflict of interest. Both are directly related to high-ranking Obama administration officials. The Department of State, then under Mr. Kerry's leadership, is also a CFIUS member and played a direct role in the decision to approve the Henniges transaction. The appearance of a potential conflict of interest in this case was particularly troubling given Hunter Biden's history of investing in and collaborating with Chinese companies, including at least one that clearly poses significant national security concerns. This history with China precedes and follows the 2015 Henniges transaction. This report will discuss Hunter Biden's and Devon Archer's corporate entities and their links to the communist Chinese government in more detail.

In 2019, newly released documents, made public as a result of Freedom of Information Act (FOIA) requests and investigative reporting, brought fresh public attention and scrutiny to

³ See Press Release, Chairman Charles Grassley, S. Comm. on Fin., Grassley Raises Concerns Over Obama Admin Approval of U.S. Tech Company Joint Sale to Chinese Government and Investment Firm Linked to Biden, Kerry Families (Aug. 15, 2019), <https://www.finance.senate.gov/chairmans-news/grassley-raises-concerns-over-obama-admin-approval-of-us-tech-company-joint-sale-to-chinese-government-and-investment-firm-linked-to-biden-kerry-families>.

⁴ Peter Schweizer, *Inside the Shady Private Equity Firm Run by Kerry and Biden's Kids*, NEW YORK POST (Mar. 15, 2018), <https://nypost.com/2018/03/15/inside-the-shady-private-equity-firm-run-by-kerry-and-bidens-kids/>; Peter Schweizer, *The Troubling Reason Why Biden is so Soft on China*, NEW YORK POST (May 11, 2019), <https://nypost.com/2019/05/11/the-troubling-reason-why-biden-is-so-soft-on-china/>; Tom Llamas, et al., *Biden Sidesteps Questions About His Son's Foreign Business Dealings but Promises Ethics Pledge*, ABC NEWS (June 20, 2019), <https://abcnews.go.com/Politics/biden-sidesteps-questions-foreign-business-dealings-promises/story?id=63820806> (Stating that Hunter Biden was a managing partner at Rosemont Seneca Partners.).

potential conflicts of interest with respect to Ukraine policy in the Obama administration.⁵ Additionally, news reporting also raised questions about potential conflicts of interest with respect to Hunter Biden's business dealings in China, Ukraine and Russia while Joe Biden was serving as vice president.⁶ Accordingly, on Nov. 6, 2019, Chairman Grassley and Chairman Johnson wrote a letter to the Department of State regarding potential conflicts of interest due to Hunter Biden's position on the board of the corrupt Ukrainian gas company Burisma Holdings Limited while Vice President Biden was the "public face of the administration's handling of Ukraine."⁷

The Committees' investigation focused on determining whether Hunter Biden and Devon Archer sought to benefit financially from their relationship with then-Vice President Joe Biden or if they sought to influence U.S. policy in Ukraine on behalf of Burisma. Further, the Committees reviewed and evaluated the Obama administration's handling of Ukraine policy to determine whether policy decisions related to Ukraine and Burisma were improperly influenced by the employment and financial interests of family members of the administration.

For example, after joining Burisma's board, Biden and Archer subsequently requested meetings with senior State Department officials, including then-Secretary of State John Kerry and then-Deputy Secretary of State Antony Blinken.⁸ Further, a Democratic lobbying firm, Blue Star Strategies, working on behalf of Burisma, also invoked Hunter Biden's association with Burisma while requesting a meeting with then-Under Secretary of State Catherine Novelli to discuss matters of concern related to the Department of State's position that Burisma was a corrupt company.⁹

In 2016, Ukraine's top prosecutor, Viktor Shokin, had an active and ongoing investigation into Burisma and its owner, Mykola Zlochevsky.¹⁰ At the time, Archer and Hunter

⁵ See Alana Goodman, *John Kerry's son cut business ties with Hunter Biden over Ukrainian oil deal*, THE WASHINGTON EXAMINER (Aug. 27, 2019), <https://www.washingtonexaminer.com/politics/john-kerrys-son-cut-business-ties-with-hunter-biden-over-ukrainian-oil-deal>; see also John Solomon, *These once-secret memos cast doubt on Joe Biden's Ukraine story*, THE HILL (Sept. 26, 2019), <https://thehill.com/opinion/campaign/463307-solomon-these-once-secret-memos-cast-doubt-on-joe-bidens-ukraine-story>; Jessica Donati, *Firm Hired by Ukraine's Burisma Tried to Use Hunter Biden as Leverage, Documents show*, THE WALL STREET JOURNAL (Nov. 5, 2019), <https://www.wsj.com/articles/firm-hired-by-ukraines-burisma-tried-to-use-hunter-biden-as-leverage-documents-show-11573009615>.

⁶ Adam Entous, *Will Hunter Biden Jeopardize his Father's Campaign?*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>; Joseph Simonson, *Hunter Biden arranged meeting between father and Chinese business partner during vice presidential visit: Report*, THE WASHINGTON EXAMINER (July 1, 2019), <https://www.washingtonexaminer.com/news/hunter-biden-arrangement-of-fathers-meeting-with-chinese-business-partner-draws-scrutiny>; Ben Schreckinger, *Biden Inc.*, POLITICO (Aug. 2, 2019), <https://www.politico.com/magazine/story/2019/08/02/joe-biden-investigation-hunter-brother-hedge-fund-money-2020-campaign-227407>.

⁷ Press Release, Chairman Charles Grassley, S. Comm. on Fin., Johnson, Grassley Call for State Department to Release Documents on Hunter Biden and Burisma (Nov. 7, 2019), <https://www.grassley.senate.gov/news/news-releases/johnson-grassley-call-state-department-release-documents-hunter-biden-and-burisma>.

⁸ Emails between Hunter Biden and U.S. Dep't of St. employees (May 2015) (on file with Comms.), Email between U.S. Dep't of St. employees (Mar. 2, 2016) (on file with Comms.).

⁹ John Solomon, *Hunter Biden's Ukraine gas firm pressed Obama administration to end corruption allegations, memos show*, (Nov. 4, 2019), <https://johnsolomonreports.com/hunter-bidens-ukraine-gas-firm-pressed-obama-administration-to-end-corruption-allegations-memos-show/>.

¹⁰ Kenneth P. Vogel and Iuliia Mendel, *Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump Allies*, THE NEW YORK TIMES (May 1, 2019), <https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>; Oleg Sukhov,

Biden continued to serve on Burisma’s board of directors. According to news reports, then-Vice President Biden “threatened to withhold \$1 billion in United States loan guarantees if Ukraine’s leaders did not dismiss [Shokin].”¹¹ After that threat, Ukraine’s Parliament fired Shokin.

Pursuant to the scope of this investigation, the Committees requested relevant Obama administration records from several U.S. federal government agencies and interviewed current and former U.S. government officials with firsthand knowledge of the Obama administration’s handling of U.S. policy in Ukraine. The Committees sent requests for information to the Department of State, National Archives and Records Administration (NARA), Department of Justice, Federal Bureau of Investigation (FBI), U.S. Secret Service, Department of the Treasury, and the U.S. Democratic consulting firm Blue Star Strategies.¹² Accordingly, this investigation is based on Obama administration federal government records and records from a Democrat lobby shop, Blue Star Strategies.

Senate Resolution 70 gives HSGAC express authority “to study or investigate... the efficiency and economy of operations of all branches of the government, including the possible

Powerful suspects escape justice on Lutsenko’s watch, KYIV POST (Apr. 13, 2018), <https://www.kyivpost.com/ukraine-politics/powerful-suspects-escape-justice-lutsenkos-watch.html?cn-reloaded=1>.

¹¹ Kenneth P. Vogel and Iuliia Mendel, *Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump Allies*, THE NEW YORK TIMES (May 1, 2019), <https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>; Glen Kessler, *Correcting a media error: Biden’s Ukraine showdown was in December 2015*, THE WASHINGTON POST (Oct. 2, 2019), <https://www.washingtonpost.com/politics/2019/10/02/correcting-media-error-bidens-ukraine-showdown-was-december/> (Another report indicates that Vice President Biden made this threat in late 2015); Tim Hains, *FLASHBACK, 2018: Joe Biden Brags At CFR Meeting About Withholding Aid To Ukraine To Force Firing Of Prosecutor*, REALCLEARPOLITICS (Sept. 27, 2019), https://www.realclearpolitics.com/video/2019/09/27/flashback_2018_joe_biden_brags_at_cfr_meeting_about_withholding_aid_to_ukraine_to_force_firing_of_prosecutor.html. (Joe Biden was recorded, in a January 2018 appearance at the Council on Foreign Relations, bragging about threatening to withhold military aid to Ukraine in an attempt to force the Ukrainian government to fire Prosecutor General Viktor Shokin. Joe Biden is recorded bragging that in response to his threat to withhold the aid, “[w]ell son of a bitch. [Viktor Shokin] got fired.”).

¹² Letter from Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., and Chairman Charles Grassley, S. Comm. on Fin., to U.S. Dep’t of St. (Nov. 6, 2019), <https://www.hsgac.senate.gov/imo/media/doc/2019-11-06%20RHJ,%20CEG%20to%20Sec.%20Pompeo%20re%20Burisma%20Inquiry.pdf>; Letter from Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., and Chairman Charles Grassley, S. Comm. on Fin., to U.S. Dep’t of Just. (Sep. 27, 2019), <https://www.grassley.senate.gov/sites/default/files/2019-09-27%20CEG%20RHJ%20to%20DOJ%20%28Ukraine%20DNC%29.pdf>; Letter from Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., and Chairman Charles Grassley, S. Comm. on Fin., to U.S. Nat’l Archives and Records Administration (Nov. 21, 2019), <https://www.hsgac.senate.gov/imo/media/doc/2019-11-21%20RHJ,%20CEG%20to%20Archivist%20Ferriero%20re%20Records%20Request.pdf>; Letter from Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., and Chairman Charles Grassley, S. Comm. on Fin., to U.S. Dep’t of Just. and Fed. Bureau of Investigation (Nov. 22, 2019), <https://www.grassley.senate.gov/sites/default/files/documents/2019-11-22%20CEG%20RHJ%20to%20DOJ%20FBI%20%28Chalupa%20Records%29.pdf>; Letter from Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., and Chairman Charles Grassley, S. Comm. on Fin., to Blue Star Strategies (Dec. 3, 2019), <https://www.hsgac.senate.gov/imo/media/doc/2019-12-3%20RHJ,%20CEG%20to%20Blue%20Star%20Strategies%20re%20Burisma.pdf>; Letter from Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., and Chairman Charles Grassley, S. Comm. on Fin., to U.S. Secret Serv. (Feb. 5, 2020), <https://www.grassley.senate.gov/sites/default/files/documents/2020-02-05%20CEG%20RHJ%20to%20Secret%20Service%20%28Biden%20Travel%29.pdf>; Letter from Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., and Chairman Charles Grassley, S. Comm. on Fin., to U.S. Dep’t of St. (Apr. 30, 2020), [https://www.hsgac.senate.gov/imo/media/doc/2020-04-30%20RHJ%20CEG%20to%20State%20\(Ukraine%20Follow%20Up\).pdf](https://www.hsgac.senate.gov/imo/media/doc/2020-04-30%20RHJ%20CEG%20to%20State%20(Ukraine%20Follow%20Up).pdf); Letter from Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., and Chairman Charles Grassley, S. Comm. on Fin., to U.S. Dep’t of St. (Nov. 6, 2020), <https://www.hsgac.senate.gov/imo/media/doc/2019-11-06%20RHJ,%20CEG%20to%20Sec.%20Pompeo%20re%20Burisma%20Inquiry.pdf>.

existence of... corruption or unethical practices... [and] conflicts of interest.”¹³ The Committee on Finance has broad jurisdiction over the United States government and, specifically, the Department of Treasury and the Financial Crimes Enforcement Network (FinCEN), which includes oversight jurisdiction over potential financial crimes.¹⁴

¹³ S. Res. 70, 116th Cong. at 30 (2018), <https://www.congress.gov/116/bills/sres70/BILLS-116sres70ats.pdf>.

¹⁴ See U.S. S. Comm. on Fin., Jurisdiction, <https://www.finance.senate.gov/about/jurisdiction>.

III. CONFLICTS OF INTEREST

Federal regulation prohibits federal government employees from “us[ing] [] public office for [] private gain ... or for the private gain of ... relatives.”¹⁵ This regulation also seek “[t]o ensure that the performance of [] official duties does not give rise to an appearance of the use of public office for private gain or of giving preferential treatment[.]”¹⁶ This regulation, however, does not apply to the president or vice president.¹⁷

Other federal regulations require only the “consideration” of an appearance of a conflict of interest. “Where an employee ... knows that a person with whom he has a covered relationship [e.g.,] is or represents a party to [a particular matter involving specific parties], and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality on the matter, the employee should not participate in the matter unless he has informed [a designated superior] and received authorization[.]”¹⁸

According to the Office of Government Ethics (OGE), these rules and regulations help to ensure that federal employees “fulfill[] their responsibility to endeavor to act at all times in the public’s interest and avoid losing impartiality or appearing to lose impartiality in carrying out their official duties.”¹⁹ In the context of U.S. foreign policy, the Foreign Affairs Manual (FAM) sets forth the policies and procedures for State Department employees working abroad. The FAM includes ethical regulations that take into account foreign policy considerations and treaty and statutory obligations.²⁰ Specifically, when a U.S. citizen employee of the State Department²¹ is serving abroad and subject to the authority of that country’s Chief of Mission, that employee’s family members may be prohibited from employment or other outside activity in any foreign country if the Chief of Mission in that country determines it could damage the interests of the United States.²² The FAM also requires employees to bring any violations of the FAM or any other applicable regulations to the attention of the appropriate official.²³

Although OGE’s authority to investigate and recommend solutions to most employees for conflicts of interest issues is well-established, Congress did not extend this authority to the president and vice president in OGE’s establishment statute. This does not mean there is an absence of any authority to hold the President and Vice President accountable for conflict of interest issues; rather, it demonstrates that the responsibility for holding the President and Vice President responsible for conduct that implicates conflicts of interest lies elsewhere, namely, with Congress and the American people.

¹⁵ 5 C.F.R. § 2635.702.

¹⁶ *Id.* at § 2635.702(d).

¹⁷ *Id.* at § 2635.102.

¹⁸ *Id.* at § 2635.502.

¹⁹ Conflicts Analysis & Resolution, Office of Gov’t Ethics, https://www.oge.gov/web/oge.nsf/ethicsofficials_conflict-resolution.

²⁰ 3 FAM 4121.3.

²¹ The FAM rules referenced in this section apply to Foreign Service, Foreign Service National, and Civil Service employees. 3 FAM 4123.2-2; 3 FAM 4125.

²² 3 FAM 4125.

²³ 3 FAM 4139.13.

In certain instances, like self-dealing, the harm is plain. In others, the harm — a loss or apparent loss of impartiality — may be less concrete, but the effect is still the same.²⁴ When the impartiality of decision makers is drawn into question, it creates a chilling effect on the credibility of their decision-making processing and the ultimate decision. That, in turn, could undermine the effectiveness of U.S. policy. Although these consequences may sometimes be difficult to measure or quantify, they certainly have an effect, or else there would be little reason to regulate them in the first instance. In the context of foreign affairs, because these subtleties matter, the FAM provides the Chief of Mission with the discretion to make these assessments.

²⁴ The House of Representatives appears to think these issues matter. A House committee has been investigating President Trump and his family for “undisclosed conflicts of interest that may impair [the President’s] ability to make impartial policy decisions.” *Trump v. Mazars*, 140 S. Ct. 2019 (July 9, 2020) (Quoting Rep. Elijah Cummings, Chairman of the House Oversight Committee.).

IV. THE VICE PRESIDENT’S OFFICE AND STATE DEPARTMENT OFFICIALS WERE AWARE OF BUT IGNORED CONCERNS RELATING TO HUNTER BIDEN’S ROLE ON BURISMA’S BOARD.

a. Introduction

In early 2015, senior State Department official George Kent raised concerns to staff in the Office of the Vice President about Hunter Biden’s role on Burisma’s board. Kent testified that he never heard anything back from the vice president’s office, and although Kent advised that Hunter Biden should step down from Burisma’s board to avoid the perception of a potential conflict of interest, his recommendation was not followed.

Hunter Biden’s role on Burisma’s board continued to be an issue State Department officials had to manage when executing U.S. / Ukraine policy. More than a year after Kent reported his concerns to the vice president’s staff, he wrote to his superiors that Hunter Biden’s role on Burisma’s board was “very awkward” to those on the front lines pushing anticorruption efforts in Ukraine on a daily basis.²⁵ Kent testified that he felt the need to “prepar[e] everybody for ‘what about-ism,’ because we’re pushing what’s right ... and we have to be prepared for people who are critics, are opponents, to say, ‘Well, what about? What about Hunter Biden?’”²⁶ Indeed, Kent testified further that he “would have advised any American not to get on the board of Zlochevsky’s company.”²⁷ The Committees are also aware of at least one other senior State Department official, Amos Hochstein, who raised concerns directly to Vice President Biden about potential conflicts of interest relating to Hunter Biden’s role on Burisma’s board.²⁸ Although Hochstein declined to testify about the substance of his conversation with Vice President Biden,²⁹ the *New Yorker* reported that Hochstein “did not go so far as to recommend that Hunter leave the board.”³⁰ The Committees found that neither the Office of the Vice President nor the State Department ever took any action following these complaints.

b. In February 2015, Kent raised concerns about the perception of a conflict of interest regarding Hunter Biden’s role on Burisma’s board.

According to Kent, in early 2015 when he was still Acting Deputy Chief of Mission at the U.S. Embassy in Kyiv, he learned that Hunter Biden was on the board of Burisma.³¹ Kent stated, “[s]oon after that, in a briefing call with the National Security staff in the Office of the Vice President on other matters, in February 2015, I raised my concern that Hunter Biden’s status as a board member could create the perception of a conflict of interest.”³² Kent continued:

²⁵ Transcript of Interview at 224, S. Comm. on Fin. and S. Comm. on Homeland Sec. and Governmental Aff. Interview of George Kent (July 24, 2020). [Hereinafter George Kent Testimony].

²⁶ George Kent Testimony at 221.

²⁷ George Kent Testimony at 110.

²⁸ Transcript of Interview at 98, S. Comm. on Fin. and S. Comm. on Homeland Sec. and Governmental Aff. Interview of Victoria Nuland (Sept. 3, 2020). [Hereinafter Victoria Nuland Testimony].

²⁹ Amos Hochstein Testimony at 52-58.

³⁰ Adam Entous, *Will Hunter Biden Jeopardize His Father’s Campaign?*, *New Yorker* (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

³¹ George Kent Testimony at 16.

³² George Kent Testimony at 16.

I said that I had learned that Hunter Biden had been appointed to a board of this company, that I had just raised U.S. concerns about the owner of the company, who we believed had been engaged in money-laundering. ... **[T]he bottom line was, I said I believe that this creates the perception of a potential conflict of interest, given Vice President Biden’s role and his very strong advocacy for anticorruption action, and that I thought that someone needed to talk to Hunter Biden, and he should [step] down from the board of Burisma.**³³

When the Committees asked Kent who he spoke to in Vice President Biden’s office, he stated, “I can’t remember, to be perfectly honest. I don’t remember who I spoke to.”³⁴ Kent told the Committees that, after raising this concern, he never heard anything back from the vice president’s office.³⁵

c. Hunter Biden’s association with Burisma continued to be an “awkward” conflict of interest State Department officials had to manage.

Hunter Biden’s association with Burisma appeared in numerous State Department records, particularly when State officials discussed the company, its owner, and anticorruption efforts in Ukraine. According to records reviewed by the Committees, in 2016, Kent mentioned Hunter Biden when discussing Burisma with his colleagues. Kent told the Committees:

For me it’s preparing everybody for “what about-ism,” because we’re pushing what’s right, and we do what’s right, and we have to be prepared for people who are critics, are opponents, to say, “Well, what about? **What about Hunter Biden?**”

So there was no time, as I’ve testified, that the U.S. government, the U.S. embassy ever made a decision about Zlochevsky or Burisma where we took the presence of a private citizen on the board into account. We made the decision on the merits. But others might think otherwise. And so everyone needed to be aware of what we were dealing with as we made the right decisions.³⁶

The extent to which Hunter Biden’s role on Burisma’s board affected U.S. policy toward Ukraine is not clear. But what is clear from the records, however, is that State Department officials, particularly Kent himself, regularly considered how Hunter Biden’s connection to Burisma might affect the execution of U.S. policy. Moreover, as described previously, this included having to respond to Russian actors attempting to exploit Hunter Biden’s position on

³³ George Kent Testimony at 128-29 (emphasis added); *see also* George Kent Testimony at 110.

³⁴ George Kent Testimony at 128.

³⁵ George Kent Testimony at 226.

³⁶ George Kent Testimony at 221 (emphasis added).

Burisma’s board to drive a wedge between Ukrainian and the U.S. in an effort to undermine U.S. policy toward Ukraine.

For example, Kent raised Hunter Biden’s connection to Burisma during multiple discussions over emails involving the Municipal Energy Reform Program (MERP).³⁷ In those emails, Kent asked his colleagues, “[H]ow have we traditionally treated/engaged Burisma, given the Zlochevsky connection, **but also perhaps US involvement beyond Hunter Biden?**”³⁸ In another email chain, Kent also pointed out that “[Zlochevsky] put Hunter Biden on the board of his Burisma Energy company.”³⁹ When inquiring about the extent to which State Department officials researched Burisma’s past, in order to determine whether to associate with the company, Kent asked his colleagues whether any “‘know your partner’ due diligence was done” before the partnership between MERP and Burisma was established.⁴⁰ Kent then described old news stories involving the company: “Zlochevsky as a corrupt mal actor was a 2014 story [and] his control of Burisma, and **the very sticky wicket of the Hunter Biden connection on Burisma’s board** was circulating in 2015.”⁴¹ As part of that same email chain, Kent asked his colleagues if the U.S. government continues its association with Burisma:

[W]ould we want an article on the front page of the Washington Post (and in this case, the Kyiv Post, and on the FB pages of Sergiy Leshchenko and Mustafa Nayyem) **commenting about this public private partnership with Burisma, the link to Hunter Biden, and the link to Zlochevsky**, who almost certainly paid off the PGO in December 2014 (I had the then First deputy PG Danylenko tell me the bribe was \$7 million) to have the case against him closed and his \$23 million in assets frozen in the UK unfrozen?⁴²

³⁷ Kent told the Committee that he mentioned Hunter Biden’s name in this context because he believed that “all U.S. Government officials need to be aware of all the factors involved in an issue.” George Kent Testimony at 113. When asked why Kent did not raise the names of other individuals on Burisma’s board he said, “the one American that I was aware of that was on the board [in August 2016] was Hunter Biden.” George Kent Testimony at 114. The MERP was a program funded by the United States Agency for International Development (USAID). According to State Department documents, the MERP and Burisma entered into a Memorandum of Understanding on October 13, 2014. Email from Redacted, U.S. Dep’t of St., to George Kent, et al., U.S. Dep’t of St. (Aug. 12, 2016, 16:47:00), [STATE-2019-18-0000357] (attaching Memorandum of Understanding between the MERP in Ukraine and Burisma Holdings Limited (Oct. 13, 2014), [STATE-2019-18-0000361-364]). Kent testified that, “in 2015, there had been a set of awards given by this program implementer that had been funded by Burisma. They were planning another set of awards, a second set of awards in mid-September [. . .] We pulled the plug and there was no second.” George Kent Testimony at 124. USAID “withdrew its [MERP] cooperation with Burisma” in September 2016. Email from Redacted, U.S. Dep’t of St., to George Kent, U.S. Dep’t of St. (Dec. 6, 2016, 00:18:23 -0500), [STATE-2019-18-0001205] (attaching Briefing Checklist: Ambassador Yovanovitch’s Meeting with Karen Tramontano, Blue Star Strategies [STATE-2019-18-0001207]).

³⁸ Email from George Kent, U.S. Dep’t of St., to Jeffrey Cole, et al., U.S. Dep’t of St. (Aug. 13, 2016, 3:26 PM) [STATE-2019-18-0000377-378].

³⁹ Email from George Kent, U.S. Dep’t of St., to John Herbst, Atlantic Council, and William Taylor, U.S. Inst. of Peace (Aug. 29, 2016, 11:23 AM) [STATE-2019-18-0000365-368] (emphasis added).

⁴⁰ Email from George Kent, U.S. Dep’t of St., to Deputy Mission Dir., U.S. Embassy Kyiv, et al. (Aug. 31, 2016, 21:55) [State-2019-18-0000398-399].

⁴¹ Email from George Kent, U.S. Dep’t of St., to Deputy Mission Dir., U.S. Embassy Kyiv, et al. (Aug. 31, 2016, 21:55) [State-2019-18-0000398-399] (emphasis added).

⁴² Email from George Kent, U.S. Dep’t of St., to Deputy Mission Dir., U.S. Embassy Kyiv, et al. (Aug. 31, 2016, 21:55) [State-2019-18-0000398-399] (emphasis added).

So even though the total amount of time State Department officials spent accounting for Hunter Biden's association with Burisma is unclear, the records show that it was an issue that had to be addressed repeatedly.

d. More than one year after Kent reported his concerns about Hunter Biden to the vice president's office, he once again raised the issue — this time to his superiors at the State Department.

On Sept. 6, 2016, Kent wrote an email to senior State Department officials, including Deputy Assistant Secretary Bridget Brink and U.S. Ambassador Marie Yovanovitch, and offered his contemporaneous view of Hunter Biden's association with Burisma. Kent wrote, "**the presence of Hunter Biden on the Burisma board was very awkward for all U.S. officials pushing an anti-corruption agenda in Ukraine.**"⁴³ In testimony Kent expanded on this comment:

I meant that people who talk the talk need to walk the walk, and for the U.S. government, collectively, when we talk about the need to have high standards of integrity, again, as I've said, the presence of [Hunter Biden] on the board created the perception of a potential conflict of interest.⁴⁴

The Committees learned, through document requests, that Victoria Nuland, then-Assistant Secretary of State for European and Eurasian Affairs, also received a forwarded copy of Kent's September 2016 email outlining his concerns about Hunter Biden being on Burisma's board. Nuland testified that she "was always open to hearing the concerns of subordinates and trying to address them in an open and transparent manner."⁴⁵ Yet when the Committee asked Nuland to explain what actions she took when she received Kent's email, she said that Kent's concerns about Hunter Biden were "clearly, way deep down in an email, late in 2016" and "they were not brought to my specific attention by George Kent, who is an old friend and had plenty of opportunity to do so, had he so wanted."⁴⁶ Despite senior State Department officials clearly being made aware of the situation, Kent's concerns remained unaddressed.

e. Hochstein spoke to Vice President Biden about concerns relating to Hunter Biden's role on Burisma's board because, according to Hochstein, Russians were using it to advance disinformation.

According to testimony and public reports, Hochstein, then-U.S. Special Envoy and Coordinator for International Energy Affairs, raised concerns about Hunter Biden's role on Burisma's board directly to Vice President Biden. Nuland told the Committees:

⁴³ Email from George Kent, U.S. Dep't of St., to Bridget Brink, et al., U.S. Dep't of St. (Sept. 6, 2016, 09:55:14 -0400) [STATE-2019-18-0000345-347] (emphasis added).

⁴⁴ George Kent Testimony at 220.

⁴⁵ Victoria Nuland Testimony at 121.

⁴⁶ Victoria Nuland Testimony at 121-22.

Amos Hochstein had had a conversation with the vice president and his staff about this, and he also had another conversation on the plane ride to Ukraine for that December 2015 trip.⁴⁷

Public reporting also confirms Hochstein’s discussion with Vice President Biden. According to one report, “Amos Hochstein, the Obama Administration’s special envoy for energy policy, raised the matter with Biden, but did not go so far as to recommend that Hunter leave the board.”⁴⁸ When Hochstein testified before the Committees, he declined on advice of counsel to testify about the substance of his conversation with Vice President Biden.⁴⁹ The New Yorker, however, reported that Hochstein “did not go so far as to recommend that Hunter leave the board.”⁵⁰ It is unclear how Vice President Biden responded to this conversation.

According to Hochstein, he raised this issue with Vice President Biden because he was concerned that the Russians were using Hunter Biden’s role with Burisma to sow disinformation.⁵¹ Hochstein recounted that he spoke with Vice President Biden in the West Wing of the White House in October 2015.⁵² When asked why he decided to raise the issue of Hunter Biden’s position on Burisma’s board with Vice President Biden, Hochstein testified:

Hochstein: We were starting to think about a trip to Ukraine, and **I wanted to make sure that he [Vice President Biden] was aware that there was an increase in chatter on media outlets close to Russians and corrupt oligarchs-owned media outlets about undermining his message—to try to undermine his [Vice President Biden’s] message and including Hunter Biden being part of the board of Burisma.**⁵³

Hochstein also raised his concerns about Russian disinformation with Hunter Biden. Shortly after his conversation with Vice President Biden, Hunter Biden contacted Hochstein and asked to meet. According to Hochstein, Hunter became aware of Hochstein’s West Wing conversation with the Vice President, who had mentioned it to Hunter.⁵⁴ Hochstein described what he and Hunter Biden discussed at this November 2015 meeting at a coffee shop in Georgetown.⁵⁵

Question: And could you expand on that? Why did you discuss Burisma with him [Hunter Biden]?

⁴⁷ Victoria Nuland Testimony at 98.

⁴⁸ Adam Entous, *Will Hunter Biden Jeopardize his Father’s Campaign*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

⁴⁹ Amos Hochstein Testimony at 52-58.

⁵⁰ Adam Entous, *Will Hunter Biden Jeopardize His Father’s Campaign?*, New Yorker (July 1, 2019).

⁵¹ Transcript of Interview at 50, S. Comm. on Fin. and S. Comm. on Homeland Sec. and Governmental Aff. Interview of Amos Hochstein Testimony (Sept. 17, 2020). [Hereinafter Amos Hochstein Testimony].

⁵² *Id.* at 51.

⁵³ *Id.* at 112-13. (emphasis added).

⁵⁴ *Id.* at 117.

⁵⁵ *Id.* at 118.

Hochstein: Well, he [Hunter Biden] asked me for a meeting. I think he wanted to know my views on Burisma and Zlochevsky. **And so I shared with him that the Russians were using his name in order to sow disinformation—attempt to sow disinformation among Ukrainians.**⁵⁶

During the November 2015 conversation with Hunter Biden, Hochstein did not recommend that Hunter leave Burisma's board because he did not "believe that was my place to have that discussion, one way or the other."⁵⁷

f. Conclusion

Hunter Biden's role on Burisma's board hindered the efforts of dedicated career-service individuals who were fighting for anticorruption measures in Ukraine. Because the vice president's son had a direct link to a corrupt company and its owner, State Department officials were required to maintain situational awareness of Hunter Biden's association with Burisma. Unfortunately, U.S. officials had no other choice but to endure the "awkward[ness]" of continuing to push an anticorruption agenda in Ukraine while the vice president's son sat on the board of a Ukrainian company with a corrupt owner, earning tens of thousands of dollars a month. As Kent testified, he "would have advised any American not to get on the board of Zlochevsky's company."⁵⁸ Yet even though Hunter Biden's position on Burisma's board cast a shadow over the work of those advancing anticorruption reforms in Ukraine, the Committees are only aware of two individuals who raised concerns to their superiors. Despite the efforts of these individuals, their concerns appear to have fallen on deaf ears.

⁵⁶ *Id.* at 50 (emphasis added).

⁵⁷ *Id.* at 117.

⁵⁸ George Kent Testimony at 110.

V. SECRETARY OF STATE JOHN KERRY FALSELY CLAIMED HE HAD NO KNOWLEDGE ABOUT HUNTER BIDEN'S ROLE ON BURISMA'S BOARD.

a. Introduction

On Dec. 8, 2019, a reporter asked former Secretary of State John Kerry about his awareness of Hunter Biden on Burisma's board during his time at the State Department.⁵⁹ Kerry responded, "I had no knowledge about any of that. None. No."⁶⁰ The reporter pressed for more information and Kerry said, "What would I know about any—no. Why would I know about any company or any individual? No. The answer is no. No communication. No nothing."⁶¹ Testimony and documents obtained by the Committees call into question the accuracy of Kerry's statement. On May 13, 2014, the day after Hunter Biden joined Burisma's board, Secretary Kerry's stepson, Christopher Heinz — who was also Hunter Biden's business partner — emailed to inform Kerry's chief of staff, and to distance himself, from that decision. Moreover, in May 2014, Secretary Kerry's chief of staff, David Wade, briefed him about press inquiries specifically relating to Heinz, Hunter Biden, and Burisma. Separately, State Department officials wrote that they sent the secretary articles with the headlines, "Biden's son joins Ukrainian gas company's board," "Biden's son joins Ukrainian gas producer board," and "White House says no issue with Biden's son, Ukraine gas company."⁶² Accordingly, these records suggest that Kerry did, in fact, know about Hunter Biden and Burisma.

b. In May 2014, Wade, Secretary Kerry's chief of staff, briefed him about press inquiries relating to Heinz, Hunter Biden, and Burisma.

On May 13, 2014, State Department officials began fielding press inquiries relating to Hunter Biden joining Burisma's board and the extent to which Secretary Kerry's stepson, Heinz, was involved. That day Heinz emailed Secretary Kerry's chief of staff about Burisma's announcement in an apparent attempt to distance himself from Hunter Biden's decision.⁶³ Heinz wrote to Special Assistant Matt Summers and Chief of Staff Wade:

Apparently Devon [Archer] and Hunter [Biden] both joined the board of Burisma and a press release went out today. I cant to speak [sic] why they decided to, but there was no investment by our firm in their company.⁶⁴

⁵⁹ Amanda Golden (@amandawgolden), NBC NEWS, Twitter (Dec. 8, 2019 2:28 PM), <https://twitter.com/amandawgolden/status/1203758177726189574>.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Emails between David Thorne and David Wade, U.S. Dep't of St. (May 13, 2014) [STATE-2019-18-0000733].

⁶³ Christopher Heinz had business dealings with Hunter Biden and Devon Archer through their firm Rosemont Seneca. According to Heinz's spokesman he "strongly warned Mr. Archer that working with Burisma was unacceptable" and "[t]he lack of judgment in this matter was a major catalyst for Mr. Heinz ending his business relationships with Mr. Archer and Mr. Biden." Paul Sonne, Michael Kranish, Matt Viser, *The gas tycoon and the vice president's son: The story of Hunter Biden's foray into Ukraine*, THE WASHINGTON POST (Sept. 28, 2019), https://www.washingtonpost.com/world/national-security/the-gas-tycoon-and-the-vice-presidents-son-the-story-of-hunter-bidens-foray-in-ukraine/2019/09/28/1aadff70-dfd9-11e9-8fd3-d943b4ed57e0_story.html.

⁶⁴ Email from Chris Heinz to Matt Summers and David Wade, U.S. Dep't of St. (May 13, 2014), <https://www.scribd.com/document/433436789/CU-v-State-FOIA-Doc-Ukraine>; see also Alana Goodman, *John Kerry's son cut*

Wade testified that he did not recall receiving this email from Heinz, but he did, to the best of his recollection, reach out to speak with Heinz the following day to “try to confirm since we were being asked whether he, or that Rosemont Seneca was buying or investing in Burisma.”⁶⁵ Wade testified that he spoke to Heinz on May 14, 2014, and confirmed, based only on Heinz’s assurances, that “Rosemont Seneca was not involved” with Burisma.⁶⁶

According to Wade, that same day he spoke to Secretary Kerry and “let him know that Chris Heinz and Rosemont Seneca were not involved [with Burisma], that the media questions [about Rosemont Seneca buying or investing in Burisma] were inaccurate, and that Chris Heinz was not buying or investing in a Ukrainian natural gas company, but that my understanding was that ... Hunter Biden and Devon Archer, according to the stories, that that was accurate, that they were ... joining a board.”⁶⁷ Wade confirmed that Secretary Kerry learned about Hunter Biden’s association with Burisma through him:

Question: What was Secretary Kerry’s reaction to you informing him of these news inquiries about Mr. Heinz and the additional information regarding Mr. Archer’s [and] Mr. Hunter Biden’s connection and involvement with Burisma?

Wade: He knew nothing about it.

Question: So he learned about this information from you?

Wade: I believe so, yeah.

Question: And when you told him that the information that you were able to confirm with Mr. Heinz that Rosemont Seneca had ... not invested or bought Burisma, what was Mr. Kerry's reaction to that?

Wade: If I recall, his reaction was that he was comfortable answering a press question if he got it.

....

Question: [T]hat he was comfortable answering the media question regarding what?

Wade: Regarding ... Christopher Heinz or Rosemont Seneca investing in — in a Ukrainian natural gas company or buying a Ukrainian natural gas

business ties with Hunter Biden over Ukrainian oil deal, THE WASH. EXAMINER (Aug. 27, 2019),

<https://www.washingtonexaminer.com/politics/john-kerrys-son-cut-business-ties-with-hunter-biden-over-ukrainian-oil-deal>.

⁶⁵Transcript of Interview at 39, S. Comm. on Fin. and S. Comm. on Homeland Sec. and Governmental Aff. Interview of David Wade (Aug. 3, 2020). [Hereinafter David Wade Testimony].

⁶⁶ David Wade Testimony at 41.

⁶⁷ David Wade Testimony at 47.

company.

Question: And did you discuss with Mr. Kerry what his response to that type of inquiry would have been?

Wade: I'm sure — I'm sure I did. I don't — I don't ... remember those details of the conversation.⁶⁸

c. In May 2014, State Department staff sent news articles to Secretary Kerry relating to Hunter Biden and Burisma.

David Thorne, who served as a senior adviser to Secretary Kerry, informed Wade that he sent the following collection of press clips and articles to the secretary on May 14, 2014:⁶⁹

From: [REDACTED]
Sent: Wednesday, May 14, 2014 12:38 PM
To: Thorne, David H
Cc: [REDACTED]
Subject: Ukraine/Biden/Kerry - in case you missed it

Biden's Son Joins Gas Firm In Ukraine. The [AP](#) (5/14) reports Vice President Biden's son, Hunter, is joining the board of the a gas company operating in Ukraine. Biden will head Burisma Holdings' legal unit and "seek support for Burisma among international organizations."
The [Washington Times](#) (5/14, Chasmar, 455K) reports White House Press Secretary Jay Carney said Hunter Biden's new position "does not reflect an endorsement by the administration," and [Reuters](#) (5/14, Rampton) reports Vice President Biden's spokeswoman, Kendra Barkoff, said he "does not endorse any particular company and has no involvement" with Burisma.
The [Wall Street Journal](#) (5/14, Sonne, Grimaldi, Subscription Publication, 5.51M) reports Hunter Biden is a close friend of Secretary Kerry's stepson, Christopher Heinz. The Journal notes the hiring comes a few weeks after Devon Archer, a college roommate of Heinz's, joined the company's board.

Thorne forwarded these clips to Wade and wrote, "I sent it to JK[.]"⁷⁰ Wade told the Committees that "JK" stood for "John Kerry."⁷¹ The headlines of the articles that Thorne sent to Kerry included, "Biden's son joins Ukrainian gas company's board," "Biden's son joins Ukrainian gas producer board," and "White House says no issue with Biden's son, Ukraine gas company."⁷²

⁶⁸ David Wade Testimony at 50-51 (emphasis added).

⁶⁹ Email from David Thorne, U.S. Dep't of St., to David Wade, U.S. Dep't of St. (May 16, 2014, 20:52:30 +0000), [STATE-2019-18-0000733].

⁷⁰ Email from David Thorne, U.S. Dep't of St., to David Wade, U.S. Dep't of St. (May 16, 2014, 20:52:30 +0000), [STATE-2019-18-0000733].

⁷¹ David Wade Testimony at 79.

⁷² Thorne's email did not include the headlines of the articles, but it did contain links to the articles and a description of the article including the publication date and the author's name. Based on this information, the Committees were able to find the headlines of the articles that Thorne sent to Kerry. Emails between David Thorne, U.S. Dep't of St., and David Wade, U.S. Dep't of St. (May 16, 2014), [STATE-2019-18-0000733].

d. Conclusion

Former Secretary Kerry's December 2019 denial of having any knowledge about Hunter Biden or Burisma is inconsistent with the evidence uncovered by the Committees. Kerry was briefed about Hunter Biden, Burisma and Heinz the day after Burisma announced Hunter Biden joined its board. Additionally, Secretary Kerry's senior advisor sent him press clips and articles relating to Hunter Biden's board membership. This appears to be yet another example of high-ranking Obama administration officials blatantly ignoring Hunter Biden's association with Burisma.

VI. STATE DEPARTMENT OFFICIALS VIEWED ZLOCHEVSKY AS A CORRUPT, “ODIOUS OLIGARCH,” BUT VICE PRESIDENT BIDEN WAS ADVISED NOT TO ACCUSE ZLOCHEVSKY OF CORRUPTION.

a. Introduction

The State Department clearly viewed Burisma and its owner, Mykola Zlochevsky, as corrupt, and did not want to have any association with either one. For example, as soon as Deputy Chief of Mission George Kent learned of a de minimis USAID arrangement with Burisma, and succeeded in severing that relationship. As U.S. officials pressed Ukrainian officials to hold Zlochevsky accountable for his actions, Vice President Biden was “leading the policy charge” of pushing anticorruption measures in Ukraine, which included confronting oligarchs.⁷³ Yet as staff prepared talking points for Vice President Biden to answer questions about whether he viewed Zlochevsky as corrupt, they suggested that he “not ... get into naming names or accusing individuals.”⁷⁴ Biden’s spokeswoman told reporters, “the vice president does not endorse any particular company and has no involvement with this company.”⁷⁵ This stands in stark contrast to the decision of then-Ambassador Geoffrey Pyatt to call out Zlochevsky by name as an example of corruption in a September 2015 speech. Biden’s unwillingness to confront a man whom State officials considered to be an “odious oligarch”⁷⁶ demonstrated a lack of leadership, but also raises a serious question about why Vice President Biden would avoid linking Zlochevsky with corruption.

b. State Department officials viewed Zlochevsky and Burisma as corrupt.

According to testimony and documents obtained by the Committees, State Department officials viewed Burisma and its owner, Zlochevsky, as corrupt. Insofar as the link between Zlochevsky and corruption was not already clear to State Department officials, in early 2015 they learned that Zlochevsky likely bribed Ukrainian prosecutors to interfere in a United Kingdom criminal proceeding against him, which was subsequently closed. (Section VII of this report will describe this bribe and its consequences in more detail.) In short, State Department officials’ understanding of Zlochevsky’s actions relating to the U.K. criminal case strongly influenced their perspective of him and Burisma. Below are several examples of State Department officials sharing their perspective of Zlochevsky and Burisma:

- **“Zlochevsky was viewed as corrupt, not just in Ukraine but by the USG/FBI[.]”** – George Kent, Department of State, Sept. 2016⁷⁷

⁷³ George Kent Testimony at 21; Victoria Nuland Testimony at 99.

⁷⁴ Email from Kate Bedingfield, Off. of the Vice President, to Michael Carpenter, Off. of the Vice President, et al. (Dec. 6, 2015, 6:04 PM) [STATE-2019-18-0000553-554].

⁷⁵ James Risen, *Joe Biden, His Son and the Case Against a Ukrainian Oligarch*, THE NEW YORK TIMES (Dec. 8, 2015), <https://www.nytimes.com/2015/12/09/world/europe/corruption-ukraine-joe-biden-son-hunter-biden-ties.html>.

⁷⁶ George Kent Testimony at 104.

⁷⁷ Email from George Kent, U.S. Dep’t of St., to Bridget Brink, et al., U.S. Dep’t of St. (Sept. 6, 2016, 9:55:14 -0400), [STATE-2019-18-0000345-347] (emphasis added).

- “[W]e have extensive concerns about corruption in Ukraine, and we believe Mr. Zlochevsky is an example.” – Memo to then-U.S. Ambassador to Ukraine Marie Yovanovitch, Dec. 2016⁷⁸
- “Burisma's owner was a poster child for corrupt behavior[.]” – George Kent Testimony to the Committees⁷⁹
- “I would have advised any American not to get on the board of Zlochevsky’s company.” – George Kent Testimony to the Committees⁸⁰
- “The proliferation of Ukrainian companies clearly (and not so clearly owned/controlled by odious oligarchs or those who outright stole assets and absconded (like Zlochevsky) is likely a long one.” – George Kent, Department of State, Aug. 2016⁸¹
- “Throughout 2015 and 2016, U.S. officials, particularly those at the U.S. Embassy in K[y]iv, consistently pressed Ukrainian officials to hold Zlochevsky to account and made clear our negative view about Burisma.” – George Kent Testimony to the Committees⁸²
- “...our focus was on [Zlochevsky’s] corrupt acts as minister when he abused the office to award national gas exploration contracts to companies that he controlled through shell companies.” – George Kent Testimony to the Committees⁸³
- “[I]n the case of former Ecology Minister Mykola Zlochevsky, the U.K. authorities had seized \$23 million in illicit assets that belonged to the Ukrainian people.” – Geoffrey Pyatt, then-U.S. Ambassador to Ukraine, Sept. 2015⁸⁴
- The closing of the U.K. case against Zlochevsky was a “gross miscarriage of justice that undermined months of U.S. assistance ... [a]fter the FBI and MI5 spent months and arguably millions working to try to put together the first possible asset recover case (against former Minister of Ecology Zlochevsky)[.]” – George Kent, State Department, Aug. 2016⁸⁵

⁷⁸ Email from Redacted, U.S. Dep’t of St., to George Kent, U.S. Dep’t of St. (Dec. 6, 2016, 00:18:23 -0500), [STATE-2019-18-0001205] (attaching Briefing Checklist: Ambassador Yovanovitch’s Meeting with Karen Tramontano, Blue Star Strategies [STATE-2019-18-0001206-1208]).

⁷⁹ George Kent Testimony at 21.

⁸⁰ George Kent Testimony at 110.

⁸¹ Email from George Kent, U.S. Dep’t of St., to Jeffrey Cole, et al., U.S. Dep’t of St. (Aug. 13, 2016, 3:26 PM), [STATE-2019-18-0000377-378] (emphasis added). When asked whether Kent considered Zlochevsky as an “odious oligarch,” he responded, “I did.” George Kent Testimony at 104.

⁸² George Kent Testimony at 20 (emphasis added).

⁸³ George Kent Testimony at 110.

⁸⁴ Remarks by U.S. Ambassador Geoffrey Pyatt at the Odesa Financial Forum on September 24, 2015, Geoffrey Pyatt, U.S. Ambassador to Ukraine, <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> (emphasis added).

⁸⁵ Email from George Kent, U.S. Dep’t of St., to William Taylor, et al., U.S. Dep’t of St. (Aug. 29, 2016, 11:23 AM), [STATE-2019-18-0000372-374] (emphasis added).

- “[The] U.S. and U.K. were cooperating on a case to seize [Zlochevsky’s] **corrupt assets** overseas (which had passed through the U.S.)” – Geoffrey Pyatt, then-U.S. Ambassador to Ukraine, Dec. 2015⁸⁶
 - There is “**a moral hazard associated with publicly associating/promoting our assistance projects with companies/individuals seen in Ukrainian society as corrupt/compromised.**” – George Kent on whether any U.S. agency should cooperate or associate with Burisma or Zlochevsky, Aug. 2016⁸⁷
 - “[United States Government (USG)] **cooperation on the project** [with Burisma] **would make us look bad.** Not to mention the [Members of Parliament] on the energy committee and **others would wonder how we speak about anti corruption [sic], but work with those that were associated with corrupt practices.**” – Redacted State Department official in an email to colleagues, Sept. 2016⁸⁸
 - “[There] is a clear link between the company and its primary owner. . . . From the rumors that we hear in the energy sector, **there is no sense that Burisma has changed how it conducts its business.** . . . **I fall on the side of not having anything to do with the company** to avoid undermining our broader efforts to promote transparency and [anticorruption].” – Redacted State Department official in an email to colleagues, Sept. 2016⁸⁹
- c. **State Department officials viewed Vice President Biden as a “warrior” and “leading the policy charge” on anticorruption measures in Ukraine.**

According to testimony, former State Department officials saw Vice President Biden as a leading U.S. figure who pushed for anticorruption measures in Ukraine. Kent testified, “Vice President Biden was leading the policy charge, pushing President Poroshenko and Prime Minister Yatsenyuk to take more decisive anticorruption action.”⁹⁰ Ambassador Victoria Nuland called Vice President Biden a “warrior” on this issue and said, “I was proud to work with Vice President Biden on Ukraine policy and especially on trying to help the Ukrainian period [sic] root out corruption in their country.”⁹¹

On December 9, 2015, Vice President Biden spoke in Ukraine in front of the parliament of Ukraine, the Verkhovna Rada, and told the members that they are facing a “test of courage”

⁸⁶ Email from Geoffrey Pyatt, Ambassador to Ukraine, U.S. Dep’t of St., to Victoria Nuland, et al., U.S. Dep’t of St. (Dec. 6, 2015, 11:13:00 -0500), [STATE-2019-18-0000325] (emphasis added).

⁸⁷ Email from George Kent, U.S. Dep’t of St., to Jeffrey Cole, et al., U.S. Dep’t of St. (Aug. 13, 2016, 3:26 PM), [STATE-2019-18-0000377-378].

⁸⁸ The project referenced in this email related to Burisma’s association with the MERP. Email from Redacted, U.S. Dep’t of St., to George Kent et al., U.S. Dep’t of St. (Sept. 1, 2016, 7:15 AM), [State-2019-18-0000505-506] (emphasis added). Kent would later call the Burisma-MERP relationship as an “ill-advised USAID co-branding effort.” Email from George Kent, U.S. Dep’t of St., to Jorgan Andrew, et al., U.S. Dep’t of St. (Nov. 22, 2016, 00:46:32 -0500), [State-2019-18-0000479].

⁸⁹ Email from Redacted, U.S. Dep’t of St., to George Kent, et al., U.S. Dep’t of St. (Sept. 1, 2016, 7:46 AM), [State-2019-18-0000505] (emphasis added).

⁹⁰ George Kent Testimony at 21.

⁹¹ Victoria Nuland Testimony at 70.

and have an “obligation” to Ukrainians to reform their country to “build a united, democratic Ukrainian nation that can stand the test of time.”⁹² In doing so, Biden stated that Ukrainians have “a historic battle against corruption.”⁹³ He said “[o]ligarchs and non-oligarchs must play by the same rules.”⁹⁴ Biden called on the Rada to “[s]eize the opportunity. Build a better future for the people of Ukraine.”⁹⁵ Biden’s speech, which pushed anticorruption measures, was, according to Nuland, “very powerful and powerfully received by the Rada.”⁹⁶ Yet, while Vice President Biden called for members of the Rada to have courage to confront corruption in Ukraine, the vice president’s staff was advising otherwise.

d. Vice President Biden’s staff recommended he not link Zlochevsky with corruption.

Nuland told the Committees that by confronting oligarchs, the U.S. would send an anticorruption message.⁹⁷ Yet as Vice President Biden’s staff responded to press inquiries relating to Burisma and Zlochevsky, one staffer wrote, “I am concerned about getting into anything relating to Mr. Zlochevsky directly.”⁹⁸ Just a few days before the vice president gave his December 2015 speech at the Rada pushing anticorruption measures, his staff prepared talking points for him and included a response to the question: “Do you think Zlochevsky is corrupt?”⁹⁹ His staff wrote:

I’m not going to get into naming names or accusing individuals.

We have been working consistently to push the Ukrainian leadership to make meaningful changes in the Prosecutor General’s office and across the government to help ensure that the Ukrainian people are represented fairly and fully.¹⁰⁰

It is clear that members of Vice President Biden’s staff wanted to distance him from an individual whom the State Department clearly believed was corrupt and an individual who employed his son. This stands in stark contrast to then-Ambassador Geoffrey Pyatt, who identified Zlochevsky by name as a corrupt actor during a September 2015 speech in Odessa, Ukraine. But the Committees were not able to locate any public statements Vice President Biden gave from 2014 to 2016 in which he called Zlochevsky corrupt. Instead, in December 2015,

⁹² Remarks by Vice President Joe Biden to The Ukrainian Rada (Dec. 9, 2015), <https://obamawhitehouse.archives.gov/the-press-office/2015/12/09/remarks-vice-president-joe-biden-ukrainian-rada>.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ Victoria Nuland Testimony at 96.

⁹⁷ Victoria Nuland Testimony at 99.

⁹⁸ Email from Kendra Barkoff, Off. of the Vice President, to Michael Carpenter, Off. of the Vice President, et al. (Oct. 23, 2015, 10:00 AM), [STATE-2019-18-0000339-340].

⁹⁹ Email from Kate Bedingfield, Off. of the Vice President, to Michael Carpenter, Off. of the Vice President, et al. (Dec. 6, 2015, 11:13 AM), [STATE-2019-18-0000553-554].

¹⁰⁰ Email from Kate Bedingfield, Off. of the Vice President, to Michael Carpenter, Off. of the Vice President, et al. (Dec. 6, 2015, 6:04 PM), [STATE-2019-18-0000553-554] (emphasis added). Ambassador Pyatt recommended changing the last sentence of that answer to “Something like ‘... begin rooting out the cancer of corruption that has done so much over the years to hold back economic growth and sap the confidence of Ukrainians in those who govern them.’” Email from Geoffrey Pyatt, Ambassador to Ukraine, to Kate Bedingfield, Off. of the Vice President, et al. (Dec. 6, 2015, 11:13 AM), [STATE-2019-18-0000553].

Biden's spokeswoman told reporters, "the vice president does not endorse any particular company and has no involvement with this company."¹⁰¹

e. Conclusion

In his December 2015 speech at the Rada, Vice President Biden told members to have courage to confront corruption and change the course of history for their country. Yet when it came to calling out an individual whom the State Department viewed as a "corrupt" and "odious oligarch," Vice President Biden's staff advised him to not accuse Zlochevsky of corruption. In December 2015, while in Ukraine, Biden did not link Zlochevsky with corruption and did not demonstrate the same level of courageousness that he encouraged Ukrainian political leaders to pursue.

Several witnesses highlighted efforts by certain U.S. officials to enable a successful investigation of Zlochevsky, and also noted that the U.S. decision to condition a \$1 billion loan guarantee was made in part because of the then-Ukrainian prosecutor general's failure to pursue a case against Zlochevsky. But at the end of the day, between 2014 through 2017, despite the concerted effort of many U.S. officials, not one of the three different Ukrainian prosecutor generals held Zlochevsky accountable.

¹⁰¹ James Risen, *Joe Biden, His Son and the Case Against a Ukrainian Oligarch*, THE NEW YORK TIMES (Dec. 8, 2015), <https://www.nytimes.com/2015/12/09/world/europe/corruption-ukraine-joe-biden-son-hunter-biden-ties.html>.

VII. WHILE HUNTER BIDEN SERVED ON BURISMA'S BOARD, BURISMA'S OWNER, ZLOCHEVSKY, ALLEGEDLY PAID A \$7 MILLION BRIBE TO UKRAINE'S PROSECUTOR GENERAL'S OFFICE TO CLOSE THE CASE.

On May 12, 2014, Burisma trumpeted the addition of Hunter Biden to its board of directors, stating, "Biden will be in charge of the [Burisma] Holdings' legal unit and will provide support for the Company among international organizations."¹⁰² In that same press release, Hunter Biden stated, "As a new member of the Board, I believe that my assistance in consulting the company on matters of transparency, corporate governance and responsibility, international expansion and other priorities will contribute to the economy and benefit the people of Ukraine."¹⁰³ The company's release went on to say that, Hunter was "a well-known public figure," but the release did not mention Hunter's connection to a more well-known public figure, his father, the vice president of the United States.¹⁰⁴

When Hunter Biden joined Burisma's board in May 2014, the prosecutor general of Ukraine was Oleh Makhnitskyi. Makhnitskyi served as the acting prosecutor general for only a few months before resigning from the post.¹⁰⁵ His resignation gave way to Vitaly Yarema, who on June 19, 2014, became the prosecutor general of Ukraine.¹⁰⁶

George Kent, a career diplomat who served in a number of roles at the State Department over his career, including several tours in Ukraine, did not hold Prosecutor General Yarema or his team in high regard. In fact, he testified, "[Yarema's] team failed to bring a single prosecution over a seven-month period, and **which allegedly took a bribe from [Burisma's owner] Zlochevsky to close the case against him and collapse our effort to recover the \$23 million frozen in the United Kingdom**"¹⁰⁷

a. Allegations that Zlochevsky bribed Ukraine's Prosecutor General Office

In January 2015, Kent arrived in Kyiv and learned that the U.S. embassy was not communicating with the Ukraine's Prosecutor General's Office (PGO).¹⁰⁸ Shortly after his arrival, Kent asked a Department of Justice (DOJ) official posted at U.S. Embassy Kyiv to set up a high-level meeting with the PGO. According to Kent, the goal of this meeting was for U.S. officials to raise the money-laundering case against Burisma's owner, Zlochevsky.¹⁰⁹ Kent

¹⁰² Press Release, Burisma Holdings, Hunter Biden joins the team of Burisma Holdings (May 12, 2014), <https://web.archive.org/web/20140606004334/http://burisma.com/hunter-biden-joins-the-team-of-burisma-holdings/>.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ Interfax-UKRAINE, Ukrainian president dismisses Makhnitsky as acting prosecutor general (June 18, 2014), <https://web.archive.org/web/20140714162034/http://en.interfax.com.ua/news/general/209973.html>.

¹⁰⁶ Interfax-UKRAINE, MPs agree to Yarema's appointment as prosecutor general (June 19, 2014), <https://en.interfax.com.ua/news/general/210045.html>.

¹⁰⁷ Nicholas Fandos, Kenneth P. Vogel, and Michael D. Shear, *Senior State Dept. Ukraine Expert Says White House Sidelined Him*, THE NEW YORK TIMES (Nov. 13, 2019), <https://www.nytimes.com/2019/10/15/us/politics/impeachment-george-kent-state.html>; George Kent Testimony at 24 (emphasis added).

¹⁰⁸ George Kent Testimony at 128.

¹⁰⁹ George Kent Testimony at 128-29.

secured a Feb. 3, 2015,¹¹⁰ appointment with the First Deputy Prosecutor General, who was the “number two prosecutor in the country at the time, Anatoliy Danylenko.”¹¹¹

Kent testified that, during the Feb. 3, 2015 meeting with the PGO, he “confronted the First Deputy Prosecutor General, Anatoliy Danylenko, **demanding to know who had paid the bribe and how much it was. I also demanded that the case against Zlochevsky be resumed.**”¹¹²

During testimony, Kent provided the Committees additional insight into what occurred during the Feb. 3, 2015, meeting at the PGO:

When I asked the question [to Danylenko], ‘How much was the [Zlochevsky] bribe and who took it?’ [Danylenko] laughed and said, ‘That’s exactly what President Poroshenko asked us last week.’ And I [Kent] said, ‘So what did you tell the President [Poroshenko]?’ and [Danylenko] said, ‘Seven million dollars and last May [2014], before we came into office.’¹¹³

Kent apparently did not believe that Zlochevsky’s bribe occurred in May 2014. He responded to Mr. Danylenko,

“Nice try, but the letter that someone—some prosecutor in your office [PGO] wrote was signed in late December [2014], six months after you all [Yarema’s team] came into office.”¹¹⁴

On Feb. 10, 2015, one week after Kent’s conversation with the PGO, President Poroshenko dismissed General Prosecutor Yarema and other members of his team.¹¹⁵

b. George Kent reporting of the Zlochevsky’s bribe allegation to U.S. officials

Kent told the Committees that after the meeting with Danylenko, the DOJ official at U.S. Embassy Kyiv reported the allegation — that Zlochevsky paid the PGO a \$7 million bribe — to the FBI.¹¹⁶ At this time, the Committees are seeking an explanation from the FBI about what, if any, actions they took after receiving this information from U.S. Embassy Kyiv.

Kent testified that it was not until sometime after the Feb. 3, 2015, meeting with the PGO that he became aware that Hunter Biden was on the board of Burisma.¹¹⁷

¹¹⁰ George Kent Testimony at 20.

¹¹¹ George Kent Testimony at 129.

¹¹² George Kent Testimony at 20 (emphasis added).

¹¹³ George Kent Testimony at 130 (emphasis added).

¹¹⁴ *Id.* (emphasis added).

¹¹⁵ *Id.*

¹¹⁶ George Kent Testimony at 131.

¹¹⁷ George Kent Testimony at 16.

After Kent learned of the alleged Zlochevsky bribe, he became aware of Hunter Biden’s connection to Burisma. Soon after, Kent spoke with Vice President Biden’s office about his concerns. This conversation occurred sometime between Feb. 3 and Feb. 14, 2015, when Kent ended up on a phone call with a staffer from Vice President Biden’s office.¹¹⁸ He could not recall the exact date of the phone call,¹¹⁹ and when asked whether he apprised the staffer for Vice President Biden about Zlochevsky’s alleged bribe, Kent testified, “I can’t remember — to be perfectly honest, I don’t remember who I spoke to.”¹²⁰ Kent told the Committees he did not memorialize this February 2015 phone call with Vice President Biden’s office.¹²¹

Despite not recalling whether he mentioned the alleged Zlochevsky bribe to Vice President Biden’s office, or to a member of the Obama National Security Council, over the years, Kent did mention his knowledge of the alleged Zlochevsky bribe to high-ranking State Department officials. For example, on Aug. 31, 2016, Kent told State Department colleagues that “[Zlochevsky] **who almost certainly paid off the PGO in December 2014** (I had the then First deputy PG Danylenko tell me the bribe was \$7 million) to have the case against him closed and his \$23 million in assets frozen in the UK unfrozen?”¹²²

c. Conclusion

Based on Kent’s testimony, the alleged \$7 million bribe from Zlochevsky to Ukraine’s PGO likely occurred while Hunter Biden was on Burisma’s board. Hunter Biden has stated that his position on the board was to “consult on matters of transparency, corporate governance and responsibility[.]”¹²³ The Committees requested information from the FBI about what, if any, actions it took in regard to this allegation.¹²⁴ The FBI has not yet responded to that request.

¹¹⁸ George Kent Testimony at 127.

¹¹⁹ *Id.*

¹²⁰ George Kent Testimony at 129.

¹²¹ George Kent Testimony at 226.

¹²² Email from George Kent, U.S. Dep’t of St., to Deputy Mission Dir., U.S. Embassy Kyiv, et al., (Aug. 31, 2016, 9:55 PM), [State-2019-18-0000398-399] (emphasis added).

¹²³ Press Release, Burisma Holdings, Hunter Biden joins the team of Burisma Holdings (May 12, 2014),

<https://web.archive.org/web/20140606004334/http://burisma.com/hunter-biden-joins-the-team-of-burisma-holdings/>.

¹²⁴ Letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. and Governmental Aff., and Charles Grassley, Chairman, S. Comm. on Fin., to Hon. Christopher A. Wray, Director, Federal Bureau of Investigation, Dep’t of Justice. (Sep. 15, 2020).

VIII. HUNTER BIDEN: A U.S. SECRET SERVICE PROTECTEE WHILE ON BURISMA’S BOARD

When Vice President Biden traveled overseas on Air Force Two, he was often accompanied by members of his family.¹²⁵ Hunter Biden joined his father on a number of trips and, as the son of the vice president, he could enroll as a protectee and receive armed protection from the U.S. Secret Service (USSS). In an effort to determine how much of Hunter Biden’s scheduled travel occurred as a protectee and whether that overlapped with his private business dealings, the Committees requested and received documents from the USSS detailing Hunter Biden’s scheduled travel as a protectee.¹²⁶

The Committees found that Hunter Biden scheduled travel as a protectee after joining Burisma’s board in May 2014.¹²⁷ The Committees also determined that Hunter Biden declined USSS protection after a scheduled July 8, 2014, trip to Michigan City, Ind.¹²⁸ At this time, the Committees have not determined why Hunter Biden declined USSS protection after July 8, 2014.

a. Hunter Biden, USSS protectee

According to USSS records, Hunter Biden enrolled as a protectee starting in January 2009, after his father was elected vice president.¹²⁹ He remained a protectee for about 4.5 years, and records indicate an extensive amount of scheduled foreign travel as a protectee. Although the majority of his trips were domestic, the Committees identified nearly 70 trips that Hunter Biden scheduled to foreign countries while he was a protectee.¹³⁰ Hunter Biden, here identified by the USSS using his full name, Robert H. Biden, scheduled foreign travel as a protectee to a wide array of foreign cities:

Arrival Date	Departure Date	City/Country	Protectee
6/14/2009	6/19/2009	Addis Ababa, Ethiopia	Robert H. Biden
6/20/2009	6/22/2009	Mumbai, India	Robert H. Biden
9/14/2009	9/17/2009	Buenos Aires, Argentina	Robert H. Biden

¹²⁵ Josh Lederman, *Biden’s trip to China with son Hunter in 2013 comes under new scrutiny*, NBC NEWS (Oct. 2, 2019), <https://www.nbcnews.com/politics/2020-election/biden-s-trip-china-son-hunter-2013-comes-under-new-n1061051>.

¹²⁶ Letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. and Governmental Aff., and Charles Grassley, Chairman, S. Comm. on Fin., to Mr. James M. Murray, Director, U.S. Secret Serv., Dep’t of Homeland Sec. (Feb. 5, 2020); Letter from Faron K. Paramore, Assistant Dir., U.S. Secret Serv., U.S. Dep’t of Homeland Sec., to Chairman Ron Johnson, S. Comm. on Homeland Sec. and Gov. Affairs, and Chairman Charles Grassley, S. Comm. on Fin. (Apr. 6, 2020).

¹²⁷ Protectee Visits Detail Reports for Robert H. Biden, U.S. Secret Serv., Date Range: January 1, 2008 - January 31, 2017. The U.S. Secret Service cannot confirm that the trips occurred or if protection was provided for the entirety of the trip due to the age of the records at issue.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Protectee Visits Detail Reports for Robert H. Biden, U.S. Secret Serv., Date Range: January 1, 2008 - January 31, 2017. The U.S. Secret Service cannot confirm that the trips occurred or if protection was provided for the entirety of the trip due to the age of the records at issue. The nearly 70 trips to foreign countries includes travel to cities within one foreign country.

11/9/2009	11/12/2009	Madrid, Spain	Robert H. Biden
5/5/2010	5/7/2010	Brussels, Belgium	Robert H. Biden
8/9/2010	8/14/2010	Copenhagen, Denmark	Robert H. Biden
8/15/2010	8/24/2010	Johannesburg, South Africa	Robert H. Biden
4/16/2011	4/20/2011	Taipei, Taiwan	Robert H. Biden
5/15/2011	5/16/2011	Monterrey, Mexico	Robert H. Biden
10/19/2011	10/21/2011	Hong Kong	Robert H. Biden
11/1/2011	11/4/2011	Bogota, Colombia	Robert H. Biden
11/10/2011	11/14/2011	Abu Dhabi, UAE	Robert H. Biden
2/15/2012	2/18/2012	Moscow, Russia	Robert H. Biden
3/20/2013	3/22/2013	Dublin, Ireland	Robert H. Biden
7/30/2013	8/1/2013	Milan, Italy	Robert H. Biden
8/1/2013	8/6/2013	Florence, Italy	Robert H. Biden
10/31/2013	11/5/2013	Abu Dhabi, UAE	Robert H. Biden
12/2/2013	12/4/2013	Tokyo, Japan	Robert H. Biden
12/5/2013	12/6/2013	Seoul, South Korea	Robert H. Biden
12/6/2013	12/9/2013	Manila, Philippines	Robert H. Biden
4/3/2014	4/6/2014	Lake Como, Italy	Robert H. Biden

Joe Biden has been asked about his son, Hunter, joining him on foreign trips to China while he was vice president.¹³¹ In response to questions about whether this arrangement was a conflict of interest, Joe Biden has told the media, “I have never spoken to my son [Hunter] about his overseas business dealings.”¹³² The USSS records indicate Hunter Biden scheduled at least six trips to China while a protectee, including a trip to Beijing in May 2014 right before he joined Burisma’s board:

Arrival Date	Departure Date	City/Country	Protectee
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¹³¹ Josh Lederman, *Biden’s trip to China with son Hunter in 2013 comes under new scrutiny*, NBC NEWS (Oct. 2, 2019), <https://www.nbcnews.com/politics/2020-election/biden-s-trip-china-son-hunter-2013-comes-under-new-n1061051>.

¹³² *Id.*

4/6/2010	4/9/2010	Beijing, China	Robert H. Biden
4/20/2011	4/22/2011	Beijing, China	Robert H. Biden
6/13/2013	6/14/2013	Shanghai, China	Robert H. Biden
6/14/2013	6/15/2013	Beijing, China	Robert H. Biden
12/4/2013	12/5/2013	Beijing, China	Robert H. Biden
5/7/2014	5/8/2014	Beijing, China	Robert H. Biden

During his December 2013 trip to China, during which Hunter Biden flew on Air Force Two, Hunter Biden admitted he met with a Chinese banker.¹³³ According to news reports, Hunter Biden appeared to be conducting his own private business during this specific trip and was working to secure a deal in the hopes of creating a Chinese equity fund.¹³⁴

b. Hunter Biden, USSS protectee and Burisma board member.

According to USSS records, Hunter Biden was a protectee at the time he joined Burisma’s board in May 2014.¹³⁵ Hunter Biden scheduled at least seven trips after he joined Burisma’s board on May 13, 2014.¹³⁶ These trips took him to the foreign cities of Doha, Qatar, and Paris, France, and stateside to New York, Newark, N.J., and Michigan City, Ind.:¹³⁷

Arrival Date	Departure Date	City/Country	Protectee
5/11/2014	5/14/2014	Doha, Qatar	Robert H. Biden
5/27/2014	5/28/2014	New York, NY, USA	Robert H. Biden
5/28/2014	5/28/2014	Newark, NJ, USA	Robert H. Biden
5/29/2014	5/30/2014	Paris, France	Robert H. Biden
6/7/2014	6/10/2014	Paris, France	Robert H. Biden
6/21/2014	6/27/2014	Mich. City, IN, USA	Robert H. Biden
6/29/2014	7/8/2014	Mich. City, IN, USA	Robert H. Biden

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ Protectee Visits Detail Reports for Robert H. Biden, U.S. Secret Serv., Date Range: January 1, 2008 - January 31, 2017. The U.S. Secret Service cannot confirm that the trips occurred or if protection was provided for the entirety of the trip due to the age of the records at issue.

¹³⁶ *Id.*

¹³⁷ *Id.*

The Committees did not determine why Hunter Biden declined USSS protection following the July 8, 2014, trip in Michigan City. But it should be noted that, the day before his last trip as a protectee, Time published an article describing Burisma's ramped up lobbying efforts to U.S. officials and Hunter's involvement in Burisma's board.¹³⁸ The Committees requested additional information from the USSS about the lack of records after July 8, 2014. The USSS did not provide greater detail other than Hunter Biden declined protection.

c. Conclusion

Hunter Biden scheduled hundreds of trips while he was a protectee. He was a Burisma board member while a protectee. Whether Hunter Biden conducted additional private business dealings while a protectee is unknown. Further, the Committees do not know why Hunter Biden declined USSS protection, and whether or not media scrutiny was a factor for Hunter to decline protection in July 2014.

¹³⁸ Michael Scherer, *Ukrainian Employer of Joe Biden's Son Hires a D.C. Lobbyist*, TIME (Jul. 7, 2014), <https://time.com/2964493/ukraine-joe-biden-son-hunter-burisma/>.

IX. OBAMA ADMINISTRATION OFFICIALS AND A DEMOCRAT LOBBYING FIRM HAD CONSISTENT AND SIGNIFICANT CONTACT WITH FORMER UKRAINIAN OFFICIAL ANDRII TELIZHENKO.

a. Introduction

Despite claims from Ranking Member Peters, Ranking Member Wyden and Democrat leadership, the Committees reject all assertions that this investigation has been influenced by Russian disinformation. To be crystal clear, the Committees' work has focused only on Obama administration records from the State Department, National Archives and Records Administration, Department of Justice, other federal agencies, and the U.S. consulting firm Blue Star Strategies, as well as interviews with current and former U.S. government officials. The Committees have spoken with one foreign national about his ties to the Obama administration, a DNC operative, and Blue Star Strategies.

In 2016, Andrii Telizhenko was an official at the Ukrainian embassy in Washington.¹³⁹ In that position, Telizhenko met several times with Obama administration officials, a consultant for the Democratic National Committee,¹⁴⁰ and the Democrat lobbying firm, Blue Star Strategies (which later employed him from 2016 to 2017). Blue Star Strategies officials continued to contact and request his assistance as recently as the summer of 2019.

b. Communication and meetings between Obama administration officials and Telizhenko.

As far as the Committees are aware, the majority of Telizhenko's interactions with Obama administration officials occurred during 2015 and 2016. The Committees possess records of some of these communications from their request to the National Archives.¹⁴¹

According to documents, on July 19, 2013, Telizhenko attended a meeting at the White House with two other Ukrainians to meet with Lyn Debevoise.¹⁴² At that time, Telizhenko was the counselor to a deputy of the Verkhovna Rada, Ukraine's Parliament.¹⁴³ It is unknown what was discussed at this meeting.

¹³⁹ The Committees attempted to obtain Telizhenko's Blue Star Strategies documents that are subject to a non-disclosure agreement, but Democrat obstruction shielded Blue Star Strategies from providing these relevant documents.

¹⁴⁰ Kenneth Vogel and David Stern, *Ukrainian efforts to sabotage Trump backfire*, Politico (Jan. 11, 2017).

¹⁴¹ Letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. and Governmental Aff., and Charles Grassley, Chairman, S. Comm. on Fin., to Hon. David S. Ferriero, Archivist, Nat'l Archives and Records Admin, (Nov. 21, 2019).

¹⁴² Email from Waves Request, U.S. Secret Serv. to Marisa Donelson (Jul. 11, 2013, 1:18 PM), [000064].

¹⁴³ Email from Andrii Telizhenko, Counsellor to the Deputy of Verhovna Rada, to Lyn Debevoise (Aug. 5, 2013, 8:39 AM), [000217].

On July 21, 2015, Telizhenko was scheduled to meet in the Old Executive Office Building with Michael Carpenter,¹⁴⁴ who was a foreign policy advisor to Vice President Biden.¹⁴⁵ It is unknown what was discussed at this meeting.

c. January 2016 Ukrainian delegation visit to Obama’s White House.

Telizhenko’s interactions with Obama administration officials became more frequent starting in January 2016. According to a document with a DOJ logo, a Ukrainian delegation that included senior-level Ukrainian prosecutors arrived in Washington on Jan. 18, 2016. The agenda shows that their first official meeting was confirmed for Jan. 19, 2016, at the White House, from 11 a.m. to noon with “Eric Ciaramella, Elizabeth [sic] Zentos and others TBD, National Security Council.”¹⁴⁶

¹⁴⁴ Email from Andrii Telizhenko to Frances Castro (Jul. 21, 2015, 10:01 AM), [000140].

¹⁴⁵ Penn Biden Center for Diplomacy & Global Engagement, Michael Carpenter, <https://global.upenn.edu/penn-biden-center/person/michael-carpenter>. Michael Carpenter served in the White House as a foreign policy advisor to Vice President Joe Biden as well as on the National Security Council as Director for Russia.

¹⁴⁶ Email from Eric Ciaramella, Nat’l Sec. Council, to Catherine Croft, U.S. Dep’t of St. (Jan. 19, 2016, 7:26 PM), [001753] (attaching Agenda for Examination of the U.S. Adversarial Criminal Justice System for senior-level Ukrainian prosecutors (Jan. 18, 2016 to Jan. 23, 2016), [001755]).



Agenda for Examination of the US Adversarial Criminal Justice System for senior-level Ukrainian prosecutors
January 18 – January 23, 2016
Washington, DC

Points of Contact:

Catherine Newcombe: (202) 436 6885 catherine.newcombe@usdoj.gov
Rob Hurtekant: (214) 458 7707 rob.hurtekant@usdoj.gov

Monday, January 18, 2016

Delegation Arrives in Washington, D.C.

Airport transfer to: **JW Marriot**, 1331 Pennsylvania Ave N. W. Washington, DC 20004

Tuesday, January 19, 2016

9:45	Meeting in the hotel to discuss the program
10:10	Depart hotel
11:00 – 12:00	Meeting with Eric Ciaramella, Elizabeth Zentos and others TBD, National Security Council - Confirmed <i>Location:</i> 1600 Pennsylvania Ave NW <i>POCs:</i> Eric Ciaramella – (202) 456-9106 Elizabeth Zentos – (202) 456-9158
13:00 – 14:00	Meeting with Kenneth Blanco, Deputy Assistant Attorney General and Bruce Swartz, Counsel to the Attorney General for International Affairs, U. S. Department of Justice - Confirmed <i>Location:</i> 950 Pennsylvania Avenue NW, Suite 4706 <i>POC:</i> Denise Turcotte (202) 616-9318 (202) 314- 2333
15:00 – 16:00	Meeting with FBI – TBC <i>Location:</i> TBC
16:00 – 17:00	Meeting with OPDAT/DOJ - Confirmed <i>Location:</i> 1331 F Street NW, Room 745 <i>POC:</i> Rob Hurtekant: (214) 458 7707

In the middle of the night on Jan. 19, 2016, Telizhenko contacted Elisabeth Zentos, a member of the Obama administration’s National Security Council (NSC) asking to join the NSC-Ukrainian delegation meeting scheduled at 11 a.m. that morning.¹⁴⁷ It is not known if Zentos responded to Telizhenko’s email, but she did forward Telizhenko’s request to her colleague on the NSC, Eric Ciaramella, after the Jan. 19, 2016, meeting.¹⁴⁸ According to Telizhenko’s email to Zentos, Artem Sytnyk, Nazar Kholodnickiy, and David Sakvarelidze, among others, were listed as participants in the meeting with the NSC.¹⁴⁹

¹⁴⁷ Email from Andrii Telizhenko to Elisabeth Zentos, Nat’l Sec. Council (Jan. 19, 2016, 12:22 AM), [000074].

¹⁴⁸ Email from Elisabeth Zentos, National Security Council to Eric Ciaramella, Nat’l Sec. Council (Jan. 19, 2016, 9:42 PM), [000074].

¹⁴⁹ Email from Andrii Telizhenko to Elisabeth Zentos, Nat’l Sec. Council (Jan. 19, 2016, 12:22 AM), [000074].

From: Zentos, Elisabeth <elisabeth_f_zentos@nsc.eop.gov>
Sent: Tuesday, January 19, 2016 9:42 PM
To: Ciaramella, Eric; Ciaramella, Eric
Subject: FW: Embassy of Ukraine Telizhenko

FYI—just took the time to actually read this. Woops.

From: Andrii Telizhenko [mailto:telizhenko.andriy@gmail.com]
Sent: Tuesday, January 19, 2016 12:22 AM
To: Zentos, Elisabeth <Elisabeth_F_Zentos@nsc.eop.gov>
Subject: Embassy of Ukraine Telizhenko

Dear Liz,

Hi this is Andrii Telizhenko, how are you? Tried contacting you through facebook. I am working at the Embassy of Ukraine in US now)

Tomorrow you have a planned meeting with Mr. Sytnyk, Mr. Kholodnickiy and Mr. Sakvarelidze at 11:00am, we spoke to Mr. Sytnyk and Mr. Kholodnickiy that they would like to have somebody from the Embassy be with them at the meeting.

Would it be possible to ad me in? I appologize for the late notice, just got informed.

With Regards,

Andrii Telizhenko

Over the next two days, Jan. 20-21, 2016, the Ukrainian delegation was scheduled to meet with a slew of U.S. officials, including representatives of the DOJ Office of the Inspector General, the DOJ, the FBI and the Department of State.¹⁵⁰

At this time, the Committees have not confirmed whether all the scheduled meeting entries on the agenda occurred. Further, despite the Committees’ efforts, no U.S. officials have confirmed what was discussed at any of these January 2016 meetings with the senior-level Ukrainian prosecutors.¹⁵¹

d. Interactions between Obama NSC official Elisabeth Zentos and Andrii Telizhenko.

The Committees interviewed Zentos and during that interview discussed her interactions with Telizhenko. Zentos testified that she didn’t “remember exactly when [she] first communicated with [Telizhenko], but [she] believe[s] it was while [she] was working at the U.S. Embassy in Kyiv, so it would have been between 2012 and 2014.”¹⁵² Zentos was less cooperative than any other witness the Committees interviewed. She refused to provide the

¹⁵⁰ Email from Eric Ciaramella, Nat’l Sec. Council, to Catherine Croft, U.S. Dep’t of St. (Jan. 19, 2016, 7:26 PM), [001753] (attaching Agenda for Examination of the U.S. Adversarial Criminal Justice System for senior-level Ukrainian prosecutors (Jan. 18, 2016 to Jan. 23, 2016), [001755-001756]).

¹⁵¹ Transcript of Interview at 174-75, S. Comm. on Fin. and S. Comm. on Homeland Sec. and Governmental Aff. Interview of Elisabeth Zentos (July 20, 2020), [Hereinafter Elisabeth Zentos Testimony].

¹⁵² Elisabeth Zentos Testimony 182.

names of officials to whom she directly reported, nor would she name individuals who reported to her, either at the NSC or the State Department.¹⁵³

In relation to her meetings and communications with Telizhenko, starting in January 2016, Zentos testified that she met and communicated with Telizhenko as “he was a representative of the Ukrainian Government. Part of my job was to be in touch with the Ukrainian Government.”¹⁵⁴ During the spring of 2016, records indicate, Zentos and Telizhenko would meet at coffee shops, among other venues, around Washington, and they met at least one time while in Ukraine. Overall, records indicate that they would meet a number of times during the first half of 2016. For example, on Feb. 9, 2016, less than a month after the White House meeting, Zentos and Telizhenko met at Cosi in Washington.¹⁵⁵ It is not known what was discussed at this meeting. In addition, on Feb. 23, 2016, Telizhenko and Zentos emailed about meeting. In her reply, Zentos asked, “Ok if I bring my colleague Eric, who works on Ukraine with me?” She ended the email by asking, “[D]id you get Trump’s autograph for me?”¹⁵⁶

From: Zentos, Elisabeth <elisabeth_f_zentos@nsc.eop.gov>
Sent: Tuesday, February 23, 2016 5:17 PM
To: Andrii Telizhenko
Subject: RE: Andrii Telizhenko

Andriy! I was just thinking about you, since I just had a meeting that included “other Andriy.” ☺

Yes—we need to both of the below ideas.

On the tour, I will check for open times this week. Sorry, I completely forgot this past week. Slots open up first thing in the morning, so I will attempt to get here early and snag one!

As for coffee or beer next week – definitely. Do you want to try for Wednesday or Thursday? Ok if I bring my colleague Eric, who works on Ukraine with me?

I’ll get back to you soon about the tour and just let me know what day next week works best for drinks.

Also – did you get Trump’s autograph for me?

Liz

From: Andrii Telizhenko [mailto:telizhenko.andriy@gmail.com]
Sent: Tuesday, February 23, 2016 3:51 PM
To: Zentos, Elisabeth <Elisabeth_F_Zentos@nsc.eop.gov>
Subject: Andrii Telizhenko

Liz,

Hi, how are you. Just this weekend traveled to SC to take a look at the primaries process - very interesting. We spoke when we met about the possibility of a tour of the WH, is it still possible?

Also you said that you will talk to Sasha about getting his email adress - wanted to also catch up with him.

Maybe lets meet again for coffee or beer next week?

Andrii

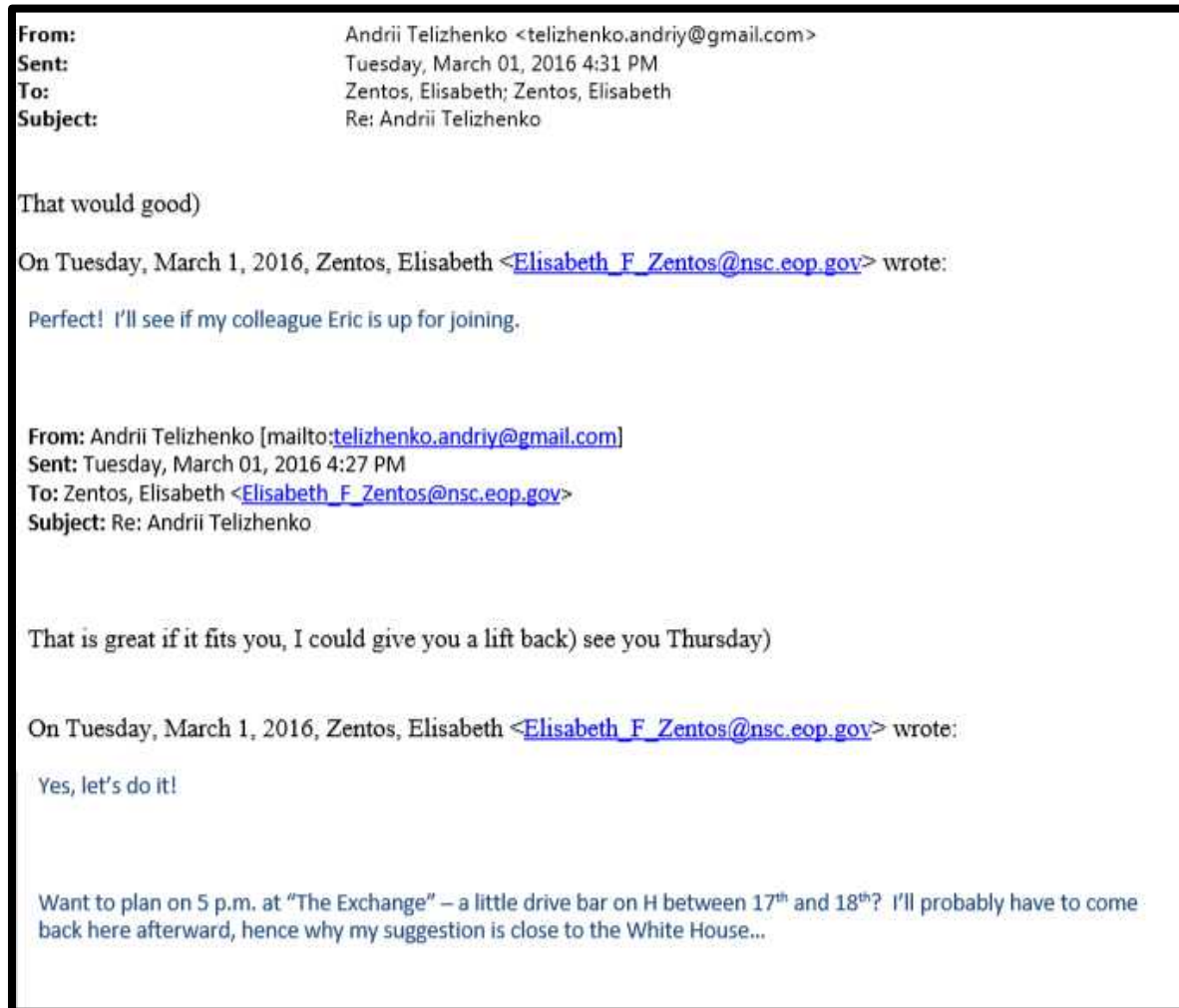
¹⁵³ Elisabeth Zentos Testimony at 34 and 38.

¹⁵⁴ Elisabeth Zentos Testimony at 187.

¹⁵⁵ Email from Andrii Telizhenko to Elisabeth Zentos, Nat’l Sec. Council (Feb. 9, 2016, 2:07 PM), [000021].

¹⁵⁶ Emails between Elisabeth Zentos, Nat’l Sec. Council, and Andrii Telizhenko (Feb. 23, 2016), [000058].

On March 1, 2016, Zentos and Telizhenko agreed over email to meet on March 3, 2016, at a Washington bar called The Exchange. Before the planned meeting, Zentos told Telizhenko, “I’ll see if my colleague Eric is up for joining.” When asked whether “Eric” was Ciaramella, Zentos declined to answer. This meeting ultimately occurred on March 4, 2016, but it is unclear what was discussed.¹⁵⁷



Additional meetings between Zentos and Telizhenko included:

- **March 4, 2016:** Zentos and Telizhenko met at Swing’s coffee house in Washington.¹⁵⁸ Telizhenko emailed Zentos after the meeting and discussed how an individual was seeking a meeting with Obama NSC official Charles Kupchan.

¹⁵⁷ Emails between Andrii Telizhenko and Elisabeth Zentos, Nat’l Sec. Council (Mar. 1, 2016), [000113-000114].

¹⁵⁸ Emails between Elisabeth Zentos, Nat’l Sec. Council, and Andrii Telizhenko (Mar. 4, 2016), [000018-000019].

- **March 10, 2016:** Telizhenko emailed Zentos asking to meet that afternoon for five minutes. Based on the email, it appears they met at 5 p.m. that day at Cosi.¹⁵⁹ Despite this email, Zentos testified, “I do not remember if this occurred. As you can probably see from the email, Mr. Telizhenko likes to ask me to meet. I don’t remember if this specific meeting happened.”¹⁶⁰
- **April 13, 2016:** Zentos and Telizhenko apparently met.¹⁶¹ When asked about this meeting, Zentos testified, “I do not recall when any specific meeting was with Mr. Telizhenko.”¹⁶² Zentos said this despite her own email to Telizhenko saying, “No worries! Just got here. See you soon.”¹⁶³
- **May 4, 2016:** Zentos and Telizhenko apparently met.¹⁶⁴
- **July 9, 2016:** Zentos emailed Telizhenko suggesting they meet. The email suggested that Zentos was in Ukraine at this time, and Zentos testified that she joined Secretary Kerry’s delegation to Ukraine around this time.¹⁶⁵ Zentos does not recall if she met Telizhenko while she was in Ukraine despite emails indicating she planned to see Telizhenko and he was “downstairs in the lobby” on the next day.¹⁶⁶

¹⁵⁹ Emails between Elisabeth Zentos, Nat’l Sec. Council, and Andrii Telizhenko (Mar. 10, 2016), [000043-000045].

¹⁶⁰ Elisabeth Zentos Testimony at 193.

¹⁶¹ Emails between Andrii Telizhenko and Elisabeth Zentos, Nat’l Sec. Council (Apr. 13, 2016), [000161].

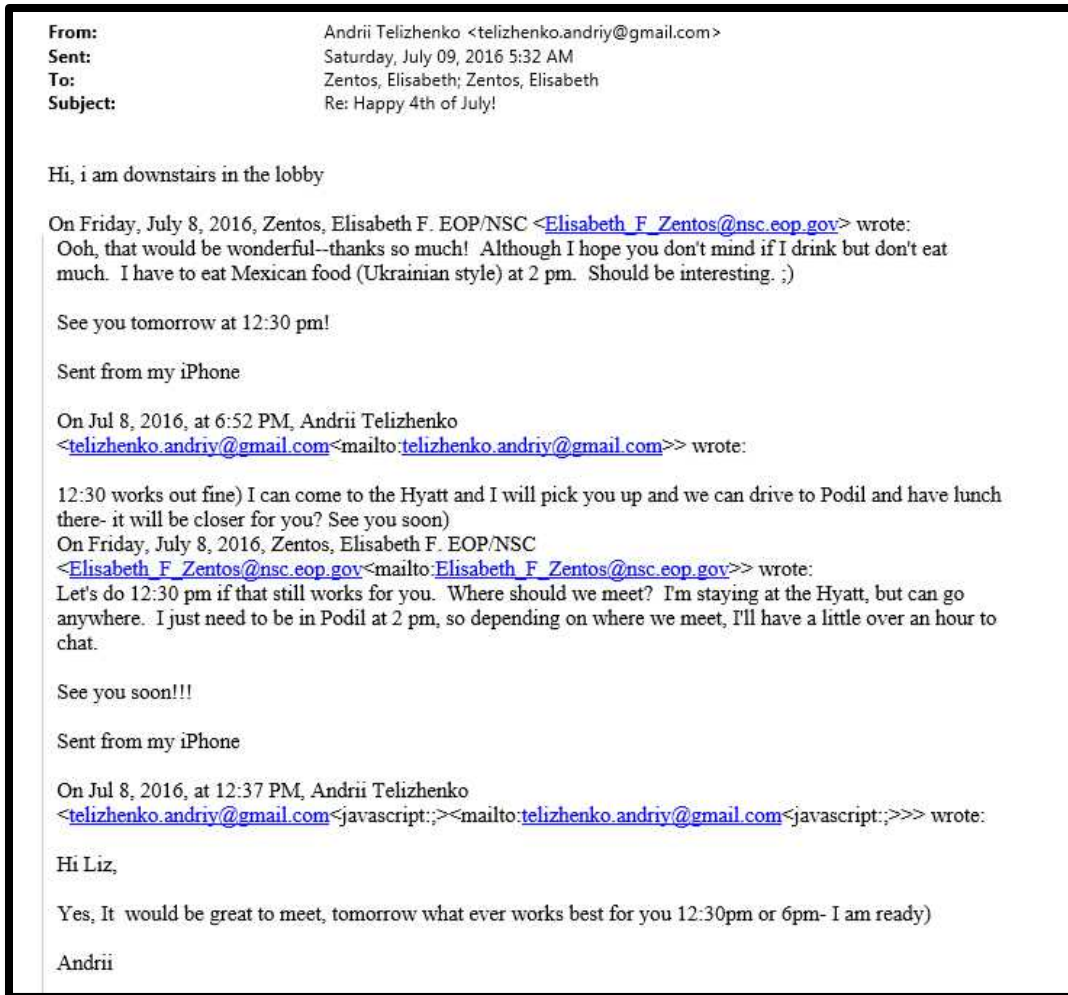
¹⁶² Elisabeth Zentos Testimony at 195.

¹⁶³ *Id.*

¹⁶⁴ Emails between Andrii Telizhenko and Elisabeth Zentos, Nat’l Sec. Council (May 4, 2016), [000109-000111].

¹⁶⁵ Elisabeth Zentos Testimony at 198.

¹⁶⁶ Emails between Andrii Telizhenko and Elisabeth Zentos, Nat’l Sec. Council (July 9, 2016), [000275-000276].



e. Blue Star Strategies' relationship with Andrii Telizhenko.

Burisma hired Blue Star Strategies, a Democrat lobbying firm, in November 2015.¹⁶⁷ Blue Star was founded by Chief Executive Officer Karen Tramontano and Chief Operating Officer Sally Painter. Both Tramontano and Painter interacted with Telizhenko when he was an official at the Ukraine embassy, and Blue Star eventually employed Telizhenko starting in July 2016.¹⁶⁸ Telizhenko's contract with Blue Star overlapped with the firm's representation of Burisma.¹⁶⁹ Blue Star refused to provide Telizhenko's documents from his time as a contractor to the Committees, and it refused the Committees' request to release Telizhenko from his non-disclosure agreement.

¹⁶⁷ Transcript of Interview at 17, S. Comm. on Fin. and S. Comm. on Homeland Sec. and Governmental Aff. Interview of Karen Tramontano (Aug. 28, 2020). [Hereinafter Karen Tramontano Testimony].

¹⁶⁸ Karen Tramontano Testimony at 57.

¹⁶⁹ Transcript of Interview at 151, S. Comm. on Fin. and S. Comm. on Homeland Sec. and Governmental Aff. Interview of Sally Painter (Aug. 31, 2020). [Hereinafter Sally Painter Testimony].

March 2016 was a pivotal month for Blue Star and its work for Burisma. In response to calls for his termination by then-Vice President Biden, Prosecutor General Viktor Shokin was about to be removed, and Blue Star increased its outreach to, and meetings with, both U.S. officials and Ukrainian officials.¹⁷⁰ On March 21, 2016, a Blue Star employee emailed State Department official Amos Hochstein to request a meeting with CEO Tramontano, COO Painter, and John Buretta, a private attorney, to discuss “a sensitive energy matter ahead of [Ukraine] President Poroshenko’s upcoming visit to DC next week.”¹⁷¹

The next day, on March 22, 2016, Vice President Biden called President Poroshenko about U.S. loan guarantees.¹⁷²

As Blue Star officials waited for a response from Hochstein, they met with Ukrainian officials. Specifically, Tramontano testified that she and Painter met with Ukrainian officials on March 22, 2016 at the Ukraine embassy.¹⁷³ Telizhenko joined this meeting, and Tramontano testified that Burisma was a topic of discussion:

Question: So at this point in this discussion you referenced with Mr. Telizhenko, you had not brought up Burisma specifically?

Tramontano: Oh. No, **we had** — I’m sorry. **To be clear, yes, we had brought up Burisma**, and my — we did not bring up, you know, specific cases that were pending.

Question: I understand. And did you just bring up Burisma to Mr. Telizhenko, or did this come up in your meeting with Ms. [Oksana] Shulyar?

Tramontano: **It came up in our meeting [March 22, 2016] with Ms. Shulyar that Mr. Telizhenko attended.** We had the meeting to inform them of the clients we had, including Burisma, and the meetings that we were seeking. **So, yes, it [Burisma] came up in that discussion.**¹⁷⁴

¹⁷⁰ Tramontano told the Committees that Blue Star Strategies engaged in “government relations assistance” for Burisma. Oddly, Painter said the exact opposite. See, Karen Tramontano Testimony at 39; Sally Painter Testimony at 39. Moreover, when questioned whether Blue Star Strategies engaged in “government relations assistance” in Ukraine on behalf of Burisma, Painter implied that it did: “I mean, we were engaging with the government, yes.” Sally Painter Testimony at 40. In addition, both Tramontano and Painter denied that they lobbied the U.S. Government on behalf of Burisma and denied that they intended to influence U.S. policy with respect to Burisma; however, that testimony is contradicted by Amos Hochstein’s. See Karen Tramontano Testimony at 48 (“We didn’t lobby the U.S. government.”) and 49 (“In our representation of Burisma, we did not try to influence U.S. policy with respect to Ukraine.”) and Sally Painter Testimony at 43 (Question: “When meeting with U.S. government officials, did you intend to influence U.S. policy towards Burisma?” Answer: “No.”) and 167 (“I do not consider them to be lobbying. I consider that to be exploring to understand the position of the U.S. government.”) compared to Amos Hochstein’s Testimony at 138 (“They did not like my answer, and they tried to convince me otherwise.”).

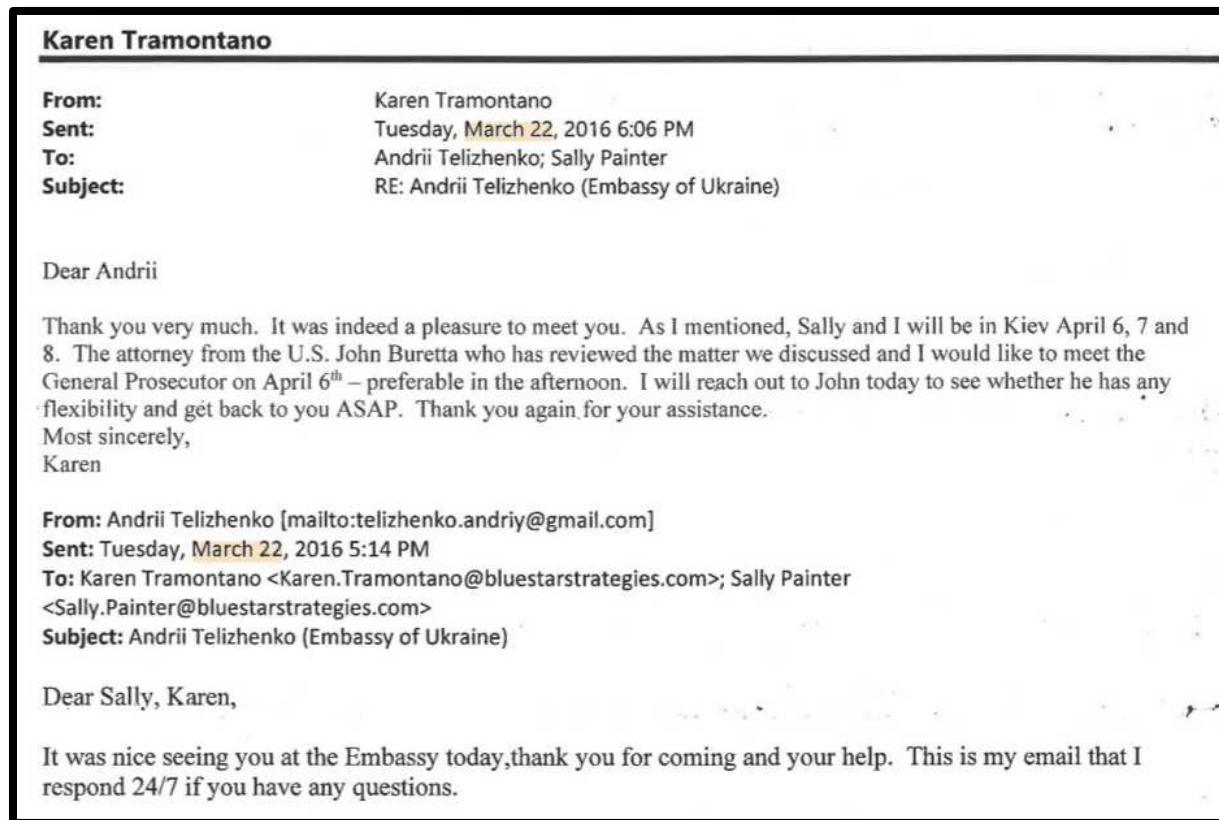
¹⁷¹ Email from Sean Keeley, Blue Star Strategies, to Amos Hochstein, U.S. Dep’t of St. (Mar. 21, 2016), [STATE-2019-18-0001124].

¹⁷² Press Release, The White House Off. of the Vice President, Readout of Vice President Biden’s Call with President Petro Poroshenko of Ukraine (Mar. 22, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/03/22/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine>.

¹⁷³ Karen Tramontano Testimony at 123.

¹⁷⁴ Karen Tramontano Testimony at 124-25 (emphasis added).

According to documents, after their meeting at the Ukraine embassy, Tramontano replied to Telizhenko, asking him about scheduling a meeting with the Prosecutor General for Ukraine.¹⁷⁵ Her email also informed Telizhenko that Buretta, an attorney and former DOJ official, planned to be in Ukraine for a day.¹⁷⁶



Additionally, the day after their meeting, Painter sent Shulyar and Telizhenko an email with the subject line: “Many Thanks.” Painter’s March 23, 2016, email noted, “As Karen said, please think of us as an extension of your team. We are available to be helpful in any way.”¹⁷⁷ Further, Painter said that Blue Star was working with “Morgan Williams on their piece of the [Ukrainian] President’s visit and would be honored to help set up something for Mr. Lozhkin¹⁷⁸ with Denis McDonough, the President’s Chief of Staff, or with anyone else he is interested in meeting.”¹⁷⁹ Blue Star did not produce these company records to the Committees; instead, the Committees received them from Telizhenko.¹⁸⁰

¹⁷⁵ Karen Tramontano Testimony at Exhibit 9.

¹⁷⁶ *Id.*

¹⁷⁷ Email from Sally Painter, Blue Star Strategies, to Oksana Shulyar and Andrii Telizhenko (Mar. 23, 2016).

¹⁷⁸ “Mr. Lozhkin” most likely refers to Boris Lozhkin who served as the Head of the Presidential Administration for Ukraine from June 2014 to August 2016. *See* World Jewish Congress, Boris Lozhkin, <https://www.worldjewishcongress.org/en/bio/boris-lozhkin>.

¹⁷⁹ Email from Sally Painter, Blue Star Strategies, to Oksana Shulyar and Andrii Telizhenko (Mar. 23, 2016).

¹⁸⁰ *Id.*

From: Sally Painter [mailto:Sally.Painter@bluestarstrategies.com]

AT-2020-04-21-65

Sent: Wednesday, March 23, 2016 5:52 PM

To: oksana.shulyar@mfa.gov.ua; Andrii Telizhenko <telizhenko.andriy@gmail.com>

Cc: Karen Tramontano <Karen.Tramontano@bluestarstrategies.com>; Sean Keeley <Sean.Keeley@bluestarstrategies.com>

Subject: Many thanks

Dear Oksana and Andrii,

Thank you for taking the time to meet with Karen and with me yesterday. We very much appreciated your insights and guidance and really look forward to working together. As Karen said, please think of us as an extension of your team. We are available to be helpful in any way.

As noted, we are working with Morgan Williams on their piece of the President's visit and would be honored to help set up something for Mr. Lozhkin with Denis McDonough, the President's Chief of Staff, or with anyone else he is interested in meeting.

As to our trip to Kiev on April 6, 7 and 8, we are officially requesting the following government meetings, but would welcome any support you could give to ensure we can confirm them:

On March 24, 2016 — three days after Blue Star requested a meeting to “discuss a sensitive energy matter” and two days after meeting with Telizhenko and Shulyar —Painter and Buretta met with Hochstein at the State Department.¹⁸¹ According to Painter, during this March 2016 meeting with Hochstein, she provided him a summary of Blue Star’s December 2015 meeting with Ambassador Pyatt.¹⁸² She also told the Committees that Buretta provided Hochstein a briefing on the U.K. court case.¹⁸³ Hochstein testified that he decided to meet with Blue Star officials, “Because until that meeting I was still under the impression from the first meeting that they were looking to conduct a report. I was – I didn’t have an issue with meeting with them again and hearing where they were in their process.”¹⁸⁴ He did not recall Blue Star providing him a report but they gave him a verbal view of where they stood and they also tried to “convince” him to change his position.¹⁸⁵

¹⁸¹ Email from Redacted, U.S. Dep’t of St., to Amos Hochstein, U.S. Dep’t of St. (Mar. 22, 2016, 10:43:00 -0400), [STATE-2019-18-0001125].

¹⁸² Sally Painter Testimony at 116.

¹⁸³ Sally Painter Testimony at 117.

¹⁸⁴ Amos Hochstein Testimony at 131-32.

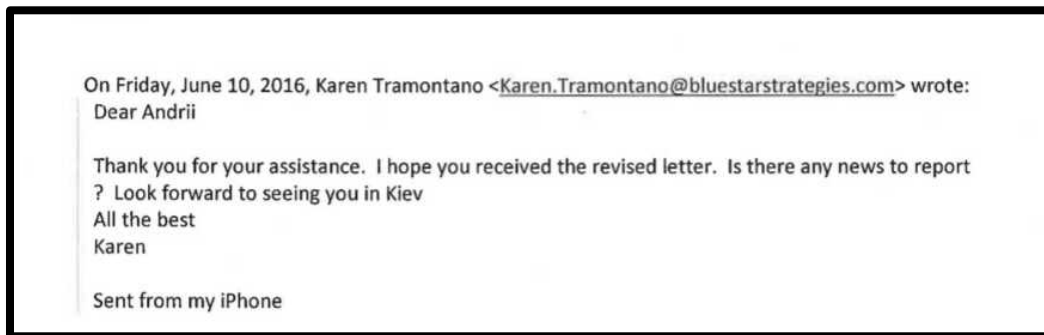
¹⁸⁵ Amos Hochstein Testimony at 132-33, 138.

f. Blue Star takes Telizhenko's recommendation to remove Burisma's name to secure a June 2016 meeting with the PGO.

While strategizing about how to secure a June 2016 meeting with Ukraine's Prosecutor General's Office, Blue Star officials and Telizhenko discussed how they should craft the meeting request to the PGO. Blue Star sought this meeting to discuss the ongoing PGO cases against Burisma and Zlochevsky. On June 7, 2016, Telizhenko offered his advice in an email to Tramontano:

I wanted to recommend to, in the official request letter, to take away Mr. Zlochevsky's company name and his name. Just request a meeting an [sic] put just the topics you wanted to discuss, expect [sic] Zlochevsky. I will brief you more when you come to Kiev, but because the President [Poroshenko] does not really like Zlochevsky (he has personal issues), Mr. Lutsenko will deny the meeting if his name stays in the letter. You can raise the issue during the meeting, but on the official letters I would recommend to remove it. I spoke to the chief of staff. He is ready to meet, but please take off the name of the company and his name.¹⁸⁶

On June 10, 2016, Tramontano replied to Telizhenko, saying, "Thank you for your assistance. I hope you received the revised letter."¹⁸⁷



Tramontano testified that some of Telizhenko's recommendations were adopted.¹⁸⁸

Question: Did Blue Star make the changes to the letter that was sent to the Prosecutor General that Mr. Telizhenko recommended?

Tramontano: John Buretta made the changes.

Question: And what changes did Mr. Buretta make?

¹⁸⁶ Karen Tramontano Testimony at 136-37.

¹⁸⁷ Karen Tramontano Testimony at 139.

¹⁸⁸ Karen Tramontano Testimony at 139-140.

Tramontano: As I recall, and I believe this document is in the submission, he changed the agenda items **to take the name of the company [Burisma] off the agenda items.**¹⁸⁹

On June 22, 2016, Tramontano, Buretta and Burisma's Vadym Pozharskiy met with Prosecutor General Lutsenko.¹⁹⁰

g. Blue Star official communicates with Telizhenko in 2019.

Blue Star's contract with Telizhenko ended in May 2017, yet Blue Star officials continued to communicate with Telizhenko.

Tramontano testified that after ending the contract with Telizhenko, "we remained in contact, I would say, you know, from time to time. When he came to Washington, he would, you know, let us know. But I haven't talked to him in quite some time, I would say."¹⁹¹ When asked if this was the same for Painter, Tramontano replied, "I would think it's the same."¹⁹² Further, when Tramontano was asked whether Painter communicated more with Telizhenko, she responded, "I don't even know how to answer that question. I'm sorry[.]"¹⁹³

When the Committees interviewed Painter, she explained how she communicated with Telizhenko:

Question: How did you communicate with Mr. Telizhenko?

Painter: We communicated by email and on the telephone.

Question: By telephone, you mean phone calls?

Painter: Yes.¹⁹⁴

At that point of the interview, Painter failed to mention that she communicated via WhatsApp with Telizhenko.¹⁹⁵ The Committees have obtained some images of WhatsApp messages between Painter (white colored boxes) and Telizhenko (green colored boxes) starting in April 2019 and ending in August 2019. These texts show that Blue Star and Telizhenko maintained consistent contact even after he left their employment and that Blue Star continued to rely on his advice.

¹⁸⁹ *Id.* (emphasis added).

¹⁹⁰ Karen Tramontano Testimony at 140.

¹⁹¹ Karen Tramontano Testimony at 161.

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ Sally Painter Testimony at 150.

¹⁹⁵ Sally Painter failed to produce any WhatsApp communications to the Committees, and the communications were provided by Andrii Telizhenko.



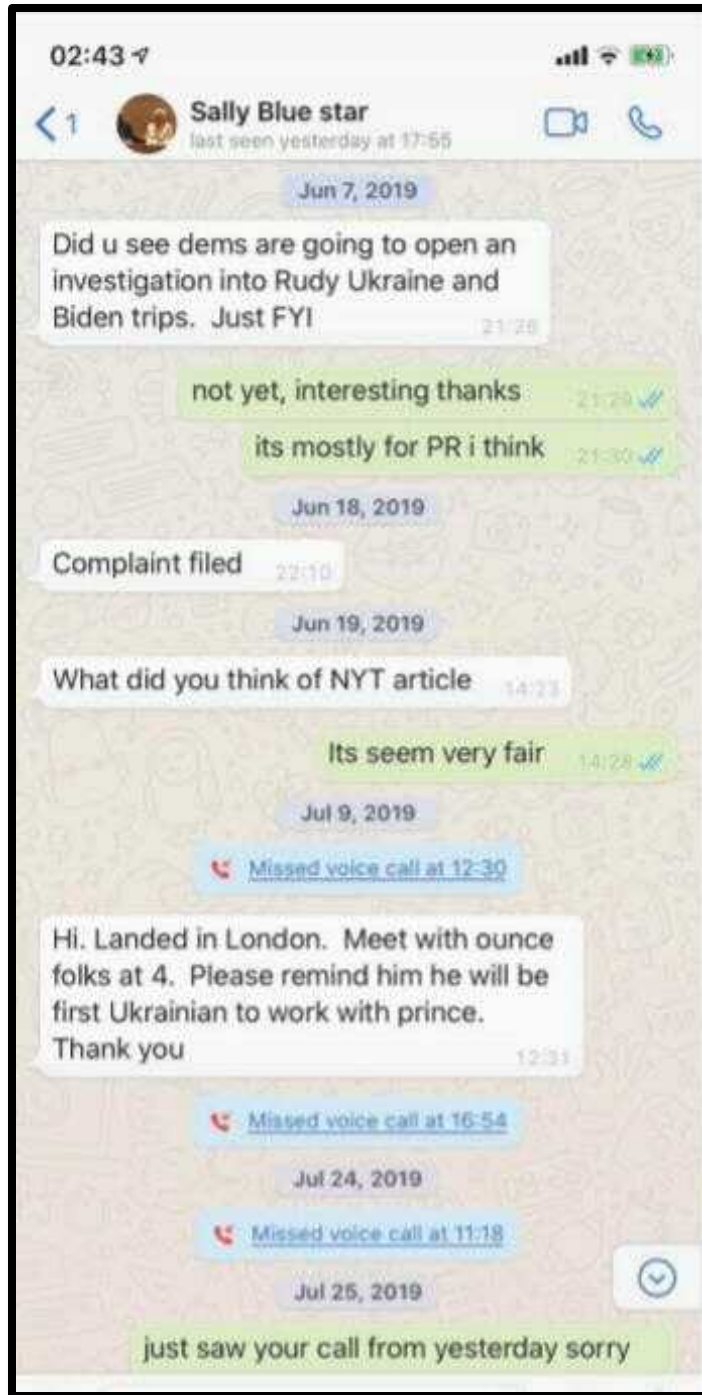
Messages exchanged between Sally Painter (white background) and Andrii Telizhenko (green background)¹⁹⁶

¹⁹⁶ WhatsApp messages between Sally Painter, Blue Star Strategies, and Andrii Telizhenko (on file with Comms.).



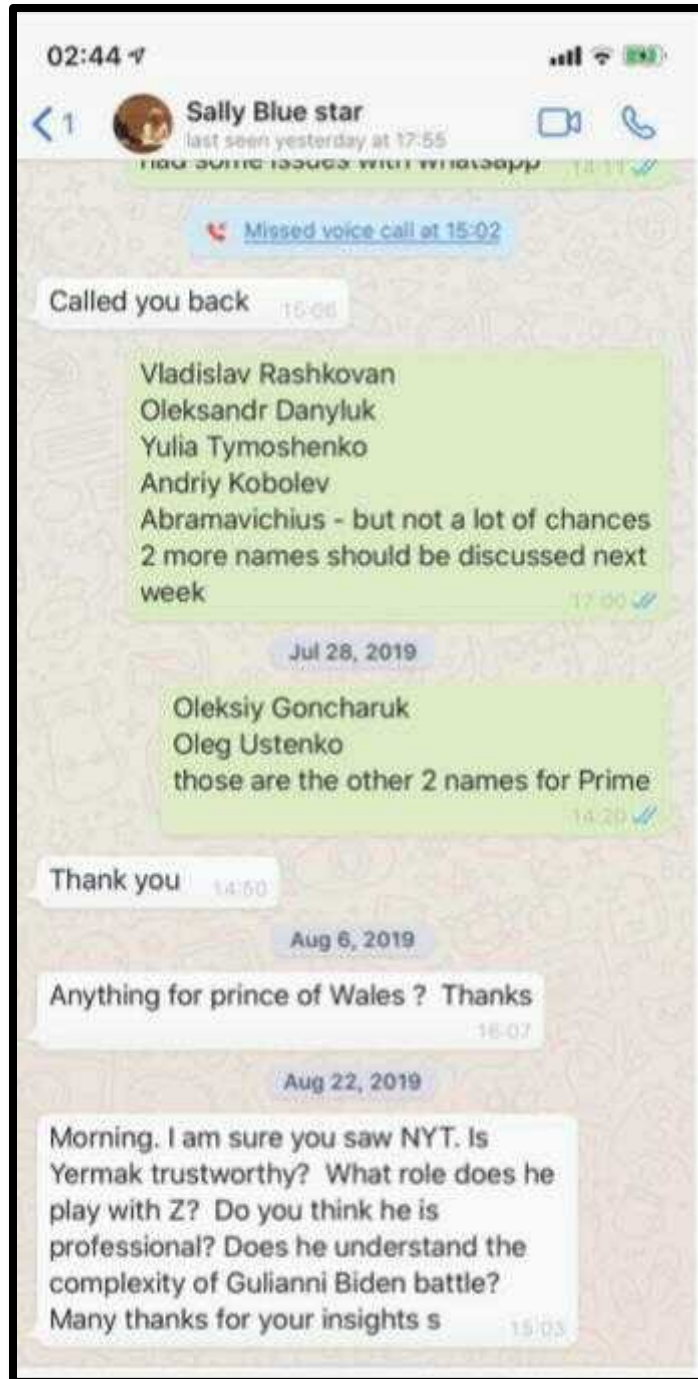
Messages exchanged between Sally Painter (white background) and Andrii Telizhenko (green background)¹⁹⁷

¹⁹⁷ *Id.*



Messages exchanged between Sally Painter (white background) and Andrii Telizhenko (green background)¹⁹⁸

¹⁹⁸ *Id.*



Messages exchanged between Sally Painter (white background) and Andrii Telizhenko (green background)¹⁹⁹

¹⁹⁹ *Id.*

When the Committees presented these WhatsApp messages to Painter, she confirmed that these messages were authentic:

Question: Did you text with Andrii Telizhenko?

Painter: I believe so, yes.

Question: Do these appear to be messages between yourself and Mr. Telizhenko?

Painter: Yes.

Question: How often do you text with Mr. Telizhenko?

Painter: I can't quantify. I don't recall the number.²⁰⁰

Painter did not provide these WhatsApp messages to the Committees despite repeated requests. When asked whether she still possessed these messages with Telizhenko, Painter testified, **“I do not keep my WhatsApp messages.”** And when questioned why she doesn't keep the messages, Painter said, **“I like to get rid of them. It makes me know that I finished a task. So I get rid of my texts and my WhatsApp and any of my traffic like that. I like to have a clean file.”**²⁰¹

When asked why she was communicating with Telizhenko in July 2019, Painter testified, **“We had a fine rapport, and he would communicate with me periodically.”**²⁰²

According to these messages, on April 30, 2019, Painter told Telizhenko to “please Take [sic] blue star off resume.” The Committees asked Painter about this message:

Question: It sounds like you're ordering him to do that [Remove Blue Star from his resume]. No?

Painter: As I stated before — this will be the third time — Mr. Telizhenko was working more and more with Mr. Giuliani, and we had a conversation about whether it would hurt him with the Republicans if he had Blue Star on his résumé. So this is not a characterization of our conversation.

Question: So is that connected to the message you sent above on April 26, 2019, that says, “Have you seen what Solomon has written about what you said?”

Painter: I don't think the — I can't comment on that because I don't think this is an accurate representation of the chain of events.

²⁰⁰ Sally Painter Testimony at 153-54 (emphasis added).

²⁰¹ Sally Painter Testimony at 157 (emphasis added).

²⁰² Sally Painter Testimony at 158 (emphasis added).

Question: So you're advising Mr. Telizhenko how to better work with Rudy Giuliani and Republicans?

Painter: Ironically, Mr. Telizhenko was asking my advice.²⁰³

In another message, on June 18, 2019, Painter messaged Telizhenko, "Complaint filed." The Committees asked Painter about this message and she explained:

Question: On June 18th, 2019, you wrote "Complaint filed." What is this reference to?

Painter: I don't recall.

Question: You have no recollection?

Painter: I do not.

Question: Why would you have to tell Mr. Telizhenko that a complaint was filed?

Painter: I don't recall.²⁰⁴

h. Conclusion

The Obama administration and the Democrat lobby shop Blue Star Strategies had consistent and extensive contact with Andrii Telizhenko over a period of years. Yet despite these well-documented contacts with Democratic officials, Democrats have attempted to impugn this investigation for having received some Blue Star-related records from him. Some Democrats have even (incorrectly) identified Telizhenko as the Committees' "star witness."²⁰⁵ Although he produced a small number of Blue Star-related records to the Committees, the Committees never interviewed him as part of this investigation.²⁰⁶ Nonetheless, Democrats have claimed that Telizhenko is involved in a Russian disinformation campaign. Even though almost all of the Committees' records are from U.S. agencies and U.S. officials or persons, Democrats have repeatedly misconstrued the facts of this investigation. In doing so, they conveniently have ignored their own long history of meeting with Telizhenko and his year-long work for a Democrat lobby shop. If Democrats are concerned that Telizhenko presents any risk of advancing disinformation, it is notable that the Ranking Members have not expressed any curiosity about his work with the Obama administration or Blue Star Strategies.

²⁰³ Sally Painter Testimony at 161.

²⁰⁴ Sally Painter Testimony at 156.

²⁰⁵ Ranking Member Ron Wyden, Wyden Takes to Senate Floor to Address Russian Disinformation in Flawed Congressional Investigation, 2020 Election (Sept. 16, 2020), <https://www.finance.senate.gov/wyden-takes-to-senate-floor-to-address-russian-disinformation-in-flawed-congressional-investigation-2020-election>.

²⁰⁶ The Committees received a small number of records from Telizhenko related to his communications with and subsequent work for Blue Star Strategies. Ranking Member Peters and Ranking Member Wyden have access to these records but have refused to receive or review them. Had they done so, they would have observed that the State Department, National Archives, and Blue Star Strategies (after it received a subpoena) produced most of the same records to the Committees. They also would have noticed the emails and text messages that Blue Star failed to produce to the Committees.

X. THE MINORITY FALSELY ACCUSED THE CHAIRMEN OF ENGAGING IN A RUSSIAN DISINFORMATION CAMPAIGN AND USED OTHER TACTICS TO INTERFERE IN THE INVESTIGATION.

a. Introduction

Since the majority began its investigation, the Ranking Members have attempted to mischaracterize its scope in an effort to cast doubt on its eventual findings. They have done so, in part, by spreading an unfounded conspiracy theory rooted in a foreign-sourced influence campaign publicly identified by the Intelligence Community (IC).²⁰⁷ Specifically, Democrats, not just the Ranking Members, relied upon materials and statements from foreign nationals who are attempting to influence U.S. politics to levy unsupported and demonstrably inaccurate allegations linking the majority's investigation to those same unreliable foreign nationals.

As part of their efforts, Democrats laundered their unclassified speculation through classified analysis of intelligence reporting to fabricate a veneer of credibility in an effort to shield their claims from public scrutiny. Those false claims were then leaked to friendly media outlets, which reported them as fact. Together, these networks of Democratic offices and liberal press outlets have worked to weave fact with fiction in order to construct a false narrative designed to undercut and discredit the Chairmen's investigation and its eventual findings. In the process, Democrats relied upon and disseminated disinformation from foreign sources, such as Ukrainian official Andriy Derkach, whom the IC has publicly warned are actively seeking to influence U.S. politics.²⁰⁸ Thus the Democrats, specifically the Ranking Members, have engaged in a disinformation campaign, not Chairmen Grassley or Johnson.

b. Beginnings of the investigation, early leaks, and unequal information sharing

On Nov. 15, 2019, Chairman Grassley and Chairman Johnson wrote a non-public letter to the Department of Treasury's Financial Crimes Enforcement Network (FinCEN), seeking Suspicious Activity Reports (SARs) on individuals and entities, including Hunter Biden, Burisma Holdings (Burisma), and others. Although most of the letters sent during the investigation have been released to the public shortly after being transmitted, this letter was not released at the time because of the sensitive nature of the underlying records and the need to ensure the integrity of the investigation with respect to those records. SARs often contain evidence of potential criminal activities, such as money laundering and fraud, and at the time, there was no evidence that SARs existed for the individuals mentioned in the request.²⁰⁹ The letter was, however, shared with Ranking Member Peters' office. Just one week later, on Nov.

²⁰⁷ See Press Release, Off. of the Dir. of Nat'l Intelligence, Statement by NCSC Director William Evanina: Election Threat Update for the American Public (Aug. 7, 2020), <https://www.dni.gov/index.php/newsroom/press-releases/item/2139-statement-by-ncsc-director-william-ewanina-election-threat-update-for-the-american-public>; see also, Opening Statement of Joshua Flynn-Brown, Deputy Chief Investigative Counsel for Chairman Grassley (Sept. 17, 2020).

²⁰⁸ See *id.*

²⁰⁹ See Off. of the Comptroller of the Currency, Suspicious Activity Reports (2013), <https://www.occ.treas.gov/topics/supervision-and-examination/bank-operations/financial-crime/suspicious-activity-reports/index-suspicious-activity-reports.html>.

22, 2019, a copy of the letter was leaked to Reuters, which published an article containing a link to a full and unredacted copy of the letter.²¹⁰ According to the Treasury, the department's protocol requires stamping the document, which the leaked version did not contain.

The next major leak came in February 2020, just one day after the Committees sent a public letter to the Secret Service requesting Hunter Biden's travel records.²¹¹ The Committees had requested the travel records in order to assess claims that Hunter Biden may have used government-sponsored travel to conduct private business. The leaks were unrelated to the Secret Service letter but they were designed to undermine the Treasury request. For example, these disclosures to the media included the fact that the Treasury had been producing information responsive to the Committees' requests as well as the approximate date when the Treasury had begun its production to the Committees.²¹² The Yahoo News article also stated, "[t]he senators' requests to the Treasury have borne fruit, according to the ranking Democratic senator on the Finance Committee, Ron Wyden of Oregon[.]"²¹³ Senator Wyden's spokesperson was also quoted as saying, "the Treasury Department [is] rapidly complying with Senate Republican requests — no subpoenas necessary — and producing 'evidence' of questionable origin."²¹⁴ The Yahoo News article stated that the Department of Treasury had "complied with Republican senators' requests for highly sensitive and closely held financial records about Hunter Biden and his associates[.]"²¹⁵ Further, on the same day the Yahoo News article published, BuzzFeed News reported that the Committees had begun coordinating interviews with potential witnesses.²¹⁶

Contrary to the allegation that the Chairmen have not included the Ranking Members in the Chairmen's investigation, Ranking Member Wyden and Ranking Member Peters are not a party to the majority's investigation. However, Chairman Grassley and Chairman Johnson have included them in all document productions and interviews even though the Ranking Members have failed to abide by the same principles of inclusion with respect to their investigations.²¹⁷ As one example, on July 1, 2020, Ranking Member Wyden and Ranking Member Peters released a COVID-19 report that included non-public government information that was not shared with

²¹⁰ See Richard Cowan and Valerie Volcovici, *U.S. Republican Senators ask Treasury for any Reports on Hunter Biden*, REUTERS (Nov. 22, 2019), <https://www.reuters.com/article/us-usa-trump-impeachment-biden/u-s-republican-senators-ask-treasury-for-suspicious-activity-reports-on-hunter-biden-idUSKBN1XW254>.

²¹¹ See Letter from Chairman Charles Grassley, S. Comm. on Fin., and Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., to U.S. Secret Serv. (Feb. 5, 2020), <https://www.grassley.senate.gov/sites/default/files/documents/2020-02-05%20CEG%20RHJ%20to%20Secret%20Service%20%28Biden%20Travel%29.pdf>; see also Emma Loop, *Here's What's Happening In Republicans' Biden Ukraine Investigation*, BUZZFEED NEWS (Feb. 6, 2020), <https://www.buzzfeednews.com/article/emmaloop/republicans-biden-ukraine-investigation>; Luppe B. Luppen, *Treasury Department Sent Information on Hunter Biden to Expanding GOP Senate Inquiry*, YAHOO NEWS (Feb. 6, 2020), <https://news.yahoo.com/treasury-department-sent-information-on-hunter-biden-to-expanding-gop-senate-inquiry-161846826.html>.

²¹² See *id.*

²¹³ Luppe B. Luppen, *Treasury Department Sent Information on Hunter Biden to Expanding GOP Senate Inquiry*, YAHOO NEWS (Feb. 6, 2020), <https://news.yahoo.com/treasury-department-sent-information-on-hunter-biden-to-expanding-gop-senate-inquiry-161846826.html>.

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ Emma Loop, *Here's What's Happening In Republicans' Biden Ukraine Investigation*, BUZZFEED NEWS (Feb. 6, 2020), <https://www.buzzfeednews.com/article/emmaloop/republicans-biden-ukraine-investigation>.

²¹⁷ Email correspondences between Majority and Minority Staff (on file with Comms.).

Chairman Grassley and Chairman Johnson or their staff.²¹⁸ The Ranking Members failed to include the Chairmen and their staff in all document production requests related to this review.²¹⁹ Moreover, Ranking Member Wyden and Ranking Member Peters provided Chairmen’s staff with a draft of this report that totaled 30 pages in length and represented that it was the final version, to be publicly released.²²⁰ Days later, the Ranking Members made public the “final” report, which was 98 pages in length, not the 30 pages that was represented to the Chairmen and their staff.²²¹

As another example, Ranking Member Wyden conducted a year-long investigation into Centers for Medicare & Medicaid Services Administrator Seema Verma with the House Committee on Energy and Commerce, the House Committee on Oversight and Reform, and the minority on the Senate Committee on Health, Education, Labor, and Pensions. On Sept. 9, 2020, at 6:16 p.m., Ranking Member Wyden’s staff notified Chairman Grassley’s staff that the report would be issued the following morning.²²² Ranking Member Wyden’s staff did not include Chairman Grassley’s staff in any document productions, witness interviews, report drafts, or communications relating to that investigation.

Further, the Ranking Members have repeatedly made public previously undisclosed and non-public information pertaining to the majority’s investigation. On Feb. 11, May 6, and July 7, 2020, Ranking Member Wyden used the majority’s investigation to request sensitive materials from the State Department relating to Ukraine.²²³ In doing so, the May 6 and July 7 letters also made unauthorized releases of previously non-public information, including details regarding the number of documents produced by the State Department in response to Committees’ requests, information which they would not have known if they were not included in the document productions.²²⁴ News outlets used that information to report that the administration was responding to the Chairmen’s requests with unusual speed, which was false.²²⁵

Moreover, staff for the Chairmen and Ranking Members had a phone call with Victoria Nuland’s attorneys on Aug. 29, 2020. During the course of that phone call, staff for Ranking

²¹⁸ See Press Release, Spec. Comm. on Aging, *Casey, Peters, Wyden Release New Report Detailing Trump Administration’s Failure to Protect Nursing Home Residents and Workers From COVID-19* (July 1, 2020), <https://www.aging.senate.gov/press-releases/casey-peters-wyden-release-new-report-detailing-trump-administrations-failure-to-protect-nursing-home-residents-and-workers-from-covid-19->.

²¹⁹ Email correspondences between Majority and Minority Staff (on file with Comms.).

²²⁰ *Id.* (on file with Comms.).

²²¹ See S. Rep., COVID-19 IN NURSING HOMES How the Trump Administration Failed Residents and Workers, Spec. Comm. on Aging (July 2020), <https://www.aging.senate.gov/imo/media/doc/COVID-19%20in%20Nursing%20Homes%20Final%20Report.pdf>.

²²² Email correspondences between Majority and Minority Staff (on file with Comms.).

²²³ See Letter from Ranking Member Ron Wyden, S. Comm. on Fin., to U.S. Dep’t of St. (Feb. 11, 2020), <https://www.finance.senate.gov/imo/media/doc/021120%20Wyden%20Letter%20to%20Mike%20Pompeo%20RE%20Ukraine%20Follow%20Up.pdf>; Letter from Ranking Member Ron Wyden, S. Comm. on Fin., to U.S. Dep’t of St. (May 6, 2020), <https://www.documentcloud.org/documents/6883366-Wyden-to-Pompeo-05-06-2020.html>; Letter from Ranking Member Ron Wyden, S. Comm. on Fin., to U.S. Dep’t of St. (July 7, 2020), <https://www.finance.senate.gov/imo/media/doc/070720%20Wyden%20to%20Pompeo%20Third%20Ukraine%20Request.pdf>.

²²⁴ See *id.*

²²⁵ See Luppe B. Luppen, *Treasury Department Sent Information on Hunter Biden to Expanding GOP Senate Inquiry*, YAHOO NEWS (Feb. 6, 2020), <https://news.yahoo.com/treasury-department-sent-information-on-hunter-biden-to-expanding-gop-senate-inquiry-161846826.html>.

Member Wyden attempted to disclose to Nuland’s counsel the transcribed testimony of another witness. The Chairmen’s staff immediately interceded to stop the communication and made clear that such a disclosure would negatively affect the integrity of the investigation. In addition, the Ranking Members’ staff have had contact with counsel for the witnesses without the Chairmen’s staff present; in the context of an investigation conducted by only the Chairmen and opposed by the Ranking Members, this unilateral contact raises concerns about any communications, purposeful or inadvertent, that might harm the integrity of the investigation.

House Democrats have also tried to involve themselves in this inquiry. On May 21, 2020, Representative Eliot Engel, who serves as Chairman of the House Committee on Foreign Affairs, wrote to the State Department to request that the documents provided to the Senate Committees be provided to his committee as well.²²⁶ (Of course, Ranking Member Wyden and Ranking Member Peters received contemporaneous productions of all records provided to the Committees.) Citing Ranking Member Wyden, Chairman Engel did not request the materials in connection with any investigation of his own.²²⁷ Instead, he merely requested all records that have been produced to the Committees.²²⁸ His inadequately predicated request appears to be another effort to gather information for the purpose of running political interference. Further, Chairman Engel has subpoenaed records and, in an attempt to strong-arm Secretary Pompeo into turning over documents, has threatened to initiate contempt proceedings against him.²²⁹ Based on communications with the State Department, Chairman Engel’s actions have directly interfered with the State Department producing records to the Chairmen. On Sept. 18, 2020, the State Department provided copies of records produced to the Committees to Chairman Engel without providing any prior notice to the Chairmen.

c. Conspiracy theory claims

On July 13, 2020, Minority Leader Chuck Schumer, Senator Mark Warner, Speaker Nancy Pelosi, and Representative Adam Schiff sent a letter, with a classified attachment, to the FBI to express a purported belief that Congress is the subject of a foreign disinformation campaign.²³⁰ In that letter, which was publicly released on July 20, 2020, they requested a defensive briefing on foreign efforts to interfere in the 2020 U.S. presidential election.²³¹ The classified attachment included unclassified elements that, among other things, attempted — and failed — to tie the joint Committees’ investigation to foreign disinformation.

²²⁶ Letter from Chairman Elliot Engel, U.S. H.R. Comm. on Foreign Aff., to U.S. Dep’t of St. (May 21, 2020), https://foreignaffairs.house.gov/_cache/files/5/7/577bdfef-657a-48d7-b8e9-1b91229daf5d/404E6B8B9F59DEDDBA792009808D9C91.5-21-2020.ele-letter-to-pompeo.pdf.

²²⁷ *See id.*

²²⁸ *See id.*

²²⁹ *See* Press Release, Chairman Elliot Engel, U.S. H.R. Comm. on Foreign Aff., Engel Announces Contempt Proceedings against Pompeo (Aug. 28, 2020), <https://foreignaffairs.house.gov/2020/8/engel-announces-contempt-proceedings-against-pompeo>.

²³⁰ Letter from Minority Leader Charles Schumer, Vice Chairman Mark Warner, S. Select Comm. on Intelligence, Speaker Nancy Pelosi, and Chairman Adam Schiff, H. Select Comm. on Intelligence, to Fed. Bureau of Investigation (July 13, 2020), https://intelligence.house.gov/uploadedfiles/20200713_big_4_letter_to_fbi_director_wray_-_defensive_briefing_signed.pdf.

²³¹ Letter from Minority Leader Charles Schumer, Vice Chairman Mark Warner, S. Select Comm. on Intelligence, Speaker Nancy Pelosi, and Chairman Adam Schiff, H. Select Comm. on Intelligence, to Fed. Bureau of Investigation (July 13, 2020), https://intelligence.house.gov/uploadedfiles/20200713_big_4_letter_to_fbi_director_wray_-_defensive_briefing_signed.pdf; *see also* Press Release, Nancy Pelosi Speaker of the House, Pelosi, Schumer, Schiff, Warner Send Letter to FBI Director Requesting Defensive Counterintelligence Briefing for All Members (July 20,2020), <https://www.speaker.gov/newsroom/72020-2>.

One of those elements was an unclassified paragraph that summarized an open source document created by Russia-aligned Ukrainian Andriy Derkach, which mentions the Chairmen along with other Republican senators and administration officials. In that document, the Chairmen are labeled as individuals who are fighting against Ukrainian corruption and under their pictures is an envelope icon. The Democrats speculated that the envelope icon possibly suggests that the Chairmen *might* have received information from this Ukrainian national. Liberal media outlets picked up that reference, clearly from a leak, even though the Chairmen had not received any information from that Ukrainian national, including any alleged tapes. Those media outlets reported that the Chairmen had in fact received information from Derkach, which is false.²³² Indeed, clicking on the envelope icon in the document produces a collection of public letters the Chairmen have sent during the investigation, not any additional documents that Derkach allegedly sent to them. Although the Democrats' letter and attachment from July 13 targeted the Chairmen's investigation, they were not copied on the letter and were not granted access to the classified portion until two weeks after it was sent to FBI and one week after portions of it were publicly reported.

On July 16, mere days before the Democrats' July 13 letter became public, Ranking Member Peters and Ranking Member Wyden wrote to the Chairmen to request a briefing from the FBI's Foreign Influence Task Force and other relevant members of the IC on matters related to the Committees' investigation.²³³ On July 28, 2020, the Chairmen responded to the Ranking Members and reminded them that in March 2020, the FBI and relevant members of the IC had briefed the Committees regarding the investigation and provided assurances at that time that there was no reason that the Committees should not continue their investigation.²³⁴ Those assurances were provided with knowledge of public reporting that Andrii Telizhenko provided records to the Committees. Notably, Telizhenko had extensive and consistent contact with Obama administration officials and a DNC consultant, and worked for the U.S.-based Democrat firm Blue Star Strategies on matters relevant to the Committees' investigation. As such, the only records he provided to the Committees related to his work for Blue Star Strategies and his interactions with Obama administration officials. Additionally, during that briefing, the agencies made clear to the Committees' staff that they did not have any additional information to provide and that the relevant written products, which members have had access to for months, speak for themselves. Subsequently, on Aug. 6, 2020, Chairman Grassley and Chairman Johnson received another briefing from the FBI on behalf of the IC, in which the FBI stated that it is not attempting to "quash, curtail, or interfere" in the investigation in any way.

²³² See Natasha Bertrand, Andrew Desiderio, and Kyle Cheney, *Democrats: Packets sent to Trump allies are Part of Foreign Plot to Damage Biden*, POLITICO (July 23, 2020), <https://www.politico.com/news/2020/07/23/democrats-letters-to-trump-allies-are-foreign-plot-to-damage-biden-380217>; As the Chairmen have repeatedly said, they and their staff have not received, relied upon, or solicited information from Derkach.

²³³ Letter from Ranking Member Ron Wyden, S. Comm. on Fin., and Ranking Member Gary Peters, S. Comm. on Homeland Sec. and Governmental Aff., to Chairman Grassley, S. Comm. on Fin., and Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff. (July 16, 2020), https://www.hsgac.senate.gov/imo/media/doc/200716_Letter_PetersWyden_IntelligenceBriefingRequest.pdf.

²³⁴ Letter from Chairman Charles Grassley, S. Comm. on Fin., and Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., to Ranking Member Ron Wyden, S. Comm. on Fin., and Ranking Member Gary Peters, S. Comm. on Homeland Sec. and Governmental Aff. (July 28, 2020), <https://www.grassley.senate.gov/sites/default/files/2020-07-28%20RHJ-CEG%20Letter%20to%20Peters-Wyden%20%28Defensive%20Briefing%29.pdf>.

On July 20, 2020, Politico reported on the contents of the Democrats' July 13, 2020 letter.²³⁵ Unnamed sources for the article alleged that the classified attachment cited the investigation into Hunter Biden and others as "one of the sources of ... concern."²³⁶ A subsequent Politico article, again citing unnamed sources, reported that in 2019, Derkach allegedly sent information to several members of Congress, including the Chairmen and Ranking Member Wyden and Ranking Member Peters.²³⁷ The article then further suggested that these weak parallels reinforced the "suspicions" of some Democrats that the Committees' investigation was "laundering" a foreign influence campaign to damage Biden.²³⁸ The Politico article also suggested that Deputy Assistant Secretary of State for European and Eurasian Affairs George Kent and several other individuals have been the subject of Committee information requests.²³⁹ The Chairmen repeatedly rejected claims that they had any engagement with Derkach. In August 2020, Derkach was publicly identified by the IC as a proponent of a foreign-sourced influence campaign to influence the 2020 election. He was later sanctioned by the U.S. Department of Treasury for the same activity.²⁴⁰ Chairman Grassley and Chairman Johnson praised the Treasury for imposing those sanctions.²⁴¹

Since the offices of Chairman Johnson and Chairman Grassley did not receive, and were unaware of, the information that Derkach had allegedly sent, it is impossible that Derkach's efforts could have shaped the Committees' investigation in any way. Furthermore, it should now be clear that Derkach's core claims are in no way a part of the Committees' investigative work. For example, according to media reports, Derkach is responsible for spreading allegations that Burisma made direct payments to Joe Biden in the amount of \$900,000, which were allegedly funneled to Biden through his son's consulting firm, Rosemont Seneca Partners, and marked for "consultative services."²⁴² This claim about direct payments made to Joe Biden is not evaluated in the Committees' report of investigation, nor has it ever been cited as a predicate for any of the Committees' information requests. However, during the Chairmen's staff interview of George Kent, Ranking Member Peters' staff inserted into the interview record the same Derkach-created

²³⁵ See Natasha Bertrand, Kyle Cheney, and Andrew Desiderio, *Dem leaders demand FBI briefing on 'foreign interference campaign' targeting lawmakers*, POLITICO (July 20, 2020), <https://www.politico.com/news/2020/07/20/democrats-fbi-briefing-foreign-interference-campaign-373134>.

²³⁶ See *id.*

²³⁷ See Natasha Bertrand, Andrew Desiderio, and Kyle Cheney, *Democrats: Packets sent to Trump allies are Part of Foreign Plot to Damage Biden*, POLITICO (July 23, 2020), <https://www.politico.com/news/2020/07/23/democrats-letters-to-trump-allies-are-foreign-plot-to-damage-biden-380217>. As the Chairmen have repeatedly said, they and their staff have not received, relied upon, or solicited information from Derkach.

²³⁸ See *id.*

²³⁹ See Natasha Bertrand, Andrew Desiderio, and Kyle Cheney, *Democrats: Packets sent to Trump allies are Part of Foreign Plot to Damage Biden*, POLITICO (July 23, 2020), <https://www.politico.com/news/2020/07/23/democrats-letters-to-trump-allies-are-foreign-plot-to-damage-biden-380217>.

²⁴⁰ See Press Release, Off. of the Dir. of Nat'l Intelligence, Statement by NCSC Director William Evanina: Election Threat Update for the American Public, (Aug. 7, 2020), <https://www.dni.gov/index.php/newsroom/press-releases/item/2139-statement-by-ncsc-director-william-evanina-election-threat-update-for-the-american-public>; see also Press Release, U.S. Dep't of the Treasury, Treasury Sanctions Russia-Linked Election Interference Actors (Sept. 10, 2020), <https://home.treasury.gov/news/press-releases/sml118>.

²⁴¹ Press Release, Chairman Charles Grassley, S. Comm. on Fin., Grassley, Johnson Praise Trump Admin Actions Against Foreign Disinformation & Election Interference (Sept. 10, 2020), <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-praise-trump-admin-actions-against-foreign-disinformation>.

²⁴² Mark Moore, *Giuliani claims Ukrainian company paid Joe Biden \$900,000 in lobbying fees*, NEW YORK POST (Oct. 10, 2019), <https://nypost.com/2019/10/10/giuliani-claims-ukrainian-company-paid-joe-biden-900000-in-lobbying-fees/>.

document that Democrats relied on in their July 13 letter to falsely accuse the Chairmen of relying on disinformation.²⁴³ Kent described Derkach's document as disinformation, but Ranking Member Peters' staff used it anyway.²⁴⁴ Thus, the Ranking Members introduced disinformation into the record, not the Chairmen.²⁴⁵

In summary, the Democrats' July 13, 2020, letter relied on foreign disinformation to create a false and harmful innuendo about the Chairmen's oversight work. That innuendo was then wrapped in a classified attachment in an apparent effort to fabricate a veneer of credibility and shield their analysis from public scrutiny before being disseminated to news media, which reported their speculation as fact. Ironically, the Democrats relied on and disseminated foreign-sourced disinformation to falsely accuse Republicans of relying on that same foreign-sourced disinformation.

Despite its inaccuracies, the Democrats' false narrative has continued to be picked up, amplified and circulated by a broad network of Democrat-friendly media outlets and Democratic members of Congress. MSNBC has reported extensively on the Derkach allegations.²⁴⁶ Further, on Aug. 7, 2020, Senator Richard Blumenthal published an op-ed in *The Washington Post* in which he repeated many of these baseless allegations as if they were fact.²⁴⁷ He wrote:

[I]t now appears that ... disinformation and deception are gaining a toehold in Congress as well: On Wednesday, The Post reported that Sen. Ron Johnson (R-Wis.), chairman of the Homeland Security and Governmental Affairs Committee, is moving ahead with an investigation into presumptive Democratic presidential nominee Joe Biden's family using documents provided to the senator by the son of a former KGB officer. Johnson's actions are of such concern to the CIA, according to news reports, that the agency has refused to brief him. Think of it: Congress may become a forum for debunked conspiracy theories peddled by Kremlin proxies. There is no excuse for perpetuating Russian disinformation in the U.S. Senate, just as there is there is no excuse for barring the American public from learning more about the genuine foreign threats to the November election.²⁴⁸

Senator Blumenthal's reference to documents provided by a former KGB officer is a reference to the debunked conspiracy theory that Derkach sent documents to the Chairmen. His reference to the Central Intelligence Agency (CIA) briefing relates to false allegations spread in an Aug. 5, 2020, Politico article that suggested that the CIA has refused to cooperate with an offer to brief

²⁴³ George Kent Testimony at 150.

²⁴⁴ George Kent Testimony at 156.

²⁴⁵ George Kent Testimony at 150.

²⁴⁶ See Steve Benen, *Dems fear foreign influence campaign is using Ron Johnson probe*, MSNBC (July 21, 2020), <https://www.msnbc.com/rachel-maddow-show/dems-fear-foreign-influence-campaign-using-gop-s-ron-johnson-n1234509>.

²⁴⁷ See Sen. Richard Blumenthal, *The threat to U.S. elections is real, and frightening. The public has a right to know*, THE WASHINGTON POST (Aug. 7, 2020), https://www.washingtonpost.com/opinions/the-threat-to-us-elections-is-real-and-frightening-the-public-has-a-right-to-know/2020/08/07/366dba0e-d8dd-11ea-930e-d88518c57dcc_story.html.

²⁴⁸ *Id.*

the Committees because its officers have “deep skepticism of the probe[.]”²⁴⁹ In reality, the CIA declined to provide a briefing because it considers any additional briefings to be *unnecessary*. The FBI is the lead agency for the IC in matters related to foreign election interference, and the FBI already has repeatedly briefed the Committees on behalf of the IC. As previously noted, at a March 2020 briefing, which included the Ranking Members’ staff, the FBI informed the Committees that there was no reason they should not continue with their investigation. On Aug. 6, 2020, the FBI reiterated the same to the Chairmen.

The Chairmen responded to Senator Blumenthal, as well as Senator Chris Van Hollen’s false statements regarding the investigation.²⁵⁰ In their response, the Chairmen reasserted that they have not received any information from Derkach and that their focus is on government records from the Obama administration and records from a Democrat lobby shop. The Chairmen also noted to both senators that for years the senators peddled and pushed the now-debunked Russian collusion narrative and used the “Steele dossier” — a Democrat bought-and-paid-for document filled with Russian disinformation — to do so.²⁵¹ Senators Blumenthal and Van Hollen never responded to the Chairmen.

d. Ongoing leaks

While these false narratives have developed and spread, leaks to the media have continued. The same team of writers responsible for the above-referenced July 23, 2020, Politico article have published several other pieces that contained leaked Committee information related to the Ukraine investigation. On July 16, 2020, Politico published the names of individuals who the Committees requested to interview, including David Wade, Antony Blinken, Amos Hochstein, Victoria Nuland and Catherine Novelli.²⁵² The article detailed areas of interest for the investigation and stated that subpoenas could be issued as soon as July 22, 2020.²⁵³ None of this information was made public by the Chairmen. Although the sources for the leaked information contained in the article are unknown, the article states that a spokesman for Chairman Johnson declined to comment on ongoing discussions with witnesses and Chairman Grassley has not confirmed to the media any interviewees, whether potential or actual.²⁵⁴ On July 22, Politico published an article stating that the Committees had secured an interview with Deputy Assistant Secretary of State for European and Eurasian Affairs George Kent.²⁵⁵ The article contained non-public scheduling details and indicated that Kent could be interviewed as

²⁴⁹ See Andrew Desiderio and Natasha Bertrand, *CIA Steers Clear of Senate Republican Probe into Bidens*, POLITICO (Aug. 5, 2020), <https://www.politico.com/news/2020/08/05/cia-biden-senate-probe-391479>.

²⁵⁰ Press Release, Chairman Charles Grassley, S. Comm. on Fin., Grassley, Johnson to Colleagues: Stop Spreading Foreign-Sourced Falsehoods (Aug. 20, 2020), <https://www.finance.senate.gov/chairmans-news/grassley-johnson-to-colleagues-stop-spreading-foreign-sourced-falsehoods>.

²⁵¹ See Press Release, Chairman Charles Grassley, S. Comm. on Fin., IG Footnotes: Serious Problems with Dossier Sources Didn’t Stop FBI’s Page Surveillance (Apr. 15, 2020), <https://www.grassley.senate.gov/news/news-releases/ig-footnotes-serious-problems-dossier-sources-didn-t-stop-fbi-s-page-surveillance>.

²⁵² Natasha Bertrand and Andrew Desiderio, *Senate Republicans Eye Subpoenas of Biden Advisers in Burisma Probe*, POLITICO (July 16, 2020), <https://www.politico.com/news/2020/07/16/joe-biden-advisers-burisma-subpoenas-366358>.

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ Natasha Bertrand, *Senate Republicans Secure Impeachment Witness who Flagged Concern about Hunter Biden*, POLITICO (July 22, 2020), <https://www.politico.com/news/2020/07/22/republicans-impeachment-witness-hunter-biden-378495>.

early as July 24, 2020.²⁵⁶

e. Preferential treatment

Throughout this investigation, the Ranking Members have tried to create the narrative that the Chairmen have received preferential treatment from the executive branch. The Ranking Members have asserted that the executive branch has been too quick and too thorough in its responses to Committee information requests.²⁵⁷ Ranking Member Wyden has made this allegation repeatedly and has said they are legitimate efforts to raise awareness of a “double standard of Trump administration cooperation with Congress.”²⁵⁸ The suggested implication is that the Trump administration is working to quickly release information to the Committees because the investigation includes Hunter Biden, the son of Joe Biden, President Trump’s political opponent in the 2020 presidential election.

Allegations suggesting the existence of a double standard ring hollow. By no stretch has the Trump administration responded to all of the Committees’ requests in a timely manner. The Chairmen have dozens of outstanding requests related to the investigation, and on literally hundreds of occasions, the Chairmen’s staff have had to remind the executive branch, particularly the State Department, to comply with their requests.²⁵⁹ Indeed, in some cases, the Committees have received relevant records from the administration *after* interviewing witnesses who could have been asked about the information. That is the absence of cooperation.

Finally, recently released emails show that in the past, Democrats have exhibited the very type of behavior they are now accusing Republicans of engaging in. These documents show officials in the Obama administration scrambling to produce highly sensitive documents in response to requests made by Democrat offices on Capitol Hill during the final days of the Obama administration and before President Trump assumed office. In one email on Jan. 13, 2017, a State Department staffer pointedly remarked, “The clock is ticking.”²⁶⁰ That same day, another urged, “Both Senators [Cardin and Warner] want the package by Thursday Jan. 19.”²⁶¹

²⁵⁶ *Id.*

²⁵⁷ See Letter from Ranking Member Ron Wyden, S. Comm. on Fin., to U.S. Dep’t of St. (May 6, 2020), <https://www.documentcloud.org/documents/6883366-Wyden-to-Pompeo-05-06-2020.html>; Letter from Ranking Member Ron Wyden, S. Comm. on Fin., to U.S. Dep’t of St. (July 7, 2020), <https://www.finance.senate.gov/imo/media/doc/070720%20Wyden%20to%20Pompeo%20Third%20Ukraine%20Request.pdf>; Letter from Ranking Member Ron Wyden, S. Comm. on Fin., to Fed. Bureau of Investigation (Aug. 17, 2020), <https://www.finance.senate.gov/download/081720-wyden-wray-fbi-letter>; Letter from Ranking Member Ron Wyden, S. Comm. on Fin., to U.S. Dep’t of Just. (Aug. 24, 2020), <https://www.finance.senate.gov/imo/media/doc/082420%20Wyden%20Letter%20to%20AG%20Barr%20RE%20Halkbank%20Follow-up.pdf>.

²⁵⁸ See Emma Loop, *Here’s What’s Happening In Republicans’ Biden Ukraine Investigation*, BUZZFEED NEWS (Feb. 6, 2020), <https://www.buzzfeednews.com/article/emmaloop/republicans-biden-ukraine-investigation>.

²⁵⁹ See Letters from Chairman Charles Grassley, S. Comm. on Fin., and Chairman Ron Johnson, S. Comm. on Homeland Sec. and Governmental Aff., to U.S. Dep’t of St., U.S. Dep’t of Just., Fed. Bureau of Investigation, Off. of the Dir. of Nat. Intelligence, and Cent. Intelligence Agency (July 28, 2020) (on file with Comms.) (Each letter indicates that there is a number of outstanding requests for records and information from each respective department.)

²⁶⁰ Email from Naz Durakoglu, U.S. Dep’t of St., to Kerem Bilge, Eric Green, and Maria Germano, U.S. Dep’t of St. (Jan. 13, 2017, 10:56 a.m. EST) (on file with Comms.).

²⁶¹ Email from Naz Durakoglu, U.S. Dep’t of St., to Elizabeth Lawrence, Hera Abbasi, Kerem Bilge, Katherine Harris, Eric Green, Christopher Robinson, et al., U.S. Dep’t of St. (Jan. 18, 2017, 3:10 p.m. EST) (on file with Comms.).

As the deadline for President Trump’s inauguration approached, on Jan. 18, one of the same individuals wrote, “Is it possible for me to act as the courier and drop [the information] off to the Hill tomorrow? There is a time sensitivity to these docs.”²⁶²

f. Conclusion

Many of the allegations Democrats have made against Republicans — that they are relying on foreign disinformation, that they are carrying out a politicized investigation in an effort to bring down their political opponents, and that they are working covertly with the executive branch to quickly release sensitive information for political reasons — reflect the very patterns of behavior that Democrats themselves have engaged in, and continue to engage in, on a regular basis.

Let us not forget how the Democratic National Committee and the Hillary Clinton campaign paid for the Steele dossier, which was created by a foreign national, a former MI6 employee, and is based on Russian government sources.²⁶³ Some of those Russian government sources were part of the Russian presidential administration and supported Hillary Clinton.²⁶⁴ Moreover, in January 2017 and February 2017, the FBI received reporting, some from the IC, that assessed portions of the Steele dossier were the product of a Russian disinformation campaign.²⁶⁵ That’s no surprise, since the Russian Intelligence Services were also aware of the dossier in early 2016 before the FBI opened Crossfire Hurricane. Thus, the Steele dossier was the perfect vehicle for disinformation to affect multiple elections and to sow discord and chaos. Yet Democrats had no qualms about disseminating information from the dossier far and wide, reading parts of the dossier into the congressional record, and using its allegations as the basis for years of investigations and false claims against the Trump administration. Moreover, since the Chairmen made public in April 2020 the fact that the Steele dossier contained Russian disinformation, it does not appear that any Democrats have commented upon this revelation or expressed concern about their previous reliance on Russian disinformation. Here, the Democrats are again relying on unverified foreign disinformation to falsely accuse their political rivals of doing the same.

Congressional oversight can and should be nonpartisan. It should be focused on exposing wrongdoing regardless of who is involved and on ensuring transparency and accountability in government on behalf of the American people. Efforts to discredit legitimate oversight, especially using foreign disinformation to sow discord, only serves to benefit our foreign adversaries at the expense of our own democratic institutions.

²⁶² See Email from Julia Frifield, U.S. Dep’t of St., to Hera Abbasi, Anthony Wier, Rori Kramer, Lauren Gillis, Zachary Schram, et al., U.S. Dep’t of St. (Jan. 5, 2017 9:52 a.m. EST) (on file with Comms.).

²⁶³ See Press Release, Chairman Charles Grassley, S. Comm. on Fin., IG Footnotes: Serious Problems with Dossier Sources Didn’t Stop FBI’s Page Surveillance (Apr. 15, 2020), <https://www.grassley.senate.gov/news/news-releases/ig-footnotes-serious-problems-dossier-sources-didn-t-stop-fbi-s-page-surveillance>.

²⁶⁴ See *id.*

²⁶⁵ See *id.*

XI. HUNTER BIDEN’S AND HIS FAMILY’S FINANCIAL TRANSACTIONS WITH UKRAINIAN, RUSSIAN, KAZAKH, AND CHINESE NATIONALS RAISE CRIMINAL CONCERNS AND EXTORTION THREATS.

Hunter Biden was paid as much as \$50,000 per month to serve on the board of Burisma, a Ukrainian natural gas company with a corrupt owner, while his father was the public face of the Obama administration’s Ukraine policy.²⁶⁶ But Burisma was not the only example of Hunter Biden seeking to monetize his family name. During the course of our investigation, Chairman Grassley and Chairman Johnson uncovered additional examples of Hunter Biden, other family members, and their business associates pursuing financial arrangements with foreign nationals in various parts of the world.

The Treasury records acquired by the Chairmen show potential criminal activity relating to transactions among and between Hunter Biden, his family, and his associates with Ukrainian, Russian, Kazakh and Chinese nationals. In particular, these documents show that Hunter Biden received millions of dollars from foreign sources as a result of business relationships that he built during the period when his father was vice president of the United States and after. In addition to providing new and descriptive details about the nature, origin and extent of payments from Burisma Holdings to Hunter Biden, the documents acquired by the Committees also shed light on a much broader array of questionable financial transactions involving Hunter Biden, other members of the Biden family, and their associations with foreign nationals. These foreign nationals have questionable backgrounds that have been identified as being consistent with a range of criminal activities, including but not limited to organized prostitution and/or human trafficking, money laundering, fraud, and embezzlement.²⁶⁷

The following transactions are designed to illustrate the financial associations between and among subjects in the inquiry. Much has been reported about Hunter Biden and Devon Archer and their corporate entities and foreign and domestic financial associations. The transactions discussed below do not illustrate the full extent of the material the Committees possess. The transactions discussed below are designed to illustrate the depth and extent of some questionable financial transactions. Moreover, the financial transactions illustrate serious counterintelligence and extortion concerns relating to Hunter Biden and his family. The Committees will continue to analyze the records in their possession.

²⁶⁶ Paul Sonne, Michael Kranish, and Matt Viser, *The gas tycoon and the vice president’s son: The story of Hunter Biden’s foray into Ukraine*, THE WASHINGTON POST (Sept. 28, 2019), https://www.washingtonpost.com/world/national-security/the-gas-tycoon-and-the-vice-presidents-son-the-story-of-hunter-bidens-foray-in-ukraine/2019/09/28/1aadff70-dfd9-11e9-8fd3-d943b4ed57e0_story.html; Polina Ivanova, Maria Tsvetkova, et al., *What Hunter Biden did on the board of Ukrainian energy company Burisma*, REUTERS (Oct. 18, 2019), <https://www.reuters.com/article/us-hunter-biden-ukraine/what-hunter-biden-did-on-the-board-of-ukrainian-energy-company-burisma-idUSKBN1WX1P7>.

²⁶⁷ There is extensive public reporting concerning Hunter Biden’s alleged involvement with prostitution services. Records on file with the Committees do not directly confirm or refute these individual reports. However, they do confirm that Hunter Biden sent thousands of dollars to individuals who have either: 1) been involved in transactions consistent with possible human trafficking; 2) an association with the adult entertainment industry; or 3) potential association with prostitution. Some recipients of those funds are Ukrainian and Russian citizens. The records note that it is a documented fact that Hunter Biden has sent funds to non-resident alien women in the United States who are citizens of Russia and Ukraine and who have subsequently wired funds they have received from Hunter Biden to individuals located in Russia and Ukraine. The records also note that some of these transactions are linked to what “appears to be an Eastern European prostitution or human trafficking ring.”

a. Burisma Holdings Limited

On April 15, 2014, Burisma Holdings (Burisma), a Ukrainian private oil and gas company owned by corrupt Ukrainian oligarch Mykola Zlochevsky, sent two wires totaling \$112,758.15 to Rosemont Seneca Bohai LLC.²⁶⁸ Rosemont Seneca Bohai is an apparent shell entity owned by Hunter Biden's long-time business associate, Devon Archer, which was first registered in Delaware on Feb. 13, 2014.²⁶⁹

According to Real Clear Politics, on the following day, April 16, 2014, Archer visited Vice President Biden at the White House.²⁷⁰ One week later, on April 22, 2014, Vice President Biden appeared with Ukrainian Prime Minister Arseniy Yatsenyuk and addressed Ukrainian legislators in Kyiv regarding Russia's actions in Crimea.²⁷¹ That same day, Burisma announced that Archer had joined its board of directors.²⁷² In the wake of Vice President Biden's visit, the press described him as "the public face of the administration's handling of Ukraine."²⁷³

The earliest payment from Burisma related to Hunter Biden appears to have been made to Boies, Schiller, and Flexner LLP (Boies Schiller), the Washington law firm where he was employed as a counsel in 2014.²⁷⁴ On May 7, 2014, mere weeks after Vice President Biden took lead of the Obama administration's Ukraine policy, Burisma sent Boies Schiller a payment of \$250,000.²⁷⁵ Approximately one week later, on May 12, 2014, Hunter Biden joined Archer on Burisma's board of directors.²⁷⁶ Burisma made a second payment to Boies Schiller on Sept. 16, 2014, in the amount of \$33,039.77.²⁷⁷ Both the May 7 and Sept. 16 payments state in the transaction notes that they were "for Legal and Consulting Services."²⁷⁸

²⁶⁸ CONFIDENTIAL DOCUMENT 1 (on file with Comms.).

²⁶⁹ *See id.*

²⁷⁰ Betsy McCaughey, *Joe Biden Must Explain His Ukraine Dealings*, REAL CLEAR POLITICS (Jan. 29, 2020), https://www.realclearpolitics.com/articles/2020/01/29/joe_biden_must_explain_his_ukraine_dealings_142255.html.

²⁷¹ Press Release, The White House Off. of the Vice President, Remarks by Vice President Joe Biden at a Meeting with Ukrainian Legislators (Apr. 22, 2014), <https://obamawhitehouse.archives.gov/the-press-office/2014/04/22/remarks-vice-president-joe-biden-meeting-ukrainian-legislators>; *see also* 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), <https://obamawhitehouse.archives.gov/the-press-office/2014/04/22/remarks-press-vice-president-joe-biden-and-ukrainian-prime-minister-arse>.

²⁷² Press Release, Burisma Holdings, US Financier and Board Member Devon Archer on Maximizing Growth for Burisma Holdings (Apr. 22, 2014), <https://burisma-group.com/eng/news/us-financier-and-board-member-devon-archer-on-maximizing-growth-for-burisma-holdings/>.

²⁷³ Susan Crabtree, *Joe Biden emerges as Obama's trusty sidekick*, WASHINGTON EXAMINER (Apr. 25, 2014), <https://www.washingtonexaminer.com/joe-biden-emerges-as-obamas-trusty-sidekick>.

²⁷⁴ CONFIDENTIAL DOCUMENT 2 (on file with Comms.); *see also* George Mesires, *A Statement on behalf of Hunter Biden, dated October 13, 2019*, MEDIUM (Oct. 13, 2019), <https://medium.com/@george.mesires/a-statement-on-behalf-of-hunter-biden-dated-october-13-2019-d80bc11087ab>.

²⁷⁵ *Id.*

²⁷⁶ Press Release, Burisma Holdings, Hunter Biden joins the team of Burisma Holdings (May 12, 2014), <https://docs.house.gov/meetings/JU/JU00/20191211/110331/HMKP-116-JU00-20191211-SD984.pdf>.

²⁷⁷ CONFIDENTIAL DOCUMENT 2 (on file with Comms.).

²⁷⁸ *Id.*

Payments from Burisma to Boies Schiller have been the subject of past news reporting.²⁷⁹ According to Hunter Biden's attorney, George Mesires, at Biden's urging, Boies Schiller performed the following services for Burisma:

[E]ngaged Nardello & Co., a leading global investigative firm, to assess, among other things, Burisma's corporate structure and government practices. Burisma agreed to pay the legal expenses of Boies Schiller to support Hunter in developing corporate reform initiatives.²⁸⁰

However, according to statements made at the time by both Hunter Biden and Burisma, these were Hunter Biden's responsibilities as a member of Burisma's board of directors. In a press release issued on May 12, 2014, Biden stated:

I believe that my assistance in consulting the Company on matters of transparency, corporate governance and responsibility, international expansion and other priorities will contribute to the economy and benefit the people of Ukraine.²⁸¹

Alan Apter, the chairman of Burisma's board of directors, also said "[t]he company's strategy is aimed at the strongest concentration of professional staff and the introduction of best corporate practices, and we're delighted that Mr. Biden is joining us to help us achieve these goals."²⁸²

It is unclear whether any of the funds sent from Burisma to Boies Schiller were used to pay for services that Hunter Biden was supposed to provide to Burisma as a member of the board. Additionally, if Burisma was paying Boies Schiller for consulting services provided by third-party firm Nardello & Co, as Mesires has indicated, it remains unclear why Hunter Biden did not provide or arrange those services himself, on his own time, in exchange for the compensation he was receiving from Burisma as a member of the board.

Between May 15, 2014 and Feb. 12, 2016, Burisma sent another 48 wires to Rosemont Seneca Bohai, totaling \$3,489,490.78.²⁸³ Of the 48 transactions, 39 are described as "Consulting Services" and 39 of the 48 are in the amount of \$83,333.33, with the last of the payments occurring on Feb. 12, 2016.²⁸⁴ Between June 5, 2014, and Oct. 5, 2015, Rosemont Seneca Bohai sent 38 wires totaling \$701,979 to three of Hunter Biden's bank accounts.²⁸⁵ These transfers

²⁷⁹ See Kenneth P. Vogel and Iuliia Mendel, *Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies*, THE NEW YORK TIMES (May 1, 2019), <https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>.

²⁸⁰ George Mesires, *A Statement on behalf of Hunter Biden, dated October 13, 2019*, MEDIUM (Oct. 13, 2019), <https://medium.com/@george.mesires/a-statement-on-behalf-of-hunter-biden-dated-october-13-2019-d80bc11087ab>.

²⁸¹ Press Release, Burisma Holdings, Hunter Biden joins the team of Burisma Holdings (May 12, 2014), <https://docs.house.gov/meetings/JU/JU00/20191211/110331/HMKP-116-JU00-20191211-SD984.pdf>.

²⁸² *Id.*

²⁸³ CONFIDENTIAL DOCUMENT 1 (on file with Comms.); CONFIDENTIAL DOCUMENT 3 (on file with Comms.); CONFIDENTIAL DOCUMENT 4 (on file with Comms.).

²⁸⁴ *Id.*

²⁸⁵ CONFIDENTIAL DOCUMENT 1 (on file with Comms.).

may represent the final step in the flow of funds from Burisma to Rosemont Seneca Bohai to Biden during this period.

The nature of the payment arrangement between Biden and Burisma appears to have changed over time. In May 2016, Hunter Biden's business partner, Archer, and five others were arrested and criminally charged in a scheme to defraud investors and a tribal entity of millions of dollars.²⁸⁶ Starting Jan. 25, 2016, Burisma began sending regular payments for Biden to his Washington law firm, Owasco PC (Owasco).²⁸⁷ Owasco was incorporated on Jan. 19, 2006, lists an agent address in Washington, and lists its executing officer and governor as Robert Hunter Biden.²⁸⁸

Payments from Burisma to Owasco continued throughout most of 2016 and ceased eight days after Donald Trump defeated Hillary Clinton in the Nov. 8, 2016 presidential election.²⁸⁹ Between Jan. 25, 2016, and Nov. 16, 2016, Burisma sent nine wires totaling \$752,054.99 to Owasco with each of the nine transactions listing "Owasco, PC/Robert Biden" as the recipient.²⁹⁰ Of the nine, two payments were for \$83,333.33, five were for \$83,333 one was for \$84,992.33, and one was for \$83,731.²⁹¹ The records acquired by the Committees show the last documented payment was made on Nov. 16, 2016.²⁹² Biden continued to serve on Burisma's board of directors until April 2019.²⁹³

In addition to being the owner of Burisma, Zlochevsky made at least two large cash transfers to Burisma during the time that Archer and Biden served on its board of directors.²⁹⁴ On April 30, 2014, around the dates when Archer and Hunter Biden first joined Burisma's board of directors, Zlochevsky wired \$12.3 million from another one of his companies, Brociti Investments Limited (Brociti), to Burisma.²⁹⁵ Brociti is based in Kyiv, Ukraine, and is registered in Limassol, Cyprus.²⁹⁶ Zlochevsky sent another wire from Brociti to Burisma on April 20, 2015, in the amount of \$212,000.²⁹⁷ It's unclear exactly how much, if any, of the funds wired by Zlochevsky on April 30, 2014, and April 20, 2015, were used to cover the payments made from Burisma to Rosemont Seneca, Owasco, and Boies Schiller. However, these transactions,

²⁸⁶ Press Release, U.S. Dep't of Just., Seven Defendants Charged In Manhattan Federal Court With Defrauding A Native American Tribe And Investors Of Over \$60 Million (May 11, 2016), <https://www.justice.gov/usao-sdny/pr/seven-defendants-charged-manhattan-federal-court-defrauding-native-american-tribe-and>.

²⁸⁷ CONFIDENTIAL DOCUMENT 2 (on file with Comms.).

²⁸⁸ See Owasco P.C., OpenCorporates, https://opencorporates.com/companies/us_dc/EXTUID_2684079. Owasco P.C. was incorporated in January 2006; Eric Schwerin was a governor and executing officer, and Hunter Biden was an agent. In December 2019, both Schwerin and Hunter Biden rescinded those affiliations with Owasco. See Events for Owasco P.C., OpenCorporates, https://opencorporates.com/companies/us_dc/EXTUID_2684079/events.

²⁸⁹ CONFIDENTIAL DOCUMENT 5 (on file with Comms.).

²⁹⁰ CONFIDENTIAL DOCUMENT 5 (on file with Comms.); CONFIDENTIAL DOCUMENT 2 (on file with Comms.).

²⁹¹ *Id.*

²⁹² CONFIDENTIAL DOCUMENT 5 (on file with Comms.).

²⁹³ Kenneth P. Vogel and Iuliia Mendel, *Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies*, THE NEW YORK TIMES (May 1, 2019), <https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>.

²⁹⁴ CONFIDENTIAL DOCUMENT 2 (on file with Comms.).

²⁹⁵ *Id.*

²⁹⁶ Lobbying registration, ML Strategies, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=C4C8E1E0-861C-4F02-B73E-0FE6578BD4D8&filingTypeID=1>.

²⁹⁷ CONFIDENTIAL DOCUMENT 2 (on file with Comms.).

including those to Biden and his companies, were identified for potential financial criminal activity.

b. Russia

Hunter Biden and his associate, Archer, had a financial relationship with Russian businesswoman Elena Baturina. Baturina is the former wife of the late Yuri Luzhkov, who was the mayor of Moscow and was fired in 2010 by then-Russian president Dmitry Medvedev over corruption allegations.²⁹⁸ Baturina became Russia's only female billionaire when her plastics company, Inteko, received a series of Moscow municipal contracts while her husband was mayor.²⁹⁹ According to reporting, "Luzhkov used his position as mayor to approve over 20 real estate projects that were built by a Baturina-owned construction company and ultimately generated multibillion-ruble profits for his family."³⁰⁰ In addition, a Russian investigation led to a criminal case against the former head of the Bank of Moscow, Andrey Borodin, who "allegedly used money from the Moscow City Budget to lend money to shell companies, which ultimately transferred \$443 million to Baturina."³⁰¹

On Feb. 14, 2014, Baturina wired \$3.5 million to a Rosemont Seneca Thornton LLC (Rosemont Seneca Thornton) bank account for a "Consultancy Agreement DD12.02.2014."³⁰² Rosemont Seneca Thornton is an investment firm co-founded by Hunter Biden that was incorporated on May 28, 2013 in Wilmington, Del.³⁰³ According to *The Financial Times*, Rosemont Seneca Thornton is a consortium that consists of Rosemont Seneca Partners and the Thornton Group, a Massachusetts-based firm.³⁰⁴ In June 2009, Biden co-founded Rosemont Seneca Partners with Archer and Christopher Heinz.³⁰⁵ The Thornton Group's website states that it has offices in Boston and Beijing, lists Rosemont Seneca Partners among its list of alliances and clients, and includes photographs from multiple events attended by Hunter Biden.³⁰⁶

²⁹⁸ David Filipov, *Yuri Luzhkov, transformative Moscow Mayor, dies at 83*, THE WASHINGTON POST (Dec. 10, 2019), https://www.washingtonpost.com/local/obituaries/yuri-luzhkov-transformative-moscow-mayor-dies-at-83/2019/12/10/158ed11c-1b3f-11ea-8d58-5ac3600967a1_story.html; Christian Eriksson and Margot Gibbs, *Russia's richest woman quits role at London Mayor's charity after Finance Uncovered investigation*, FINANCED UNCOVERED (Sept. 26, 2019), <https://www.financeuncovered.org/investigations/yelena-baturina-be-open-mayors-fund-for-london-sadiq-khan-corruption>.

²⁹⁹ *Id.*

³⁰⁰ CONFIDENTIAL DOCUMENT 6 (on file with Comms.).

³⁰¹ *Id.*

³⁰² *Id.*

³⁰³ Rosemont Seneca Thornton, LLC, OpenCorporates, https://opencorporates.com/companies/us_de/5341255; see also Aime Williams, Sun Yu, and Roman Olearchyk, *Hunter Biden's web of interests*, FINANCIAL TIMES (Oct. 9, 2019), <https://www.ft.com/content/3904f888-e8ef-11e9-a240-3b065ef5fc55>.

³⁰⁴ Aime Williams, Sun Yu, and Roman Olearchyk, *Hunter Biden's web of interests*, FINANCIAL TIMES (Oct. 9, 2019), <https://www.ft.com/content/3904f888-e8ef-11e9-a240-3b065ef5fc55>.

³⁰⁵ Adam Entous, *Will Hunter Biden Jeopardize his Father's Campaign?*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

³⁰⁶ Contact, Thornton Group, <http://www.thorntonai.com/english/contact.html>; Alliances/Clients, Thornton Group, <http://www.thorntonai.com/english/alliances.html>; Press Release, Thornton Group, Thornton Group brings Rosemont Seneca executives to visit Chinas financial/fund industry executives (Apr. 12, 2010), <http://www.thorntonai.com/english/newscount.asp?ArticleID=282>; Press Release, Thornton Group, Thornton Group meets with senior financial holding executives from Taiwan (May 24, 2011), <http://www.thorntonai.com/english/newscount.asp?ArticleID=288>; CONFIDENTIAL DOCUMENT 6 (on file with Comms.).

Separately, between May 6, 2015 and Dec. 8, 2015, Baturina sent 11 wires in the amount of \$391,968.21 to a bank account belonging to BAK USA LLC (BAK USA).³⁰⁷ Nine of the 11 transactions, totaling \$241,797.14 were sent from Baturina's accounts to a Rosemont Seneca Thornton bank account, which then transferred to the money to BAK USA.³⁰⁸ The 11 transactions all listed "Loan Agreement" in the payment details section.³⁰⁹ BAK USA was a startup technology company headquartered in Buffalo, N.Y., that produced tablet computers in cooperation with unnamed Chinese business partners.³¹⁰ BAK USA filed for bankruptcy on March 29, 2019, with a reported loss of \$39 million.³¹¹ These transactions were identified because of Baturina's reported criminal activity.

c. Kazakhstan

On April 22, 2014, Vice President Joe Biden appeared with Ukrainian Prime Minister Arseniy Yatsenyuk and addressed Ukrainian legislators in Kyiv regarding Russia's actions in Crimea.³¹² The same day, Novatus Holding PTE. LTD. (Novatus Holding), a private holding company in Singapore, used a Latvian bank to wire \$142,300 to Archer's company, Rosemont Seneca Bohai.³¹³ The currency transaction report states, "For Rosemont Seneca Bohai LLC, ... For a Car."³¹⁴

According to a Securities and Exchange Commission report, Kenges Rakishev of Kazakhstan is the sole shareholder of Novatus Holding and has a business address associated with a company in Kazakhstan called SAT & Company.³¹⁵ Rakishev is the son-in-law of now-retired Kazakhstan politician, Imangali Tasmagambetov.³¹⁶ At the time that Rakishev sent the money to Rosemont Seneca Bohai, Tasmagambetov was serving as the mayor of Astana (now called Nur-Sultan), the capital city of Kazakhstan.³¹⁷ Tasmagambetov is reportedly a longtime

³⁰⁷ CONFIDENTIAL DOCUMENT 6 (on file with Comms.).

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ Samantha Christmann, *Microsoft contract is a boon for Buffalo tablet-maker BAK USA*, BUFFALO NEWS (Mar. 16, 2016), https://buffalonews.com/business/local/microsoft-contract-is-a-boon-for-buffalo-tablet-maker-bak-usa/article_a31de7bd-81c1-5646-89dc-032333a9c9cd.html.

³¹¹ Local News, *Former tablet maker BAK USA reports more than \$39 million loss in Chapter 7 bankruptcy filing*, WKBW BUFFALO (Apr. 11, 2019), <https://www.wkbw.com/news/local-news/former-tablet-maker-bak-usa-has-more-than-39-million-loss>.

³¹² Press Release, The White House Off. of the Vice President, Remarks by Vice President Joe Biden at a Meeting with Ukrainian Legislators (Apr. 22, 2014), <https://obamawhitehouse.archives.gov/the-press-office/2014/04/22/remarks-vice-president-joe-biden-meeting-ukrainian-legislators>; *see also* 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), <https://obamawhitehouse.archives.gov/the-press-office/2014/04/22/remarks-press-vice-president-joe-biden-and-ukrainian-prime-minister-arse>.

³¹³ CONFIDENTIAL DOCUMENT 4 (on file with Comms.).

³¹⁴ *Id.*

³¹⁵ U.S. SEC. AND EXCH. COMM'N, Schedule 13D, Net Element International, Inc., <https://www.sec.gov/Archives/edgar/data/1499961/000119312512418766/d422610dsc13d.htm>.

³¹⁶ Olzhas Auyezov, *Kazakh Leader Promotes Daughter, Confident in Reshuffle*, REUTERS (Sept. 13, 2016), <https://www.reuters.com/article/us-kazakhstan-president-daughter/kazakh-leader-promotes-daughter-confident-in-reshuffle-idUSKCN11J1JR>; *see also* Dmitry Solovyov and Mariya Gordeyeva, *Kazkommertsbank finalizes deal to buy stake in BTA Bank*, REUTERS (Feb. 6, 2014), <https://www.reuters.com/article/us-kazkommertsbank-btabank-idUSBREA150VD20140206>.

³¹⁷ Joshua Kucera, *Kazakhstan's Defense Minister Fired After Six Months On Job*, EURASIANET (Oct. 24, 2014), <https://eurasianet.org/kazakhstans-defense-minister-fired-after-six-months-on-job>.

confidant of then-President Nursultan Nazarbayev.³¹⁸ Tasmagambetov has since served as prime minister of Kazakhstan as well as Kazakh ambassador to Russia.³¹⁹

At the time of Vice President Biden's visit to Kyiv, there were divided opinions in Kazakhstan over Russia's annexation of Crimea and the international situation had produced tension in the region generally.³²⁰ Nazarbayev's government reportedly shifted positions over time, and Nazarbayev reportedly made some statements supportive of Russia's actions.³²¹ Given Rakishev's close connection to political leadership in Kazakhstan, the tense political situation, Hunter Biden's longstanding relationship with Archer and involvement in transactions with Rosemont Seneca Bohai, and the fact that the payment was timed perfectly with Vice President Biden's visit to Kyiv to discuss U.S. sanctions against Russia for the invasion of Crimea, the April 22, 2014 payment from Rakishev to Rosemont Seneca Bohai raises serious questions. It is unclear why a foreign company, Novatus Holding, would purchase a \$142,300 car for Rosemont Seneca Bohai when the company does not deal in vehicles.

d. China

Hunter Biden and Devon Archer engaged in numerous financial transactions with Chinese nationals who had deep connections to the Communist Chinese government. These Chinese nationals included Ye Jianming, founder of CEFC China Energy Co. Ltd (CEFC) and chairman of the board for its subsidiary, the China Energy Fund Committee (CE Fund). They also included Gongwen Dong, who was Ye Jianming's associate and reportedly executed transactions for his companies. Ye's connections to the Communist government are extensive and, as explained below, he has been previous affiliations with the People's Liberation Army. Based on the information received by the Committees, Ye was also financially connected to Vice President Biden's brother, James Biden. Thus, there exists a vast web of corporate connections and financial transactions between and among the Biden family and Chinese nationals.

i. *Hunter Biden Has Extensive Financial Connections to the Chinese Government.*

Hunter Biden has extensive connections to Chinese businesses and Chinese foreign nationals that are linked to the Communist government. Those contacts bore financial fruit when his father was vice president and after he left office. For example, in June 2009, Hunter Biden had co-founded Rosemont Seneca Partners with Archer and Heinz.³²² During 2010-2011, as a representative of Rosemont Seneca, Hunter Biden networked with representatives from Chinese state-owned enterprises and representatives of the Boston-based Thornton Group,

³¹⁸ Olzhas Auyezov, *Kazakh Leader Promotes Daughter, Confidant in Reshuffle*, REUTERS (Sept. 13, 2016), <https://www.reuters.com/article/us-kazakhstan-president-daughter/kazakh-leader-promotes-daughter-confidant-in-reshuffle-idUSKCN11J1JR>.

³¹⁹ Galiya Khassenkhanova, *Kazakh President reshuffles key government positions*, THE ASTANA TIMES (Dec. 19, 2019), <https://astanatimes.com/2019/12/kazakh-president-reshuffles-key-government-positions/>.

³²⁰ Ryskeldi Satke, *Kazakhstan Opposition Fears Ukraine's "Russian Spring"*, THE DIPLOMAT (Apr. 12, 2014), <https://thediplomat.com/2014/04/kazakhstan-opposition-fears-ukraines-russian-spring/>.

³²¹ *Id.*

³²² Adam Entous, *Will Hunter Biden Jeopardize his Father's Campaign?*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

which today describes itself as “a cross-border capital intermediary.”³²³ On its current website, the Thornton Group includes among its alliances and clients a variety of Chinese state-owned enterprises, including actors linked to Ye Jianming and his associates.³²⁴

Ye Jianming is a Chinese businessman and a frequent figure in Hunter Biden’s financial dealings in China. Based on public reports that were available in 2015, when his contact with Biden began to ramp up, Ye was a founder of CEFC China Energy Co. Ltd (CEFC) and served as chairman of the board for its subsidiary, the China Energy Fund Committee (CE Fund).³²⁵ CEFC had a reported income estimated at \$33.4 billion, according to 2013 figures that were available at the time.³²⁶ Although CEFC reportedly remained a private company until state-owned enterprises assumed control of it in 2018, reporting in 2017 indicated that it received financing from the China Development Bank, “hired a number of former top officials from state-owned energy companies” and had “layers of Communist Party committees across its subsidiaries — more than at many private Chinese companies.”³²⁷ Thus, it had significant connections to the Communist government and its subsidiaries had associations with the Thornton Group. For example, according to the Thornton Group’s website, its list of Chinese partners currently includes:

the Agricultural Bank of China, the Bank of Beijing, the China Council for the Promotion of International Trade, the Chinese People’s Institute of Foreign Affairs, the CAIFC, the China Electricity Council, CITIC Group, China Life, the China State Construction Engineering Corporation, the China Railway Construction Corporation, the Council for Industrial and Commercial Development, the Chinese International Economy Cooperation Association, the China Mining Association, the government-owned Founder Group, the Industrial and Commercial Bank of China Limited, and Peking University.³²⁸

A Thornton Group press release dated April 12, 2010, provides an example of an early event in China involving Rosemont Seneca Partners and the Thornton Group. It states the following:

Thornton Group and its US partner Rosemont Seneca Chairman Hunter Biden (the second son of the US Vice President Joe Biden) and other high-level officials visited Chinese financial institutions

³²³ See About Us, Thornton, <http://www.thorntonai.com/english/alliances.html>; see also Press Release, Thornton Group, Thornton Group brings Rosemont Seneca executives to visit China’s financial/fund industry executives (Apr. 12, 2010), <http://www.thorntonai.com/english/newscount.asp?ArticleID=282>; Press Release, Thornton Group, Thornton Group meets with senior financial holding executives from Taiwan (May 24, 2011), <http://www.thorntonai.com/english/newscount.asp?ArticleID=288>.

³²⁴ See Alliances/Clients, Thornton, <http://www.thorntonai.com/english/alliances.html>.

³²⁵ See J. Michael Cole, *Unstoppable: China’s Secret Plan to Subvert Taiwan*, THE NATIONAL INTEREST (Mar. 23, 2015), <https://nationalinterest.org/feature/unstoppable-chinas-secret-plan-subvert-taiwan-12463>.

³²⁶ See *id.*

³²⁷ Chen Aizhu and Jan Lopatka, *China’s CEFC has big ambitions, but little known about ownership, funding*, REUTERS (Jan. 12, 2017), <https://www.reuters.com/article/us-cefc-china/chinas-cefc-has-big-ambitions-but-little-known-about-ownership-funding-idUSKBN14X0B5>; see CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

³²⁸ Alliances/Clients, Thornton, <http://www.thorntonai.com/english/alliances.html>.

and fund companies from April 7th to 9th. Including China Investment Co., Ltd., National Council of Social Security Funds, China Life Asset Management Co., Ltd., Postal Savings Bank of China, Hillhouse Capital and Founder Group, etc., aiming to further deepen mutual understanding and explore the possibility of commercial cooperation and opportunity. The Chinese companies and financial institutions visited expressed a warm welcome to Thornton Group and Rosemont Seneca, and hoped to strengthen exchanges, in-depth discussions and reach cooperation.

The delegation was led by James Bulger, Chairman of Thornton Group, and Lin Junliang, Chief Executive Officer, to visit and meet Chinese personnel including: Gao Xiqing, General Manager and Chief Investment Officer of China Investment Corporation, Equity Assets Department (Industrial Investment Department) of the National Council of Social Security Fund person in charge Ji Guoqiang, Vice President Cui Yong of China Life Asset Management Co. Ltd., Peng Zuogang, General Manager of Postal Savings Bank of China, Zhang Lei, Founder of Hillhouse Capital, Wei Xin, Chairman of Founder Group, and Xia Yangjun, Vice President of Founder Group.³²⁹

Pictures from the event posted by the Thornton Group show Hunter Biden standing with the chairman of the Founder Group, general manager of the China Investment Corporation, the vice president of the China Life Asset Management Company, the general manager of the Postal Savings Bank, and others.³³⁰

In 2012, Archer and Biden reportedly spoke with Jonathan Li of the Chinese private equity fund Bohai Capital about the possibility of forming a company, Bohai Harvest RST (Shanghai) Equity Investment Fund Management Co. (BHR), that would invest Chinese capital in companies outside of China.³³¹ BHR was eventually formed as an investment fund and is reportedly “controlled and funded primarily by large Chinese government-owned shareholders” and is 80% controlled by Chinese entities.³³² That list of entities includes the government’s postal savings bank, with which Hunter Biden had networked in 2011, its main development bank, as well as the Bank of China.³³³ Hunter Biden served on its board of directors and

³²⁹ Press Release, Thornton Group, Thornton Group brings Rosemont Seneca executives to visit China’s financial/fund industry executives (Apr. 12, 2010), <http://www.thorntonai.com/english/newscount.asp?ArticleID=282>. (Translation provided by Google.)

³³⁰ *See id.*

³³¹ Adam Entous, *Will Hunter Biden Jeopardize his Father’s Campaign?*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

³³² *See* James T. Areddy, *What We Know About Hunter Biden’s Dealings in China*, THE WALL STREET JOURNAL (Oct. 4, 2019), <https://www.wsj.com/articles/what-we-know-about-hunter-bidens-dealings-in-china-11570181403>.

³³³ *See* James T. Areddy, *What We Know About Hunter Biden’s Dealings in China*, THE WALL STREET JOURNAL (Oct. 4, 2019), <https://www.wsj.com/articles/what-we-know-about-hunter-bidens-dealings-in-china-11570181403>; *see also* Press Release, Thornton Group, Thornton Group brings Rosemont Seneca executives to visit China’s financial/fund industry executives (Apr. 12, 2010), <http://www.thorntonai.com/english/newscount.asp?ArticleID=282>.

“joined based on his interest in seeking ways to bring Chinese capital to international markets.”³³⁴ He served unpaid but reportedly acquired a 10% stake in the company in 2017.³³⁵ Prior to its creation, in December 2013 and one month after the shareholders signed contracts relating to the creation of the company, Hunter Biden reportedly flew aboard Air Force Two with then-Vice President Biden to Beijing.³³⁶ While in China, Hunter Biden reportedly helped arrange for Li to “shake hands” with Vice President Biden.³³⁷ Afterward, Hunter Biden met with Li for what was reportedly a “social meeting.”³³⁸ After the China trip, BHR’s business license was reportedly approved.³³⁹

In September 2014, BHR had become a private equity shareholder in Sinopec Chemical Commercial Holding Company Limited, a subsidiary of Sinopec.³⁴⁰ Sinopec is reportedly the second largest oil and gas company in China and the largest refiner of oil in Asia.³⁴¹ In 2016, Ye announced at a board meeting that he wanted CEFC “to become a second Sinopec ... by acquiring global assets and consolidating ‘teapot’ [independent] refineries.”³⁴² Hunter Biden’s position of influence and connections to Chinese business interests, which were further strengthened while his father was vice president, most likely appealed to Ye, a man who The New York Times has since described as “[wanting] access to the corridors of power in Washington.”³⁴³

BHR’s extensive connections to Chinese government intertwined its existence with the decision-making of Communist party rulers. For example, the China Development Bank (CDB) is one member of a consortium that controls 30% of BHR.³⁴⁴ Other members of that particular consortium are the government’s postal savings bank and the Bank of China.³⁴⁵ Importantly, the CDB appears to have been connected to Ye Jianming’s CEFC. Records acquired by the Committees note that, according to reports, after CEFC and Ye fell out of favor with the Chinese government in 2018, “at the orders of President Xi Jinping, China Development Bank abruptly pulled its lines of credit on offshore bonds for CEFC[.]”³⁴⁶ Moreover, the former chairman of the CDB, Hu Huaibang, was accused in a 2018 court case of helping a CEFC subsidiary to obtain billions in financing during his time at the CDB and of

³³⁴ Katie Glueck, *Hunter Biden to Leave Chinese Company Board, Addressing Appearance of a Conflict*, THE NEW YORK TIMES (Oct. 13, 2019), <https://www.nytimes.com/2019/10/13/us/politics/hunter-biden-china.html>.

³³⁵ *Id.*

³³⁶ Adam Entous, *Will Hunter Biden Jeopardize his Father’s Campaign?*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

³³⁷ *Id.*

³³⁸ *Id.*

³³⁹ Sharon LaFraniere and Michael Forsythe, *What We Know About Hunter Biden’s Business in China*, THE NEW YORK TIMES (Mar. 6, 2020), <https://www.nytimes.com/2019/10/03/us/politics/hunter-biden-china.html>.

³⁴⁰ Team, BHR Partners, <https://web.archive.org/web/20180404080538/http://en.bhrpe.com/newsitem/276817011>.

³⁴¹ Chen Aizhu, *China’s CEFC courts ‘teapots’ for first domestic refinery acquisition*, REUTERS (Mar. 10, 2017), <https://de.reuters.com/article/us-china-m-a-cefc-idUSKBN16H0G4>.

³⁴² *Id.*

³⁴³ Alexandra Stevenson, David Barboza, Matthew Goldstein, and Paul Mozur, *A Chinese Tycoon Sought Power and Influence. Washington Responded.*, THE NEW YORK TIMES (Dec. 12, 2018), <https://www.nytimes.com/2018/12/12/business/cefc-biden-china-washington-ye-jianming.html>.

³⁴⁴ James T. Areddy, *What We Know About Hunter Biden’s Dealings in China*, THE WALL STREET JOURNAL (Oct. 4, 2019), <https://www.wsj.com/articles/what-we-know-about-hunter-bidens-dealings-in-china-11570181403>.

³⁴⁵ *See id.*

³⁴⁶ CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

channeling bribes on behalf of Ye while serving in a previous position at the Bank of Communications, another Chinese government entity.³⁴⁷

Hunter Biden's business associations in China were not limited to investment funds like BHR and those additional connections created questionable associations with Communist government elements. For example, in 2015, while his father was vice president, Hunter Biden reportedly met with an aide to Ye.³⁴⁸ In addition to the Communist government, Ye also had reported connections and affiliations to the People's Liberation Army (PLA).³⁴⁹ For example, from 2003 to 2005, Ye reportedly served as deputy secretary general of the China Association for International Friendly Contacts (CAIFC), which is the public name for the PLA General Political Department's International Liaison Department.³⁵⁰ Additionally, in 2014, under Ye's leadership, CE Fund had co-organized events with the China Huayi Broadcasting Corporation (CHBC), a company incorporated by the PLA General Political Department.³⁵¹ The CEO of CHBC, Wang Shu, was commander of the PLA General Political Department base "[a]t the forefront of applied psychological operations and propaganda directed against Taiwan," which was managed by a training center that was funded by a subsidiary of CEFC.³⁵² The general manager of that subsidiary, Lan Huasheng, was deputy secretary general of Ye's CE Fund.³⁵³ Wang reportedly attended the 2014 CE Fund and CHBC event along with Xu Jialu, a man who was associated with the PLA's CAIFC as well as CE Fund and China's Confucius Institutes.³⁵⁴ Huasheng served as executive director of CE Fund's China Institute of Culture Limited (CIOC), "a nationally supported organization in charge of 'promoting Chinese culture.'" ³⁵⁵ Accordingly, Ye and his associates had robust relationships with China's military units, some of which were involved in matters in direct opposition to U.S. policy in the region.

³⁴⁷ Tony Munroe, Cheng Leng, Engen Tham and Min Zhang, *Ex-chairman of China Development Bank under probe by graft-buster*, REUTERS (July 31, 2019), <https://uk.reuters.com/article/us-china-corruption/ex-chairman-of-china-development-bank-under-probe-by-graft-buster-idUKKCN1UQ0M3>.

³⁴⁸ Alexandra Stevenson, David Barboza, Matthew Goldstein, and Paul Mozur, *A Chinese Tycoon Sought Power and Influence. Washington Responded.*, THE NEW YORK TIMES (Dec. 12, 2018), <https://www.nytimes.com/2018/12/12/business/cefc-biden-china-washington-ye-jianming.html>. (The name of Ye's aide and the exact date of the meeting have not been publically reported. The aforementioned meeting, and another meeting between Hunter Biden and Ye that took place in May 2017, were confirmed by "people with direct knowledge of the meetings who were not authorized to speak publicly because the meetings were private.")

³⁴⁹ J. Michael Cole, *Unstoppable: China's Secret Plan to Subvert Taiwan*, THE NATIONAL INTEREST (Mar. 23, 2015), <https://nationalinterest.org/feature/unstoppable-chinas-secret-plan-subvert-taiwan-12463>.

³⁵⁰ See J. Michael Cole, *Unstoppable: China's Secret Plan to Subvert Taiwan*, THE NATIONAL INTEREST (Mar. 23, 2015), <https://nationalinterest.org/feature/unstoppable-chinas-secret-plan-subvert-taiwan-12463>; see also International Liaison Department [China Association for International Friendly Contacts] General Political Department, FEDERATION OF AMERICAN SCIENTISTS (Nov. 26, 1997), https://fas.org/irp/world/china/pla/gpd_ild.htm.

³⁵¹ J. Michael Cole, *Unstoppable: China's Secret Plan to Subvert Taiwan*, THE NATIONAL INTEREST (Mar. 23, 2015), <https://nationalinterest.org/feature/unstoppable-chinas-secret-plan-subvert-taiwan-12463>.

³⁵² *Id.*

³⁵³ *Id.*

³⁵⁴ J. Michael Cole, *Unstoppable: China's Secret Plan to Subvert Taiwan*, THE NATIONAL INTEREST (Mar. 23, 2015), <https://nationalinterest.org/feature/unstoppable-chinas-secret-plan-subvert-taiwan-12463>. (According to records on file with the Committees, it appears that Gongwen Dong, a mutual associate of Ye Jianming, James Biden, Sara Biden, and Hunter Biden, recently contributed to the Confucius Foundation Inc. On July 29, 2019, there was a wire for \$5,000 from a Golden Coast Asset Management LLC account that is linked to both Gongwen Dong and Shan Gao to the Confucius Foundation Inc. with memo, "Gongwen Dong.") CONFIDENTIAL DOCUMENT 8 (on file with Comms.).

³⁵⁵ J. Michael Cole, *Unstoppable: China's Secret Plan to Subvert Taiwan*, THE NATIONAL INTEREST (Mar. 23, 2015), <https://nationalinterest.org/feature/unstoppable-chinas-secret-plan-subvert-taiwan-12463>.

It is unclear whether Hunter Biden was aware of Ye's close relationship with the PLA or involvement in efforts to develop and spread Chinese propaganda at the time of his 2015 meeting with Ye's associate. However, public reporting did make those connections.³⁵⁶

Hunter Biden's connections with Ye continued into the summer of 2017, when he met with Ye while soliciting donations for World Food Program USA in his capacity as a member of its board of directors.³⁵⁷ At the time, Ye continued to operate the CE Fund, which has since been found to have engaged in criminal activities.³⁵⁸ During their interactions in 2017, Hunter Biden reportedly agreed to assist Ye by using his contacts to help Ye locate potential investments for CEFC in the United States.³⁵⁹ In keeping with that agreement, after meeting Ye, Hunter Biden stated that he began working on a deal for Ye that involved a \$40 million investment in a natural gas project on Monkey Island in Louisiana that reportedly fell through the following year.³⁶⁰ Around the same time that Hunter Biden began this work, Ye raised concerns with Hunter Biden that one of his associates, Patrick Ho, was under investigation by U.S. law enforcement.³⁶¹ Hunter Biden subsequently agreed to represent Ho.³⁶²

On Sept. 8, 2017, a \$9.1 billion deal was announced whereby Ye's company, CEFC, would acquire a stake in the state-owned Russian energy company, Rosneft.³⁶³ Ye's efforts to acquire a stake in Rosneft appear fully consistent with his vision of turning CEFC into a "second Sinopec" with holdings across the world.³⁶⁴

ii. ***Hunter Biden and his Family had Extensive Financial Connections to Ye Jianming, Gongwen Dong and other Chinese Nationals.***

On the same day that the impending Rosneft deal was announced, Hunter Biden and Gongwen Dong, a Chinese national who has reportedly executed transactions for limited liability companies controlled by Ye Jianming, applied to a bank and opened a line of credit under the business name Hudson West III LLC (Hudson West III).³⁶⁵ Hunter Biden, James Biden, and James Biden's wife, Sara Biden, were all authorized users of credit cards associated with the

³⁵⁶ See *id.*

³⁵⁷ Adam Entous, *Will Hunter Biden Jeopardize His Father's Campaign?*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

³⁵⁸ See Press Release, U.S. Dep't of Just., Former Head of Organization Backed by Chinese Energy Conglomerate Sentenced to Three Years in Prison for International Bribery and Money Laundering Offenses (Mar. 25, 2019), <https://www.justice.gov/opa/pr/former-head-organization-backed-chinese-energy-conglomerate-sentenced-three-years-prison>.

³⁵⁹ Adam Entous, *Will Hunter Biden Jeopardize His Father's Campaign?*, THE NEW YORKER (July 1, 2019), <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

³⁶⁰ *Id.*

³⁶¹ *Id.*

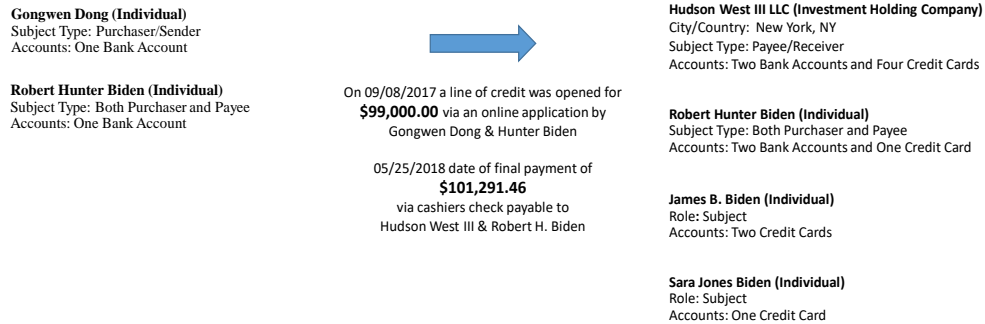
³⁶² *Id.*

³⁶³ Olesya Astakhova and Chen Aizhu, *China invests \$9.1 billion in Rosneft as Glencore, Qatar cut stakes* REUTERS (Sept. 8, 2017), <https://www.reuters.com/article/us-rosneft-cefc-glencore/china-invests-9-1-billion-in-rosneft-as-glencore-qatar-cut-stakes-idUSKCN1BJIHT>.

³⁶⁴ See Chen Aizhu, *China's CEFC courts 'teapots' for first domestic refinery acquisition*, REUTERS (Mar. 10, 2017), <https://de.reuters.com/article/us-china-m-a-cefc-idUSKBN16H0G4>.

³⁶⁵ CONFIDENTIAL DOCUMENT 9 (on file with Comms.); see also Katherine Clarke, *A Top Chinese Oilman Vanishes, and a Manhattan Buying Binge Ends*, THE WALL STREET JOURNAL (Oct. 25, 2018), <https://www.wsj.com/articles/a-top-chinese-oilman-vanishes-and-a-manhattan-buying-binge-ends-1540478781>.

account.³⁶⁶ The Bidens subsequently used the credit cards they opened to purchase \$101,291.46 worth of extravagant items, including airline tickets and multiple items at Apple Inc. stores, pharmacies, hotels and restaurants.³⁶⁷ The cards were collateralized by transferring \$99,000 from a Hudson West III account to a separate account, where the funds were held until the cards were closed.³⁶⁸ The transaction was identified for potential financial criminal activity. The Committees prepared the following chart which displays transactions related to the line of credit:



Notes: On 09/08/2017, Hunter Biden and GongWen Dong applied online to Cathay Bank and opened a line of credit under the business name Hudson West III, LLC. The cards were collateralized by transferring \$99,000.00 from a Cathay Bank account to the Hudson West III business account where the funds were held until the cards were closed. The authorized users of these credit cards include Hunter Biden, James Biden and Sara Biden and each used the cards around the world to purchase \$101,291.46. worth of extravagant items to include airline tickets, multiple purchases at Apple Stores and pharmacies, as well as hotels and restaurants.

Hudson West III was incorporated on April 19, 2016, more than a year before the credit cards were issued.³⁶⁹ Hudson West III, which is now dissolved, changed ownership at some unknown point.³⁷⁰ After that change, ownership was divided between Hunter Biden's law firm, Owasco PC (50%) and Coldharbour Capital LLC (50%).³⁷¹ Although ownership in Coldharbour Capital is equally divided between two individuals, Mervyn Yan and Tian Zhang, it has a business address identified as the address of Gongwen Dong.³⁷² According to records on file with the Committees, Hudson West III checking accounts were opened on Aug. 3, 2017, and Sept. 6, 2017, with Yan and Robert Hunter Biden.³⁷³ Gongwen Dong was a former signer, which suggests that at one time he was associated with Hudson West III's bank accounts and finances.³⁷⁴

³⁶⁶ CONFIDENTIAL DOCUMENT 9 (on file with Comms.).

³⁶⁷ CONFIDENTIAL DOCUMENT 9 (on file with Comms.); CONFIDENTIAL DOCUMENT 10 (on file with Comms.).

³⁶⁸ *Id.*

³⁶⁹ See Hudson West III, LLC, OpenCorporates, https://opencorporates.com/companies/us_de/6020436.

³⁷⁰ CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

³⁷¹ *Id.*

³⁷² CONFIDENTIAL DOCUMENT 7 (on file with Comms.); CONFIDENTIAL DOCUMENT 11 (on file with Comms.); see also Coldharbour Capital, LLC, Opencorporates, https://opencorporates.com/companies/us_ny/4703700.

³⁷³ CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

³⁷⁴ *Id.*

On Aug. 4, 2017, CEFC Infrastructure Investment (US) LLC, a subsidiary of Ye Jianming’s CEFC China Energy Company that listed Gongwen Dong as its director, sent Hunter Biden’s law firm, Owasco, a payment for \$100,000.³⁷⁵ This transaction was identified for potential criminal financial activity.³⁷⁶ One of the investment entities of CEFC Infrastructure Investment is reportedly Shanghai Huaxin Group, a Chinese state-owned enterprise “engaged in petroleum products.”³⁷⁷ That company is owned by CEFC Shanghai International Group Ltd., which is controlled by Shanghai Guosheng Group, another state-owned enterprise.³⁷⁸ According to reporting, CEFC Shanghai was a CEFC subsidiary linked to the aforementioned corruption allegations involving the head of the China Development Bank.³⁷⁹ These examples further illustrate the deep financial connections between Biden, Owasco, and the Chinese government.

On Aug. 8, 2017, CEFC Infrastructure Investment wired \$5 million to the bank account for Hudson West III.³⁸⁰ These funds may have originated from a loan issued from the account of a company called Northern International Capital Holdings, a Hong Kong-based investment company identified at one time as a “substantial shareholder” in CEFC International Limited along with Ye.³⁸¹ It is unclear whether Hunter Biden was half-owner of Hudson West III at that time. However, starting on Aug. 8, the same day the \$5 million was received, and continuing through Sept. 25, 2018, Hudson West III sent frequent payments to Owasco, Hunter Biden’s firm.³⁸² These payments, which were described as consulting fees, reached \$4,790,375.25 in just over a year.³⁸³

There are conflicting explanations for an additional \$1 million sent to Hudson West III by CEFC Limited Foundation (CEFC Limited) on Nov. 2, 2017, that appears to have been refunded to CEFC Limited on Nov. 21, 2017 with a memo marked “refund.”³⁸⁴ According to records on file with the Committees:

[Records indicated that] ‘CEFC paid the consultation fee to HW III for the purpose of conducting a market investigation of [a] natural gas project; however, the project was deemed unnecessary at the time so CEFC Limited decided to postpone the market investigation. Therefore, HW III provided the refund to CEFC Limited’. In another email correspondence dated 4/2/2018, Mr. Biden stated that the incoming wire amounting to \$1MM on 11/2/2017 from CEFC Limited foundation should have gone to Owasco LLC, however, he provided the wrong wire instructions, and due to the large amount

³⁷⁵ *Id.*

³⁷⁶ CONFIDENTIAL DOCUMENT 11 (on file with Comms.).

³⁷⁷ CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

³⁷⁸ *Id.*

³⁷⁹ Zdravko Ljubas, *China Development Bank’s Ex-Chief Suspected of Graft*, ORGANIZED CRIME AND CORRUPTION REPORTING PROJECT (Aug. 1, 2019), <https://www.occrp.org/en/daily/10378-china-development-bank-s-ex-chief-suspected-of-graft>.

³⁸⁰ CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

³⁸¹ CONFIDENTIAL DOCUMENT 11 (on file with Comms.).

³⁸² CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

³⁸³ CONFIDENTIAL DOCUMENT 7 (on file with Comms.); CONFIDENTIAL DOCUMENT 11 (on file with Comms.).

³⁸⁴ *Id.*

the transactions was not corrected until 3/22/2018, which consisted of an outgoing wire for the same amount benefiting Owasco LLC.³⁸⁵

On March 22, 2018, a \$1 million payment was sent from Hudson West III to Owasco with a memo line for “Dr Patrick Ho Chi Ping Representation.”³⁸⁶ In his alternative explanation, Hunter Biden indicated that the misdirected \$1 million was related to his representation of Ye’s associate, Patrick Ho.³⁸⁷ These transactions illustrate the financial connections between Gongwen Dong’s Hudson West III, Ye Jianming’s CEFC, and Hunter Biden’s Owasco. Biden stated that:

Boies Schiller Flexner is co-counsel for Dr. Patrick Ho’s case. Hudson West III LLC has no involvement with Patrick Ho Chi Ping[’]s case and won[’]t expect further transaction related to Dr. Patrick Ho Chi Ping trail [sic] for Hudson West III LLC. Owasco LLC and co- Counsel Boies Schiller Flexner will represent Dr. Patrick Ho Chi Ping [at] trial.³⁸⁸

During the same period, there is also evidence that Hunter Biden moved large sums of money from his firm, Owasco, to James Biden’s consulting firm, the Lion Hall Group.³⁸⁹ Between Aug. 14, 2017 and Aug. 3, 2018, Owasco sent 20 wires totaling \$1,398,999 to the Lion Hall Group, a consulting firm that lists James Biden and his wife, Sara Biden, on the bank account.³⁹⁰ This transaction was identified for potential criminal financial activity. These transfers began less than one week after CEFC Infrastructure Investment wired \$5 million to Hudson West III and Hudson West III sent its first payment of \$400,000 to Owasco.³⁹¹ Most of the payments from Owasco to the Lion Hall Group had vague notes in the memo lines, 15 of which simply indicated that they were for further credit to James Biden; however, the memo line for one of the payments read “HW3,” which indicates some of the transferred money could be from Hudson West III.³⁹² When the bank contacted Sara Biden regarding the overall wire activity, she stated that the Lion Hall Group and Owasco provide international and business consulting and that the Lion Hall Group was assisting Owasco with an international client through a contract that had since terminated.³⁹³ Sara Biden told the bank that she would not provide any supporting documentation, and she also refused to provide additional information to more clearly explain the activity.³⁹⁴ Consequently, the bank submitted the account for closure.³⁹⁵ The Committees created the following chart with respect to this transaction.

³⁸⁵ CONFIDENTIAL DOCUMENT 11 (on file with Comms.).

³⁸⁶ *Id.*

³⁸⁷ *Id.*

³⁸⁸ *Id.*

³⁸⁹ CONFIDENTIAL DOCUMENT 12 (on file with Comms.).

³⁹⁰ *Id.*

³⁹¹ CONFIDENTIAL DOCUMENT 12 (on file with Comms.); CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

³⁹² CONFIDENTIAL DOCUMENT 12 (on file with Comms.).

³⁹³ *Id.*

³⁹⁴ *Id.*

³⁹⁵ *Id.*

Owasco PC (Finance & Insurance Industry)
Owner: R Hunter Biden
Accounts: Two Bank Accounts



(20) wires ranging from
\$21,000.00 to \$165,000.00 totaling
\$1,398,999.00
From 08/14/2017 – 08/03/2018

The Lion Hall Group LLC (Consulting Organization)
City/Country: Merion Station, PA
Role: Subject
Accounts: One Bank Account

James B. Biden (Individual)
Role: Subject
Accounts: One Bank Account

Sara Jones Biden (Individual)
Role: Subject
Accounts: One Bank Account

Notes:

-15 of 20 transactions list, "FFC JAMES BIDEN PAYMENT" in the Originator to Beneficiary Information section.

Hudson West III also sent funds directly to the Lion Hall Group. According to records on file with the Committees, James B. Biden is the principal contact for the Lion Hall Group, and between January 2018 and October 2018, Hudson West III sent the Lion Hall Group outgoing wires totaling \$76,746.15 with the memo, "office expense and reimbursement."³⁹⁶ These transactions illustrate a direct financial link between Hudson West III (which was connected to CEFC, the Chinese government, and Gongwen Dong) and James Biden.

On Aug. 17, 2017, three days after the first transfer from Owasco to The Lion Hall Group, it was publicly announced that Ye's CEFC Energy was in talks to purchase a stake in the Russian state-owned energy company Rosneft, which, as noted, later fell through.³⁹⁷

Around the same time, there were also outgoing wires from Hudson West III to various accounts associated with Ye and Gongwen, including CEFC Infrastructure Investment, Coldharbour Capital (located at Gongwen Dong's address), Gongwen's personal bank account, a separate bank account for Hudson West V, and Bo Jian Group Investment Company (a company with a complex ownership structure controlled by Ye in which Gongwen Dong is also reportedly a part owner).³⁹⁸ These transactions and the transacting entities begin to paint a mosaic of the complex corporate structure that existed between entities linked to Hunter Biden and his associates and family and Chinese companies linked to the Communist government.

iii. ***Financial Transactions by these Companies Illustrate a Complex Web of Corporate Entities, Money Transfers and Potential Criminal Financial Activity.***

The Committees were able to confirm that Hunter Biden's associate, Gongwen Dong, is connected to seven of the eight numbered Hudson West corporate entities. The exception is

³⁹⁶ CONFIDENTIAL DOCUMENT 11 (on file with Comms.).

³⁹⁷ Kane Wu, *Exclusive: China's CEFC in early talks to buy Rosneft stake- sources*, REUTERS (Aug. 17, 2017), <https://www.reuters.com/article/us-rosneft-m-a-china/exclusive-chinas-cefc-in-early-talks-to-buy-rosneft-stake-sources-idUSKCN1AX1CP>.

³⁹⁸ CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

Hudson West II; however, that entity shares a permanent mailing address with Hudson West V, which has a bank account that is connected to Gongwen. Thus, it appears that Hudson West II is most likely connected to him. The Hudson West entities are important entities in the flow of funds among and between Ye, Gongwen, and Hunter Biden and his associates. There are frequent fund transfers across these numbered Hudson West entities, and transactions involving all eight have been identified for potential criminal financial activity. For example, Hudson West III was not the only Hudson West entity associated with CEFC, Ye's business. According to reporting, Hudson West V maintains an ownership interest in CEFC Infrastructure Investment, a subsidiary of CEFC.³⁹⁹ By extension, this means Hudson West V is linked to Ye and the aforementioned \$5 million payment to Hudson West III on Aug. 8, 2017.⁴⁰⁰ Hudson West V also reportedly had ownership in a series of other companies: Hudson West Partners LLC, Hudson West Aggregator LLC, Hudson West VIII LLC, and Hudson West VII LLC which begins to show the complex corporate structure at play.⁴⁰¹

Between July 2017 and November 2018, Hudson West V received wires totaling \$20,310,396.79 with \$20,893,505.07 leaving that same account.⁴⁰² All but \$259,845 of the total amount transferred out of the account went to U.S. bank accounts for various LLCs, most of which were documented to be involved in the business of real estate investment and management.⁴⁰³ Several of those LLCs are also tied to Gongwen.⁴⁰⁴

Twenty million dollars of the \$20,310,396.79 going into the aforementioned Hudson West V US account was transferred into that account from another Hudson West V account at the Bank of China.⁴⁰⁵ Between Feb. 9, 2017, and April 12, 2017, a Hudson West V Bank of China account received three incoming wires totaling \$27,917,665.45 from an entity called Kaiyan US Fund III LP and one wire for \$100,000 from a company called Foxwood Asset Management Co. Limited.⁴⁰⁶ Both Kaiyan US Fund III LP and Foxwood Asset Management Co Limited have addresses in Beijing.⁴⁰⁷ On March 19, 2018, Kaiyan US Fund III LP also sent one wire for \$50,551.79 directly to a different account for Hudson West V, which is included in the aforementioned \$20,310,396.79 total of incoming wires for that account.⁴⁰⁸

These transactions offer a window into a much larger web of transactions carried out among a vast network of corporate entities, many with complex ownership structures, variously owned and operated by Gongwen Dong, Ye Jianming, an individual named Shan Gao, and other individuals associated with CEFC China energy, Chinese state-owned enterprises, and unknown

³⁹⁹ *Id.*

⁴⁰⁰ *See id.*

⁴⁰¹ *Id.* Records indicate that the ownership structures of Gongwen Dong's companies are extraordinarily complex, and sometimes unknown, and that many of his corporate entities have shifted over time. The same is true of Ye Jianming's corporate entities. The complexities illustrate the challenges in fully knowing the depth and extent of potential criminal activity.

⁴⁰² CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

⁴⁰³ *See* CONFIDENTIAL DOCUMENT 7 (on file with Comms.); *see also* CONFIDENTIAL DOCUMENT 11 (on file with Comms.); CONFIDENTIAL DOCUMENT 13 (on file with Comms.); CONFIDENTIAL DOCUMENT 14 (on file with Comms.).

⁴⁰⁴ *Id.*

⁴⁰⁵ CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

⁴⁰⁶ CONFIDENTIAL DOCUMENT 2 (on file with Comms.).

⁴⁰⁷ *Id.*

⁴⁰⁸ CONFIDENTIAL DOCUMENT 2 (on file with Comms.); CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

individuals based primarily in China.⁴⁰⁹ Little is known about Shan Gao, other than the fact that banks found her, through complex ownership structures, to be the owner of multiple entities involved in the transactions.⁴¹⁰ For multiple entities involved in these transactions, banks were not able to determine ownership at all.⁴¹¹

As an example of the size and scope of the networks involving Gongwen, between Oct. 23, 2017, and Dec. 20, 2018, Hudson West I, for which Gongwen is also listed as an account signer, received incoming wires totaling over \$114 million and sent outgoing wires totaling over \$113 million.⁴¹² Between Jan. 25, 2018, and Dec. 28, 2018, Hudson West Aggregator, another LLC associated with Gongwen that was involved in three transactions with Hudson West V, received incoming transfers totaling more than \$3 million and sent outgoing transfers totaling more than \$13 million.⁴¹³ Records examining these transactions by Gongwen and his associates explained:

We opt to include wires, which appear to be conducted for investment purposes, as we believe that fund movement is ultimately conducted in an effort to layer funds. Conclusion: Unusual movement of funds between various entities with a complex ownership structures, at times involving funds originating from Chinese [state-owned enterprises] SOE, Chinese based entities registered with [a] high-risk tax heaven country, and [politically exposed persons] PEPs. It is to note that fund movement appears to be an effort to introduce foreign funds from unknown sources into in [sic] the U.S. by investing in large projects and by purchasing luxury goods and properties. Total [] filing amounts to \$902,200,297.⁴¹⁴

Certain transactions involving Hudson West III, CEFC Infrastructure, and Hudson West V were among those identified as potential efforts to layer funds.⁴¹⁵

⁴⁰⁹ See CONFIDENTIAL DOCUMENT 7 (on file with Comms.); see also CONFIDENTIAL DOCUMENT 11 (on file with Comms.); CONFIDENTIAL DOCUMENT 13 (on file with Comms.); CONFIDENTIAL DOCUMENT 14 (on file with Comms.).

⁴¹⁰ *Id.* According to records on file with the Committees, Shan Gao is a resident of New York State whose permanent/ mailing address matches the address of Gongwen Dong. CONFIDENTIAL DOCUMENT 8 (on file with Comms.).

⁴¹¹ See CONFIDENTIAL DOCUMENT 7 (on file with Comms.); see also CONFIDENTIAL DOCUMENT 11 (on file with Comms.); CONFIDENTIAL DOCUMENT 13 (on file with Comms.); CONFIDENTIAL DOCUMENT 14 (on file with Comms.).

⁴¹² CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

⁴¹³ *Id.* (In addition to the aforementioned numbered Hudson West entities and Hudson West Aggregator, Hudson West Partners LLC is another Hudson West entity with a bank account that is connected to Gongwen Dong.).

⁴¹⁴ CONFIDENTIAL DOCUMENT 14 (on file with Comms.).

⁴¹⁵ CONFIDENTIAL DOCUMENT 11 (on file with Comms.); CONFIDENTIAL DOCUMENT 14 (on file with Comms.).

iv. *Chinese Nationals Linked with Hunter Biden Faced Criminal Probes.*

In November 2017, Ye Jianming's associate and Hunter Biden's reported client, Patrick Ho, was arrested and charged with violations of the Foreign Corrupt Practices Act, international money laundering, and conspiracy to commit both.⁴¹⁶ The first call that he reportedly made was to James Biden, who reportedly referred him to Hunter Biden.⁴¹⁷ Ho was convicted in March 2019 on charges of money laundering, conspiracy, and violations of the Foreign Corrupt Practices Act and was sentenced to three years in U.S. prison for his role in a multimillion-dollar scheme to bribe officials in Chad and Uganda in exchange for business advantages for CEFC, Ye's company.⁴¹⁸ Department of Justice documents describe Ye as Patrick Ho's boss and, again, note that Ye's company supplied funding to the China Energy Fund Committee.⁴¹⁹ Ho worked as the secretary-general of the committee during the period when he was carrying out his illegal schemes.⁴²⁰

In February 2018, it was reported that Ye was also under investigation in China for "suspected economic crimes."⁴²¹ Ye was subsequently detained, and to date, there have been no reports of his release.

Shortly thereafter, on May 4, 2018, there were reports that the deal for CEFC to purchase a stake in Rosneft had fallen through.⁴²² The credit cards used by the Bidens for the \$100,000 spending spree were closed the same month, and the last payments for the account were made on May 25, 2018.⁴²³ It is not clear who made the fund transfer payments that were used to cover the charges.⁴²⁴

After Ye was detained by the Chinese government in February 2018, there were reports that Shanghai Guosheng Group, a Chinese agency reportedly controlled by Shanghai's municipal government, had taken over management and daily operations at CEFC.⁴²⁵ Additionally, in

⁴¹⁶ Press Release, U.S. Dep't of Just., Head of Organization Backed By Chinese Energy Conglomerate And Former Foreign Minister of Senegal, Charged with Bribing High-Level African Officials (Nov. 20, 2017), <https://www.justice.gov/usao-sdny/pr/head-organization-backed-chinese-energy-conglomerate-and-former-foreign-minister>.

⁴¹⁷ Alexandra Stevenson, David Barboza, Matthew Goldstein, and Paul Mozur, *A Chinese Tycoon Sought Power and Influence. Washington Responded.*, THE NEW YORK TIMES (Dec. 12, 2018),

<https://www.nytimes.com/2018/12/12/business/cefc-biden-china-washington-ye-jianming.html>.

⁴¹⁸ 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),

<https://www.justice.gov/usao-sdny/pr/patrick-ho-former-head-organization-backed-chinese-energy-conglomerate-sentenced-3>.

⁴¹⁹ Press Release, U.S. Dep't of Just., Former Head of Organization Backed by Chinese Energy Conglomerate Sentenced to Three Years in Prison for International Bribery and Money Laundering Offenses (Mar. 25, 2019),

<https://www.justice.gov/opa/pr/former-head-organization-backed-chinese-energy-conglomerate-sentenced-three-years-prison>.

⁴²⁰ *Id.*

⁴²¹ Benjamin Kang Lim, *China's CEFC chairman investigated for suspected economic crimes: source*, REUTERS (Feb. 28, 2018), <https://www.reuters.com/article/us-china-cefc-probe-idUSKCN1GD3O9>.

⁴²² Javier Blas and Elena Mazneva, *Qatar Steps In to Buy Rosneft Stake After China Deal Collapses*, BLOOMBERG (May 5, 2018), <https://www.bloomberg.com/news/articles/2018-05-04/china-s-cefc-won-t-buy-rosneft-shares-from-glencore-led-group>.

⁴²³ CONFIDENTIAL DOCUMENT 9 (on file with Comms.).

⁴²⁴ *Id.* (The funds used to collateralize the account were returned in the form of a check payable to Hudson West III and Robert H. Biden and deposited back into the same account from which they were initially withdrawn.).

⁴²⁵ Josephine Mason and Aizhu Chen, *China's CEFC taken over by Shanghai government agency: SCMP report*, REUTERS (Mar. 2, 2018), <https://www.reuters.com/article/us-china-cefc-probe/chinas-cefc-taken-over-by-shanghai-government-agency-scmp-report-idUSKCN1GE0X3>.

March 2018, it was announced that the Chinese state-owned enterprise Citic Group was negotiating to take a stake of up to 49 percent in CEFC's European unit.⁴²⁶ Again, Citic is listed among the Chinese partners and alliances of the Thornton group.⁴²⁷ Following these Chinese government takeovers, the payments from Hudson West III to Owasco appear to have continued through September 2018.⁴²⁸

e. Conclusion

The records acquired by the Committees show that Hunter Biden and his family were involved in a vast financial network that connected them to foreign nationals and foreign governments across the globe. Hunter Biden and Archer, in particular, formed significant and consistent financial relationships with the corrupt oligarch Mykola Zlochevsky during their time working for Burisma and their firms made millions of dollars from that association while Joe Biden was vice president and the public face of the Obama administration's Ukraine policy. Rosemont Seneca Thornton, an investment firm co-founded by Hunter Biden, received \$3.5 million in a wire transfer from Elena Baturina, who allegedly received illegal construction contracts from her husband, the former mayor of Moscow. Moreover, Archer's apparent receipt of money for a car from Kenges Rakishev of Kazakhstan while Vice President Biden was in Kyiv is especially concerning in light of the timing. And finally, Biden and Archer's work with Chinese nationals connected to the Communist regime illustrate the deep financial connections that accelerated while his father was vice president and continued after he left office.

Biden and Archer found willing partners in Chinese nationals connected to the Communist regime. Their work in China began at least in 2009, with the creation of Rosemont Seneca Partners with Heinz, Secretary of State John Kerry's stepson. Then, several years later, Biden and Archer formed BHR with Bohai Capital and received their business license approval in China shortly after Biden visited China with his father, Vice President Biden.

Hunter Biden's connections and financial associations appear to have accelerated significantly after he associated himself with Ye Jianming, who had deep connections with the Communist regime and PLA. However, that didn't seem to have any impact on Hunter Biden, who made millions from the relationship. Indeed, Hunter Biden and his family, to include James and Sara Biden, associated with other Chinese nationals such as Gongwen Dong. In one case, the three of them went on a \$100,000 global spending spree after Gongwen Dong and Hunter Biden opened a joint account. In addition, Hunter Biden received millions of dollars over a period of years from Gongwen Dong's companies. According to records acquired by the Committees, many of these transactions involved potential criminal financial activity.

The records acquired by the Committees show consistent, significant and extensive financial connections among and between Hunter Biden, James Biden, Sara Biden, Devon Archer, and Chinese nationals connected to the Communist regime and PLA as well as other foreign nationals with questionable backgrounds. These connections and the vast amount of

⁴²⁶ Chen Aizu, *CITIC Group in talks for up to 49 percent stake in CEFC unit*, REUTERS (Mar. 20, 2018), <https://www.reuters.com/article/us-china-cefc-citic-group/citic-group-in-talks-for-up-to-49-percent-stake-in-cefc-unit-idUSKBN1GW0I8>.

⁴²⁷ Alliances/Clients, Thornton Group, <http://www.thorntoni.com/english/alliances.html>.

⁴²⁸ CONFIDENTIAL DOCUMENT 7 (on file with Comms.).

money transferred among and between them don't just raise conflicts of interest concerns, they raise criminal financial, counterintelligence and extortion concerns. The Committees will continue to evaluate the evidence in their possession.

XII. CONCLUSION.

As the Chairmen's report details, Hunter Biden's role on Burisma's board negatively impacted the efforts of dedicated career-service individuals who were fighting to push for anticorruption measures in Ukraine. Because the vice president's son had a direct link to a corrupt company and its owner, State Department officials were required to maintain situational awareness of Hunter Biden's association with Burisma. Unfortunately, U.S. officials had no other choice but to endure the "awkward[ness]" of continuing to push an anticorruption agenda in Ukraine while the vice president's son sat on the board of a Ukrainian company with a corrupt owner. As George Kent testified, he "would have advised any American not to get on the board of Zlochevsky's company."⁴²⁹ Yet, even though Hunter Biden's position on Burisma's board cast a shadow over the work of those advancing anticorruption reforms in Ukraine, the Committees are only aware of two individuals who raised concerns to their superiors. Despite the efforts of these individuals, their concerns appear to have fallen on deaf ears.

Former Secretary Kerry's December 2019 denial of having any knowledge about Hunter Biden or Burisma is inconsistent with the evidence uncovered by the Committees. Kerry was briefed about Hunter Biden, Burisma and Christopher Heinz the day after Burisma announced Hunter Biden joined its board. Additionally, Secretary Kerry's senior advisor sent him press clips and articles relating to Hunter Biden's board membership. This appears to be yet another example of high-ranking Obama administration officials blatantly ignoring Hunter Biden's association with Burisma.

Several witnesses highlighted efforts to enable a successful investigation of Zlochevsky, and also noted that the U.S. decision to condition a \$1 billion loan guarantee was made in part because of the then-Ukrainian prosecutor general's failure to pursue a case against Zlochevsky. But at the end of the day, between 2014 through 2017, despite the concerted effort of many U.S. officials, not one of the three different Ukrainian prosecutor generals held Zlochevsky accountable.

The Obama administration and the Democrat lobby shop Blue Star Strategies had consistent and extensive contact with Andrii Telizhenko over a period of years. Yet despite these well-documented contacts with Democratic officials, Democrats have attempted to impugn this investigation for having received some Blue Star-related records from Telizhenko. Some Democrats have even (incorrectly) identified Telizhenko as the Committees' "star witness."⁴³⁰ Although he produced a small number of Blue Star-related records to the Committees, the Committees never interviewed him as part of this investigation.⁴³¹

⁴²⁹ George Kent Testimony at 110.

⁴³⁰ Ranking Member Ron Wyden, Wyden Takes to Senate Floor to Address Russian Disinformation in Flawed Congressional Investigation, 2020 Election (Sept. 16, 2020), <https://www.finance.senate.gov/wyden-takes-to-senate-floor-to-address-russian-disinformation-in-flawed-congressional-investigation-2020-election>.

⁴³¹ The Committees received a small number of records from Telizhenko related to his communications with and subsequent work for Blue Star Strategies. Ranking Member Peters and Ranking Member Wyden have access to these records but have refused to receive or review them. Had they done so, they would have observed that the State Department, National Archives, and Blue Star Strategies (after it received a subpoena) produced most of the same records to the Committees. They also would have noticed the emails and text messages that Blue Star failed to produce to the Committees.

Even though almost all of the Committees' records are from U.S. agencies and U.S. officials or persons, Democrats have repeatedly misconstrued the facts of this investigation and have smeared it as a Russian disinformation campaign. In doing so, they conveniently have ignored their own long history of meeting with Telizhenko and his yearlong work for a Democrat lobby shop. If Democrats are concerned that Telizhenko presents any risk of advancing disinformation, it is notable that the Ranking Members have not expressed any curiosity about his work with the Obama administration or Blue Star Strategies.

The records acquired by the Committees also show that Hunter Biden and his family were involved in a vast financial network that connected them to foreign nationals and foreign governments across the globe. Hunter Biden and Devon Archer, in particular, formed significant and consistent financial relationships with the corrupt oligarch Mykola Zlochevsky during their time working for Burisma, and their firms made millions of dollars from that association while Joe Biden was vice president and the public face of the Obama administration's Ukraine policy. Rosemont Seneca Thornton, an investment firm co-founded by Hunter Biden, received \$3.5 million in a wire transfer from Elena Baturina, who allegedly received illegal construction contracts from her husband, the then-mayor of Moscow. Moreover, Archer's apparent receipt of money for a car from Kenges Rakishev of Kazakhstan while Vice President Biden was in Kyiv is especially concerning in light of the timing. And finally, Biden and Archer's work with Chinese nationals connected to the Communist regime illustrate the deep financial connections that accelerated while Joe Biden was vice president and continued after he left office.

The Chairmen's investigation has faced many obstacles from the minority and from executive agencies that have failed to comply with document requests. Accordingly, there remains much work to be done.

EXHIBIT 4



STATE OF FLORIDA

**ASHLEY MOODY
ATTORNEY GENERAL**

September 23, 2020

Mr. Michael F. McPherson
Special Agent in Charge
Federal Bureau of Investigation
5525 West Gray Street
Tampa, FL 33609

Mr. Richard L. Swearingen
Commissioner
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, FL 32302-1489

Dear Commissioner Swearingen and Special Agent in Charge McPherson:

Governor DeSantis has asked that my office review recent allegations found in the enclosed September 22, 2020 *Washington Post* article and relevant law. My office has reviewed the following enclosed materials:

- *Washington Post* article, "Mike Bloomberg raises \$16 million to allow former felons to vote in Florida";
- Florida Not-for-Profit Corporation Annual Report of Florida Rights Restoration Coalition, Inc., dated June 23, 2020;
- Section 104.012, Florida Statutes;
- Section 104.061, Florida Statutes;
- Florida Department of State, Division of Elections, Advisory Opinion 16-02 "Voting-Offering Incentives to Vote; Political Committees Expenditures; §§ 104.045, 104.061, 104.0616, 106.011, and 106.11, Florida Statutes" (hereinafter "DE 16-02");
- Title 18, United States Code, Section 597; and
- Title 52, United States Code, Section 10307.

In DE 16-02, the Florida Department of State, Division of Elections, in responding to an inquiry by a political committee, stated:

Even otherwise innocuous offering of an incentive simply to vote could run afoul of section 104.045 or section 104.061, or both, depending upon the circumstances involved. That is, incentives could be offered to a voter in a way that would be designed to directly or indirectly cause the voter or a larger group of voters to vote in a particular manner. In such a case, the person giving the incentive could be guilty of violating section 104.061, Florida Statutes, which makes it illegal to “directly or indirectly give or promise anything of value to another in casting his or her vote.”

DE 16-02, at 3 (footnote and citation omitted).

After preliminarily reviewing this limited public information and law, it appears further investigation is warranted. Accordingly, I request that your agencies further investigate this matter and take appropriate steps as merited.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Moody". The signature is written in a cursive, flowing style.

Ashley Moody
Attorney General

cc: Mrs. Maria Chapa Lopez, United States Attorney
Mr. Nick Cox, Statewide Prosecutor

The Washington Post

Democracy Dies in Darkness

Mike Bloomberg raises \$16 million to allow former felons to vote in Florida

By **Michael Scherer**

September 22, 2020 at 10:30 a.m. EDT

Former New York mayor Mike Bloomberg and his team have raised more than \$16 million to pay the court fines and fees of nearly 32,000 Black and Hispanic Florida voters with felony convictions, an effort aimed at boosting turnout for Democratic presidential candidate Joe Biden.

The money will fund a program organized by the Florida Rights Restoration Coalition to pay the fines, fees and restitution costs for former prisoners who are already registered to vote in Florida but barred by law from participating in the election because of those outstanding debts.

Bloomberg, who has committed at least \$100 million to electing Biden in the state, raised the money from individuals and foundations over the past week, his advisers said. He saw the donations as a more cost-effective way of adding votes to the Democratic column than investing money to persuade voters who already have the right to vote, a Bloomberg memo said.

“We have identified a significant vote share that requires a nominal investment,” the memo read. “The data shows that in Florida, Black voters are a unique universe unlike any other voting bloc, where the Democratic support rate tends to be 90%-95%.”

The memo noted that Biden was polling worse among Cuban American voters than Hillary Clinton, the 2016 nominee, while winning other Hispanic groups by a margin of 3 to 1.

The Florida Rights Restoration Coalition is a nonpartisan group that has been fundraising to return all former felons in the state to the voting rolls. Desmond Meade, the group’s president, said the group does not share Bloomberg’s goal of empowering only one political side in the upcoming election.

“Different people may give for different reasons, but we are in this for one reason, and that reason is to place people over politics,” Meade said. “We are concerned with people from all walks of life, from all sorts of politics.”

He said that through separate efforts, his organization has raised about \$7 million from about 44,000 donors to help pay the debts of citizens with felony convictions so they can return to the voting rolls. The average debt, the group said, is about \$1,000.

After organizing by Meade’s group, Florida voters passed a statewide constitutional amendment in 2018 that gave former felons, except those convicted of murder or felony sexual offenses, the opportunity to vote in upcoming elections. The Republican-controlled legislature subsequently passed, and the Republican governor signed, a law that conditioned their return to the voting rolls on the payment of all fees, fines and restitution that were part of their sentence.

Subsequent court challenges upheld the power of the legislature to condition voting rights on the payment of debts by former felons. Judge Barbara Lagoa, who is under consideration by President Trump as a possible replacement for Supreme Court justice Ruth Bader Ginsburg, cast a concurring opinion on the 11th Circuit Court of Appeals upholding the state law requiring payment of debts.

The Republican effort is expected to limit what some viewed as a political benefit to Democrats of the constitutional change, which passed by ballot initiative with 65 percent support. A study by the University of Florida found that nearly 775,000 former felons still owed money related to their convictions and would be barred from the voting booth by the law. The vast majority are too poor to pay their outstanding debts, according to evidence presented in court documents challenging the law.

Several philanthropic groups, including a nonprofit founded by the professional basketball player LeBron James, have since committed donations to pay the owed money. The Bloomberg effort, which his aides said will be pooled with about \$5 million already raised by the Florida Rights Restoration Coalition, is narrowly focused only on Black and Hispanic voters who are already registered to vote and whose debts are less than \$1,500.

Bloomberg’s advisers identified that group as both likely to vote for Biden and more likely to vote than other groups of former felons.

“Mike wanted to get this done for two reasons,” said a Bloomberg adviser, who spoke on the condition of anonymity to discuss private conversations. “One, because it’s the right thing to do for the democracy. And two, because it immediately activates tens of thousands of voters who are predisposed to vote for Joe Biden.”

Bloomberg aides said the former New York mayor, who is worth more than \$50 billion, had raised the money for this effort from others and that the sum would not count against the \$100 million or more he has personally committed to spend on behalf of Biden in the state.

The Bloomberg memo pointed out that the 31,790 targeted voters, including 25,548 who are Black, are nearly equivalent to the margin by which Gov. Ron DeSantis (R) won election in 2018, and about three times as big as the margin that elected Sen. Rick Scott (R-Fla.) that same year.

It said Florida voters have largely already made up their minds about the November election, leaving “only a small margin of voters that are targets for persuasion.”

“We know to win Florida we will need to persuade, motivate and add new votes to the Biden column,” the document read. “This means we need to explore all avenues for finding the needed votes when so many votes are already determined.”

Meade said his group would be in charge of spending the money raised by Bloomberg and will continue fundraising to enfranchise more Floridians with felony convictions.

“No person really dictates how we are operating,” he said.

Updated September 22, 2020

Election 2020: What to know

Live updates: Get the latest on the election and Supreme Court.

Polling from The Washington Post and ABC News shows former vice president Joe Biden with a narrow edge in the key battleground state of Wisconsin and a wide lead in Minnesota.

How to vote: Find out the rules in your state. Some states have already started sending out mail ballots; see how to make sure yours counts. Absentee and mail ballots are two terms for the same thing, mostly used interchangeably. Barring a landslide, we may not have a result in the presidential election on Nov. 3.

Electoral college map: Who actually votes, and who do they vote for? Explore how shifts in turnout and voting patterns for key demographic groups could affect the presidential race.

Policy: Where Biden and Trump stand on key issues defining the election.

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2020 FLORIDA NOT FOR PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# N11000011745

Entity Name: FLORIDA RIGHTS RESTORATION COALITION, INC.

Current Principal Place of Business:

4081 LB MCLEOD RD,
UNIT C
ORLANDO, FL 32811

Current Mailing Address:

4081 LB MCLEOD RD,
UNIT C
ORLANDO, FL 32811 US

FEI Number: 30-0714793

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

MEADE, DESMOND
4081 LB MCLEOD RD
UNIT C
ORLANDO, FL 32811 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____

Electronic Signature of Registered Agent

_____ Date

Officer/Director Detail :

Title P
Name MEADE, DESMOND B
Address P.O.BOX 555809
City-State-Zip: ORLANDO FL 32855

Title VP
Name YOUNTS, JESSICA
Address 4081 LB MCLEOD RD
City-State-Zip: ORLANDO FL 32811

Title SECRETARY
Name NEIL, VOLZ
Address 4081 LB MCLEOD RD
City-State-Zip: ORLANDO FL 32811

Title TREASURER
Name ORLANDO, MICHAEL J
Address PO BOX 203
City-State-Zip: MIMS FL 32754

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: DESMOND MEADE

PRESIDENT

06/23/2020

Electronic Signature of Signing Officer/Director Detail

Date

Select Year:

The 2019 Florida Statutes

[Title IX](#)[Chapter 104](#)[View Entire Chapter](#)

ELECTORS AND ELECTIONS ELECTION CODE: VIOLATIONS; PENALTIES

104.012 Consideration for registration; interference with registration; soliciting registrations for compensation; alteration of registration application.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) A person who by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), and, upon any subsequent conviction, commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(3) A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(4) A person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

History.—s. 1, ch. 63-198; s. 20, ch. 71-136; s. 33, ch. 77-175; s. 39, ch. 94-224; s. 1394, ch. 95-147; s. 32, ch. 97-13; s. 23, ch. 98-129.



FYI

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 21, 2016

Mr. Leonard Schmiede, Chairman
League of Voters, Extraordinaire
3024 25th Avenue North
St. Petersburg, Florida 33713

Re: DE 16-02 Voting – Offering Incentives
to Vote; Political Committees –
Expenditures; §§ 104.045, 104.061,
104.0616, 106.011, and 106.11, Florida
Statutes

Dear Mr. Schmiede:

You are the chairman of a Florida political committee and ask whether your political committee may legally pay electors to vote, among other related questions. The Division of Elections has the authority to issue you an advisory opinion pursuant to section 106.23(2), Florida Statutes.

FACTS

Your political committee proposes to increase voter turnout by offering cash, checks, or gift cards to persons in return for “completing the act of voting,” for “request[ing] to vote by mail,” or for convincing others to vote in person or by mail. You emphasize that the incentives your political committee proposes would only be to encourage others simply to vote, not to vote in a particular manner or for a particular candidate.

ANALYSIS

Florida law explicitly prohibits “vote-buying” and “vote-selling.” The prohibition against “vote-buying” is found in section 104.061(2), Florida Statutes, and reads as follows:

No person shall directly or indirectly give or promise anything of value to another intending thereby to buy that person’s or another’s vote or to

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6217 (Fax) • DOS.MyFlorida.com/elections



corruptly influence that person or another in casting his or her vote. Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, this subsection shall not apply to the serving of food to be consumed at a political rally or meeting or to any item of nominal value which is used as a political advertisement, including a campaign message designed to be worn by a person.

§ 104.061(2), Fla. Stat.

The prohibition against “vote-selling” is found in section 104.045, which reads as follows:

Any person who:

- (1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or
- (2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election,

is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

§ 104.045, Fla. Stat.

Together, these two provisions make it illegal to pay a person to vote in a particular manner (in other words, to “vote-buy”), or to agree to vote or refrain from voting for or against a particular candidate in exchange for a “pecuniary or other benefit” (in other words, to “vote-sell”). Both of these provisions contemplate that the incentive offered must be connected to a vote that is cast *in a particular manner* (or, as the case may be, a vote that is *not* cast in a particular manner).

To support your political committee’s proposed incentives for voting, you cite to advisory opinion DE 87-08. In questions two and three of DE 87-08, the Division was asked whether it was permissible for a person to give an elector a gift certificate, paraphernalia, or other consideration not redeemable in cash, prior to or subsequent to the casting of the vote. *See Div. of Elections Op. 87-08* (Aug. 3, 1987). In answering both questions in the affirmative, the Division considered sections 104.045 and 104.061, Florida Statutes.¹ The Division concluded that section 104.045 does not prohibit a person from giving an elector “a gift certificate or other consideration if the consideration is not intended to buy or corruptly influence another’s vote,” apparently because that

¹ At the time the 1987 opinion was rendered, section 104.045 provided that “vote-selling” was a misdemeanor. Current Florida law makes “vote-selling” a felony. *See* § 104.045, Fla. Stat. (1987); § 104.045, Fla. Stat. (2015).

section contemplates the situation where a person is attempting to actually “buy” a person’s vote—that is, where the person offers the elector something of value in exchange for the elector’s promise to vote for or against a particular candidate. DE 87-08 further interpreted section 104.045 to prohibit a person from offering something of value to an elector in exchange for the elector’s promise to vote in a particular manner. The Division also noted that the “vote-buying” provisions of section 104.061(2), Florida Statutes, would not prohibit a candidate’s giving an item of value to a voter as long as the candidate was not attempting to “buy [the] person’s vote.” See *Div. of Elections Op. 87-08* (Aug. 3, 1987) (citing to *Div. of Elections Op. 83-7* (Apr. 22, 1983)).²

Consistent with sections 104.045 and 104.061, and DE 87-08, the Division reiterates that it is illegal to buy votes or sell votes, regardless of whether the “buying” or “selling” is accomplished by cash, check, gift card, gift, or other item of value. Even the otherwise innocuous offering of an incentive simply to vote could run afoul of section 104.045 or section 104.061, or both, depending on the particular circumstances involved. That is, incentives could be offered to a voter in a way that would be designed to directly or indirectly cause the voter or a larger group of voters to vote in a particular manner.³ In such a case, the person giving the incentive could be guilty of violating section 104.061, Florida Statutes, which makes it illegal to “directly or indirectly give or promise anything of value to another intending thereby to buy that person’s or another’s vote or to corruptly influence that person or another in casting his or her vote.” § 104.061(2), Fla. Stat. Similarly, in such a situation the voter could run afoul of the prohibition against “vote-selling” in section 104.045. Put a different way, incentives to a voter to cast a vote may not legally be offered in a manner that attempts to circumvent the prohibitions against “vote-buying” and “vote-selling” contained in sections 104.061 and 104.045.

In light of these proscriptions against “vote-buying” and “vote-selling,” your political committee could not legally pay an elector to vote and have that expenditure be a valid one under chapter 106. A political committee may only make expenditures. See § 106.11(1)(a), Fla. Stat. (limiting political committee primary depository to use “only for the purpose of depositing contributions and making expenditures”). “Expenditures,” by statutory definition, must only be made “for the purpose of influencing the results of an election.” § 106.011(10)(a), Fla. Stat. For

² It should be noted that section 104.061(2), Florida Statutes, has undergone some revision since 1987.

³ A non-exhaustive list of examples where the person offering incentives to voters simply to vote could run afoul of sections 104.045 and 104.061 include the following: (1) incentives to vote might be offered to a group of people known to be registered under a particular party affiliation; (2) incentives to vote might be offered to voters who live in a particular location where a disproportionate number of voters support a particular candidate or party; or (3) incentives to vote might be offered to a group of people attending a particular political event or rally. In such situations, it would be possible that the intent of the person offering the incentives could run afoul of section 104.061(2), Florida Statutes, in a way that would constitute “vote-buying” or corruptly influencing voting. Similarly, the person offering to vote or voting in exchange for the incentive could violate the prohibition against “vote-selling” in section 104.045.

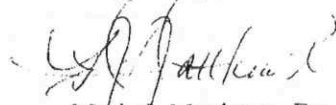
Leonard Schmiede
January 21, 2016
Page 4 of 4

a payment from your political committee to an elector to be a valid and permissible expenditure, it must be to influence the results of an election, i.e., to influence the elector to vote in a certain manner. But such a payment would be illegal under sections 104.045 and 104.061. Your political committee could not lawfully pay someone to vote without that expenditure being invalid under sections 106.11(1)(a) and 106.011(10)(a).

SUMMARY

Sections 104.045 and 104.061, Florida Statutes, explicitly prohibit "vote-buying" and "vote-selling." It would be illegal to offer incentives for voting if the intent were to circumvent the prohibitions against "vote-buying" and "vote-selling" in sections 104.045 and 104.061. A political committee can only spend money to influence the results of an election. A political committee's payment to an elector to vote could only be valid under chapter 106 if it were done to influence how that elector voted, which in turn would be illegal under sections 104.045 and 104.061. Therefore, a political committee could not lawfully make a valid expenditure to pay someone to vote.

Respectfully,



Maria J. Matthews, Esq.
Director, Division of Elections

United States Code Annotated - 2016

United States Code Annotated
Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part I. Crimes (Refs & Annos)
Chapter 29. Elections and Political Activities

18 U.S.C.A. § 597

§ 597. Expenditures to influence voting

Effective: October 11, 1996
Currentness

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote--

Shall be fined under this title or imprisoned not more than one year, or both; and if the violation was willful, shall be fined under this title or imprisoned not more than two years, or both.

Credits

(June 25, 1948, c. 645, 62 Stat. 721; Pub.L. 103-322, Title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub.L. 104-294, Title VI, § 601(a)(12), Oct. 11, 1996, 110 Stat. 3498.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1948 Acts. Based on §§ 250, 252, of Title 2, U.S.C., 1940 ed., The Congress (Feb. 28, 1925, c. 368, Title III, §§ 311, 314, 43 Stat. 1073, 1074).

This section consolidates the provisions of §§ 250 and 252 of Title 2, U.S.C., 1940 ed., The Congress.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in § 2 of this title.

The punishment provisions of § 252 of Title 2, U.S.C., 1940 ed., The Congress, were incorporated at end of section upon authority of reference in such section making them applicable to this section.

Words "or both" were added to conform to the almost universal formula of the punishment provisions of this title.

Changes were made in phraseology.

1994 Acts. House Report No. 103-324, House Report No. 103-489, and House Conference Report No. 103-711, see 1994 U.S. Code Cong. and Adm. News, p. 1801.

§ 597. Expenditures to influence voting, 18 U.S.C.A. § 597

1996 Acts. House Report No. 104-788, see 1996 U.S. Code Cong. and Adm. News, p. 4021.

Amendments

1996 Amendments. Pub.L. 104-294, § 601(a)(12), substituted “fined under this title” for “fined not more than \$10,000”.

1994 Amendments. Pub.L. 103-322, § 330016(1)(H), substituted “under this title” for “not more than \$1000”.

CROSS REFERENCES

Misdemeanors tried by United States magistrates as excluding offenses punishable under this section, see 18 USCA § 3401.

LIBRARY REFERENCES

American Digest System

Election Law ¶ 691.

Key Number System Topic No. 142T.

RESEARCH REFERENCES

ALR Library

69 ALR 377, Constitutionality of Corrupt Practices Acts.

Encyclopedias

Am. Jur. 2d Elections § 450, Bribery.

Treatises and Practice Aids

Federal Procedure, Lawyers Edition § 28:325, Offenses Involving Influencing or Interfering With Voter.

NOTES OF DECISIONS

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1 Constitutionality

In determining the constitutionality of this section, the U.S.C.A.Const. Amend. 1 rights of corporations and labor unions must be weighed against the substantial governmental interests in preserving the integrity of the electoral process, in preventing corporate and union officials from using corporate assets or general union dues to promote political parties and candidates without the consent of stockholders or union members with differing political views, and in protecting individuals who may refuse to contribute to campaign funds against reprisals; the need for such safeguards is particularly acute in the labor field where labor union membership can be condition of employment. *U.S. v. Chestnut*, S.D.N.Y.1975, 394 F.Supp. 581. Constitutional Law ¶ 1698; Constitutional Law ¶ 1700; Election Law ¶ 180; Election Law ¶ 181

This section did not violate U.S.C.A.Const. Amend. 1 rights of corporations and labor unions when balanced against the legitimate governmental interests involved and tested by the "least drastic means" test. *U.S. v. Chestnut*, S.D.N.Y.1975, 394 F.Supp. 581. Constitutional Law ¶ 1698; Constitutional Law ¶ 1700; Election Law ¶ 682

Provision of former § 250 of Title 2 [now this section] proscribing making of expenditures to influence voting made it a criminal offense for persons to make or cause an expenditure to be made to any person to vote at a general election, where official ballot contained names of candidates for Congress and person receiving expenditure proscribed voted the official ballot, and such legislation was within the power of Congress. *U.S. v. Blanton*, E.D.Mo.1948, 77 F.Supp. 812. Election Law ¶ 682; Election Law ¶ 691

Former § 250 of Title 2 [now this section] prohibiting expenditures to influence voting was not unconstitutional on ground that such section covered elections over which Congress had no control, and that even if such section was limited to national elections, it was too uncertain to be sustained, since such section, read as a whole in light of former § 241 of Title 2 [now § 591 of this title] defining the term "candidate" as used in former chapter was limited to elections at which federal office candidates were presented for election. *U.S. v. Foote*, D.C.Del.1942, 42 F.Supp. 717. Constitutional Law ¶ 1130.8; Election Law ¶ 682; Election Law ¶ 683

2 Construction

Under former § 250 of Title 2 [now this section] prohibiting the making or offering to make an expenditure to any person, "either to vote or withhold his vote, or to vote for or against any candidate", Congress intended the entire quoted phrase to be read as a whole and as so read such section was limited to those elections at which a "candidate", as the word was defined to include candidates for federal offices, was presented for election, in view of the clear purpose of such section to prevent corruption in public elections. *U.S. v. Foote*, D.C.Del.1942, 42 F.Supp. 717. Election Law ¶ 691

3 Law governing

Federal statutes, in so far as prohibiting interference with right of suffrage and corrupt practices in connection with elections for Senators and Representatives in Congress, are paramount, and supersede any conflicting state legislation. *In re Cohen*, C.C.A.2 (N.Y.) 1932, 62 F.2d 249. United States ¶ 217(2)

4 Time of expenditure

Absent some preelection agreement, payments made to voters after election would constitute no offense. *U.S. v. Bruno*, N.D.Ill.1955, 144 F.Supp. 593. Election Law ¶ 691

5 Perjury

In perjury prosecution arising out of charge that defendant swore falsely that he did not pay any person for voting, where witnesses testifying that defendant paid them after voting further stated that they did not examine the ballots, such fact did not amount to failure to show that the witnesses had voted as ballots may have been blank, since it was immaterial whether they had actually voted, the question being whether defendant paid persons with intention that they should vote. *U.S. v. Palese*, C.C.A.3 (Del.) 1943, 133 F.2d 600. Perjury 29(2)

6 Grand jury investigation

Records of state election for Senators and Representatives, preserved under state law, were relevant to any investigation by federal grand jury of interference with right of suffrage and corrupt practices. *In re Cohen*, C.C.A.2 (N.Y.) 1932, 62 F.2d 249. Grand Jury 33

Voting machines containing results of state election for Senators and Representatives in Congress were relevant to investigation by federal grand jury of interference with right of suffrage and corrupt practices. *In re Cohen*, C.C.A.2 (N.Y.) 1932, 62 F.2d 249. Grand Jury 33

Issuance of subpoenas duces tecum by federal grand jury investigating state election for Senators and Representatives in Congress, for production of records and voting machines in custody of state officials, was not in violation of U.S.C.A.Const. Art. 1, § 4, cl. 1 authorizing state Legislatures to prescribe time, place, and manner of holding elections. *In re Cohen*, C.C.A.2 (N.Y.) 1932, 62 F.2d 249. United States 217(1)

Whether grand jury, before which perjury was allegedly committed, had been lawfully constituted was matter which defendant could only raise by proper motion supported by sufficient affidavits; and she could not successfully claim that statement in indictment, to effect that grand jury had been conducting investigation of possible voting irregularities during a general election, showed that grand jury had not been engaged in investigation of offenses against United States. *U.S. v. Kennefick*, N.D.Ill.1956, 144 F.Supp. 596. Perjury 22

7 Jurisdiction

Jurisdiction of federal court in case involving payment of money to voter does not follow simply because offense occurred in an election in which a federal officer was to be voted for, but indictment must charge facts from which it follows that election of federal officer either was influenced or was subject to probability of unlawful influence. *U.S. v. Blanton*, E.D.Mo.1948, 77 F.Supp. 812. Election Law 718

8 Indictment

Paying for vote for candidate for state office is a state offense and paying for a vote for candidate for federal office is federal offense; and indictment for federal offense of influencing votes at general election for both federal and state offices would have to charge that defendant had influenced vote for candidate for federal office or, in the alternative, that defendant had illegally induced vote at general election at which voter did in fact cast his ballot for federal office candidate. *U.S. v. Bruno*, N.D.Ill.1955, 144 F.Supp. 593. Election Law 691; Election Law 718

Indictments alleging an expenditure to any person either to vote or withhold his vote for United States Senator or Congressman or which alleged an acceptance of payment for the vote or the withholding thereof were within the purview of this section. *U.S. v. Viola*, W.D.Pa.1954, 126 F.Supp. 718. Election Law 718

An indictment charging that defendant did unlawfully make expenditures to claimed individuals to be expended by them to voters brought to the polls by them and in consideration of the voters casting their votes, but which did not allege that

§ 597. Expenditures to influence voting, 18 U.S.C.A. § 597

the defendant paid the individuals, either to vote or withhold their vote, and which contained no count for conspiracy, was insufficient to charge an offense under this section. *U.S. v. Viola*, W.D.Pa.1954, 126 F.Supp. 718. Election Law 718

Counts of indictment in language of former § 250 of Title 2 [now this section] charging expenditures to influence voters was sufficient. *U.S. v. Blanton*, E.D.Mo.1948, 77 F.Supp. 812. Indictment And Information 110(28)

Indictment charging conspiracy to commit offenses against laws of United States by making and causing to be made an expenditure and to pay and cause to be paid, certain sums of money to divers persons to vote in a general election at which names of candidates for United States Senate and United States House of Representatives appeared on official printed ballot was sufficient. *U.S. v. Blanton*, E.D.Mo.1948, 77 F.Supp. 812. Election Law 718

An indictment charging violation of former § 250 of Title 2 [now this section] was quashable as to the counts which charged defendant with bribery of persons unknown to the grand jury to vote for two "candidates" at a general election held in city of Wilmington on certain date and with bribery of persons unknown to the grand jury to vote at the election, since the place of commission of alleged offense was not confined to a definite area of such size as to clearly fix the crime, and conviction under such counts would not be a bar to a subsequent prosecution for bribery of a specified voter. *U.S. v. Foote*, D.C.Del.1942, 42 F.Supp. 717. Indictment And Information 137(6)

9 Mandamus

Under earlier acts relating to the same subject as this section it was held that the federal district courts had no power to compel rights thereunder by mandamus. *In re Higdon*, E.D.Mo.1920, 269 F. 150.

18 U.S.C.A. § 597, 18 USCA § 597

Current through P.L. 114-115 approved 12-28-2015

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KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

United States Code Annotated
Title 52. Voting and Elections (Refs & Annos)
Subtitle I. Voting Rights
Chapter 103. Enforcement of Voting Rights

52 U.S.C.A. § 10307
Formerly cited as 42 USCA § 1973i

§ 10307. Prohibited acts

Currentness

(a) Failure or refusal to permit casting or tabulation of vote

No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of chapters 103 to 107 of this title or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) Intimidation, threats, or coercion

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 10302(a), 10305, 10306, or 10308(e) of this title or section 1973d or 1973g of Title 42.¹

(c) False information in registering or voting; penalties

Whoever knowingly or willfully gives false information as to his name, address or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Falsification or concealment of material facts or giving of false statements in matters within jurisdiction of examiners or hearing officers; penalties

Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing

or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(e) Voting more than once

(1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

(3) As used in this subsection, the term "votes more than once" does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section 10502 of this title, to the extent two ballots are not cast for an election to the same candidacy or office.

CREDIT(S)

(Pub.L. 89-110, Title I, § 11, Aug. 6, 1965, 79 Stat. 443; renumbered Title I, Pub.L. 91-285, § 2, June 22, 1970, 84 Stat. 314; amended Pub.L. 91-405, Title II, § 204(e), Sept. 22, 1970, 84 Stat. 853; Pub.L. 94-73, Title IV, §§ 404, 409, Aug. 6, 1975, 89 Stat. 404, 405.)

Notes of Decisions (54)

Footnotes

1 Repealed by Pub.L. 109-246, § 3(c), July 27, 2006, 120 Stat. 580.

52 U.S.C.A. § 10307, 52 USCA § 10307

Current through P.L. 116-158.