

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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November 8, 2023

Abbe D. Lowell
Winston & Strawn LLP
1901 L Street NW
Washington, D.C. 20036

Dear Mr. Lowell:

The Committee on Oversight and Accountability (“Oversight Committee”) and the Committee on the Judiciary (“Judiciary Committee,” collectively “the Committees”) are subpoenaing Mr. Robert Hunter Biden to appear for a deposition. These subpoenas are being issued pursuant to Rule XI.2(m)(1)(B) of the Rules of the House of Representatives, Rule 12(g) of the Oversight Committee’s rules, and Rule IV(a) of the Judiciary Committee’s rules. Attached to this letter is the Oversight Committee’s subpoena; the Judiciary Committee’s subpoena will be transmitted to you separately.

The Oversight Committee has reviewed bank records of individuals and entities associated with the Biden family as well as other evidence. This review uncovered a pattern of financial complexity. As detailed in the Impeachment Memorandum¹ and the Oversight Committee’s Bank Memoranda,² the Biden family used corporate bank accounts of third-party associates to receive wires from foreign companies and foreign nationals. The Biden business associates then dispersed money to various Biden family members in incremental payments over time.

Based on our review of this evidence, it is clear that Robert Hunter Biden was at the center of many of these transactions and actively involved in the web connecting the Biden family to foreign money. Mr. Biden and his business associates received millions of dollars from foreign individuals and entities by leveraging the Biden brand and the positions of trust held by his father.³ Much of this money flowed to the Biden family when his father was serving

¹ Memorandum (Sept. 27, 2023). From Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Hon. Jason Smith, Chairman, H. Comm. on Ways & Means, to H. Comm. on Oversight & Accountability, H. Comm. on the Judiciary, & H. Comm. on Ways & Means. Re: Impeachment Inquiry.

² See, e.g., Memorandum (Mar. 16, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. Staff to Comm. Members. Re: New Evidence Resulting from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes.

³ See, e.g., Memorandum (May 10, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. Staff to Comm. Members. Re: Second Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 2.

as Vice President.⁴ Moreover, your client arranged and attended meetings between then-Vice President Biden and foreign individuals who directly or indirectly paid your client millions of dollars, including individuals from Kazakhstan, Russia, and Ukraine.⁵

Indeed, your client served on the board of Burisma, a Ukrainian company that was implicated in a years-long corruption investigation conducted by Ukrainian authorities, while Joe Biden served as Vice President. According to the testimony provided to the Oversight Committee by Devon Archer, your client and then-Vice President Biden attended a private dinner with a representative of Burisma in 2015, while the investigation was ongoing.⁶

Furthermore, companies associated with your client—again, as part of the web of financial complexity that the Committee uncovered—received proceeds from a Russian oligarch, and in 2014, then-Vice President Biden attended a private dinner with the same Russian oligarch, apparently at your client’s invitation.⁷

Additionally, your client’s sportscar was paid for by funds from a Kazakhstani business partner in 2014, around the time that then-Vice President Biden attended a private dinner with that same business partner, apparently, again, at your client’s invitation.⁸

Finally, the Committee has reviewed evidence that shows your client has received money from sources affiliated with China. For instance, in March, the Oversight Committee released a memorandum showing a \$3 million payment originating from the Chinese company State Energy HK Ltd.—an entity affiliated with the Chinese energy company CEFC.⁹ State Energy HK Ltd. wired the \$3 million to an American entity, Robinson Walker, LLC, and John “Rob” Walker disbursed over a million dollars to various Biden family members or their corporate entities, including Hunter Biden’s professional corporation, Owasco P.C.¹⁰

In response to this memorandum, a “spokesperson” for Hunter Biden issued the following statement:

Hunter Biden, a private citizen with every right to pursue his own business endeavors, joined several business partners in seeking a joint venture with a privately-owned, legitimate energy company in China. As part of that joint venture, Hunter received his portion of good faith seed funds which he shared with his uncle, James Biden, and Hallie Biden, with whom he was involved at the time, and sharing expenses[.]¹¹

⁴ Memorandum (Aug. 9, 2023), H. Comm. on Oversight & Accountability. From Maj. Comm. Staff to Comm. Members. Re: Third Bank Records Memorandum from the Oversight Committee’s Investigation into the Biden Family’s Influence Peddling and Business Schemes, at 2.

⁵ *Id.*

⁶ Transcript of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023), at 45.

⁷ *Id.* at 46.

⁸ *Id.*

⁹ *Supra*, fn. 2, at 2-3.

¹⁰ *Id.*

¹¹ Dareh Gregorian & Sarah Fitzpatrick, *House Oversight chair questions \$1.3 million in payments to Hunter Biden and relatives*, NBC News (March 16, 2023).

There are several problems with this explanation. Mr. Biden's characterization of this payment as "good faith seed funds" is undercut by his own business associate (and operator of the Robinson Walker, LLC account), Rob Walker, who in an interview in 2021 with Federal Bureau of Investigation ("FBI") and Internal Revenue Service ("IRS") investigators characterized the payment as a "thank you" from CEFC for "introductions on behalf of CEFC."¹² According to Hunter Biden's business associate, the work was performed while Joe Biden was Vice President, but the payment was made after leaving public office to avoid scrutiny.¹³ Furthermore, Mr. Biden did not "share[]" the proceeds of the March 2017 payment with his uncle and then-partner Ms. Hallie Biden: Hallie Biden and James Biden (through his entity JBBSR INC) were collectively paid hundreds of thousands of dollars directly by Robinson Walker, LLC.¹⁴

Additionally, the characterization of this company as a "privately-owned, legitimate energy company in China" is inconsistent with the facts. According to James Biden, your client said "Chairman Ye was a protégé of President Xi."¹⁵ The Oversight Committee has shown Chairman Ye Jianming was closely affiliated with (and worked to further the interests of) the Chinese Communist Party,¹⁶ and the purported "legitima[cy]" of State Energy HK Ltd. is laughable given Mr. Ye's detainment by the Chinese government for corruption in 2018 and subsequent disappearance.¹⁷ If Hunter Biden had a legitimate business venture with Chairman Ye, then there would be no reason to threaten his business associates, as revealed in messages for payments.¹⁸ Their company would have generated money from whatever product or service they provided. In reality, the product (as explained by your client to CEFC associates)¹⁹ was leveraging his father and the Biden family name.

The Committees are investigating whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House. Along with House Ways and Means Chairman Jason Smith, we set forth in a September 27, 2023, memorandum the evidence justifying the inquiry and the scope of this impeachment investigation.²⁰ In particular, evidence shows that President Biden was at least aware of some of his family's business ventures and sought to influence potential business deals that financially benefited his family. Indeed, a Biden business associate, Devon Archer, testified how the Biden "brand" was used in retaining business, and that Joe Biden met with some of the foreign nationals who paid his family.

The Committees require your client's testimony to provide evidence that is relevant to the impeachment inquiry. In particular, your client has personal knowledge of whether and how

¹² FD-302 form, Interview of John Robinson Walker, February 22, 2022, at 7.

¹³ FD-302 form, Interview of Anthony "Tony" Bobulinski, Oct. 23, 2020, at 4.

¹⁴ *Supra*, fn. 2, at 2.

¹⁵ Department of the Treasury, Memorandum of the Interview of James Biden, Sept. 29, 2022, at 7.

¹⁶ *Supra*, fn. 3, at 19-22.

¹⁷ *Id.* at 22.

¹⁸ Memorandum (Nov. 1, 2023), H. Comm. On Oversight & Accountability. From Maj. Comm. Staff to Comm. Members. Re: Fourth Bank Records Memorandum from the Oversight Committee's Investigation into the Biden Family's Influence Peddling and Business Schemes, at 3-4.

¹⁹ *Id.* at 4.

²⁰ *Supra*, fn. 1.

President Biden has been involved in his family's business dealings. Your client is also in a position to provide information related to whether, among other things, Joe Biden, as Vice President and/or President: (1) took any official action or effected any change in government policy because of money or other things of value provided to himself or his family, including whether he asked then-Vice President Biden to intervene in a Ukrainian investigation of a company that paid your client substantial sums of money; (2) abused his office of public trust by providing foreign interests with access to him and his office in exchange for payments to his family or him; or (3) abused his office of public trust by knowingly participating in a scheme to enrich himself or his family by giving foreign interests the impression that they would receive access to him and his office in exchange for payments to his family or him. This deposition will allow your client to provide answers about what services he and others provided in return for the millions of dollars the Committees have identified and whether they were connected to the public office held by President Biden.

The testimony sought by these subpoenas is also relevant to ongoing efforts to craft legislative reforms to federal ethics and financial disclosure laws. Indeed, the Committees have been clear about our investigative intent: the Committees seek to craft legislative solutions that provide transparency when the President's or Vice President's family members engage in lucrative financial transactions. As part of our investigation, the Committees seek to craft legislative solutions aimed at deficiencies they have identified in the current legal framework regarding ethics laws and the disclosure of financial interests related to the immediate family members of Vice Presidents and Presidents—deficiencies that may place American national security and interests at risk. Specifically, the Committees are concerned that foreign nationals appear to have sought access and influence by engaging in lucrative business relationships with high-profile political figures' immediate family members.

The Committees are investigating the national security implications of a Vice President's or President's (and candidates for such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight. Current financial disclosure laws and regulations do not require non-dependent family members of senior elected officials to provide any information to the public. The Committees are seeking meaningful reforms to government ethics and disclosure laws that will provide necessary transparency into a Vice President's or President's immediate family members' income, assets, and financial relationships.

The Committees also intend to craft legislation that would strengthen reporting requirements related to certain foreign transactions involving senior elected officials' family members and that would implement robust financial disclosure requirements that shed light on ownership of opaque corporate entities. Moreover, in order to prevent financial transactions from being structured in a way to evade oversight, the Committees are examining whether certain reporting requirements, including any new reporting requirements for senior elected officials' family members, should extend for a period of time after a President or Vice President leaves office.

The Committees aim to draft legislation that delivers more transparency to the American people, deters foreign interests from attempting to obtain influence over and access to the highest

levels of the federal government by entering into business deals with Presidential and Vice-Presidential family members, discourages such family members from profiting from their relative's public service, and ensures the nation is safe from our foreign adversaries. This deposition is critical in achieving these legislative goals.

Finally, the Committees feel obligated to correct statements made on your client's behalf during this investigation. Since May, you have increasingly resorted to attacking both congressional committees and perceived adversaries of your client instead of reasonably addressing the substance of the Committees' findings. For example, whistleblowers from the criminal investigation of your client submitted documents and testimony to Congress that provide further insight into Mr. Biden's concerning business endeavors. On June 30, you wrote to the Committee on Ways and Means and characterized these individuals as "self-styled IRS 'whistleblowers[.]'"²¹ You quibbled with the graphics used by Chairman Smith (*e.g.*, using a blue text bubble instead of green) instead of addressing any *substance* of the same message regarding your client's leveraging of his father's presence "sitting next to me" to extort Chinese business associates for millions of dollars.²²

In August, you were asked whether it was "your position that Joe Biden was completely walled off from Hunter's business affairs?"²³ You responded in part, "[T]he facts and the evidence that have been pursued by however many members of Congress and their staffs and media, looking for ***any possible connection has shown time and time again, it doesn't exist.***"²⁴ Recently, the Oversight Committee released proof that a \$40,000 check that was paid to Joe Biden by his brother James Biden was directly traceable to money from Chinese companies.²⁵ Whether this check represents payment or repayment is wholly beside the point; the Oversight Committee has proved that not only was Joe Biden not "completely walled off" from your client's business in foreign countries, but Joe Biden received proceeds from shady foreign sources despite his misleading statements as President.

Most recently, you have resorted to publicly directing a federal prosecutor to investigate a former business associate of your client because the testimony he provided to the FBI years prior implicates Mr. Biden and his family.²⁶ You have even relied on incorrect information that Tony Bobulinski sent the email referencing "10 held by H for the big guy" and purport your client "never did business" with Mr. Bobulinski.²⁷ It is well documented James Gilliar originally sent this email to Mr. Bobulinski on May 13, 2017 and copied your client and Rob Walker.²⁸ Additionally, Walker and James Biden have independently corroborated your client's business

²¹ Letter from Abbe Lowell to Hon. Jason Smith, Chairman, H. Comm. on Ways & Means (June 30, 2023), at 1.

²² *Id.* at 8.

²³ Interview with Margaret Brennan, *Transcript: Abbe Lowell, Hunter Biden's attorney, on "Face the Nation," August 13, 2023*, (Transcript) CBS News, Aug. 13, 2023.

²⁴ *Id.* (emphasis added).

²⁵ *Supra*, fn. 18, at 5-9.

²⁶ Tom Winter, *Hunter Biden asks U.S. prosecutor to investigate former business associate*, NBC News (Nov. 3, 2023).

²⁷ *Supra*, fn. 21, at 6. The Committees note that you misquote the original text of the message.

²⁸ E-mail from James Gilliar to Tony Bobulinski (cc: Rob Walker, Hunter Biden), Subject: Expectations, May 13, 2017.

relationship with Mr. Bobulinski.²⁹ Given your client's willingness to address this investigation publicly up to this point, we would expect him to be willing to testify before Congress.

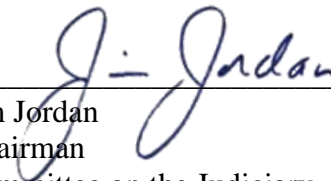
As you referenced in your February letter to the Oversight Committee, the Committees have refrained from a "back-and-forth letter writing campaign[]" with you.³⁰ Instead, the Committees have watched as your public defenses of your client have continued to unravel as new evidence uncovered by the Committees and others does not support your statements. The Oversight Committee has uncovered over \$20 million paid to your client and his associates from 2014 through 2019. Millions were sent to your client, and we have traced proceeds sent to the President. It is now time for your client to answer questions from the Committees regarding these and other matters.

As Chairmen of the Committees, we urge you to cooperate speedily and in good faith with these subpoenas. If you have any questions regarding this subpoena, please coordinate with James Mandolfo and Jake Greenberg with Oversight Committee staff at (202) 225-5074 and Steve Castor with Judiciary Committee staff at (202) 225-6906.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Jim Jordan
Chairman
Committee on the Judiciary

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary

²⁹ See FD-302 form, Interview of John Robinson Walker, Feb. 22, 2022, at 8; see also Department of the Treasury, Memorandum of the Interview of James Biden, Sept. 29, 2022, at 4.

³⁰ Letter from Abbe Lowell to Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability (Feb. 9, 2023).