

# Congress of the United States

Washington, DC 20515

November 9, 2023

William Farah  
Berke Farah LLP  
701 8<sup>th</sup> St. NW, Suite 620  
Washington, D.C. 20001

Dear Mr. Farah:

The Committee on Oversight and Accountability and the Committee on the Judiciary (collectively the Committees) are subpoenaing Mr. Eric Schwerin 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 Memorandum<sup>1</sup> and the Oversight Committee's Bank Memoranda,<sup>2</sup> 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.

Mr. Schwerin worked closely with the Biden family members, Biden associates, and Biden corporate entities that the Committees have identified as transferring millions of dollars to the Bidens, often from foreign sources. Indeed, the Committees have reviewed bank records indicating Mr. Schwerin had access to bank accounts the Committees believe are relevant to the Committees' investigation. For example, bank records show Mr. Schwerin signed as the registered agent and corporate secretary of Hunter Biden's professional corporation, Owasco P.C. Recently, the Committees revealed that proceeds that originated from a Chinese entity flowed through the Owasco P.C. account and eventually transferred to Joseph Biden through a check issued by Sara Biden, the President's sister-in-law.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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 5-9.

The Oversight Committee previously wrote to Mr. Schwerin on February 8, 2023, requesting information, including his communications with Joseph Biden.<sup>4</sup> In March, Oversight Committee Republican and Democratic staff met with Mr. Schwerin to discuss what documents he was able to produce to the Oversight Committee. During the meeting, Mr. Schwerin indicated that the documents he possessed were only related to RSP Investments and not the other entities for which the Oversight Committee requested documents. However, the National Archives and Records Administration (NARA) has released documents showing Mr. Schwerin had direct contact with White House employees regarding Burisma, a Ukrainian entity that paid Hunter Biden millions of dollars and that is relevant to the Committees' ongoing investigation. The Committees thus intend to question Mr. Schwerin about, among other matters, his communications with the White House and the publicly released NARA documents.

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.<sup>5</sup> Specifically, 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.<sup>6</sup>

The Committees require your client's testimony to provide evidence that is relevant to the impeachment inquiry. In particular, your client played a key role in the Biden family's business dealings and the chain of complex financial transactions that was used to hide the foreign sources of the funds received by the Biden family. Therefore, your client is 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 Hunter Biden asked then-Vice President Biden to intervene in a Ukrainian investigation of a company that paid him 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.

The testimony sought by these subpoenas is also relevant to ongoing efforts to craft legislative reforms to federal ethics and financial disclosure laws. As part of our investigation, the Committees seek to craft legislative solutions aimed at deficiencies it has 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

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<sup>4</sup> Letter from Hon. James Comer, Chairman, H. Comm. on Oversight & Accountability, to Eric Schwerin (Feb. 8, 2023).

<sup>5</sup> *Supra*, fn. 1.

<sup>6</sup> Transcript of Devon Archer, H. Comm. on Oversight & Accountability (July 31, 2023).

foreign nationals appear to have sought access and influence by engaging in lucrative business relationships with high-profile political figures' immediate family members.

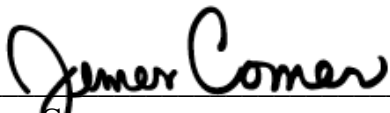
The Committees are investigating the national security implications of a Vice President's or President's (and candidates for such offices) immediate family members receiving millions of dollars from foreign nationals, foreign companies, or foreign governments without any oversight. Current financial 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, 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.

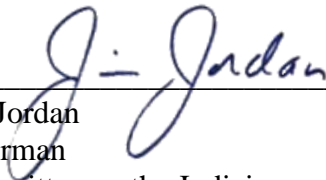
The Committees aim to draft legislation that delivers more transparency to the American people, deters foreign interests from attempting to obtain influence over and access to the highest levels of the federal government by entering into business deals with Presidential and Vice-Presidential family members, 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.

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