

# Congress of the United States

Washington, DC 20515

June 18, 2024

The Honorable Gary Gensler  
Chair  
U.S. Securities and Exchange Commission  
100 F Street NE  
Washington, D.C. 20549

Dear Chair Gensler:

The House Committees on Oversight and Accountability (Oversight Committee) and the Judiciary (Judiciary Committee, collectively, the Committees) are investigating whether sufficient grounds exist to draft articles of impeachment against President Biden for consideration by the full House.<sup>1</sup> Along with House Committee on Ways and Means (Ways and Means Committee) 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>2</sup> On December 13, 2023, the House of Representatives adopted a resolution directing the Committees to continue this investigation.<sup>3</sup> The Committees are requesting certain records in the possession, custody, or control of the U.S. Securities and Exchange Commission (SEC), that are relevant to the impeachment inquiry.

In 2016, attorneys within the SEC's Enforcement Division were investigating a tribal bond scheme in which several individuals were charged with violating federal securities laws.<sup>4</sup> As part of this investigation, several of Robert Hunter Biden's (Hunter Biden) business associates and inter-connected entities were implicated by the alleged conduct. As a result, the SEC subpoenaed individuals and entities for documents, communications, and testimony, including Devon Archer—a former business partner of Hunter Biden—on March 14, 2016 (Archer Subpoena) and, on March 11, Rosemont Seneca Bohai (RSB), an entity utilized by Hunter Biden and Mr. Archer (RSB Subpoena).<sup>5</sup> The Committees attach the Archer Subpoena and RSB Subpoena as Attachment A. On March 16, two days after the SEC issued the Archer Subpoena, the SEC issued a subpoena to Hunter Biden (Biden Subpoena), requiring Hunter

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<sup>1</sup> See H. Res. 918, 118<sup>th</sup> Cong. (2023) [H. Res. 918]; Memorandum 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 (Sept. 27, 2023) [Impeachment Inquiry Memorandum].

<sup>2</sup> See Impeachment Inquiry Memorandum.

<sup>3</sup> See H. Res. 918.

<sup>4</sup> Press Release, U.S. Sec. and Exch. Comm'n, *Litigation Release No. 23689, Securities and Exchange Commission v. Devon Archer, et al., No. 16-cv-3505 (S.D.N.Y. filed May 11, 2016)* (Nov. 16, 2016); Press Release, U.S. Sec. and Exch. Comm'n, *SEC Charges New Defendant in \$43 Million Tribal Bonds Scheme* (June 26, 2019).

<sup>5</sup> Subpoena from U.S. Sec. and Exch. Comm'n to Devon Archer (On file with Comm.); Subpoena from U.S. Sec. and Exch. Comm'n to Rosemont Seneca Bohai (On file with Comm.).

Biden to produce documents regarding, among other items, all documents and communications “concerning Rosemont Seneca Bohai, LLC[.]”<sup>6</sup> The return date for the Biden Subpoena was March 30, 2016. The Committees attach the Biden Subpoena as Attachment B.

RSB was directly implicated in the tribal bond scheme.<sup>7</sup> As described in the Complaint, “On or about October 1, 2014, Rosemont [Rosemont Seneca Bohai] purchased the entirety of the Second Tribal Bond Issuance, the face amount of which was \$15,000,000.”<sup>8</sup> In an interview with the Oversight Committee, Devon Archer testified that “Hunter was a corporate secretary of RSB,” and that they “had a handshake 50-50 ownership.”<sup>9</sup> Further, on May 22, 2024, the Ways and Means Committee lawfully disclosed documents from a Special Agent with the Internal Revenue Service.<sup>10</sup> Two of the released documents are an email which shows that on April 29, 2014, Katie Dodge, an employee of Hunter Biden, emailed an employee of Grand Prix Motors (a car dealership) and attached a signed document from Hunter Biden to the dealership.<sup>11</sup> The title of the document is “CORPORATE RESOLUTION” and shows that Hunter Biden certified he was the Secretary of Rosemont Seneca Bohai LLC.<sup>12</sup> According to Mr. Archer, “Rosemont Seneca Bohai was set up to hold the equity of BHR,” which stands for Bohai Harvest Rosemont [Partners].<sup>13</sup> BHR was supposed to be a private equity fund based in China to engage in cross-border investments.<sup>14</sup> The RSB bank account was used to funnel other foreign payments and benefits to Hunter Biden, including money from Ukraine and a new sports car from an oligarch in Kazakhstan.<sup>15</sup>

The Committees have obtained Hunter Biden’s response (Response), dated April 20, 2016, to the SEC subpoena. The Committees attach the Response as Attachment C. Mr. Biden’s attorneys provided 1,749 responsive documents to the SEC. Concerningly, however, Mr. Biden’s counsel wrote:

As a threshold matter, we request that you treat this matter with the highest degree of confidentiality, consistent with Commission policy and applicable law. The confidential nature of this investigation is very important to our client and it would be unfair, not just to our client, **but also to his father, the Vice President of the**

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<sup>6</sup> Subpoena from U.S. Sec. and Exch. Comm’n to Hunter Biden (On file with Comm.).

<sup>7</sup> Complaint at 30, *U.S. v. Jason Galanis*, et al., F. Supp. (S.D.N.Y. 2016) (No. 1:15-cr-00371-RA).

<sup>8</sup> *Id.*

<sup>9</sup> Transcript of Devon Archer, H. Comm. on Oversight & Accountability, at 64-65 (July 31, 2023).

<sup>10</sup> See Statement of Special Agent Joseph Ziegler dated March 12, 2024, Affidavits 8 and 9.

<sup>11</sup> Ways & Means Exhibit 902 document.

<sup>12</sup> *Id.* A portion of this document was handwritten.

<sup>13</sup> *Supra* note 9 at 15.

<sup>14</sup> Transcript of Hunter Biden, H. Comm. on Oversight & Accountability, at 19-20 (Feb. 28, 2024).

<sup>15</sup> 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; Memorandum (Nov. 1, 2023).

**United States**, if his involvement in an SEC investigation and parallel criminal probe were to become the subject of any media attention.<sup>16</sup>

Mr. Biden's response gratuitously invoked his father's position as the Vice President in what could be interpreted as an effort to discourage further SEC scrutiny. And on May 11, 2016, the SEC published a press release—announcing the charging of seven individuals—with no mention or charging of Hunter Biden.<sup>17</sup>

Accordingly, to further the House's impeachment inquiry the Committees must determine the propriety with which SEC handled this matter, please provide the following documents and information as soon as possible, but no later than July 2, 2024:

1. All documents and communications with the White House, including the Office of the Vice President and the Vice President, relating to *In the Matter of Hughes Capital Management*;
2. All documents provided by Rosemont Seneca Bohai, Devon Archer, and Hunter Biden to the SEC *In the Matter of Hughes Capital Management*;
3. The SEC's justification for seeking documents from Hunter Biden in relation to *In the Matter of Hughes Capital Management*; and
4. All internal documents and communications regarding Hunter Biden's response, as delivered by his counsel on April 20, 2016, *In the Matter of Hughes Capital Management*; and
5. Any internal ethics opinions rendered by SEC officials concerning Hunter Biden or Vice President Biden relating to *In the Matter of Hughes Capital Management*.

In addition to the abovementioned information, the Committee requests that the SEC make available Tejal D. Shah, a former staff attorney who led the investigation *In the Matter of Hughes Capital Management*,<sup>18</sup> and now your principal advisor on matters involving the Division of Enforcement,<sup>19</sup> for questioning by the Committees in a transcribed interview.

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<sup>16</sup> Hunter Biden's Response to the Subpoena from U.S. Sec. and Exch. Comm'n to Hunter Biden (On file with Comm.) (emphasis added).

<sup>17</sup> Press Release, U.S. Sec. and Exch. Comm'n, *SEC Charges Father, Son, Others in Tribal Bonds Scheme* (May 11, 2016).

<sup>18</sup> Devon Archer Subpoena, *supra* note 5; RSB Subpoena, *supra* note 5; Hunter Biden Subpoena, *supra* note 6 (Ms. Shah is listed as the staff attorney on the aforementioned subpoenas issued by the SEC.).

<sup>19</sup> Press Release, U.S. Sec. and Exch. Comm'n, *Gary Gensler Announces Additions to Executive Staff* (June 8, 2021).

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In short, the records sought by this request are critical to the impeachment inquiry. If you have any questions regarding this request, please coordinate with Oversight Committee staff at (202) 225-5074 and 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 Nadler, Ranking Member  
Committee on the Judiciary