

**HEARING WITH IRS WHISTLEBLOWERS
ABOUT THE BIDEN CRIMINAL
INVESTIGATION**

HEARING
BEFORE THE
**COMMITTEE ON
OVERSIGHT AND ACCOUNTABILITY**
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

JULY 19, 2023

Serial No. 118-52

Printed for the use of the Committee on Oversight and Accountability



Available on: *govinfo.gov*,
oversight.house.gov or
docs.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

53-006 PDF

WASHINGTON : 2023

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

JAMES COMER, Kentucky, Chairman

JIM JORDAN, Ohio	JAMIE RASKIN, Maryland, <i>Ranking Minority Member</i>
MIKE TURNER, Ohio	ELEANOR HOLMES NORTON, District of Columbia
PAUL GOSAR, Arizona	STEPHEN F. LYNCH, Massachusetts
VIRGINIA FOXX, North Carolina	GERALD E. CONNOLLY, Virginia
GLENN GROTHMAN, Wisconsin	RAJA KRISHNAMOORTHY, Illinois
GARY PALMER, Alabama	RO KHANNA, California
CLAY HIGGINS, Louisiana	KWEISI MFUME, Maryland
PETE SESSIONS, Texas	ALEXANDRIA OCASIO-CORTEZ, New York
ANDY BIGGS, Arizona	KATIE PORTER, California
NANCY MACE, South Carolina	CORI BUSH, Missouri
JAKE LATURNER, Kansas	JIMMY GOMEZ, California
PAT FALLON, Texas	SHONTEL BROWN, Ohio
BYRON DONALDS, Florida	MELANIE STANSBURY, New Mexico
KELLY ARMSTRONG, North Dakota	ROBERT GARCIA, California
SCOTT PERRY, Pennsylvania	MAXWELL FROST, Florida
WILLIAM TIMMONS, South Carolina	SUMMER LEE, Pennsylvania
TIM BURCHETT, Tennessee	GREG CASAR, Texas
MARJORIE TAYLOR GREENE, Georgia	JASMINE CROCKETT, Texas
LISA McCLAIN, Michigan	DAN GOLDMAN, New York
LAUREN BOEBERT, Colorado	JARED MOSKOWITZ, Florida
RUSSELL FRY, South Carolina	<i>Vacancy</i>
ANNA PAULINA LUNA, Florida	
CHUCK EDWARDS, North Carolina	
NICK LANGWORTHY, New York	
ERIC BURLISON, Missouri	

MARK MARIN, Staff Director

JESSICA DONLON, Deputy Staff Director and General Counsel

JAMES MANDOLFO, Chief Counsel for Investigations

JAKE GREENBURG, Deputy Chief Counsel for Investigations

MALLORY COGAR, Deputy Director of Operations and Chief Clerk

CONTACT NUMBER: 202-225-5074

JULIE TAGEN, Minority Staff Director

CONTACT NUMBER: 202-225-5051

C O N T E N T S

Hearing held on July 19, 2023	Page 1
-------------------------------------	-----------

WITNESSES

Mr. Joseph Ziegler, Special Agent, Internal Revenue Service Criminal Investigation (IRS-CI) Oral Statement	9
Mr. Gary Shapley, Supervisory Special Agent, Internal Revenue Service Criminal Investigation (IRS-CI) Oral Statement	12

Opening statements and the prepared statements for the witnesses are available in the U.S. House of Representatives Repository at: docs.house.gov.

INDEX OF DOCUMENTS

- * Statement for the Record; submitted by Rep. Connolly.
- * Article, *New York Times*, "Settlement Is Approved in Central Park Jogger Case, but New York Deflects Blame"; submitted by Rep. Crockett.
- * Article, NBC, "Trump's Tax Returns Released by House Committee Show He Paid Little in Taxes"; submitted by Rep. Crockett.
- * Article, *Washington Post*, "Federal Agents See Chargeable Tax, Gun-Purchase Case Against Hunter Biden"; submitted by Rep. Goldman.
- * Letter, July 10, 2023, to Chairman Jason Smith of Committee on Ways and Means, from RM Neal; submitted by Rep. Gomez.
- * Article, *New York Times*, "House G.O.P., Defending Trump, Targets Bragg Ahead of Expected Indictment"; submitted by Rep. Ocasio-Cortez.
- * Letter, July 18, 2023, to Chairman Comer, from Lev Parnas; submitted by Rep. Raskin.
- * Questions for the Record: to Mr. Shapley; submitted by Rep. Gosar.
- * Questions for the Record: to Ziegler; submitted by Rep. Gosar.

The documents listed are available at: docs.house.gov.

HEARING WITH IRS WHISTLEBLOWERS ABOUT THE BIDEN CRIMINAL INVESTIGATION

Wednesday, July 19, 2023

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
Washington, D.C.

The Committee met, pursuant to notice, at 1:02 p.m., in room 2154, Rayburn House Office Building, Hon. James Comer [Chairman of Committee] presiding.

Present: Representatives Comer, Jordan, Turner, Gosar, Foxx, Grothman, Palmer, Higgins, Sessions, Biggs, LaTurner, Fallon, Donalds, Armstrong, Perry, Timmons, Burchett, Greene, McClain, Boebert, Fry, Luna, Edwards, Langworthy, Burlison, Raskin, Norton, Lynch, Connolly, Krishnamoorthi, Khanna, Mfume, Ocasio-Cortez, Porter, Gomez, Brown, Stansbury, Garcia, Frost, Lee, Casar, Crockett, Goldman, and Moskowitz.

Also present: Representative Smith of Missouri.

Chairman COMER. The Committee on Oversight and Accountability will come to order. I want to welcome everyone here today.

Without objection, the Chair may declare a recess at any time.

Without objection, Chairman of the Ways and Means Committee, Mr. Jason Smith of Missouri, is waived on to the Committee for the purpose of making an opening statement and questioning the witnesses at today's Committee hearing. I want to thank Chairman Smith and Chairman Jordan for their cooperation in working with the Oversight Committee on this investigation. This is an important joint effort that shows the American people that accountability matters regardless of your last name.

For this hearing, opening statements will be limited to 10 minutes for the Chair and 10 minutes for the Ranking Member.

I now recognize myself for the purpose of making an opening statement.

Since assuming our Republican Majority in January, the House Oversight Committee has made historically fast progress in our investigation into the Biden family's influence-peddling schemes. In just 6 months, we have obtained thousands of pages of financial records. This includes bank records for Biden family associates and suspicious activity reports generated by the Bidens and their associates high-dollar or foreign business transactions. What these records reveal is astonishing. The Bidens created over 20 shell companies, most of which were created when Joe Biden was Vice Presi-

dent. Bank records so far show the Biden family, their business associates, and their companies received over \$10 million from foreign nationals and related companies.

A lot of this money poured in while Joe Biden was Vice President. Despite creating many companies after Vice President took office, the Biden family used associates' companies to receive millions of dollars from foreign companies in China, Ukraine, and Romania. After foreign companies sent money to business associates' companies, the Bidens then received incremental payments over time to various different bank accounts. These complicated financial transactions were used deliberately to conceal the source of funds and total amounts. No normal business operates like this. What were the Bidens selling? Nothing but influence and access to the Biden network. This is an influence-peddling scheme to enrich the Bidens.

We need to know whether Joe Biden is compromised by these schemes and if our national security is threatened. During our investigation, our Committee became aware through whistleblower disclosures provided to Senator Chuck Grassley that the FBI had an unclassified record that details an extortion and bribery scheme involving then Vice President Biden and a Burisma executive. This record was generated by a trusted confidential human source that the FBI has used for over a decade. It memorializes the source's conversations with a Burisma executive who claimed that he paid Joe Biden \$5 million in exchange for certain actions. The Burisma executive told the confidential human source that he did not pay the "big guy" directly, but that he used so many bank accounts that it would take 10 years to unravel. Now, that sounds an awful lot like how the Bidens conduct business, using multiple bank accounts to hide the source and total amount of the money.

Today, we have two brave and credible IRS whistleblowers who have risked their careers to come forward and provide important testimony. Thank you all for being here today. I know it was not an easy decision. Their testimony about the DOJ, FBI, and IRS' investigation of Hunter Biden confirms the Committee's findings, that there is nothing normal about the Biden family's business activity.

The White House and Democrats would have Americans believe that our investigation is based on 5 years of conspiracy theories, but we have facts, and new evidence continues to be uncovered by our Committee revealing the First Family's corruption. The Bidens have put themselves first and Americans last. We will continue to follow the money trail and provide the answers, transparency, and accountability that Americans demand and deserve.

With that, I yield to the Chairman of the Ways and Means Committee, Jason Smith.

Mr. SMITH. Thank you, Chairman Comer. The Ways and Means Committee is charged with ensuring that the Tax Code is enforced fairly. Clearly, the President only believes in making taxpayers pay their fair share if they do not share his last name. These two courageous whistleblowers provided my Committee with devastating testimony, showing that the government is not treating all taxpayers equally, and the DOJ and the IRS gave preferential treatment to the President's son during a criminal investigation into his

taxes. These individuals in front of us today are credible and sat for nearly 15 hours of interviews with both Republicans and Democrats. I personally took part in the interview with Mr. Ziegler.

Here is what we learned from the interviewees. The IRS recommended multiple felony charges against Hunter Biden for tax years 2014 through 2019 relating to at least \$8.3 million in income from foreign companies, including companies based in China, Romania, and Ukraine, and that is the only amount discovered despite the roadblocks and obstruction their investigation faced.

The Department of Justice engaged in a campaign to delay, divulge, and deny that investigation. They delayed investigators for years, leading to the expiration of the statute of limitations for many of the crimes involved. They divulged key investigative details to Biden's attorneys and even the President's transition team, and they denied investigators the ability to authenticate evidence, serve warrants, question witnesses, and bring charges. This led to Hunter Biden's sweetheart agreement announced 5 years after the investigation started, but mere days before my Committee voted to publicly release this testimony. Would Americans in my congressional district or any other congressional district ever receive the same treatment?

After raising their concerns internally at the IRS, these whistleblowers were discouraged and demoralized and turned to Congress as a last resort. They bravely reported wrongdoing to us, and what have President Biden's allies, including Hunter Biden's lawyers done? They have responded with a vicious smear campaign to discredit these whistleblowers and discourage others from coming forward, and may have even coordinated with the White House on this effort. This is a disgrace.

I urge any IRS employee watching today, if you know of misconduct, please come to the Ways and Means Committee so we can hold accountable those who are responsible. And let me be clear: there will be zero tolerance for any retaliation against whistleblowers by DOJ and the IRS. The American people expect answers about whether the Federal Government is treating all taxpayers equally or if the wealthy and politically connected get special treatment. Our committees are working together to get to the bottom of this abuse of power, and we will work tirelessly to do so and to make sure it does not ever happen again. Americans should not have to accept two tiers of justice in this country, one if your last name is Biden and one for everybody else.

I want to thank both whistleblowers for coming forward publicly and for your testimony today. I yield to Mr. Jordan.

Mr. JORDAN. I thank the gentleman for yielding. The question is who are you going to believe? April 26, in front of the U.S. Senate, the Attorney General said David Weiss is in charge of the investigation. October 7, in a meeting with Gary Shapley, one of the whistleblowers, David Weiss said "I am not the deciding official." Who are you going to believe?

On February 28, I wrote the Attorney General asking him why there is no special counsel in the Hunter Biden investigation. He did not respond, which is unusual in and of itself. They always respond to the Judiciary Committee when we write something to them. I wrote again on May 25. Again, the Attorney General did

not respond, but David Weiss did, and here is what he said. June 7, he said this: "I have been granted ultimate authority over the matter, including responsibility for deciding where, when, and whether to file charges." That is what the U.S. Attorney said on June 7. Three weeks later, Mr. Weiss wrote me again, and he said this, "I stand by what I wrote, but I wish to expand." Wow, already changing his story 23 days later. And he said this, "My charging authority is geographically limited to my home district." Well, wait a minute. You just told me 23 days before you have ultimate authority. Now you change it.

Then again, on July 10, Mr. Weiss wrote to Senator Graham and he said this, paragraph 2, "To clarify, I have not requested special counsel designation. Rather, I had discussions with departmental officials." Mr. Weiss cannot get his story straight: three different stories in a 5-week timeframe. On June 7, he is Tarzan. I got ultimate authority. I can do what I want, file charges where I want, when I want, and how I want. June 30, well, actually, no, I cannot. And then, of course, on July 10, he says to clarify, I have not requested special counsel status, but I have been talking to the folks at Main Justice. Three different positions in a little over a month.

You know whose story has not changed? These two guys. Their testimony has been consistent, throughout their testimony has been the same, and guess what? Two days ago, an FBI agent confirmed their testimony. Who are you going to believe, the Justice Department who cannot get their story straight, changed 3 times in 33 days, or these two guys? The Justice Department that was found to censor Americans just 2 weeks ago from the Federal Court in Louisiana, the Justice Department that said moms and dads are terrorists, the Justice Department that said if you are a pro-life Catholic, you are an extremist, the Justice Department that cannot get its story straight, or these two guys? Over a decade of experience for each of them, the go-to guys in international tax evasion cases, the A Team when it comes to investigating these matters, all over the world they have done this and who have been consistent throughout. I think I will believe these guys. I think they are the ones telling the truth, and that is fundamentally what this comes down to.

So, God bless you guys for the work you have done, the courage you have, and for being here today, stepping forward because you care about equal treatment under the law. That is what is at stake plain and simple. I yield back.

Chairman COMER. I now yield to the Ranking Member, Mr. Raskin of Maryland, for his opening statement.

Mr. RASKIN. Thank you, Mr. Chairman. Good afternoon to the witnesses. I thought we might be here today on the matter that the Chairman declared his top priority, the crusade to find evidence of wrongdoing by President Biden. But now the Majority's long-promised star witness turns out to be a fugitive from American justice, an arms trafficker indicted on eight Federal criminal felony counts, and an unregistered foreign agent for China, who tried to trade Chinese arms for Iranian oil. So, I guess he is not going to be a witness for the Majority anytime soon. Well, after the failed SARs reports, bank records, Form 1023, we can conclude that this Inspector Clouseau style quest for something that does not exist has

turned our Committee into a theater of the absurd, an exercise in futility and embarrassment. And now we can finally definitively say why the Committee's efforts have run dry time and again.

Just yesterday, Mr. Chairman, you and I got a letter from Lev Parnas, the Ukrainian-born American businessman, who was at Rudy Giuliani's side as his right-hand man for a year between November 2018 to October 2019 as Giuliani and then-President Trump tried to smear Joe Biden before the 2020 election with the very same allegations we are still running through the political spin cycle every week in this Committee.

I request unanimous consent to enter the Parnas letter into the record.

Chairman COMER. Without objection, so ordered.

Mr. RASKIN. Now, in this extraordinary 10-page letter, Parnas painstakingly describes the campaign orchestrated by Giuliani and Trump to "dig up dirt on the Bidens and spread misinformation about them through various networks, including government officials, journalists, and Fox News personnel." After explaining this campaign to fabricate corruption charges against Biden, Parnas concludes his letter by saying, "Throughout all these months of work, the extensive campaigns and networking done by Trump allies and Giuliani associates, including the enormously thorough interviews and assignments that I undertook, there has never been any evidence that Hunter or Joe Biden committed any crimes related to Ukrainian politics. Never during any of my communications with Ukrainian officials or connections to Burisma did any of them confirm or provide concrete facts linking the Bidens to illegal activities." As Mr. Parnas concludes, "There has never been any factual evidence, only conspiracy theories spread by people who knew exactly what they were doing." And then he calls on this Committee to end its wild goose chase and offers to come and testify.

Remember, this is Mr. Giuliani's guy. This is his interpreter and right-hand man who spent a year out there trying to cook the books against Joe Biden, and he offers to come testify. So, if anyone doubts anything he is saying, let us bring him in as a witness and let us hear about that crusade that they were on to smear President Biden by promoting the same baseless conspiracy theories that this Committee serves up as moldy leftovers every day.

At today's hearing, we are going to hear about wrongdoing by Hunter Biden, who is pleading guilty on two tax charges and a gun charge next week. We will hear about the back and forth among investigators, prosecutors, and a Trump-appointed U.S. attorney, over a dozen people who spent 4 years investigating the President's son. We will hear about how they disagreed on investigative steps and what criminal charges to bring, all normal stuff in government investigations that does not usually lead to a congressional hearing.

But one thing you will not hear today is any evidence of wrongdoing by President Joe Biden or his Administration. Like every other try by our colleagues to concoct a scandal about President Biden, this one is a complete and total bust. In fact, the ongoing case that the Majority invites us to interfere with today is actually a striking illustration of the success of the American system of

independent prosecutors operating under the rule of law and outside the realm of the kind of political influence my colleagues are trying to exercise today.

So, what happened? Well, the son of the sitting President of the United States lost his brother and then lost his way badly back in 2015. As too many families around the country know, drug addiction is a dark and powerful affliction, and like other addicts, Hunter Biden made foolish and criminal choices, including failing to pay his taxes and owning a firearm in violation of Federal law, and he is now being held criminally accountable for it. His investigation began under the Trump Administration. It was conducted by a U.S. Attorney for Delaware, David Weiss, who Donald Trump appointed to his office and who Attorney General Barr chose for this assignment to conduct this investigation.

In his final press conference in December 2020, Attorney General Barr expressed full confidence in Weiss' work, saying it was "being handled responsibly and professionally within the Department. And to this point, I have seen no reason to appoint a special counsel and I have no plan to do so before I leave." Furthermore, Joe Biden never publicly questioned or challenged this prosecution. When it began, he did not decry it as a witch hunt by Donald Trump. He placed his trust in the fairness of the American justice system. When he became President not only did he not use his power to halt the investigation, he kept in place Trump's hand-picked U.S. Attorney, Mr. Weiss, overseeing it, even though incoming Presidents usually replace U.S. Attorneys with their own appointees. And his Attorney General, Merrick Garland, made sure that Mr. Weiss, appointed by Donald Trump, had full authority and resources to pursue this probe and charge it however and whenever he saw fit in any district in the country.

And in the past few weeks, as Hunter Biden accepted a guilty plea, the President and his Attorney General have done nothing to interfere with the case, which is overseen by a Federal judge appointed by, yes, Donald Trump. Now, can you imagine Donald Trump saying nothing about a witch hunt or not trying to quash the prosecution if it were his son being prosecuted? Indeed, President Biden's traditional and scrupulous respect for the independence of the Justice Department stands in sharp contrast to Trump's spectacular disrespect for the rule of law and his serial efforts, both in office and outside office, to get prosecutors to go after and lock up his political rivals and to suspend accountability in specific criminal cases when it comes to his friends.

When Michael Flynn was investigated for lying to the FBI and later convicted for it about communicating with the Russians, or when Paul Manafort was investigated and later convicted for bank and tax fraud, or when Roger Stone was investigated and later convicted for lying to Congress and witness tampering, an outraged President Trump repeatedly denounced the Department of Justice for prosecuting his cronies and reportedly got Attorney General William Barr to pressure prosecutors to recommend more leniency in their cases. Trump also went to FBI Director James Comey and pushed him to pledge absolute loyalty to Trump and to find a way to let Flynn go. Ultimately, Trump used the power of the presidency to pardon all of these convicted criminals.

Now, unlike President Trump's blatant abuse of the rule of law and the relationship between the President and DOJ, there is no evidence that President Biden has involved himself in any way in the investigation into his own son, an investigation that has been overseen by Trump's appointed U.S. Attorney. No matter what my GOP colleagues say, and I appreciate the testimony of our witnesses today, there is no evidence that Hunter Biden has received any kind of official favoritism in this prosecution for being Joe Biden's son. On the contrary, there are more than 10 million Americans who have filed taxes but failed to pay them, the exact crime Hunter Biden is pleading guilty to.

The vast majority of these cases are resolved administratively or through civil settlement. Indeed, every year, the IRS and DOJ obtain convictions and sentences in fewer than 700 cases for tax crimes of any kind, a minuscule percentage. The fact that Hunter Biden faced a 4-year criminal probe involving dozens of agents and prosecutors from the IRS, the FBI, the U.S. Attorney's Office in Delaware, DOJ Tax, demonstrates to my mind at the very least that he received no special treatment, but arguably selectively tougher treatment than the millions of the people who never face criminal investigation for doing the same thing.

If my GOP colleagues think that the treatment of millions of tax scofflaws or even the handful who face criminal prosecution, like Hunter Biden, is too lenient, I invite them to join us Democrats in supporting the \$80 billion in funding for the IRS that we passed in the Inflation Reduction Act last year. This money will enable the IRS to make long-overdue improvements in customer service, but will also enable the Agency to restore lost capabilities in enforcement to identify and prosecute tax cheats. But the very first thing House Republicans did this Congress was vote to rescind that funding, while disparaging these future IRS employees who will do the same kind of work today's witnesses do. Senator Cruz called them Biden's shadow army. Senator Grassley said they will be going around ready to shoot some small businessperson in Iowa.

Today, we get to witness MAGA Republicans take the side of IRS agents from the Deep State against a Trump-appointed U.S. Attorney and a rich guy exercising his Second Amendment rights, but now facing criminal gun charges and tax charges that they would call in any other circumstance purely technical. We are about to hear testimony from two IRS criminal investigators. They will describe their frustrations and disagreements with their supervisors, as well as with Mr. Weiss and his team of prosecutors, who they consider junior varsity and not up to snuff during the Trump Administration generally. We will also hear about their confusion and profound misunderstandings about Mr. Weiss and how he reviewed the evidence and made the ultimate decision about charging Hunter Biden.

A lot of the controversy here relates to the agents' failure to distinguish between special counsels and special lawyers, but we will clear that up today. The key point, Mr. Chairman, that America needs to understand is that the only political interference at play here is coming from Donald Trump and my Republican colleagues. We will listen carefully to the testimony, and I thank you, Mr. Chairman.

Chairman COMER. The Ranking Member yields back. I would like to remind the Members and the public that Section 6103 of the Tax Code makes taxpayer information confidential, except in certain circumstances. One of those exceptions is the process the Ways and Means Committee used to receive testimony from these whistleblowers and report transcripts of their testimony to the full House of Representatives to make that information public. These whistleblowers have gone above and beyond to submit information to Congress in accordance with the law, and we are grateful to them for that. The witnesses can only testify to tax information that has already been released through proper procedures through the Ways and Means Committee. This means that in some instances they may have to decline to answer a question and instead submit additional information to the Ways and Means Committee, at a later date, through the appropriate process.

They are each accompanied by a counsel to address questions that arise on Section 6103 and are not present today to provide testimony or answer Members' questions. I ask Members to respect that process and requirements of Section 6103. I look forward to hearing what our courageous witnesses have to say. Further, due to the complex nature of the matter at hand, each of the witnesses shall have 10 minutes for their opening testimony.

I would now like to introduce our witnesses. Mr. Joseph Ziegler is a special agent with the Internal Revenue Service Criminal Investigation Division, specifically assigned to the International Tax and Financial Crimes Division. This is a group of 12 elite special agents who are subject matter experts in complex international tax and other related crimes. He started his career with the IRS in 2010 as a special agent and has developed and successfully completed a multitude of complex financial investigations. The types of investigations include money laundering, bank fraud, wire fraud, mail fraud, healthcare fraud, violations of the Bank Secrecy Act, income tax evasion, and income tax-related charges, such as identity theft and filing false claims for income tax refunds. Mr. Ziegler has won multiple performance awards throughout his career in recognition for his work.

And Mr. Gary Shapley. Mr. Shapley is the supervisory special agent of the International Tax and Financial Crimes Group. Mr. Shapley started his career with the IRS in July 2009. He was detailed to the Department of Justice's Tax Division from 2013 to 2018 investigating foreign financial institutions. He was also assigned to the Joint Terrorism Task Force, working as a task force officer at both the FBI Washington Field Office and the FBI Baltimore Field Office. Mr. Shapley was promoted to supervisory special agent of the elite ITFC Group in 2018. He also served as the assistant special agent in charge of both the New York Field Office and the Chicago Field Office.

I want to, again, thank both gentlemen for their willingness to come forward and share their testimony today for the Members of this Committee and for the American people.

Pursuant to Committee Rule 9(g), the witnesses will please stand and raise their right hands.

Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[A chorus of ayes.]

Chairman COMER. Let the record show that the witnesses all answered in the affirmative. We appreciate you being here today and look forward to your testimony. Let me remind the witnesses that we have read your written statements and they will appear in full in the hearing record. Please press the button on your microphone in front of you so that it is on, and the Members can hear you.

I recognize Mr. Ziegler to please begin his opening statement.

**STATEMENT OF JOSEPH ZIEGLER
SPECIAL AGENT
INTERNAL REVENUE SERVICE
CRIMINAL INVESTIGATION, (IRS-CI)**

Mr. ZIEGLER. Thank you, Chairman Comer, Chairman Smith, Chairman Jordan, Ranking Member Raskin, and Members of the Committee. Today, I sit here before you not as a hero or a victim, but as a whistleblower compelled to disclose the truth. That said, in coming forward, I believe I am risking my career, my reputation, and my casework outside of the investigation we are here to discuss. I ultimately made the decision to come forward after what I believe were multiple attempts at blowing the whistle at the Internal Revenue Service.

No one should be above the law regardless of your political affiliation. I humbly view my role here today as providing the facts as I best understood them, and to let Congress, and the Administration, and the public consider those facts and determine the best path forward. I recognize that while I was present at the start of this investigation and was closely involved with the investigation for roughly 5 years, I am just a part of the story. Others, including my colleague and supervisor, Gary Shapley, who is here with me today, have their own views and understandings of what took place during this investigation.

I have been an agent with the IRS since 2010. In 2007, I received my undergraduate degree from Ohio University, my MBA from John Carroll University. Prior to starting my career at the IRS, I worked at Ernst & Young as an external auditor. Throughout my career with the IRS, I have worked a variety of successful criminal tax and money laundering investigations. In 2018, I transitioned to being a part of the International Tax and Financial Crimes Group out of the Washington, DC. Field Office. I was the lead IRS case agent on the Hunter Biden investigation.

I recently discovered that people are saying that I must be more credible because I am a Democrat who happens to be married to a man. I am no more credible than this man sitting next to me due to my sexual orientation or my political beliefs. The truth is, my credibility comes today from my job experience with the IRS and my intimate knowledge of the agency's standard and procedures. I was raised and have always strived to do what is right. Although I do have my supporters, others have said that I am a traitor to the Democratic Party and that I am causing more division in our society. I implore you to consider that if you were in my position

with the facts as I have stated them, ask yourself if you would be doing the exact same thing.

I hope that I am an example to other LGBTQ people out there who are questioning doing the right thing at the potential cost to themselves and others. We should always do the right thing no matter how painful the process might be. I kind of equate this to the experience and feelings I encountered when coming out. It was honestly one of the hardest things I ever had to go through. I contemplated scenarios that would have been highly regrettable, but I did what is right, and I am sitting here in front of you today.

I would first like to take a minute to thank some people for their unfettered help and support: first off, God for giving me the strength and courage to get through this process; my husband, who has been my rock, has put up with me, my stress, and has had to deal with his personal information being out there; my attorney, Dean Zerbe, who has agreed to represent me through this matter pro bono and someone who has provided me so much help and guidance; my colleagues from the Hunter Biden investigation. The work that was done on this case is tremendous but seems to be overshadowed by what is happening here today, and I just want to say to the investigative team that I am thankful for having worked with you. I also want to thank my family and friends back home in Northeast Ohio and Georgia.

I do not live in the D.C. area. I had to fly here and have had to pay out of pocket for all my travel-related expenses in being a whistleblower. On that note, I would like to make another statement that I have not accepted a single payment from anyone for being a whistleblower.

So, Mr. Chairman, while I have my written statement as well as my testimony before the Ways and Means Committee, I would like to touch on briefly seven specific matters. First, in a recent letter to Congress, Mr. Weiss stated that he had been granted ultimate authority over this matter, but then later stated in the same letter that his charging authority is geographically limited and that he would need a President Biden-appointed U.S. Attorney to partner with him in charging the case. Mr. Weiss stated that he was making all decisions necessary to preserve the integrity of the prosecution consistent with Federal law, the principles of Federal prosecution and departmental regulations.

In the Criminal Tax Manual, Chapter 10 found on the DOJ website, Tax Division policy states that cases involving individuals who fail to file tax returns or pay a tax, but who also commit acts of evasion or obstruction, should be charged as felonies to avoid inequitable treatment. In early August 2022, Federal prosecutors from the Department of Justice Tax Division drafted a 99-page memorandum. In so, they were recommending for approval felony and misdemeanor charges for the 2017, 2018, and 2019 tax years. That did not happen here, and I am not sure why, and as the special agent on this case, I thought the felony charges were well supported.

When considering the elements of felony tax case under the Criminal Code, there are two key considerations: willfulness and tax due and owing. In the criminal context, willfulness is defined

as voluntary, intentional violation of a known legal duty. The tax loss is the monetary loss to the government.

In early 2020, Hunter Biden's unfiled and delinquent tax returns were being prepared, which included his 2018 tax return. During the 2020 time period, by Hunter Biden's own account, he was sober, newly married, and writing his memoir. Hunter Biden's accountants requested that he sign a representation letter stating that all the deductions were for business purposes and were being reported appropriately. Statements Hunter Biden made in his book completely contradicted what he was deducting as business deductions on his 2018 return.

While writing his memoir, Hunter stated, "I holed up inside the chateau for the first 6 weeks and learned how to cook crack." Hunter Biden allegedly falsely claimed business deductions for payments made to the Chateau Marmont, a hotel room for his supposed drug dealer; sex club memberships, falsely referenced on the wire as a golf membership; hotels he was blacklisted from; and a Columbia University tuition payment for his adult daughter. All of these items were used to support the willfulness element for felony tax evasion. These false deductions claimed by Hunter Biden caused a false return to be prepared that underreported his total income by approximately \$267,000 and a loss to the U.S. Treasury of \$106,000.

Second, with respect to the 2014 tax year, Hunter Biden did not report any of the money he earned from Burisma for the 2014 tax year, which would have been a tax loss to the government of \$124,000. According to my previous testimony, Hunter Biden did not report this income to the IRS or pay tax on the source of income. There is nothing that I see in the public documents as to the Department of Justice's action against Hunter Biden that indicate that Hunter Biden will be required to pay tax on this Burisma income from 2014 or amend his 2014 tax return. I would like to note that the plea agreement, when released, may provide a greater understanding.

Third, I would like to make clear that in the charging document for the District of Delaware, Hunter Biden was charged with failure to timely pay his taxes for 2017 and 2018 in excess of \$100,000 for each tax year. On Hunter Biden's 2017 and 2018 tax returns, Hunter reported taxes owed of approximately \$581,000 and \$620,000, respectfully. This tax amount in 2018 would not have included the alleged additional tax due and owing from the filed false return of \$106,000. Thus, as I read the public documents as the Department of Justice action against Hunter Biden, there is nothing that indicates Hunter Biden will be required to amend his false tax return for 2018, a false tax return that includes improper deductions for prostitutes, sex clubs, and his adult children's tuition. Again, perhaps when the plea agreement is released, it may provide us with a greater understanding.

Fourth, the decision to bring felony counts against Hunter Biden was agreed to by both prosecutors and investigators. In the fall of 2021, I met with prosecutors assigned to the case, and we all agreed and decided which charges we are going to recommend in the prosecution report, which included felony counts related to 2014 and 2018. In March 2022, the prosecutors requested discovery

from the investigative team and presented the case to the D.C. U.S. Attorney's Office. In later meetings in early August 2020, the assigned prosecutors, all four attorneys, agreed to recommend felony and misdemeanor charges for the 2017, 2018, and 2019 tax years, insofar as the Department of Justice Tax Division attorney sent an email about the process of bringing charges to include felony and misdemeanor tax charges in two separate districts, Delaware and Los Angeles.

Less than a month later, Gary Shapley and I met with Mr. Weiss. He stated that he agreed with us regarding the 2014 and 2015 tax year misdemeanor and felony charges, but that this could somehow affect the later year misdemeanor and felony charges that he conveyed were stronger. Despite these facts, the plea deal that is being discussed occurred. To this day, I do not have a reason why that occurred. From my perspective, this might not have been problematic had the investigation been handled in the ordinary course.

Fifth, as I had previously testified and is contained in my written testimony, I have outlined for you some instances in which assigned prosecutors did not appear to follow the normal investigative process, slow walked the investigation, and put in place unnecessary approvals and roadblocks from effectively and efficiently investigating the case. A number of times, we were not able to follow the facts. I am happy to respond to questions concerning these instances.

Sixth, I will also note that while the impression has been conveyed by the U.S. Attorney in Delaware that he has similar powers to that of a special counsel in this case, free rein to do as needed, that was not the case. It appeared to me, based on what I experienced, that the U.S. Attorney in Delaware in our investigation was constantly hamstrung, limited, and marginalized by DOJ officials as well as other U.S. Attorneys. I still think that a special counsel is necessary for this investigation to further handle ancillary investigations that are spun off and relate to Hunter Biden, but may not have venue in Delaware.

Last, I would like to conclude again by encouraging Congress and the Administration to consider establishing an official channel for Federal investigators to pull the emergency cord and raise the issue of the appointment of a special counsel for consideration by senior officials. I do not want my colleagues at the IRS, FBI, and other Federal law enforcement agencies to go through my frustrating journey and that of our team. I believe such a path will strengthen the public's confidence in their institutions and their fair and equal treatment of all Americans under the law.

Thank you, and I look forward to the questions.

Chairman COMER. Thank you very much. The Chair now recognizes Mr. Shapley for his opening statement.

**STATEMENT OF GARY SHAPLEY
SUPERVISORY SPECIAL AGENT
INTERNAL REVENUE SERVICE
CRIMINAL INVESTIGATION, (IRS-CI)**

Mr. SHAPLEY. Thank you for inviting me to testify here today. I want to thank every Member and staffer on both sides of the aisle

for the work you do to represent your constituents and hold government accountable.

My name is Gary Shapley. I worked as a special agent for IRS Criminal Investigation for 14 years. I have risen to become a senior leader in the organization and currently supervise 12 elite agents in the International Tax and Financial Crimes Group. I have worked directly with United States Attorneys in multiple districts and have supervised or investigated cases in more than a dozen United States Attorneys' offices across the country. I have led, planned, or executed undercover operations or search warrants in more than a dozen countries. I have investigated and managed some of the largest cases in the history of the agency, recovering more than \$3.5 billion for the United States taxpayer.

In this country, we believe in the rule of law and that applies to everyone. There should not be a two-track justice system depending on who you are and who you are connected to. Yet, in this case there was. Based on my experience, I am here to tell you that the Delaware U.S. Attorney's Office and Department of Justice handling the Hunter Biden tax investigation was very different from any other case in my 14 years at the IRS. At every stage, decisions were made that benefited the subject of this investigation. For example, prosecutors concealed contents of Hunter Biden's laptop from investigators, DOJ slow walked steps to include interviews, serving document requests, and executing search warrants, warrants that were ready as early as April 2020, but were delayed until after the November 2020 election and never pursued. Investigators were not allowed to follow up on WhatsApp messages from Hunter Biden's Apple iCloud backup, where he suggested he was sitting next to his father. Assistant United States Attorney Lesley Wolf cited the optics of executing a search warrant at President Biden's residence as a deciding factor for not allowing it, even though she agreed that probable cause existed.

Prosecutors instructed investigators not to ask about the "big guy" or "dad" when conducting interviews. The Biden transition team was tipped off about interviews the night before the investigation went over, a fact my FBI counterpart confirmed to this Committee in recent testimony, where the result was that only one witness spoke to investigators that day. These are just some of the examples of how our investigation was stymied.

I am not here to support partisan agendas on either side. I am here because our tax system relies on the American people having confidence it is administered fairly and equally for everyone, regardless of your last name or political connections. If the handling of this case was inappropriate, it does not matter whether it happened under a Republican or a Democrat administration. Whether you agree with my concerns about the unethical slow walking and preferential treatment in this case, you can be sure that my testimony is true and correct to the best of my ability.

Unfortunately, the way this has already been handled by some Members and the media has done immeasurable damage to future would-be whistleblowers. I have been attacked as incompetent and falsely accused of being a liar, a leaker, or both, all by people who know nothing about me or the facts of this case. Some question if I should even be called a whistleblower, suggesting that my dislo-

asures are not legally protected merely because they do not like what I am saying. We have seen the shoe on the other foot before and some Republicans have made the same error. So, there is plenty of blame for both sides. The cycle of villainizing or canonizing government employees who report what they believe as wrongdoing has to stop.

When I first started noticing deviations from the normal investigative process around June 2020, I did not run to Congress to air grievances. Instead, I documented my concerns and made internal protected disclosures to my chain of command. I tried to give the prosecutors the benefit of the doubt for a very long time. After our investigation had largely concluded by the end of 2021, the IRS recommended charging Hunter Biden with multiple felonies and several misdemeanors for the tax years of 2014 through 2019. The Delaware Assistant United States Attorneys and Tax Division trial attorneys supported charging the felonies and misdemeanors listed in Exhibit 2 of my interview transcripts on page 44 and 45, which were officially referred to the Department of Justice Tax Division in February 2022.

This case was presented to the Washington, DC. U.S. Attorney's Office in or around March 2022. In April 2022, in a hearing, Attorney General Garland was asked how the American people could be confident the administration was conducting a serious investigation into the President's own son. Attorney General Garland responded by saying "because we put the investigation in the hands of a Trump appointee." He led Congress to believe the case was insulated from improper political influence because all decisions were being made exclusively by Delaware United States Attorney David Weiss, but that was not true.

The Justice Department allowed the President's political appointees to weigh in on whether to charge the President's son. After United States Attorney for D.C., Matthew Graves, appointed by President Biden, refused to bring charges in March 2022, I watched United States Attorney Weiss tell a room full of senior FBI and IRS senior leaders on October 7, 2022, that he was not the deciding person on whether charges were filed. That was my red line. I had already seen a pattern of preferential treatment and obstruction. Now United States Weiss was admitting that what the American people believed based on the Attorney General's sworn statement was false. I could no longer stay silent.

In November 2022, the statute of limitations was set to expire for the 2014 and 2015 charges in D.C., which included the 2014 felonies for the attempt to evade or defeat tax and fraud or false statement regarding Burisma income earned by Hunter Biden in those years. The statute of limitations have been extended through a tolling agreement with Hunter Biden's defense counsel, and they were willing to extend it past November 2022. Weiss allowed those to expire. Prosecutors presented the 2017, 2018, and 2019 criminal tax charges to the Central District of California around September 2022 only after President Biden's nominee, Martin Estrada, was confirmed. In January of this year, I learned Estrada had declined to bring the charges.

For all intents and purposes, the case was dead with the exception of one gun charge that could be brought in Delaware. And yet,

when Senator Chuck Grassley asked Attorney General Garland about the case in March 2023, Garland testified, “The United States Attorney has been advised he has full authority to make those referrals you are talking about or to bring cases in other districts if he needs to do that. He has been advised that he should get anything he needs.” After the October 7 red line meeting, there was no way to reconcile United States Attorney Weiss’ statement and his office’s actions with Attorney General Garland’s public testimony. I am 100 percent certain of what Delaware U.S. Attorney’s Office did in seeking approval from political appointees in D.C. and California.

The *New York Times* reporter has independently confirmed the charges being presented and declined in California. Plenty of other witnesses are familiar with these facts in addition to those who witnessed U.S. Attorney Weiss’ private admission. I encourage them to step forward and tell the truth about what happened and what they heard.

Let me be clear. Although these facts contradict Attorney General Garland’s testimony and raise serious questions for you to investigate, I have never claimed to have evidence that Attorney General Garland knowingly lied to Congress. Whether Attorney General Garland knew his testimony was false is for you and the inspector generals to determine, not me. The same is true for United States Attorney Weiss’ three letters to Congress since June 2023. It is for others to investigate and determine whether those letters contain knowingly false statements. However, it is clear that United States Attorney Weiss’ story to the American public has evolved. He has gone from unequivocally echoing Attorney General Garland to just 1 month later corroborating the disclosures we made about limits on his authority.

Weiss first said he can charge anywhere and then admitted he is geographically limited. To go beyond those limits, Weiss later admitted he had to partner or get special authority. Garland said Weiss has authority. United States Attorney Weiss said he has been assured he would get authority. If he never requested or denied special authority from Attorney General Garland, as he told us on October 7, the American public deserves to hear why he allowed 2014 and 2015 D.C. charges to expire. No number of carefully worded denials or evolving half-truths can overshadow this stark fact.

United States Attorney Weiss and Attorney General Garland will each be sitting before these committees 1 day. They will have to admit that, despite all their obfuscation, the absolute fact is that this case was presented to two Presidentially appointed U.S. Attorneys in D.C. and California. That no charges were brought in those districts tells you everything that you need to know.

I do not claim to be privy to United States Attorney Weiss or Attorney General Garland’s communications, but United States Attorney Weiss told us that he was not the deciding person, that he had requested and was denied special authority after D.C. declined charges, and that if California declines, he will have to request special authorities again. I understood the gravity of those admissions. Whether full responsibility lies with United States Attorney Weiss

or Attorney General Garland is for Congress, the inspector generals, and, ultimately, the public to decide.

When I decided after October 7 to come forward and began researching whistleblower attorneys, I wanted to abide by the law in every way as I navigated the complex taxpayer privacy and grand jury secrecy statutes. I carefully followed the whistleblower process to the letter with the advice of counsel at every step. I am fortunate to be represented by Mark Lytle, a Federal prosecutor for 25 years, including 5 years with the Department of Justice Tax Division. I am also grateful for Empower Oversight, a nonprofit whistleblower group, whose president, Tristan Leavitt, was previously nominated by President Biden to the Merit Systems Protection Board and unanimously confirmed by the U.S. Senate. While some have tried to paint me with a partisan brush because this charitable organization employs some former staffers to GOP Members on Capitol Hill, their expertise developed working for the patron saint and whistleblower, Senator Chuck Grassley, has been invaluable.

Meanwhile, the Biden family attorneys appear to be representing Hunter Biden, President Biden, and the Department of Justice, and they are not working for free. It has been reported in public sources that there is a large fund paying for legal fees for Biden family attorneys. The source of those funds is unknown. They have virtually unlimited resources to pursue their agenda, while my motives are questioned simply for finding competent representation from a small nonprofit that helps whistleblowers. Groups such as Empower Oversight and Whistleblower Aid are the only path to ensure whistleblowers like me are heard and receive competent advice.

My intention was not to be your sole source of information, and I implore you to take the necessary steps to obtain as much evidence as possible from as many sources as possible to be able to fully inform your conclusions. I am confident that after you have done that, both sides will find serious issues with the Hunter Biden investigation that closely align with my testimony. No matter your party, I am not your opposition. I am here with information for you to examine, investigate, and determine whether more action is warranted on your part. I am on your team, whether we agree on every politically sensitive issue or not. There is no benefit for me blowing the whistle on this case, absolutely none. I have no book deal, and the only money that goes into my bank account every 2 weeks is from my employment for the Federal Government.

I am still a supervisor, leading a group of 12 fantastic agents working complex international investigations. Unfortunately to this day, my immediate supervisors are retaliating against me for making protected disclosures. Even last fall, Biden family attorneys attacked investigators in the pages of the *Washington Post* and threatened the prosecutors with career suicide if they brought charges against the President's son. Then one of the Biden family attorneys sends to the press a 10-page error-filled letter that attacked me with innuendo, false statements, and baseless speculation that I had leaked information to the *Washington Post*. These statements by Biden family attorneys are false.

In conclusion, the American people for whom this body works, I implore you to look at the facts, not agenda-led statements from either side of the aisle. I am the average American citizen who worries about how I will send my kids to college and if I will ever have enough money to retire, just like most people watching this today. I am the first person in my family to go to college. It was not an Ivy League school, and I do not have a network of rich and powerful friends to help me weather the storms of retaliation and character assassination. I am putting myself at risk for the American people who support me and for those who do not. At the end of the day, I am just a small-town kid from Norwich, New York, who worked hard to get where I am and will never compromise my integrity. I will never forget who I am, where I come from, or all the people in my life who have made me who I am today. Thank you all for your time.

Chairman COMER. Thank you both for those excellent opening statements. We will now begin the questioning phase, and I will begin questioning. We will start with Mr. Ziegler.

Here, on the Committee, we focused on following the evidence, specifically the money trail through bank records and suspicious activity reports, and I want to discuss with you specific payments made to Hunter Biden and the Biden family. Democrats and the left-wing media are also saying there is no evidence. Let us get into the evidence, Mr. Ziegler. I want to direct you to pages 99 and 100 of your transcript. How much money did Hunter Biden and his associates receive from the Romanian company you identified?

Mr. ZIEGLER. So, that amount would be from Romania, so the approximate total transfers from the Romania company would have been \$3.1 million to everyone.

Chairman COMER. Three-point-one million dollars. How much did Hunter Biden and his business associates receive from State Energy HK Limited through the Robinson Walker LLC.

Mr. ZIEGLER. So, total transfers from State Energy HK to Rob Walker was \$3 million.

Chairman COMER. Three million dollars. Was there a \$100,000 payment from CEFC Infrastructure to Owasco P.C., Hunter Biden's professional corporation?

Mr. ZIEGLER. Yes, Chairman.

Chairman COMER. Approximately how much was transferred to Hunter Biden and his business associates through Hudson West III?

Mr. ZIEGLER. So, the total transfers from Hudson West III to everyone was \$3.7 million.

Chairman COMER. Three-point-seven million dollars. How much money did Hunter Biden and his business associates receive from the Ukrainian company Burisma?

Mr. ZIEGLER. Burisma paid to everyone involved \$6.5 million.

Chairman COMER. Six-point-five million dollars. Burisma also paid Blue Star Strategies and a law firm hundreds of thousands of dollars, bringing the total of Burisma payments to over \$7 million. Is that correct?

Mr. ZIEGLER. That is correct, \$7.3 million.

Chairman COMER. Seven-point-three million dollars. Between 2014 and 2019, this brings the total amount of foreign income streams received to approximately \$17 million, correct?

Mr. ZIEGLER. That is correct.

Chairman COMER. What was the purpose of analyzing money from foreign sources, and do you have documents to support your findings?

Mr. ZIEGLER. So, the purpose of documenting the foreign sources, as a part of a normal International Tax investigation, we have to figure out where the money is coming from, you have to follow the money trail. And as a part of that process, we have to follow different transactions, identify different foreign entities that might be paying a person, and then we go and get those records.

Chairman COMER. All right, and hopefully, you can provide that to the Committee.

Mr. ZIEGLER. So yes, any records—

Chairman COMER. Thank you.

Mr. ZIEGLER [continuing]. Regarding those transactions we can—

Chairman COMER. We love evidence on this side of the—

Mr. ZIEGLER. We can—

Chairman COMER [continuing]. Of the aisle. On page 80 of your transcript, you identified other Biden family members who received relevant payments through your investigation, such as the grandchildren. Can you explain why you wanted to interview them?

Mr. ZIEGLER. So, as a part of the investigation, you want to interview people who might have received money, people who might have had deductions that were deducted on the tax return. So, there are a multitude of reasons why you would want to talk to family members.

Chairman COMER. Is it common for grandchildren to receive money from foreign nationals and significant business wires?

Mr. ZIEGLER. So, I do not know the reason or I do not know what is behind any of these payments that might have been made to specific family members, but I can just speak to what was in our transcript.

Chairman COMER. All right. Thank you. I would invite the media here today to review the Committee's bank records memorandum, which closely matches the IRS figures. We will have a supplemental memorandum discussing payments from the Ukraine, Russia, and other sources very soon based on bank records we have recently received but have not disclosed yet. Sir, you have confirmed for me what I have been saying all along. The Committee has accomplished in 5 months what it took the Department of Justice 5 years to figure out.

Mr. Shapley, I want to turn to President Biden. You have stated to CBS Evening News that there were certain investigative steps you were not allowed to take that could have led to President Biden. Can you tell us what investigative steps related to President Biden that you wanted to take but you could not?

Mr. SHAPLEY. So, there are multiple instances in this investigation where there are references to the father of the subject, President Biden. And in the course of any normal investigation, when the subject's father is somehow related to the finances of the sub-

ject, in a normal course of any investigation we would have to go and get that information to properly vet the financial flows of money in that investigation to determine what we end up charging.

Chairman COMER. There was a tweet or a message in the laptop from Hunter Biden to Kevin Dong, who was with CEFC, and it said, "The Bidens are the best I know at doing exactly what the chairman wants from this partnership." Now, the chairman he is referring to is Chairman Ye of CEFC. Is that correct?

Mr. SHAPLEY. In that string—

Chairman COMER. Yes.

Mr. SHAPLEY [continuing]. I believe so, yes.

Chairman COMER. So, can you tell me what the Bidens are best at? Do you understand what he would have meant by that? This is a Chinese company, and I think the Ranking Member referred to it with Gal Luft. It is the same entity that paid Gal Luft the money that he got indicted for being an unregistered foreign agent, I believe, was the charge. But this is another solicitation from Hunter Biden. And he refers to the Bidens, plural. And "they are best at doing what the chairman wants," I think that is very concerning to our Committee because this is a Chinese Communist Party-owned entity. This is of concern to our national security, and I did not know, in closing, if you had any information with respect to that comment there.

Mr. SHAPLEY. With respect to the WhatsApp messages, it was something we clearly needed to follow up on. And that was really one of the major deviations in this case, is that investigators asked and Special Agent Ziegler asked to take some investigative steps to review that, and it just simply was not supported by the prosecutors. So further delving into what that means, I just simply cannot do.

Chairman COMER. Well, I can promise you we are not going to stop on this Committee until we understand what he fully meant by that message to a Chinese Communist Party official.

Mr. ZIEGLER. Mr. Chairman, can I say something about that?

Chairman COMER. Yes, please.

Mr. ZIEGLER. So, thank you for that question. There was a long WhatsApp message contained in that. That was only a portion of it, so what we can do is we can turn that over to the House Ways and Means Committee. They can vote to release it, and then that information can be available for you.

Chairman COMER. Thank you. Thank you very much. I now yield to Ranking Member Raskin.

Mr. RASKIN. Thank you, Mr. Chairman. I want to thank both the witnesses for their testimony and for appearing with us today. It seems to me that a lot of your testimony has been about the problem of prosecutorial discretion and the traditional tug of war between investigators who characteristically want to charge as many offenses as they have come across, and prosecutors who are more attuned to the rigors of the courtroom and the complexity of forensic evidence. And I admit as a former state assistant attorney general, I see it more from the prosecutor standpoint than the investigator's standpoint. But Mr. Shapley, would you concede that there are lots of crimes that are identified by investigators that are not actually charged by prosecutors routinely?

I will give you an example. In the recent indictment of Donald Trump for retaining government documents that he unlawfully took, according to the indictment, he was charged only with possessing those documents that were recovered after the August 2022 search warrant. But he had hundreds of documents that were recovered before that, 15 boxes that were recovered in January and then after the grand jury subpoena in June, but the prosecutors decided not to charge any of those as offenses. They said they were going to take the most egregious offenses and charge those. Is that unfamiliar to you, that kind of decision by a prosecutor.

Mr. SHAPLEY. So, I cannot speak to anything related to the Trump investigation, but the issue here with this case is that it was not just investigators that agreed with these charges. In Exhibit 2, and in my testimony, it clearly shows a prosecution recommendation report where it says right in the document, it says the Assistant United States Attorneys and Department of Justice Tax Division agreed with those recommended charges. And then, again, as Special Agent Ziegler alluded to, in late 2022—

Mr. RASKIN. And they were recommended to whom?

Mr. SHAPLEY. To Department of Justice. So, the prosecution recommendation report is referred to the Department of Justice Tax Division for approval, discretion, or declination.

Mr. RASKIN. Right, but then it all went to the U.S. Attorney in Delaware, right?

Mr. SHAPLEY. So, that is not entirely accurate because, you know, Department of Justice Tax Division, up through March 16, 2023, had not yet approved, provided discretion, or declined charges. So, U.S. Attorney Weiss had no authority to charge any of those charges without the Department of Justice Tax Division's approval beforehand.

Mr. ZIEGLER. And I would like to say something about this real quick.

Mr. RASKIN. OK. Well, let me come back to you because I only have a limited amount of time and I have got questions for you. But, in fact, Mr. Ziegler, you say that Hunter Biden's unpaid taxes were around \$2 million, and he has now paid those back taxes as I understand it, and he has been criminally charged for not paying taxes. Will you just explain how people can be charged for not paying taxes even after they have made amends and gone forward to pay them?

Mr. ZIEGLER. So, under the statute, when someone fails to timely pay their taxes, usually due April 15, once that date occurs, they have a known tax liability and they fail to pay it. The crime has already been committed. The fact that they paid the taxes after, that is a mitigating factor that the judge can use their discretion at sentencing. But I would like to make one reference that this does not include the over \$100,000 in additional tax due and owing that was not charged related to—

Mr. RASKIN. No, you made yourself clear. You thought there were additional charges that were laid on the table and not pursued by U.S. Attorney Weiss, the Trump appointee. But, Mr. Shapley, you testified that the critical moment in your decision to blow the whistle in the Hunter Biden investigation was the October 7 meeting, 2022, that you had with U.S. Attorney David Weiss. And up until

that point, you say you were willing to chalk up the differences with prosecutors to the typical “investigator versus prosecutor” type thing, which is what I think this is all about. But you say on page 28 of your transcript, “If I was not in the October 7 meeting, my red line might not have been crossed,” and I think you reaffirm that today.

Now, as I understand it, what crossed your red line is that in that meeting, you understood Mr. Weiss to be saying that he did not have the authority to bring charges in D.C. or California without the approval of the U.S. Attorneys for those districts. Is that right?

Mr. SHAPLEY. That is correct.

Mr. RASKIN. OK. But in a letter that he sent to Chairman Jordan in June, U.S. Attorney Weiss stated, “I have been granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges.” He went on to explain that in considering charges in districts outside Delaware, usual DOJ practice would be “to contact the U.S. Attorney’s Office for the district in question and determine whether it wants to partner on the case.” Now, if that office declined, he would request and be granted authority to bring the charge himself under “special attorney status from the attorney general pursuant to 28 USC Section 515.” Now to try to clear this up, Mr. Shapley, let us go back to March 2022 when, as you explained on page 153 of the transcript, the U.S. Attorney for D.C. declined to partner with Mr. Weiss to bring the 2014 and 2015 charges in D.C. After that decision by the U.S. Attorney for D.C., Mr. Weiss continued to discuss those charges with all of you.

In fact, Mr. Ziegler, on page 39 of your transcript, you described how in September 2022, you had a meeting in which U.S. Attorney Weiss expressed some concerns about those charges, including that in 2015, Hunter Biden was in the throes of his drug addiction after the death of his brother, and in that meeting, Mr. Weiss tells you, “I am still weighing it.” Now, Mr. Ziegler, in September 2022, Mr. Weiss was telling you that he was the one weighing whether to bring the 2014 and 2015 charges. Isn’t that correct?

Mr. ZIEGLER. That is correct.

Mr. RASKIN. Now, coming back to the October 7, 2022, meeting, Mr. Shapley, according to you on page 155, Mr. Weiss said he decided not to charge 2014 and 2015. It seems to me this October 7, 2022, meeting, which you have described as a red line, is just a misunderstanding that after the U.S. Attorney in D.C. declined to partner on the 2014 and 2015 charges, Mr. Weiss took a good hard look at those charges himself and ultimately decided not to charge them and, therefore, not to seek this special attorney status. He may have been right about that, he may have been wrong as you guys make your case for, but it was his decision. Isn’t that right, Mr. Shapley?

Mr. SHAPLEY. No, that is not supported by the facts.

Mr. RASKIN. Really? Well, which facts is it not supported by?

Mr. SHAPLEY. His own meeting in the October 7, 2022 meeting that I documented contemporaneously. And the only piece of information—

Mr. RASKIN. But he contradicts what you are saying. Do you agree that he does not agree with what you are saying about that meeting? Now, I was not at that October 7, 2022, meeting, but what was said at the meeting over 2-and-a-half years ago may be a little ambiguous or unclear today, Mr. Weiss' letter to Chairman Jordan could not be more clear. He had "ultimate authority over this matter, including responsibility for deciding where, when, and whether to file the charges." So, if there is any ambiguity, it has got to go to U.S. Attorney Weiss, Donald Trump's handpicked U.S. attorney for Delaware. I yield back, Mr. Chairman.

Chairman COMER. The gentleman yields back, and now I recognize Chairman Smith.

Mr. ZIEGLER. Can I say something real quick on that? I have two things that I wanted to bring up. So, there are a lot of different tax cases out there that include misdemeanors and felonies, and there are a lot of reasons why we charge the felony, we might charge the misdemeanor. But I want to be clear on this, that when you have a felony charge with a misdemeanor, that you have to charge the felony, and in this case, they did not charge that felony. And then there is one more point to this. We had a meeting with all four signed prosecutors.

Mr. RASKIN. Excuse me. When you say you have to charge the felony, that is a Department of Justice rule you are saying?

Mr. ZIEGLER. That is in their manual that you have to charge the felony in order to avoid inequitable treatment of taxpayers.

Mr. RASKIN. No, but you are saying whether or not the evidence supports it.

Mr. ZIEGLER. That is a part of that is in that analysis is whether the evidence, but that goes back to the point of that if the certain deductions that were taken on the tax return, that is for you guys to decide whether the felony was there or not. But the point is, is that we are bringing—

Mr. RASKIN. That is for the U.S. Attorney to decide, and I am afraid we are not going to be able to investigate every tax case in America.

Chairman COMER. The gentleman's time has expired. The Chair now recognizes Mr. Smith from Missouri.

Mr. SMITH. Thank you, Mr. Chairman. Mr. Shapley and Mr. Ziegler, I want to thank you both again for your testimony and your willingness to come forward and tell the truth for the American public. And I apologize of the behavior of some of our colleagues and how the press has treated you for doing what is right so the American people can see it.

Mr. Shapley, included in the documents you provided to the Ways and Means Committee is a document labeled Exhibit 2 in the transcript of your testimony, which is a portion of a special agent report. This document is located following page 41 of the transcript, this one. What is this document, and what recommendations are made in this document?

Mr. SHAPLEY. Yes. So, this is the prosecution recommendation report that IRS, CIA agents produce at the end of an investigation when they are going to recommend prosecution to the Department of Justice. This was authored by Special Agent Ziegler, and it is an incredibly robust document. There are several thousand pages be-

cause each of these are the facts and the elements in this particular report. The elements of each violation show which piece of evidence meets that element.

So, in this report, it recommended felony charges for 2014, 2018, and 2019, and misdemeanor charges for 2015, 2016, 2017, 2018, and 2019. And it further shows that Special Agent Ziegler spoke with prosecutors and worked hand in hand with prosecutors while this was being drafted, and they clearly agreed that the elements of these violations were met, and they supported this document and when it was sent to the Department of Justice Tax Division for approval on February 25, 2022.

Mr. SMITH. Mr. Shapley, what level of confidence does the IRS need to have to recommend charges like the felony counts listed in this document?

Mr. SHAPLEY. So, I mean, each violation has each element listed in this report, and evidence is shown underneath each of it. This report goes through internal departments, IRS criminal investigation, and in addition to the prosecutors agreeing that the evidence supported charging felony counts, senior leadership up to the Director of Field Operations, IRS Criminal Investigation also personally reviewed this report and approved it to be sent to Department of Justice Tax Division.

Mr. SMITH. So, were you surprised that on June 20, 2023, prosecutors announced a plea agreement with Hunter Biden under which he would only plead guilty to violations of two misdemeanor charges?

Mr. SHAPLEY. So, the guilty plea is outside of my control, but what I can say is it is not what an investigator thought, it is not what Special Agent Ziegler and I thought that felony charges were proven in this case. The prosecutors again and again agreed with that assessment, and United States Attorney Weiss also agreed with these because he went to the D.C. U.S. Attorney to ask him to partner. You do not ask someone to partner with you if you do not yourself agree with those charges, and when he got denied that, he requested a special authority and was declined, as he said in the October 7, 2022 meeting.

Mr. SMITH. Yes. In the report that we just highlighted as Exhibit 2, it states in there that even Lesley Wolf agreed with these charges moving forward, the assistant prosecutor. Mr. Ziegler, on page 32 of the transcript of your testimony, you discussed the need to interview Hunter Biden's adult children regarding certain deductions that you listed earlier of Hunter Biden included on his tax returns. You also testified that Assistant United States Attorney Lesley Wolf told you that you would get into hot water if you interviewed the President's grandchildren. In other cases that you have worked over your career, have you ever had a prosecutor tell you that you could not interview a relevant witness?

Mr. ZIEGLER. So, there are certain things that come into whether we talk to a witness or not, so if they are an attorney, if there is some special situation that might come up that might cause caution to interviewing that witness. But I have never been told that we could not approach someone to interview them as a part of an investigation. I mean, there are certain situations to where you have to do a further analysis of the information that you might get

if they are, like I said, if they are an attorney. But, so, in this case, we needed to talk to witnesses related to things that were deducted on the tax return, and in this case, it was the adult children that we needed to talk to.

Mr. SMITH. Thank you, Mr. Chairman. I see my time expired.

Chairman COMER. The gentleman yields back. The Chair now recognizes Mr. Krishnamoorthi from Illinois for 5 minutes.

Mr. KRISHNAMOORTHI. Thank you, Mr. Chair. Thank you, Mr. Shapley, thank you, Mr. Ziegler, for your services to this country. I really appreciate you coming here and appearing in this capacity.

First of all, Mr. Ziegler, I see at page 12 of your transcript, deposition transcript, you start laying out a series of concerns that you had with regard to various people and different issues related to this investigation. You say, "I started this investigation in November 2018 after reviewing bank deposits." Then you later say career IRS staff were not initially supportive of starting the investigation. Of course, in November 2018, Joe Biden was not the President, correct?

Mr. ZIEGLER. Joe Biden was not the President, correct.

Mr. KRISHNAMOORTHI. And then at page 20, you lay out another concern. You had a concern about Attorney General Bill Barr consolidating the series of cases into the U.S. Attorney's Office in Delaware. At that point, you said, "What was the potential issue I saw with working the case in Delaware? We were working with a small U.S. Attorney's Office who might not have ever worked a case of this caliber." Now, of course, Bill Barr was appointed by Donald Trump, correct?

Mr. ZIEGLER. Yes, that is correct.

Mr. KRISHNAMOORTHI. Now, let me turn to another concern that you lay out in your testimony. You were concerned about the quality of the prosecutors. On page 14, you say, "The prosecutors were the JV squad, and they were not up to the task of handling such a big case." Now, sir, U.S. Attorney Weiss was also appointed by Donald Trump, right?

Mr. ZIEGLER. So, as far as the actual nomination and what went into why—

Mr. KRISHNAMOORTHI. No, I am not asking you why. I am just saying USA Weiss was appointed by Donald Trump, correct?

Mr. ZIEGLER. That is correct.

Mr. KRISHNAMOORTHI. OK. Now, another concern you lay out in your deposition, at page 21, you talk about your concerns about this investigation having been made overt, being publicized for the world to know. You said, "One of the first disagreements I recall between the IRS investigators and prosecutors was the idea of going public." Now, sir, this was in March, April 2019. Joe Biden was not the President then, was he?

Mr. ZIEGLER. So, I do not recall the exact date of when he announced that he was going to run for presidency, but I know he was—

Mr. KRISHNAMOORTHI. That is not my question, sir. Joe Biden was not the President in March/April 2019, correct?

Mr. ZIEGLER. That is correct.

Mr. KRISHNAMOORTHI. Now, Mr. Shapley, let me turn to you for a second here. You also raise a series of concerns in your deposition

transcript. One is this: you said you were concerned about the complexities of the election cycle and potential delays that arose in connection with the election cycle. You said, at page 23, "And I remember there were always times where we were always on an impending election cycle. It was always the elections being brought up in early 2020. It was the Presidential primaries." Now, sir, Joe Biden was not the President at that time either, was he?

Mr. SHAPLEY. I mean, the answer to your question is, no, he was not, but I do not see where you are referencing it in my transcript—

Mr. KRISHNAMOORTHY. Page 23. You are talking about how the election cycle is delaying decisions by the prosecution, and it turns out that the delay in the election cycle was happening at a time when Joe Biden was not the President.

Mr. SHAPLEY. I am sorry, sir. That is in Special Agent Ziegler's transcript. That is why I could not find it.

Mr. KRISHNAMOORTHY. So, Mr. Ziegler, and you shared concerns about delays related to the election cycle, but at that time, Joe Biden was not the President.

Mr. ZIEGLER. I believe at that time he was the nominee for president.

Mr. KRISHNAMOORTHY. But, well, he was not the President, was he? It is just a simple question, sir.

Mr. ZIEGLER. Can you rephrase the what time period—

Mr. KRISHNAMOORTHY. Joe Biden was not the President in the Presidential primaries in 2020?

Mr. ZIEGLER. Correct. That is correct.

Mr. KRISHNAMOORTHY. Sir, finally, Mr. Shapley, you said that warrants were ready as soon as April 2020 to begin searching for records, but actions were not taken with regard to those warrants. Again, Joe Biden was not the President in April 2020, was he?

Mr. SHAPLEY. So, I am confused by your line of questioning. We are talking about an election to which now President Biden was a part of. So, he did not have to be the President to have election meddling.

Mr. KRISHNAMOORTHY. No, but the question is this. Was he the President at that time in April 2020?

Mr. SHAPLEY. It has been asked and answered.

Mr. KRISHNAMOORTHY. And what is the answer, sir?

Mr. SHAPLEY. The election issue—

Mr. KRISHNAMOORTHY. The answer is "yes" or "no."

Mr. SHAPLEY. Is no.

Mr. KRISHNAMOORTHY. Thank you. Thank you. I yield back.

Mr. SHAPLEY. Mr. Chairman, may I finish?

Chairman COMER. You may answer the question.

Mr. SHAPLEY. So, you know, it is clear that he was not the President. But an election is for the purpose of electing a president, and Joe Biden at the time was a nominee for President of United States. Therefore, the election clauses with DOJ policy took place and were in effect, and it was not until September 4, 2020 that the Department of Justice Public Integrity said that we can no longer take any actions on that case. And as early as April to June 2020, the Department of Justice, Delaware U.S. Attorney's Office was al-

ready invoking the election as a reason not to perform those search warrants.

Mr. KRISHNAMOORTHY. And that was Donald Trump's DOJ—

Chairman COMER. And the gentleman's time has expired. We have got a lot of questioners here. The Chair now recognizes Mr. Jordan of Ohio.

Mr. JORDAN. Thank you, Mr. Chairman. Last month, David Weiss sent me two letters. In the first letter on June 7, he said, "I have been granted ultimate authority over the matter, including responsibility for deciding where, when, and whether to file charges," the quote that the Ranking Member just put up. Later that same month he sent me the second letter where we said, "No, I do not have that charging authority." So, June 7, he says, "I am the boss. I can do whatever I darn well want, file it wherever I want," and then June 30, he says, "No, I cannot." What happened in between those two events? Your testimony went public. He goes, oh my goodness, I got to change my story because now the truth is coming out, and it sounds like in this investigation, to me, Mr. Shapley, that the prosecutors and the investigators were in agreement for most of the investigation. And then we get to October 2022—I see Mr. Ziegler nodding his head—and that meeting is where David Weiss told you something. Is that right, Mr. Shapley? What did he say? Can you put your mic on there? What did he say?

Mr. SHAPLEY. Yes, he told me he was not the deciding person on whether or not charges were filed. He told us that D.C. U.S. Attorney had declined to allow charges. He told us that he had requested special counsel authority from Main DOJ and denied that authority.

Mr. JORDAN. And was denied.

Mr. SHAPLEY. That is correct.

Mr. JORDAN. Were you the only guy in that meeting?

Mr. SHAPLEY. I was not.

Mr. JORDAN. How many other people were there?

Mr. SHAPLEY. There were seven total people, including me.

Mr. JORDAN. You, and Mr. Weiss, and five others, right?

Mr. SHAPLEY. That is correct.

Mr. JORDAN. And have any of them come forward and say what you just said is not true?

Mr. SHAPLEY. They have not.

Mr. JORDAN. No one has, right?

Mr. SHAPLEY. That is correct.

Mr. JORDAN. No one disputed, refuted. No one said what you say is not true.

Mr. SHAPLEY. That is right.

Mr. JORDAN. And did you memorialize what took place in that meeting? Did you memorialize that?

Mr. SHAPLEY. Yes, I did. That day when I returned home from the Delaware U.S. Attorney's Office, I put it in an email to the two senior executives at my agency.

Mr. JORDAN. You put it in an email that day.

Mr. SHAPLEY. That is correct.

Mr. JORDAN. Contemporaneous with when it happened. I have got the email here. It is Exhibit 10 in your testimony when you

were interviewed by the Ways and Means Committee, October 7, Friday evening, 6:09 p.m. That email, right?

Mr. SHAPLEY. That is correct.

Mr. JORDAN. Sent to Mr. Walden and Mr. Batdorf. Who are those individuals?

Mr. SHAPLEY. Mike Batdorf is the Director of Field Operations for Southern Division of IRS-CI, and Darrell Waldon was the Special Agent In Charge of the Washington D.C. field office.

Mr. JORDAN. These are your bosses, right?

Mr. SHAPLEY. That is correct.

Mr. JORDAN. Did Mr. Walden get back to you?

Mr. SHAPLEY. Yes, he did.

Mr. JORDAN. Do you remember what he said?

Mr. SHAPLEY. He said, "Thanks, Gary. You covered it all."

Mr. JORDAN. You covered it all. He did not say, thanks, Gary, but you are wrong. That is not what happened. He affirmed what you said. You covered it all, and you laid it out. You spelled that just what you told me a few minutes ago, right?

Mr. SHAPLEY. That is correct.

Mr. JORDAN. What Mr. Weiss told you in that meeting and when that goes public on June 22, last month, Mr. Weiss says, oh, I got to change my story. I better send a letter to the Judiciary Committee where he says, I stand by what I wrote, but I wish to expand. I wish to fix it. And then he had to go further in July when he sent a letter to Senator Graham and said to clarify again. They have changed your story. You guys have not. What do you think happened? What do you think? Mr. Weiss was consistent with the investigators up until this October 7 meeting, and then he changed. What do you think happened, Mr. Shapley?

Mr. SHAPLEY. I mean, I do not know what happened internal at Department of Justice. But what I can say is that the story has been changing from Department of Justice and U.S. Attorney Weiss, and I think the only person that has really had any documents that have been corroborated are my own.

Mr. JORDAN. Exactly. I think it is obvious. Anyone with common sense can see what happened because he said it in Mr. Graham's letter. He said I had discussions with Main Justice. I had discussions with the folks, the deputy attorney general, the attorney, whoever it was, I do not know, but he had discussion with the people at Main Justice, and suddenly things change, and that all became evident on October 7. And until October 7, the investigators, to Mr. Raskin's point, the investigators and the prosecutors, they were in agreement. Here are the facts. Here is how we do it. Here is how we have always done it. We got the two best agents in the place on the case. Let us go.

And then, shazam, something changes. And I think it is what Mr. Weiss conveyed to Senator Graham when he said, "I had discussions with folks at Main Justice." We do not know what were in those discussions, but it looks pretty obvious what happened. Looks pretty obvious. Initially, everyone was pounding their chest. David Weiss has complete authority. Now suddenly, he does not. He does not because you guys came forward and told the truth. I yield back.

Chairman COMER. The Chair now recognizes Mr. Lynch from Massachusetts.

Mr. LYNCH. Thank you, Mr. Chairman. First of all, I want to thank the witnesses for their willingness to work with the Committee and help us with our work. I am surprised, though, there seems to be a new level of hypocrisy here. As a longstanding Member of this Committee, I think most of the Members who have served a long time here know full well what political interference and what sweetheart deals look like, and I think context is very important.

In 2017, we had a situation where a former national security adviser and Trump campaign surrogate, Michael Flynn, was indicted, indicted by a Federal jury, Federal grand jury. He pled guilty twice, and he lied to FBI agents about his communications with the Russian Government prior to the inauguration of President Trump. He was only National Security Advisor for 22 days, but my colleagues on the other side of the aisle had no interest, zero, zero interest in looking into that case.

And in response, the President at the time, President Trump, repeatedly and publicly attacked the case and the agents who brought it, including by claiming that Mr. Flynn was the victim of “dirty, filthy cops at the top of the FBI.” He also described the prosecution as a disgrace and claimed that those who investigated Mr. Flynn were guilty of treason. Those are public statements made by a sitting President attacking the FBI. And despite the fact that Mr. Flynn pleaded guilty twice to lying to the FBI, President Trump’s Attorney General, William Barr, personally intervened in the case, and that led the Department of Justice to abruptly reverse course and have the case dismissed on grounds that a Federal judge found dubious, to say the least, and that is a quote from the judge.

In the case of longtime Trump associate and advisor Roger Stone, a Federal jury found him guilty in 2019 of obstructing a congressional investigation into Russian interference in the 2016 Presidential election by lying to Congress and witness tampering. In response, a sitting President, President Trump, immediately took to Twitter, attacking the Department of Justice and accusing them of employing a “double standard” and committing a “miscarriage of justice.” President Trump also publicly attacked the Department’s sentencing recommendation for Mr. Stone, leading senior officials to overrule the Federal prosecutors who had investigated and brought the case.

So, this blatant political intervention, not complained of at all by my Republican colleagues at the time, caused those prosecutors, some of them, to resign or withdraw from the case. President Trump even congratulated former Attorney General Barr for interfering. That is what political intervention looks like, and we know it on this Committee. And in the case of former Trump campaign chairman, Paul Manafort, who worked to elect a pro-Kremlin president in Ukraine and was convicted in 2018 of bank and tax fraud, ultimately pleading guilty to conspiracy against the United States and conspiracy to obstruct justice, President Trump deemed it “a very sad day for our country.”

And in terms of sweetheart deals, in December 2020, at the end of his term, President Trump granted full pardons to his close al-

lies, his pals—Flynn, Stone, and Manafort—allowing them to escape accountability for their numerous crimes. Now that is a sweetheart deal. They got away with everything, not like Hunter Biden, who is pleading guilty, suffers the reputational damage and embarrassment to his family, the widely publicized facts of his drug addiction. And this was a Trump-appointed U.S. Attorney that prosecuted this for 4 years, and President Biden did not seek to remove him, which normally happens when a new President comes into office. He has the full right to remove him. He never did so. Mr. Chairman, I yield back.

Chairman COMER. The gentleman yields back. The Chair now recognizes Mr. Timmons from South Carolina.

Mr. TIMMONS. Thank you, Mr. Chairman. I am going to try to help simplify this for the American people. We are here today because our institutions are broken. The DOJ, the FBI, the IRS have transformed from a balanced apparatus of justice into the political weapon of the left, a process that I believe began during the Obama Administration. They actively pursue individuals based on their ideological beliefs, specifically targeting Donald Trump, who posed a significant threat to the political left.

Upon his election, the bureaucratic resistance did not stop. Their hatred for Trump permeated throughout their work, attempting to cripple his Administration at almost every turn. And for the last 30 months, the DOJ, the FBI, and the IRS have worked to not only protect the criminal actions of the Biden family, but to continue persecuting President Trump. Some describe this as a two-tier system of justice, but what it really is, it is a system deliberately and systematically prosecuting individuals within the Trump orbit due to their hatred for President Trump. Simultaneously, they cover up the crimes of the current President and members of his family, all while issuing selectively timed and perfectly planned indictments against President Trump.

Today, we are joined by two whistleblowers from the IRS. There are also whistleblowers from within the FBI and the DOJ. All these people are stepping forward now because after the 2022 election, the American people have entrusted the House Majority to Republicans, granting us subpoena power. With gavels in hand, we now possess crucial evidence just months into our investigations. The American people can see plain as day the corruption, bribery, and criminal actions of the Biden family. We are here to do the jobs that the DOJ, the FBI, and the IRS refuse to do. They have failed to fulfill their duties and properly investigate the Biden family and their international bribery schemes, which resulted in million-dollar payouts.

I want to again thank you both for coming forward. I cannot imagine how difficult this has been on you and your family. I think the best use of my time is to help simplify the complex scheme for the American people, help do the job that DOJ, IRS, and FBI, they just refuse to do.

We talk about China, we talk about Romania, Ukraine, it all seems complicated, but this scheme was born in 2014 in Ukraine and then replicated in other countries. Ukraine is the proof of concept, if you will. This is the scheme, simple. Foreign client has a problem, pays a Biden. Vice President Biden travels to the country.

Vice President Biden leverages U.S. influence to force a favorable outcome for the client. The Biden family earns their fee. That is the scheme. That is the scheme. So, let us just start with Ukraine so I can just show you the proof of concept. I am going to walk you through the timeline.

In 2014, Burisma has a problem. They want to get their stock listed on Wall Street, but the Prosecutor General is investigating corruption, and they cannot get the outcome they want in New York, so what do they do? They hire Hunter Biden, pay him millions of dollars. Mr. Ziegler, my only question for you is going to be, if I can direct you to page 99 of your transcript, is it accurate to say Hunter Biden received millions of dollars from Burisma?

Mr. ZIEGLER. Yes, that would be accurate.

Mr. TIMMONS. Thank you. To the American people, I want to point out briefly that Hunter Biden has absolutely zero qualifications in this industry or in business in general, but he does have the big guy. November 2, 2015, in an email to Hunter, Burisma executive says that he is demanding a high-level U.S. official visit Ukraine to force out Shokin. This is in an email obtained from Hunter Biden's laptop. November 14, 2015, Hunter Biden confirms the big guy is on the way. Vice President Biden is coming. Have no fear. December 7 through 9, Biden has an official visit, using U.S. tax dollars, threatens President Poroshenko to withhold a billion-dollar loan guarantee if Shokin is not fired. He lied about this during the campaign. He specifically said it was not true. Sure enough, Shokin is fired. If you have any questions about whether he fired him, January 23, 2018, he brags about it years later.

Ladies and gentlemen, American people, that is the scheme. That is the proof of concept. They replicated it again and again because they never dreamt Biden would be President, no one did. But he is our President, and because of his actions, because of him selling policy decisions to adversaries abroad for personal gain, he is vulnerable. He is vulnerable, and our national security is vulnerable because of it. We are not here to prosecute Hunter Biden. We do not care about Hunter Biden. We care about our country's national security decisions and whether our President is compromised. That is why we are here. That is why we are here. With that, Mr. Chairman, I yield back.

Chairman COMER. The gentlemen yields back. The Chair now recognizes Mr. Connolly from Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman, and thank you both for being here today.

My friend from South Carolina said he was going to simplify it for the American people. I think he succeeded, so simple as to be unrecognizable, and if we are going to talk about Ukraine and Burisma, let us remember that the President of the United States, not Joe Biden, Donald J. Trump, was impeached over a phone call to the president of Ukraine wanting to get dirt on this very subject, on this very individual, with this very company and withheld military equipment desperately needed, as we now know, including Javelin missiles, which are very useful in anti-tank warfare, to get it, for which he was impeached, quite correctly. But my friends on the other side of the aisle all voted against that. They had no prob-

lem with that kind of interference that directly affected national security.

Mr. Shapley and Mr. Ziegler, you both testified about the fact that you have been subject to criticism, ridicule, public disclosure, perhaps menacing comments because you have come forward. Is that correct?

Mr. SHAPLEY. Medicine comments?

Mr. CONNOLLY. No, no, no.

Mr. ZIEGLER. Menacing comments.

Mr. SHAPLEY. Oh, menacing comments.

Mr. CONNOLLY. Menacing comments.

Mr. SHAPLEY. Yes, sir.

Mr. CONNOLLY. And you, too, Mr. Ziegler?

Mr. ZIEGLER. Yes, I have.

Mr. CONNOLLY. Right. That must be a terrible feeling, and whoever does that, I think you would probably both agree, is doing a disservice to the country and to you individually. You are simply doing your duty as you see the light. Fair enough?

Mr. SHAPLEY. Yes.

Mr. CONNOLLY. Mr. Ziegler?

Mr. ZIEGLER. I am doing my duty.

Mr. CONNOLLY. Yes. So can you imagine how the district attorney in Fulton County, Georgia, must feel, or the district attorney in Manhattan must feel, or the special counsel of the Department of Justice, Mr. Smith, must feel when the very subject of an indictment or pending indictment takes to public rallies and ridicules them by name, disparages them by name, characterizes them by name, putting them and their families at the same risk you are experiencing.

If it is wrong for these anonymous people to criticize you, it must certainly be wrong that the former President of the United States would demonize people doing their jobs just like you try to do yours, as they see the light. You can disagree with their judgment, but it is not right to disparage their character. And what is so ironic about this hearing is, again, not one mention on the other side of the aisle about that maligned behavior by the very subject of the indictment.

And speaking of interference, the American people know President Trump pressured the Justice Department, which we are talking about here today, like wouldn't that be wrong if someone did that, to go easy on his friend Michael Flynn. We know when President Trump's hand-picked Attorney General, William Barr, took the reins, he pressured officials to reduce their sentencing for Roger Stone and glossed over Robert Mueller's 2016 Presidential election report saying it exonerated the President, when, in fact, Robert Mueller explicitly said, no, it did not, and listed 10 specific items of obstruction of justice he recommended be pursued, and pointed out, lest we misunderstand the pursuit part, he could not indict a sitting President according to DOJ guidelines. But, he said in his report, an enterprising district attorney, once that President left office, might want to pursue it.

According to recent reporting in the *New York Times*, former President Trump explicitly told his chief of staff, John Kelly, that they "ought to investigate and get the IRS on former civil servants

that Mr. Trump considered his political enemies,” explicit testimony from his own chief of staff. But, again, absolute silence on the other side of the aisle, including from the Ways and Means Committee, which purports to be so concerned about any hint of interference by any political entity or individual over the pristine work of the Department of Justice and the IRS. An agency, I might add, another piece of irony of this hearing, that has been disparaged as the hobnob boot on the neck of the American taxpayer for so long by the Majority and denied resources by the Majority. As we speak, they cut \$24 billion in the debt ceiling compromise agreement out of the \$80 billion we provided to, in fact, give you more resources to do your job. I yield back.

Chairman COMER. The gentleman yields back, and we are going to have two more questions. And at the request of the witnesses, at every 90-minute mark, we are going to take a 10-minute bathroom recess. So, we will recognize the next two questioners and then go to that recess.

Right now, the Chair recognizes Representative Turner from Ohio for 5 minutes.

Mr. TURNER. Gentlemen, thank you for being here. I appreciate your courage, and I appreciate your dedication to the truth and your sense of obligation.

Surprisingly, my questions are actually going to be about your testimony and the subject matter as to why we are here. We are going to have a little shift to actually talk about what you are here for. I am going to cite specific spots of your transcript testimony for each of you, but I do not think you will have to read along. I am going to do it for the purposes of the record. If I ask a question after having cited one and you want to refer to it and take a pause, please let me know, but I think pretty much we will be able to follow along.

Mr. Ziegler, you had stated on page 17 of your transcript that you started this investigation in November 2018 after reviewing bank reports related to another case that you were working on, on a social media company. Those bank reports identified Hunter Biden as paying prostitutes related to a potential prostitution ring. Also included in those bank reports was evidence that Hunter Biden was living lavishly through his corporate bank account. Mr. Ziegler, when you make the statement, did you actually review these bank statements? This is not knowledge, in other words, that you got from someone else, that someone is relating to you, what they said. You have actually looked at these documents.

Mr. ZIEGLER. That is correct. I actually looked at them.

Mr. TURNER. Mr. Shapley, you testified on page 57 concerning the 2014 tax report that what Hunter Biden did is that he told Burisma to send that income to Rosemont Seneca Bohai, and that when the money came back to him, he booked it as a loan. You then go on to testify that it should have been taxable as soon as it became income from Burisma to Hunter, and whatever he did with it after that was really just a scheme to evade taxes for that year. You add that Rosemont Seneca Bohai did not book this as a loan itself so Biden is treating it differently than they did. Did you look actually at those records? Is this actually your viewing of them to create the testimony?

Mr. SHAPLEY. Yes, I looked at the evidence. Special Agent Ziegler will be the expert that saw every single piece, but, yes, I saw that evidence.

Mr. TURNER. So, Mr. Ziegler, you also looked at these bank records, with respect to the 2014 tax payment from Burisma?

Mr. ZIEGLER. Yes.

Mr. TURNER. Mr. Shapley, you went on to say “this is like textbook I learned at basic training nominee stuff, and in all of these defenses, it was a loan. You got to have a promissory note, you have got to have defined interest, and you have got to have repayments and none of them were included.” So, Hunter Biden claimed this is a loan, but the company he got it from does not claim it as a loan. There is no promissory note, there is no interest, there are no repayments. Is that correct?

Mr. SHAPLEY. That is correct.

Mr. ZIEGLER. And they actually booked it—Rosemont Seneca Bohai booked it as a deduction.

Mr. TURNER. As a deduction, meaning it would have been a payment to him, and so it would have been deductible to them.

Mr. ZIEGLER. Correct.

Mr. TURNER. Income to him, then payable with tax. Excellent, but it was not just the bank documents that you looked at. You also had the opportunity to look at a memo from Eric Schwerin, and Eric Schwerin was actually Hunter Biden’s accountant. And, Mr. Shapley, on your testimony, page 57, you included Exhibit 4, a memo from Hunter’s accountant saying, you are going to owe tax on this \$400,000. So, you have got the accountant even agreeing with your position that this is income and that there should have been income tax paid on it.

Mr. SHAPLEY. Correction to that is that I did not provide this document. This was provided by the Committee.

Mr. TURNER. OK. Excellent. Well, we have it then in the public record of his accountant agreeing. So, both of you, I think, indicate that the taxable amount of the \$400,000, would have been about \$125,000 that Hunter Biden would have had to pay on the \$400,000 of income. Is that correct, Mr. Shapley?

Mr. SHAPLEY. That is correct.

Mr. TURNER. Mr. Ziegler?

Mr. ZIEGLER. Yes, that is correct.

Mr. TURNER. And you have had no evidence in all the records that you have looked at that those taxes were ever paid?

Mr. SHAPLEY. No, they were not.

Mr. ZIEGLER. Yes, no, they were not paid by Hunter Biden.

Mr. TURNER. And since the statute of limitations was allowed to run, Mr. Shapley, you go on to state that in order for him to pay this, he would have to pay it voluntarily, that the government does not have a way to compel him to pay it because they have allowed the statute of limitations. It is not just he got out of criminal, he got out of having to pay the tax, right?

Mr. SHAPLEY. That is correct. The civil and criminal statute of limitations have expired for that tax year.

Mr. TURNER. So, he has in his pocket \$125,000 of money that should have gone to the Federal Government as taxes. In the state of Ohio, you have got an average family earning about \$62,000 a

household. That is, like, two full households of tax income that he got to keep in his pocket. The thing I wonder is, is that he could pay that today, right? Voluntarily.

Mr. ZIEGLER. Yes.

Mr. SHAPLEY. If he chose to voluntarily, yes, he could.

Mr. TURNER. And perhaps, Mr. President, who is supposed to be in charge of taxes coming to our Nation, and who so frequently tells us that the American people are not paying enough taxes, might want to wander down the hall at the White House and turn to his son and say, Hunter Biden, why don't you pay your taxes for 2014, because I have got two men who just testified there is \$125,000 owed and he ought to cut the check. Thank you, Mr. Chairman.

Chairman COMER. The gentleman yields back. The Chair now recognizes Ms. Norton from Washington, DC.

Ms. NORTON. Thank you, Mr. Chairman. Mr. Shapley and Mr. Ziegler, thank you for being here today.

We are obviously going to talk a lot in this hearing about the investigation into Hunter Biden's taxes, so I think it is important that we set the scene and make it clear what type of investigation we are talking about. Mr. Ziegler, what year did you open the Hunter Biden investigation?

Mr. ZIEGLER. That was 2018. November 2018.

Ms. NORTON. 2018. Thank you. The Department of Justice announced a plea agreement with Hunter Biden last month, so I estimate that you spent 4 or 5 years on this investigation, Mr. Ziegler?

Mr. ZIEGLER. That would be correct.

Ms. NORTON. Mr. Ziegler, in your testimony before the Ways and Means Committee, you said that when your time working on the investigation ended, it was both "99.9 percent done", and that you had "worked to complete 95 percent of the investigation." Given this testimony, is it fair to say, Mr. Ziegler, that in the years that you spent on the investigation, you saw it nearly to completion?

Mr. ZIEGLER. So that reference was to the tax case. So, the tax investigation, as far as all the work that we had done regarding that, 99 percent of that had been done to that date.

Ms. NORTON. Exactly. Mr. Shapley, on page 12 of the transcript from your interview with the Ways and Means Committee, you describe the IRS team that worked on this investigation as consisting of, and here I am quoting, "12 elite agents who were selected based on their experience and performance in the area of complex, high-dollar international tax investigations." Mr. Shapley, how serious are the investigations undertaken by these elite agents?

Mr. SHAPLEY. I am not sure I understand how to answer your question. How serious?

Ms. NORTON. Yes. Do they have to be very serious to be undertaken by such elite agents?

Mr. ZIEGLER. Well, I think I can answer this. So, we have got to treat each taxpayer the same. That is the most important part. We are kind of the agents with the international tax group that come in there and that we have the expertise to work these complex financial investigations. So, whether they are more serious, we have to treat each person, each taxpayer the same, and that is what I try to do in my job.

Ms. NORTON. Yes. I was referring to these particularly complex, high-dollar tax concerns. I understand you have to give equal treatment. Mr. Ziegler, you called Hunter Biden investigations a “complex criminal tax investigation,” and I understand that it was an interagency effort involving the IRS, the FBI, the U.S. Attorney’s Office in Delaware, and DOJ’s Tax Division in D.C. Mr. Ziegler, is it fair to say that this sort of interagency team is only assembled for serious and complex investigations?

Mr. ZIEGLER. So, I can only speak to what happened in this particular investigation. The reason why other agencies might join an investigation, that just depends on the crimes we are investigating. Us at the IRS, we are the only agency in the Federal Government that is allowed to investigate tax crimes, so that is why if you have a tax crime case, you have to have the IRS on that case.

Ms. NORTON. Yes, and you had lots of other agencies as well. Look, it sounds like Hunter Biden’s taxes were subject to a great deal of scrutiny and rigorous review by a large team of expert investigators who had experience working complex cases. This investigation occurred over several years, spanned multiple agencies and divisions, and had an expert team. The time, personnel, and other sources devoted to this investigation make it abundantly clear that this investigation was taken seriously by both the IRS and DOJ. While our witnesses here today may disagree with the U.S. Attorney’s decisions, it is undeniable that Hunter Biden was subject to a thorough and rigorous investigation. I thank you, and I yield to the Ranking Member.

Chairman COMER. The gentlelady yields back, and as we promised the witnesses, we are going to take a 10-minute recess at which point we will reconvene in approximately 10 minutes. The House is now in recess.

[Recess.]

Chairman COMER. The Committee will reconvene and is now back in order.

The Chair recognizes Mr. Palmer from Alabama for 5 minutes.

Mr. PALMER. I thank the Chairman. I want to welcome the whistleblowers and thank you for your courage, but more than that, for your fidelity to your duty to faithfully enforce the laws of the United States.

Mr. Shapley, the statute of limitations has run out on a number of possible felony charges for tax years 2014 and 2015. Is that correct?

Mr. SHAPLEY. That is correct.

Mr. PALMER. And there were huge tax liabilities for those tax years, correct?

Mr. SHAPLEY. There were tax liabilities, yes.

Mr. PALMER. But you did not have access to all of the evidence related to those sources of income, did you?

Mr. SHAPLEY. Based on the limitations placed on us by Delaware U.S. Attorney’s Office, that is very likely.

Mr. PALMER. OK. Well, the Oversight Committee recently reviewed a non-classified document from the FBI called an FD-1023 Form, which is a form used by the FBI to memorialize information relayed to it by confidential human sources. A FD-1023 form was created in June 2020. This is not a tip sheet. It is not a hotline.

It is not a suggestion box. It is a legitimate source used by the FBI, and it was used here. Mr. Shapley, did you ever review the June 2020 FD-1023 Form with the information about Hunter Biden and President Biden?

Mr. SHAPLEY. No, I did not.

Mr. PALMER. I reviewed the form, and there are startling allegations in it. What would you have done if presented with this piece of evidence regarding this potential stream of income? Would that have constituted an additional area of investigation?

Mr. SHAPLEY. Since I have never seen the document, I only know what has been reported.

Mr. PALMER. Right.

Mr. SHAPLEY. So, I can say that there were investigative steps that involved President Biden that were not allowed to be taken, and that information like this would have been really helpful to have from investigators when we received any pushback. When we were asked to take names, document requests, or search warrants, it would have been nice to have information that helped prove why those names needed to be in those requests.

Mr. PALMER. Well, I think it is material to your investigation because it was after all other information led you, you know, related to Hunter Biden's lifestyle that led you to launch the investigation to begin with. Was there other evidence in this investigation that you were denied access to?

Mr. SHAPLEY. Yes, there was.

Mr. PALMER. Do you want to elaborate on that?

Mr. SHAPLEY. So, one piece was the Hunter Biden laptop. There is a memorandum that I documented contemporaneously in my House Ways and Means Committee testimony that states what Assistant United States Attorney Lesley Wolf told us on that day. I think it was September 3 of 2020, and that is they had information from the laptop that they were not providing to the investigators.

Mr. ZIEGLER. Yes. Can I add something on that?

Mr. PALMER. Yes, sir. Mr. Ziegler?

Mr. ZIEGLER. So, when it came to questions, as a part of the investigation, we interviewed a lot of people, and as a part of that investigation, you want to feel free to ask questions. It should be an open environment. I realize that there are some attorney-client privileged information involved in this, but there was an environment when we were interviewing witnesses where you were afraid to ask questions, questions that could lead to the Presidential campaign, and this is after the campaign is over. So, questions like that was restricted, so things like that we were limited to talking about.

Mr. PALMER. Well, it appears to me that you learned about the FD-1023 Form through public domain sources, and I can only imagine how you felt about having been denied another piece of relevant information. And I think it is important that the Committee understand that you guys who were trying to do due diligence, who were trying to faithfully execute the laws of the United States, were denied evidence relevant to your investigation. I think the 1023 Form is a very important piece, Mr. Chairman.

I want to ask Mr. Ziegler, at one point you wanted move the investigation to the District of Columbia. Is that correct?

Mr. ZIEGLER. From the very onset of the investigation, yes.

Mr. PALMER. Why did you want to move it to D.C.?

Mr. ZIEGLER. There are two different scenarios where D.C. is involved. So, when we first initiated the investigation and then when we referred prosecution. So which time period? So, as far as venue for the tax case, we saw that when we did our analysis that venue was either in California or D.C. Well, I guess at the time, in the beginning, it was D.C. That was where we wanted to start our investigation was in D.C.

Mr. PALMER. But you were told that Attorney Weiss could bring charges anywhere. Was that your understanding?

Mr. ZIEGLER. OK. So, fast forward to March 2022, I had a phone call with the prosecutors assigned to the case. They said that our prosecution report went to low-level people at the D.C. U.S. Attorney's Office. Those low level people reviewed it, said, hey, we are going to assist you with this. Here is what we are going to do to help you finish the case here in D.C. A few days later, I get another phone call and it is from the same assigned attorney, and they tell me that now that the U.S. Attorney has reviewed it, that not only is it a no, but it is a, no, you should not work this investigation in the District of Columbia.

Mr. PALMER. Well, Mr. Chairman, it appears to me that Mr. Ziegler was misled and that his instincts were right that it should have been moved to the District of Columbia. And again, I want to thank you for your courage and your fidelity to the law. I yield back.

Chairman COMER. The gentleman yields back. The Chair recognizes Mr. Khanna from California for 5 minutes.

Mr. KHANNA. Thank you, Mr. Chairman. Thank you, Mr. Shapley, for being here. I understand you see it as your duty to have the strict enforcement of tax laws. Is it true that you have often disagreed with charging decisions before?

Mr. SHAPLEY. I have agreed with charging decisions before—

Mr. KHANNA. I am saying is it true that you have often disagreed? Your recommendations have often been disregarded before when it comes to charging decisions? Is that true?

Mr. SHAPLEY. I do not think disregard is an accurate representation.

Mr. KHANNA. People in your own IRS have disagreed with your decisions often before. Is that accurate?

Mr. SHAPLEY. That is not accurate.

Mr. KHANNA. Is it not true that the tax counsel in the Criminal Department has disagreed often with your decisions in the past?

Mr. SHAPLEY. Oh, criminal tax attorneys?

Mr. KHANNA. Yes.

Mr. SHAPLEY. Yes, and, you know, as I stated in my—

Mr. KHANNA. And how often have they disagreed in your opinion with your recommendation decisions?

Mr. SHAPLEY. Very often, criminal tax attorneys, yes.

Mr. KHANNA. Can you give us a percentage of how often you have said we ought to charge someone, and they said, no, that may not be a good idea?

Mr. SHAPLEY. Yes. I mean, just ballparking, a vast majority of what we do, and that is why they are advisory and—

Mr. KHANNA. And do you have respect for them?

Mr. SHAPLEY. And they are advisory—

Mr. KHANNA. Do you have respect for them?

Mr. SHAPLEY. Most prosecutors that I work with—

Mr. KHANNA. It is a simple question, sir. Do you respect those colleagues or not?

Mr. SHAPLEY. Often their opinion is not respected by me—

Mr. KHANNA. Do you respect them?

Mr. SHAPLEY [continuing]. And the prosecutors.

Mr. KHANNA. So, do you have more respect for them or Mr. Weiss?

Mr. SHAPLEY. I do not—

Mr. KHANNA. I just think because you have a history of wanting to charge people, and by your own testimony under oath, you said about 90 percent of the time people are pushing back on what you want to do. I mean, you are a stickler for the law. You know, it reminds me of *Les Miserables*, you know, the famous person who wanted to get the person who had a sandwich, I mean, and then all these times, you have got people pushing back on you and you say, well, they are not very well respected. Do you respect Mr. Weiss?

Mr. SHAPLEY. So, the criminal tax attorneys, you know, I have never had a case that they declined, that they did not concur with, that we did not ignore their requests and move forward with—

Mr. KHANNA. But 90 percent they have disagreed with you, correct, by your own testimony?

Mr. SHAPLEY. Yes, I established that, but they are advisory—

Mr. KHANNA. And let me just ask you on the media. You have given testimony under oath that you have never spoken to the *Washington Post*, any reporter on this matter, correct?

Mr. SHAPLEY. That is correct.

Mr. KHANNA. Have you spoken to any media outlet on this matter?

Mr. SHAPLEY. I have spoken after the House Ways and Means Committee—

Mr. KHANNA. Before that, have you spoken to any media journalist on this matter?

Mr. SHAPLEY. Absolutely not.

Mr. KHANNA. Do you know if any colleague of yours at the IRS who has spoken to any journalist on this matter?

Mr. SHAPLEY. Absolutely not.

Mr. KHANNA. Do you know of any investigation into the leaks on this matter?

Mr. SHAPLEY. So, the October 6 leak, I was the person who referred it to our inspector general. There was also a leak on December—

Mr. KHANNA. Do you know any of your colleagues who are under—

Mr. SHAPLEY [continuing]. Ninth of 2020 around the day of action—

Mr. KHANNA. Do you know if any of your colleagues are under investigation—

Mr. SHAPLEY [continuing]. That I know that the IRS inspector general and the DOJ OIG was looking into.

Mr. KHANNA. Sorry, if I could finish. Do you know of any of your colleagues who are under investigation for that leak?

Mr. SHAPLEY. No, I know of no colleague under investigation for that leak.

Mr. KHANNA. And just for the record, then it is your testimony under oath that you have never spoken to any media person before the House testimony about this matter?

Mr. SHAPLEY. It is not only my testimony under oath today. I provided an affidavit to the House Ways and Means Committee stating the same. I have said it to our inspector general's office as well.

Mr. KHANNA. And I appreciate it.

Mr. SHAPLEY. And I also said to the House Ways——

Mr. KHANNA. I just want to make a final point on this. I mean, one I think would——

Mr. SHAPLEY. Mr. Chairman, do you mind if I respond——

Chairman COMER. Yes. Can the gentleman answer the question you asked, Mr. Khanna?

Mr. KHANNA. I just do not want my time to be affected.

Mr. RASKIN. If you are granting him the time, Mr. Chairman, but that is unusual. I have never——

Mr. KHANNA. I want a minute to wrap up. If you want to give him——

Chairman COMER. OK. OK. You have a minute.

Mr. KHANNA. OK. Here is the point. Ranking Member Raskin summarized this. I do not disrespect you, sir. I think you have a tough view on what you think the law should be, and this is why we have a prosecutorial system, where you do not get to decide. I do not get to decide. We have a whole system, and it turns out that often your recommendations on who should be charged differ from some of the other folks, and that is what has happened in this case.

As your testimony here, you yourself said you think Mr. Weiss should come and explain his decision. You do not question him. And I think on the optics issue that some of my colleagues have brought up, I mean, obviously, Attorney General Barr is going to be concerned with the optics. When you have a Donald Trump-appointed U.S. Attorney potentially bringing charges against his rival's son that is a real legitimate thing to do. So, I guess my view here is, we are spending hours on a disagreement about whether to charge someone. We have a whole democratic process that does that.

My final question, Mr. Shapley. Do you think you should decide who gets charged, or do you think that should be the charging officer?

Mr. SHAPLEY. So, each time you say this is a disagreement, you can say it multiple times, it does not make it true. We have testified under oath here about the prosecutors agreeing with charging felony charges on multiple occasions. And, you know, just to say this is a disagreement would be a misrepresentation of——

Mr. KHANNA. My last question, though. Do you think you should have that final decision, or a prosecutor should have the final decision?

Mr. SHAPLEY. No, I am a special agent for IRS Criminal Investigation. I do not make the final decision on whether to charge or not.

Mr. KHANNA. I appreciate that.

Mr. SHAPLEY. Mr. Chairman, may I have a second?

Chairman COMER. Yes.

Mr. SHAPLEY. So, in terms of our criminal tax—

Mr. RASKIN. A point of order, Mr. Chairman. Are we instituting a new rule in the Committee because I have seen this happen before.

Chairman COMER. OK. I did not know if it was to answer Mr. Khanna. Are you finished, Mr. Khanna?

Mr. RASKIN. Someone else can follow up. I think someone could give them that question.

Chairman COMER. All right. OK. You are correct. Rules—

Mr. RASKIN. Yes.

Chairman COMER. The gentleman's time has expired. The Chair now recognizes Ms. Greene for 5 minutes.

Ms. GREENE. Thank you, Mr. Chairman. Before we begin, I would like to let the Committee and everyone watching at home that parental discretion is advised.

Ms. GREENE. I would also like to remind everyone that on our Oversight Committee we provide oversight to all parts of the Federal Government, including their Department of Justice and their willingness to prosecute and their unwillingness to prosecute, and whether it is politically motivated. I would also like to say that when evidence and proof of a crime is presented, no prosecution should be denied no matter who the person is.

To the whistleblowers today, I thank both of you for your courage to come to the Committee today and your commitment to truth. I have great respect for it. So, thank you.

I would like to talk with you both about Hunter Biden and his tax write-offs with his law firm Owasco. I would like to ask, Mr. Ziegler, when did you start your investigation? In your testimony, it was November 2018. Is that correct? Yes or no.

Mr. ZIEGLER. Yes, that is correct.

Ms. GREENE. Thank you. During your testimony with the House Ways and Means Committee, you stated that through bank records you identified Hunter Biden was paying prostitutes related to a potential prostitution ring. Is that correct, yes or no?

Mr. ZIEGLER. Yes, that is correct.

Ms. GREENE. I have also reviewed those same bank reports, commonly referred to as SARs, suspicious activity reports, and I am very troubled by them. We read thousands of them in the Treasury. This particular excerpt from a SARs report talks about human trafficking in regards to Hunter Biden and Owasco and payments he was making. What is even more troubling to me is that the Department of Justice has brought no charges against Hunter Biden that will vindicate the rights of these women who are clearly victims under the law.

I would like to talk about in your prior testimony, you stated that the prosecutorial team was investigating violations of the Mann Act. Is that correct, Mr. Ziegler?

Mr. ZIEGLER. That is correct.

Ms. GREENE. Regarding the Mann Act, if a person is transported across state lines for sexual activity such as prostitution, that could be a violation of a Federal law. Is that correct?

Mr. ZIEGLER. I actually recently looked at the Federal law regarding Mann Act, and I believe that that is correct, but I would refer you to the DOJ manual.

Ms. GREENE. Thank you. I would like to present this to the Committee. This is showing Hunter Biden paying for a victim's United flight from L.A. to Dallas. I believe this is a violation of the Mann Act. This is his proof that he bought the ticket. He bought it for this woman right here. He flew her from Los Angeles to Washington on June 14, flew her back to Los Angeles, California on June 15 of 2018.

And I would like to point out that if he was purchasing her a plane ticket for sex and traveling across state lines, do you believe that to be a violation of the Mann Act, Mr. Ziegler?

Mr. ZIEGLER. So, I can talk to specifically what is in my transcript regarding the Mann Act. So, I know we were compiling the information together. We—

Ms. GREENE. Yes. But, Mr. Ziegler, by the code of the law, it states paying someone to go across state lines is prostitution. It is a violation of the Mann Act. Let me just move on. Just one more second here. So, when Hunter Biden paid for this woman to do this with him, to travel across state lines from California to Washington, DC. on June 15, this is a violation of the Mann Act. This was prostitution. Let me continue. Did Hunter Biden also use his company, Owasco P.C., to pay prostitutes?

Mr. ZIEGLER. Can you hold on 1 second?

Ms. GREENE. Chairman?

Chairman COMER. Yes, we will give you the additional time back that was—

Ms. GREENE. Thank you.

Mr. ZIEGLER. So, regarding Mann Act violations, what we can do is, given by the statute, we can turn those over the House Ways and Means Committee, and then they can decide to vote to turn them over to you regarding Mann Act.

Ms. GREENE. Thank you, Mr. Ziegler. So, talking about Hunter Biden using his company, Owasco P.C., to pay prostitutes, this is also a suspicious activity report showing that Victim 1, the woman that was paid for prostitution that traveled from California to Washington, DC. paid for by Hunter Biden, this is an excerpt from a SARs report that we have read in the Treasury—and I think you all have looked at these, too—showing that Victim 1 was supposedly an employee of Owasco.

But I would like to point out this is not really what most paralegals do for law firms. And it is very serious that Hunter Biden was paying this woman through his law firm and then writing it off as business tax exemptions. Most people write off things for their taxes through their businesses, like a meal or, say, office supplies, but can you confirm for me that Hunter Biden had written off payments to prostitutes through his law firm Owasco?

Mr. ZIEGLER. I appreciate the question. Given by the statute, I am limited in my testimony today, and I, respectfully, would need

to turn those records over to the House Ways and Means Committee.

Ms. GREENE. OK. Thank you, Mr. Ziegler. One last question. You referred to one of the assistants as “West Coast assistant.” I believe this is the West Coast assistant. Could you agree with that?

Mr. ZIEGLER. So, I can tell you that there were deductions for what we believe to be escorts, and then that \$10,000 golf club membership, yes, that was not a golf club membership. That was for a sex club payment.

Ms. GREENE. That was for a sex club payment, payments such as this from Hunter Biden to prostitutes. Also Mr. Shapley—

Mr. RASKIN. Mr. Chairman, we are 1 minute and 53 seconds over. As long as Ms. Ocasio-Cortez can get equal time—

Chairman COMER. I will let Ms. Greene wrap up in 5 seconds, and then I will give Mr. Mfume additional time.

[Chart]

Ms. GREENE. Thank you, Mr. Chairman. Mr. Shapley, you started an investigation into Hunter Biden, code named Sportsman, which opened in November 2018. It was an offshoot of an investigation the IRS was conducting into a foreign-based amateur online pornography platform. This is evidence of Hunter Biden making—

Mr. GOLDMAN. Mr. Chairman, it is over time and—

Ms. GREENE. Excuse me. This is my time.

Mr. GOLDMAN [continuing]. It is unbecoming of Ms. Greene.

Ms. GREENE. Making pornography—

Mr. RASKIN. Should we be displaying this, Mr. Chairman, in the Committee?

Chairman COMER. The gentlelady’s time has expired and it went two-and-half minutes over. If Mr. Mfume wants the two-and-half minutes, he can have it. If he wants to yield some to Ms. Ocasio-Cortez when she goes, she can have it. We will make it right. You all have an extra two-and-half minutes. The Chair recognizes Mr. Mfume for 5 minutes.

Mr. GOLDMAN. Mr. Chairman, a point of order. A point of order, Mr. Chairman.

Chairman COMER. State your point.

Mr. GOLDMAN. My understanding is that this Committee was provided the suspicious activity reports on the condition that it not publicize them for the reason that they are not actually even allegations, much less evidence of anything, and my colleague from Georgia has now just revealed it publicly.

Chairman COMER. That is a good point. However, that suspicious activity report has been public for years. That suspicious activity report was on the internet long before I became Chairman of this Committee. So that particular suspicious activity report has already been publicized.

Mr. GOLDMAN. Thank you for that clarification. She had said it was part of the thousands she reviewed, but I appreciate the clarification.

Ms. GREENE. Public, and that we all reviewed in the Treasury.

Chairman COMER. All right. Got it. The Chair has reclaimed the time.

The Chair recognizes Mr. Mfume for 5 minutes, and if you want more time, we will work with you.

Mr. MFUME. Well, thank you very much, Mr. Chair. I am going to claim my 5 minutes and yield the two-and-half additional minutes that you have given me to my colleague from New York, Ms. Ocasio-Cortez.

I am glad somebody brought up the words “suspicious activity” because that is just what is taking place in this room, make no mistake about it. And I want to congratulate my colleagues from across the aisle for gathering us here today, almost distracting us from the biggest investigation that is going on right now in our country and in our Nation’s history, involving the former President and the front runner for the Republican nomination, who is currently facing a 37 count indictment this week, and maybe 2 weeks from now, more, and maybe 2 weeks from then, more. But we are spending our time talking about Hunter Biden, someone who has already pleaded guilty to not filing his taxes, having a gun charge, and now I hear also paying for prostitution. But let us just remember that there was a case in New York not too long ago where our former President also got into trouble regarding payments and regarding a stripper and was found guilty of a violation in civil court.

Now, there seems to be a lot of hemming and hawing about special treatments, special treatments. When the President just a couple of days ago tried to delay his Federal documents trial and requested the U.S. District Judge, Aileen Cannon, whom he appointed, to somehow or another consider the fact that he was a candidate, and, therefore, maybe, maybe, maybe his trial should be put off until after the election, that seems to me like special treatment, if I have ever heard of it before. But I am grateful that my colleagues on the other side of the aisle are taking at least tax evasion very seriously. And I would welcome also a hearing on the former President’s history of tax evasion and how long it took to see his tax returns covering 10 years and what was the outcome of that decision. You know, the Trump organization was hit with \$1.6 million in Manhattan State Court being convicted of a tax scheme.

So, let us be real when we talk about this. It is not just Hunter Biden, but as long as we are saying Hunter Biden, we forget everything else. And again, Hunter Biden did step forward and said I did not file taxes in 2 years, and, yes, this gun charge, I will take responsibility for.

Now, I love the fact that we are so much in love with the IRS. In fact, Speaker McCarthy said when he was elected on the 15th vote that the first bill that he would repeal funding for was the bill that would provide for 87,000 additional IRS employees. My, don’t we love the IRS. We are just going to cut their budget. In fact, there is a Member of this Committee who on their own website said that they are proud to have voted to strip away the plan to empower the IRS with additional funding.

So, I am going to get back to those two words again about keeping it real, and I think we really have to do that. Mr. Shapley, two quick things. Did Hunter Biden in any way in your knowledge, not Hunter, but did any of his children receive money? Yes or no.

Mr. SHAPLEY. I think Special Agent Ziegler would be better to—

Mr. MFUME. Yes or no.

Mr. SHAPLEY. Special Agent Ziegler will be—

Mr. MFUME. Either one, yes or no.

Mr. ZIEGLER. Congressman, thank you for your question. Given by the statute, I am limited in my testimony—

Mr. MFUME. OK.

Mr. ZIEGLER [continuing]. That I can give here today, but we can turn over any of the records that relate to the adult children—

Mr. MFUME. Yes, we would like to see those.

Mr. ZIEGLER [continuing]. To the House Ways and Means Committee—

Mr. MFUME. Right. We would like to see those, really, I would since we are so concerned about tax evasion, and we have got people at the highest levels of government doing it and we do not want to talk about that at all.

Now, here is what galls me. I do not like these attacks on the Department of Justice, the FBI, the IRS, as if they are somehow anti-U.S. agencies. Those agencies keep this democracy in check. It keeps it afloat. They provide the checks and they provide the balances. And we could be, quite frankly, using our time to better talk about crime in America that is affecting everybody, attacks on women's health, the economy, budgetary issues, public education, housing, the need for senior citizens to be able to pay for prescription drugs, child poverty, and mental health, to name a few. And yet, we are doing this all over again for the Hunter Biden show, to someone who has pleaded guilty and has taken responsibility for not filing taxes for 2 years. This is ludicrous. Beam me up, Scotty. There is no intelligent life down here. None. I yield.

Chairman COMER. The gentleman's time has expired. The Chair now recognizes Mr. Armstrong from North Dakota.

Mr. ARMSTRONG. Well, if I could plead guilty to 2 years of tax evasion when I was accused of 6, I might consider that to be a pretty good plea deal, and let us talk about what this is and what it is supposed to be.

Mr. Shapley, I think you were going to testify that IRS criminal tax attorneys are advisory only and often DOJ prosecutors disagree with the IRS tax attorneys. Is that probably an accurate statement?

Mr. SHAPLEY. Yes, it is accurate statement.

Mr. ARMSTRONG. And I think this is important because everybody continues to go after you two like you are the only two people who were involved in this. You went to work for the IRS in 2008?

Mr. SHAPLEY. 2009, correct.

Mr. ARMSTRONG. 2009. Mr. Ziegler, 2010?

Mr. ZIEGLER. 2010.

Mr. ARMSTRONG. So, you started under President Obama, continued your career under President Trump, and are continuing your career under President Biden. Is that accurate?

Mr. SHAPLEY. Yes, that is correct.

Mr. ZIEGLER. That is accurate.

Mr. ARMSTRONG. And in your entire career, excluding today, how many times have you talked about who appointed the U.S. Attorney?

Mr. SHAPLEY. I have not.

Mr. ARMSTRONG. In the course of any investigation, have you talked about whether it was a Democratic appointee or a Republican appointee?

Mr. SHAPLEY. I have not, no.

Mr. ARMSTRONG. Mr. Ziegler?

Mr. ZIEGLER. I have not.

Mr. ARMSTRONG. Because it is not supposed to matter, right? And that is why you have line U.S. Attorneys that also go across Administrations and work through Republican Administrations, Democratic Administrations, and that is the part of your investigative team. Now, that investigative team recommended that you charge Hunter Biden for every tax year from 2014 until 2019 and felonies for at least 2014 and 2018. And this included income from Burisma and a scheme to evade taxes through a partnership with a convicted felon. Is that accurate?

Mr. SHAPLEY. Yes, it is accurate.

Mr. ARMSTRONG. And the total amount of taxes not paid over that period, or not paid timely, was over \$1.5 million, and that did not include interest and penalties or other enhancements that are typically involved in this case, correct?

Mr. ZIEGLER. Yes, that is correct.

Mr. ARMSTRONG. Mr. Ziegler, your testimony identifies two separate criminal violations, which is an attempt to avoid taxes and filing false tax returns, and they both carry a 6-year statute of limitations.

Mr. ZIEGLER. That is correct.

Mr. ARMSTRONG. And, Mr. Shapley, you stated that the purposeful exclusion of the 2014 and 2015 tax year sanitized the most substantial criminal conduct and concealed material facts. Can you expound on that a little bit?

Mr. SHAPLEY. So yes. That statement made to the House Ways and Means Committee was in reference to the income from Burisma that was not reported, and, therefore, if it was not reported, it would not be on a statement of facts and it would be completely left off the official record.

Mr. ARMSTRONG. And as far as you are aware, that is not part of any plea deal, correct?

Mr. SHAPLEY. I cannot speak to the plea deal. I do not believe so.

Mr. ARMSTRONG. I want to talk about something that is a little unique to this investigation. I want to take you back to December 7 and 8 of 2020. Your investigative team, right, this is the whole team, East Coast, all across the country, numerous interviews are going to be conducted, and Hunter Biden was going to be the subject of one of those in L.A., correct?

Mr. SHAPLEY. That is correct.

Mr. ARMSTRONG. And this is unique because Joe Biden has won the election. We are walking into this. I mean, if they are Secret Service protectees, I am assuming you have to contact the Secret

Service. You are not walking up with armed FBI agents to a Secret Service protectee.

Mr. SHAPLEY. Yes. We had a plan on how to approach Hunter Biden that day.

Mr. ARMSTRONG. Could you briefly explain that plan?

Mr. SHAPLEY. So, the FBI SSA and I were assigned with interviewing Hunter Biden that day. And the day previous, we went to the L.A. FBI Field Office and the Special Agent In Charge to contact the Secret Service, Special Agent In Charge for the L.A. Field Office at 8 a.m. on the morning of December 8 and tell them that two agents were going to approach Hunter Biden as part of an official investigation, and the night before, all of that changed.

Mr. ARMSTRONG. And all of that changed because FBI headquarters and Secret Service headquarters coordinated, and that information had gotten out to everybody the night before. And we can talk about whether it is a highly political investigation and all of those different things, but there is another group of people that was made aware of that the night before, was not there?

Mr. SHAPLEY. Yes, that is correct.

Mr. ARMSTRONG. And that would be the transition team?

Mr. SHAPLEY. That is correct.

Mr. ARMSTRONG. And the transition team is a political operation set up to help the President-elect vet Cabinet employees, work on inauguration, do all of those things. I mean, is that your understanding?

Mr. SHAPLEY. Generally, yes.

Mr. ARMSTRONG. Do they have any special investigative powers that I do not know about?

Mr. SHAPLEY. Not that I would know of.

Mr. ARMSTRONG. In your entire history and working and history with the IRS, have you ever worked with a transition team of resident to help set up an interview with a subject of a criminal investigation?

Mr. SHAPLEY. I have not.

Mr. ARMSTRONG. Last question. Did you ever get to interview Hunter Biden?

Mr. SHAPLEY. We did not interview him.

Mr. ARMSTRONG. Thank you. I yield back.

Chairman COMER. The gentleman yields back. The Chair now recognizes Ms. Ocasio-Cortez for 5 minutes plus the 2-and-a-half minutes that we went over.

Ms. OCASIO-CORTEZ. Thank you, very much, Mr. Chairman. Good afternoon, Mr. Shapley and Mr. Ziegler, and I want to thank you both for appearing before us today. I understand that this is not easy, and it is very important that both of you are respected during the course of this hearing.

Mr. Ziegler, in your deposition to the Ways and Means Committee, I believe you said that you began this investigation in 2018, correct?

Mr. ZIEGLER. That is correct.

Ms. OCASIO-CORTEZ. And so, some of the events that you discuss in your deposition took place 2, 3, 4 years ago, correct, over the last several years?

Mr. ZIEGLER. Yes, that would be correct.

Ms. OCASIO-CORTEZ. In your deposition in front of the Ways and Means Committee and in your testimony before us today, you have relayed your memory of events that occurred over the course of a nearly 5-year investigation. And, Mr. Ziegler, when you testified before the Ways and Means Committee, you also testified that you were told that it was then Attorney General William Barr who made the decision to merge the D.C. and Delaware Hunter Biden investigations, correct?

Mr. ZIEGLER. I did testify to that, correct.

Ms. OCASIO-CORTEZ. And a few weeks after that testimony, your attorney wrote in a letter to Congress, "Mr. Ziegler is confident he was told by his supervisor that the merging of the cases was at the direction of an official at the Department of Justice. However, on further reflection, Mr. Ziegler cannot definitively state that his then supervisor said that the Department of Justice official directing the merger of the cases was Attorney General Barr", correct?

Mr. ZIEGLER. That is correct, and I can tell you that I actually refreshed my memory from looking at my emails. And there was an email that I found from my supervisor at that time that stated what had happened, and I can turn that over to the House Ways and Means Committee at some point.

Ms. OCASIO-CORTEZ. And in that updated email, does it include Attorney General Barr or not—

Mr. ZIEGLER. So, I cannot speak to the contents of that email, but—

Ms. OCASIO-CORTEZ. No problem. I think in light of the correction, and truly in good faith, these things happen all the time, right? The recollection of these investigations require an extraordinary amount of detail, and the charges of what is being brought forward today are extremely serious, which require a high threshold of evidence, including investigations and depositions. But, you know, I hope you would agree that even the best memory can be fallible at times, and that is the widely understood reality in our justice system.

Mr. SHAPLEY, from your testimony today, I think you would agree that it is important that criminal investigations be conducted fairly and free from political influence. That is why we are here today, correct?

Mr. SHAPLEY. Yes, that is correct.

Ms. OCASIO-CORTEZ. Now, as you stated and as was kind of discussed with Mr. Khanna and with others, there are often disagreements. It seems as though within some of the transcribed interviews that we read, it says, yes, about 90 percent of the time, IRS reviewing attorneys disagree with the charging decisions of the agents in the group, correct?

Mr. SHAPLEY. That was part of the testimony, not all of it.

Ms. OCASIO-CORTEZ. In some of your comments, you have made reference to a special counsel in this situation, but I believe what there might be a reference to here is the question of a special attorney, not a special counsel, correct?

Mr. SHAPLEY. So, if you are speaking about the October 7, 2022 email that I documented contemporaneously on that day, you know, that is why I documented on that day, so that, you know, 9 months later I am not trying to recall a specific word, and so it

says, “special counsel authority.” That is what he said that day. That is what a senior executive IRS corroborated when he responded to my emails.

Ms. OCASIO-CORTEZ. And I do think that that distinction is important because in this letter to Chairman Jordan, the issue at hand seems to be a special attorney, not a special counsel, which are two distinct different legal authorities. And there also may be some confusion, I think, with respect to that as well, which brings me to the point of political influence. Where there actually is a set of breadcrumbs, however, is in a set of tweets and letters sent from former President Trump to several Chairs, to the Chair of the House Judiciary Committee, that we see here.

In fact, according to *New York Times* article, which I would like to present to the record today, President Trump’s attorney wrote to the Judiciary Committee chairman urging him to investigate what he called “a rogue local district attorney.”

Ms. OCASIO-CORTEZ. And after New York DA convened a grand jury that ultimately indicted Donald Trump, Chairman Jordan complied with that letter shortly after President Trump’s attorney sent that letter to the Committee, which is highly unusual, a very highly unusual act.

And, in fact, after that, on March 20, Chairman Jordan, together with the Committee on House Administration Chairman, Bryan Steil, as well as the Chairman of this Committee, wrote to District Attorney Bragg and then demanded a sweeping series of documents, including communications between the DA’s office and the Department of Justice, also highly unusual. In fact, on his Truth Social account later on, Donald Trump claimed that the U.S. Attorney investigating Hunter Biden, a U.S. Attorney, by the way, that Donald Trump appointed “was a coward.” And then in that, he then urged that maybe the presiding judge will have the courage and intellect to break up this “cesspool of crime.”

Curiously, just a few days after this tweet, the Chairman of the Ways and Means Committee, Jason Smith, sent a letter to U.S. Attorney David Weiss and Attorney General Merrick Garland, who are implicated in this hearing, explicitly asking them to place the whistleblower testimony from the Committee’s depositions into the court record which were addressed during the Chairman’s opening statements before Hunter Biden’s plea hearing at the end of the month. And as you can see right here, Chairman Smith explicitly said, “entering this information into the formal record.” Additionally, those two Chairmen waved onto this hearing today. Highly unusual.

Mr. RASKIN. Will the gentlelady yield?

Ms. OCASIO-CORTEZ. One moment. And when we talk about political influence, we are not here today, unfortunately, because the facts have brought us here. We are here today because Donald Trump is exerting an influence campaign in Congress when he is no longer President of the United States.

In addition to that, if we want to talk about charges that have been dismissed and if we do want to follow the evidence, perhaps we should discuss Ivanka Trump’s investigation being charged, who was close to being charged with felony fraud. After Donald Trump’s personal attorney provided political contributions to the

local DA, those charges were dismissed. And ultimately, we saw that DA Vance, President Trump's attorney, provided over \$50,000 in political contributions after the case was dismissed. So, when we talk about political contributions, I would hope, if we are following the evidence, that if this Committee is going to go there, that they will be willing to open investigations into the dismissal of charges against Ivanka Trump. And by the way, if the gentlelady from Georgia wanted to follow evidence, we should also take a look at, hypothetically, a case where sex trafficking charges against a 17-year-old girl potentially—

Chairman COMER. The gentlelady's time has expired.

Ms. OCASIO-CORTEZ. Thank you. I yield back.

Chairman COMER. The Chair now recognizes Mr. Gosar of Arizona for 5 minutes.

Mr. GOSAR. Thank you, Mr. Chairman. Chairman Comer and his team have done an outstanding job of uncovering the millions of dollars sent to Hunter Biden from foreign sources located in places like China, Romania, and the Ukraine. It is pretty obvious that the Hunter Biden's only avenue for making money is the influence over his father. Now, the only thing missing is direct evidence that Joe Biden knew and participated in these bribery schemes. That is where you brave men have come in. Your investigative efforts have the potential to uncover direct evidence in a pay-to-play, and, in some cases, it did. Yet they are very hindered in doing their jobs by the Department of Justice's Deep State. As Mr. Shapley said, put it, "At every stage, decisions were made to benefit the subject of this investigation." That is Hunter Biden and, by extension, Joe Biden. Now these men are not political people. They are hard-working agents. The last thing they want to do is speculate. I am going to stick to confirming the most egregious examples of the DOJ's prosecutorial misconduct, abuse, and favoritism detailed in their testimonies, and leave it up to the American people to draw their own conclusion.

Mr. Shapley, under U.S. tax law, taxes owed are on all income received from legal and legal sources, right?

Mr. SHAPLEY. Yes, yes.

Mr. GOSAR. Hypothetically, if a person is subject to U.S. taxes, receives \$1 million for serving as a director for, let us say, an oil company, they would owe taxes on that \$1 million, perhaps as much as 38 percent, correct?

Mr. SHAPLEY. If they are a U.S. taxpayer, yes.

Mr. GOSAR. Failure to declare the receipt of such income violates the U.S. Tax code, correct?

Mr. SHAPLEY. Yes, it would.

Mr. GOSAR. Failing to timely pay the tax owed is what, in whatever amount, violates the tax code, correct?

Mr. SHAPLEY. Yes, it does.

Mr. GOSAR. And the tax code has criminal and civil penalties for these violations, correct?

Mr. SHAPLEY. That is correct.

Mr. GOSAR. So now, hypothetically, if a person receives \$1 million payment and then conveys 10 percent of that amount to another person, that person making that payment may have to pay a gift tax on that amount, correct?

Mr. SHAPLEY. Yes. If they say it is a gift, yes.

Mr. GOSAR. Yes. Or conversely, the person receiving the money has to pay income tax on the money as well, correct?

Mr. SHAPLEY. On the gift portion or on the income portion?

Mr. GOSAR. Yes. No, on the gift portion.

Mr. SHAPLEY. They would have to report the gift on their tax returns, but I do not believe it would be taxable to them.

Mr. GOSAR. And then the failure to do is subject to criminal or civil penalties, correct?

Mr. SHAPLEY. Filing false tax returns is against the law, yes.

Mr. GOSAR. Yes. Now, there is definite confirmation that all evidence on the Hunter Biden laptop has been reviewed by Federal agents and prosecutors?

Mr. SHAPLEY. The prosecutor stated that evidence was withheld from the investigators. We do not know how much.

Mr. GOSAR. Did DOJ prosecutors allow your team to access the laptop?

Mr. SHAPLEY. I am sorry. Could you repeat the question?

Mr. GOSAR. Yes. Did the DOJ prosecutors allow your team to access the laptop? DOJ prosecutors.

Mr. SHAPLEY. So, when the laptop comes in, there are computer investigative specialists that review the laptop, and, you know, they create reports and pull stuff from—

Mr. GOSAR. And you were prohibited from looking at anything on the laptop, right?

Mr. SHAPLEY. We saw some, but not all.

Mr. GOSAR. OK. Got you. Is it normal for the DOJ to deny this type of access to investigators?

Mr. SHAPLEY. No. That is the first time I have experienced being limited to evidence.

Mr. GOSAR. Did Assistant Attorney Wolf collaborate with the data on the laptop?

Mr. SHAPLEY. Did she—

Mr. GOSAR. Collaborate the data.

VOICE. Corroborate.

Mr. SHAPLEY. Oh, corroborate. I would not know.

Mr. GOSAR. OK. And the reason I went down this rabbit hole is that, is it your conclusion that you were interfered with and that those that interfered with you are as guilty as those creating the problem? Are they accessories to a crime is what I am getting to?

Mr. SHAPLEY. Well, I would agree that there were investigative steps that were definitely obstructed by DOJ that I had never seen in my 14 years and, honestly, just makes no sense that we would not want to collect all of the evidence available. I cannot opine on the second part of your question.

Mr. GOSAR. Got you. Mr. Ziegler, did the DOJ prosecutors deny your request to look into the famous, "I am sitting here with my father," text from Hunter Biden. Did they allow you to obtain the location information to see where the text was sent from?

Mr. ZIEGLER. So, I know it was an issue that came up, whether we can get the location data, and I know that that was a conversation that I would have had with the assigned prosecutors. I recall them saying to me that, how do we know that he is there, how do we know that that is true, the statement that is being made there,

and then I said, well, we would get the location data. So as a part of my normal investigation, that is what I would do.

And what I can tell you is I know I did not do it. I do not know if the FBI ever ended up doing it. It was kind of like a let us wait, or I need to think about it, I guess is the proper response.

Mr. GOSAR. Got you. My time is up. I yield back.

Chairman COMER. The gentlemen's time has expired. The Chair now recognizes Ms. Brown. It looks like she is next. Ms. Brown for 5 minutes.

Ms. BROWN. Thank you, Mr. Chairman. The American people have lost track of your supposed investigation of President Biden, or is it an investigation of his son who does not and has never worked at the White House, or another family member. We cannot even follow which investigation we are discussing today. Is it the FBI, the IRS, XXX, or something new? I know the American people are confused because we are all confused what we are doing here. Nothing this Majority has claimed about the President or his family has merit. No wonder the folks back home are tuning out of this confused mess. My colleagues on the other side of the aisle have shredded all their credibility in this Committee. They simply grasp at straws that do not exist.

In this Congress so far, we have held more hearings on gas stoves than gun violence and culture wars than kitchen table issues. So, let us talk about the real two-tier justice system, the one in which big corporations pollute the air we breathe and that big banks cause meltdowns with their negligence, and not one person is held criminally liable. They are certainly not called by the Majority to sit before this Committee, or, Mr. Chairman, what if we talked about the other unspoken two-tier justice system in this country, the one where people of color are subject to a deliberately harsher system at every turn from policing, to prison, to parole?

In this country, a Black person is 5 times more likely to be stopped without due cause than a White person, and Black defendants are 25 percent more likely to be held pretrial. Meanwhile, the twice-indicted former President is out campaigning around the country and did not even have to post bail, yet hundreds of thousands of Americans sit behind bars waiting for their day in court.

These are the types of lived experiences we should be addressing in this Oversight Committee. This is the real two-tiered justice system, and it is the justice system Democrats are trying to fix after 4 years of Donald Trump's misuse. Congressional Republicans, however, are working to make these inequalities worse through their efforts to defund the IRS and other Democratic priorities included in the Inflation Reduction Act. So, since my colleagues claim to want stricter IRS enforcement, you would think we would at least agree on giving the IRS its proper funding. So, let me conclude by asking a simple question. Mr. Shapley, yes or no, do you know the rate at which Black taxpayers are audited as compared to taxpayers who are not Black?

Mr. SHAPLEY. No, I do not know.

Ms. BROWN. Well, the answer is Black taxpayers are audited at 2.9 to 4.7 times the rate of non-Black taxpayers. Another question for you, sir. Yes or no, will this hearing help alleviate the racial disparity in the rates of the IRS audits?

Mr. SHAPLEY. That is not the topic.

Ms. BROWN. No. Thank you. And with that, I will yield—

Mr. RASKIN. Will the gentlelady yield?

Ms. BROWN. I will yield the balance of my time to the Ranking Member.

Mr. RASKIN. Thank you kindly and for your excellent questioning and statement there. The Chairman of the Judiciary Committee, when he was here, invited us to believe that the U.S. Attorney for Delaware had changed his tune or changed his story. But when you look at the letters he actually sent, he did not change his tune at all. He said the exact same thing every time and even expanded the answer to be perfectly clear.

In his June 7 letter, he says, “I have been granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges and for making decisions necessary to preserve the integrity of the prosecution consistent with Federal law, the principles of Federal prosecution, and departmental regulations.” In other words, it is up to him. It is up to the U.S. Attorney.

Then on June 30, in the letter to Chairman Jordan, he says, second, “In my June 7 letter, I stated, ‘I have been granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges, *et cetera*.’ I stand by what I wrote and wish to expand on what this means.” And this gets to the heart, I think, of what we are doing here today. “As the U.S. Attorney for the District of Delaware, my charging authority is geographically limited to my home district. If venue for a case lies elsewhere, common departmental practice is to contact the U.S. Attorney’s Office for the district in question to determine whether it wants to partner on the case. If not, I may request special attorney status from the Attorney General pursuant to 28 U.S.C 515. Here I have been assured that, if necessary, I would be granted Section 515 authority in the District of Columbia, the Central District of California, or any other district where charges could be brought in this matter,” OK? And it is the difference, as Ms. Ocasio-Cortez was saying, between special counsel and special attorney, which might explain the confusion or the disagreement here.

In any event, the U.S. Attorney for Delaware had all of the authority he needed to bring whatever charges he wanted, wherever he wanted, and he is the witness for that. Thank you, Mr. Chairman, and I will yield back to the gentleman.

Mr. ZIEGLER. I would like to be clear that he was assured that authority. He was assured that—

Mr. RASKIN. Yes, he was, and he said he was assured the authority.

Mr. ZIEGLER. And he is limited within Delaware. The charges were not in Delaware.

Mr. RASKIN. Well, that is right, but that is just the rules. You are just restating what the rules are. That is what he explained. You are not a lawyer, right? You do not work in the Department of Justice, correct? He is explaining what the rules are—

Chairman COMER. The gentlemen’s time has expired.

Mr. RASKIN. OK.

Chairman COMER. The Chair recognizes Dr. Foxx from North Carolina for 5 minutes.

Ms. FOXX. Thank you, Mr. Chairman, and Mr. Shapley and Mr. Ziegler, thank you for being here today. Blowing the whistle against a man as well connected as Hunter Biden is a truly courageous act, and I hope that all of my colleagues can appreciate that as well.

Mr. Shapley, I would like to start with a simple question. When did you start your career as an investigator with the IRS?

Mr. SHAPLEY. In July 2009.

Ms. FOXX. Thank you. And in what year were you promoted to a supervisory role?

Mr. SHAPLEY. In 2018.

Ms. FOXX. So that is 14 years of service at the IRS, with 5 of those years in a senior leadership position, correct?

Mr. SHAPLEY. That is correct.

Ms. FOXX. Did you ever in your 14 years of experience see an investigation be handled in the same manner as the one we are here to discuss today, the one in Hunter Biden's taxes?

Mr. SHAPLEY. I have not, no.

Ms. FOXX. And when were you made supervisor of the investigation in Mr. Biden's operation sports fund?

Mr. SHAPLEY. In January 2020.

Ms. FOXX. By your estimate, at that time, when did you initially believe that the evidence was sufficient to request physical search warrants in California, Arkansas, New York, and Washington, DC.?

Mr. SHAPLEY. So Special Agent Ziegler drafted an affidavit in April or May, and that was when, for the search warrant.

Ms. FOXX. Of 2020.

Mr. SHAPLEY. Of 2020, yes. I am sorry.

Ms. FOXX. And it was a short time after that you began to suspect that career officials at DOJ were "dragging their feet" regarding the next steps in the investigation, is that correct?

Mr. SHAPLEY. Yes, that is correct.

Ms. FOXX. And 2 months later, in June 2020, you came to the belief, expressing as such in communications with the IRS CL leadership that if normal procedures had been followed, that these search warrants would have already been executed. Is that correct?

Mr. SHAPLEY. That is correct, yes.

Ms. FOXX. Was this within the typical timeframe for the self-imposed investigative pause that DOJ historically tends to implement in cases preceding elections?

Mr. SHAPLEY. It was not. The official Department of Justice Public Integrity stand down came on September 4 of 2020.

Ms. FOXX. After the initial steps were inexplicably denied, prosecutors continued to decline to advance on promising leads. There were, for example, many problematic text messages and emails on the infamous laptop in August 2020. When were you informed by Assistant U.S. Attorney Wolf that the DOJ would not allow physical search warrant on Hunter Biden?

Mr. SHAPLEY. So, I do not recall the exact date. Do you?

Mr. ZIEGLER. And I do not think that that is in the confines of our testimony, but we can provide that information to the House

Ways and Means Committee, a clarification to that, and then that can clarify that issue.

Ms. FOXX. My understanding is that it was October 2020, but we appreciate your clarification of that. Did Assistant U.S. Secretary Wolf's decision not to execute a search warrant on Hunter Biden strike you as atypical, Mr. Shapley?

Mr. SHAPLEY. Generally, any other investigation, if we have probable cause and we believe there is evidence in that location that could help prove our violations, then we would execute that search warrant.

Ms. FOXX. So, it was an unusual action?

Mr. SHAPLEY. Yes. Yes, Congresswoman.

Ms. FOXX. Thank you. Is it fair to conclude that this pattern of odd, atypical, and sometimes bewildering actions taken by DOJ techs and the District Attorney's Office happened over the course of the entire investigation and not just one or two occurrences?

Mr. SHAPLEY. That is correct, and it was the pattern that was one of the things that drove me to come forward, of that deviation from normal investigate processes.

Ms. FOXX. In your opinion, did these odd, atypical, and bewildering actions bolster or harm the investigation?

Mr. SHAPLEY. I believe they hurt the investigation.

Ms. FOXX. To our Chairman, I would say that there is something rotten in the state of Delaware, and that what has happened here with Hunter Biden would not have happened to other Americans. And this is totally unfair, and I think it is very important that we get to the bottom of this investigation and find out who has been obstructing this sense of justice. The American people demand justice, and this Committee demands justice along with the other committees involved, and I thank you for this hearing. I thank our witnesses.

Chairman COMER. The gentlelady's time has expired. The Chair now recognizes Ms. Stansbury from New Mexico for 5.

Ms. STANSBURY. Thank you. I would like to get right into some basic vetting questions as, unfortunately, our colleagues across the aisle failed to do so with some of the previous witnesses that they called. And so, Mr. Ziegler and Mr. Shapley, I am hoping that these are very simple, very straightforward questions, so I would like to ask that you answer them with a "yes" or "no" answer. Mr. Shapley, are you now or have you ever acted as an unregistered foreign agent for the Chinese government or for any other government?

Mr. SHAPLEY. No.

Ms. STANSBURY. And, Mr. Ziegler, are you now or have you ever acted as an unregistered or registered foreign agent?

Mr. ZIEGLER. No.

Ms. STANSBURY. And, Mr. Shapley, have you ever participated in illegal arms trafficking?

Mr. SHAPLEY. No, I have not.

Ms. STANSBURY. And, Mr. Ziegler, how about yourself?

Mr. ZIEGLER. I have not.

Ms. STANSBURY. And, finally, Mr. Shapley, have you ever been indicted of a crime, lied to investigators while under oath, or run from the law?

Mr. SHAPLEY. No, I have not.

Ms. STANSBURY. And Mr. Ziegler, same question to you. Have you ever been indicted, lied to investigators, or run from the law?

Mr. ZIEGLER. I have not.

Ms. STANSBURY. Thank you for answering those questions. Obviously, it would seem strange to have to ask these clarifying questions, but given the Majority's track record in calling witnesses on this matter, not to mention their own Presidential candidate, it seemed necessary to clarify for our American folks who are listening today.

So, let us get into the kinds of crimes that the Majority claims that they are interested in investigating here in the Oversight Committee, namely political influence, abuse of power, and other alleged crimes by a President and their relations. And again, because our time is limited, I would like to ask our witnesses to stick with very simple, straightforward "yes" or "no" answers.

Now, Mr. Ziegler, you are aware that Mr. Jared Kushner received a \$2 billion investment from the Saudi Government after working for his father-in-law at the White House, correct?

Mr. ZIEGLER. Congressman, I thank you for the question. I am here to talk about the Hunter Biden investigation.

Ms. STANSBURY. It is a widely known fact, and I appreciate your response. Mr. Ziegler, you are aware that while serving as a senior advisor to her father, Ivanka Trump had a number of trademarks fast-tracked by the Chinese government, correct?

Mr. ZIEGLER. Again, I have to stick to the confines of my transcript, so.

Ms. STANSBURY. I appreciate that. And finally, I want to remind everyone that the person who appointed U.S. Attorney General David Weiss to handle the matter that we are here to discuss today was Donald Trump. But this would be the same President, Donald Trump, the man twice impeached for abuses of power and, of course, recently indicted for 37 counts of criminal activity. Now, one would think that here in the Oversight Committee we would want to investigate such blatant acts of criminal activity. And I truly could not agree more with our witness, Mr. Shapley, that there should not be a two-tiered system of justice for those who are powerful and those who are wealthy, and those who are not. But that is not actually what this hearing is about here today because it is clear that this is yet another attempt by the Majority to turn this Committee into another in-kind donation to the Trump Campaign.

Now, this follows on an earlier attempt this past month to undermine the FBI with a controversial markup, which, thankfully, did not occur, the very same day that Donald Trump was indicted under those 37 counts. In fact, if you look across the aisle, we have 13 Members who have already endorsed Donald Trump. And now here we are trying to distract the American people once more, even though it was a political appointee appointed by Donald Trump, who was at the helm of this effort when the issues we are discussing today occurred. And yet we are using the Committee's resources to advance this agenda.

But I think it is important that the American people actually understand that the real criminal and the actual threat to our demo-

cratic institutions is Donald Trump: the man found legally liable for sexual abuse, the man who refused to return classified documents to the government, the man who was inciting an insurrection that led to the deaths of five people and threatened the lives of people in this very room, and to threaten the very foundation of our democracy.

So, I find it hard to believe that Members who witnessed the insurrection, who have witnessed these criminal indictments continue to stand here today with Donald Trump and prop him up using Committee resources, and I urge my colleagues to take a hard look in the mirror and to really reflect on what our oath of office means. And with that, I yield back.

Chairman COMER. The gentlelady yields. The Chair now recognizes Mr. Higgins from Louisiana for 5 minutes.

Mr. HIGGINS. Thank you, Mr. Chairman, Mr. Shapley, Mr. Ziegler. We are going to be moving fast here. Let me make a statement.

To begin, let us just clarify for America, Republicans are only interested in Hunter Biden's deceptions regarding his IRS-confirmed receipt of \$17.3 million from shady sources in Ukraine, and Romania, and China while his father was Vice President because Hunter Biden had nothing to sell. He had no product, no service, no skill. All Hunter Biden had to sell was corrupted access to his father, the big guy. And how dare Congressman Higgins call the President of United States, may I say, the inaugurated President of the United States, I would call him a big guy. Let us go.

December 30, 2020, this Investigator Shapley and Investigator Ziegler, IRS criminal investigation team at a 12-hour long meeting with U.S. Attorney's Office in Delaware, the prosecution team Wolf and Weiss are in attendance. Shapley shares an IRS-planned interview—Biden associate, Rob Walker, Wolf objects to this plan to the dismay of those in the room, but she said we do not want to ask about the big guy and stated she did not want to ask about dad. December 8, 2020, Investigator Shapley, Investigator Ziegler, meeting with Special Agent Joe Gordon, received a call from Hunter Biden's attorneys stating that they would accept service for document requests, but decline requests for the interview. The IRS investigators were only able to conduct one meaningful interview, that with Biden associate Rob Walker. That day, investigations revealed to the press, December 9, 2020, Wolf gets involved again to interrupt the investigation. December 14, 2020, it says that U.S. Attorney Wolf tips off Biden counsel about an IRS plan. They had reached the threshold of probable cause to execute a search warrant on a storage unit in Northern Virginia. U.S. Attorney Wolf calls Hunter Biden's attorney and alerts him to the pending search warrant being executed.

You stated, Investigator Shapley, that at every stage during your investigation, decisions were made that benefited the subject of the investigation. Who is the subject of the investigation, good sir?

Mr. SHAPLEY. Hunter Biden.

Mr. HIGGINS. Thank you very much. And I think I clarified for America why we were interested in Hunter Biden because he sold access to his father, the big guy. And you Americans out there may have a compromised President in your White House. You should

certainly be concerned. Mr. Ziegler, how did the IRS investigation regarding Hunter Biden begin? Tell us briefly, sir.

Mr. ZIEGLER. It was a review of bank records regarding another investigation I was working.

Mr. HIGGINS. So, it was ancillary to another criminal investigation. Is that correct, sir?

Mr. ZIEGLER. Correct.

Mr. HIGGINS. And you are a criminal investigator. Is that correct, sir?

Mr. ZIEGLER. That is correct.

Mr. HIGGINS. Not civil?

Mr. ZIEGLER. That is correct.

Mr. HIGGINS. Thank you very much. Investigator Shapley, in a September 3, 2020 meeting with the prosecution team for the Hunter Biden case, Assistant U.S. Attorney Lesley Wolf told your team there was more than enough probable cause for the physical search warrant of the guest house at then former Vice President's Delaware residence where Hunter Biden stayed for a time. Did U.S. Attorney Lesley Wolf confirm your investigative effort that you had sufficient probable cause for search?

Mr. SHAPLEY. Yes, she did.

Mr. HIGGINS. Thank you very much. You have told Congress that Assistant U.S. Attorney Wolf also said that the question was "whether the juice was worth the squeeze", and that "optics were a driving factor in the decision on whether to execute a search warrant." Optics? Have you ever run into that Mr. Shapley?

Mr. SHAPLEY. I have not, no.

Mr. HIGGINS. Have you, Mr. Ziegler?

Mr. ZIEGLER. I have not.

Mr. Higgins. Now, why do you think the Department of Justice might be concerned about optics in a search of the President's son residence during the course of a criminal investigation? Mr. Shapley?

Mr. SHAPLEY. I mean, just the sensitivities involved with that search warrant, and it would be—

Mr. HIGGINS. Pretty clear, isn't it?

Mr. SHAPLEY. Yes.

Mr. HIGGINS. There is another search warrant I am going to touch on in my remaining section. I am going to have my time expired here. Let me just say, gentlemen, you are courageous for coming forward, and let me ask you, did your job begin with an oath?

Mr. SHAPLEY. It did.

Mr. HIGGINS. Have you upheld that oath?

Mr. SHAPLEY. Yes, I have.

Mr. ZIEGLER. Yes, I have.

Mr. HIGGINS. And is it your core principles that have driven you to reveal the corruptions that you have witnessed in your criminal investigations coming before Congress today?

Mr. SHAPLEY. Yes, it was.

Mr. ZIEGLER. Yes, it was.

Mr. HIGGINS. Thank you. Mr. Chairman, I yield.

Chairman COMER. Very good. The Chair now recognizes Mr. Gomez for 5 minutes. Garcia for 5 minutes. Sorry.

Mr. GARCIA. Thank you, Mr. Chairman. So, let us first zero in on the bottom line. What we have is two IRS investigators who clearly worked very hard on the Hunter Biden investigation, and thank you both for being here today. You both gave recommendations to prosecutors based on your work, which you have described today, and then Donald Trump's hand-picked prosecutor then made recommendations to charge Hunter. He acted independently, and he himself has confirmed this. You did your job making recommendations, and then the prosecutor did his job. You do not have to agree with his conclusions, but that is the bottom line of what we have today at this hearing.

But today's hearing is like most of the Majority's investigations and hearings: a lot of allegations, zero proof, no receipts, but apparently some dick picks. Now at a certain point the American people will need some actual evidence, actual evidence, but we have seen absolutely none. So, let us go back and review what has gone over the course of the last 7 months of this smear campaign against this White House.

First, the Committee is clearly obsessed with Hunter Biden, massively obsessed with him. Now, keep in mind there has been no evidence of any wrongdoing or transactions of the person that is actually in government, Joe Biden. A lot about Hunter, not a lot about Joe Biden, and Hunter Biden, I want to remind the Majority, is actually not the President of United States. And I want to point out that no Biden family members hold government positions of any kind.

Now, this is, of course, in stark contrast to the Trump crime family. The Majority conveniently glazes over the Trump's family's foreign dealings. The Trump family, of course, were actually appointed to White House senior jobs, from Ivanka's Chinese trademarks to Jared's Qatari real estate bailout and \$2 billion in Saudi private equity money. So where is that investigation? They were actually in the White House. And I think Chris Christie, one of the Republicans running for President, said it best, of course, and the former Governor—this is his quote, not mine

—“The grift from the family is breathtaking. It is breathtaking. Jared Kushner and Ivanka Kushner walk out of the White House and months later get \$2 billion from the Saudis.” Continue: “You think it is because it is some kind of investigative genius or investing genius, or is it because he was sitting next to the President of the United States for 4 years and doing favors for the Saudis?” Now, these are quotes from a man who has known Trump and the Kushners for years. These people were in the White House every day formerly making policy, unlike Hunter Biden.

[Chart]

Mr. GARCIA. Now, the Biden family attacks, of course, went nowhere. And so, they tried of course to create a new storm, a new conspiracy theory with a so-called FBI Ukraine document, another fake scandal. This new fake scandal had a lot of hype, a lot of scary headlines from our Chairman, from a lot of Members of this Committee, but a lot of us actually read the document. And when you read the document, it was pretty clear this was all hype, just a wild accusation being passed along to the FBI with zero proof. And where did this accusation actually come from? Rudy Giuliani. Just

another Rudy Giuliani tin foil hat conspiracy theory that went nowhere.

Giuliani, by the way, whose law license is being recommended to actually be removed. Now, Rudy Giuliani's longtime associate, Lev Parnas, just said that he is prepared to testify under oath that there is no evidence that the President or his son, Hunter, interfered with Ukrainian politics, and there never has been. The Republican U.S. Attorney Scott Brady, handpicked by Donald Trump, determined to not having sufficient evidence to further investigate Rudy's claims. But Members of this Committee, even today, repeat this narrative over and over again, more accusations, no proof, no receipts.

So, what is next on this witch hunt? This man, Gal Luft. The Republicans were so desperate just last week to find someone who could tell them what they wanted to hear, that he promoted and collaborated with a Chinese spy trying to influence U.S. policy while selling weapons to Iran and Libya. So, why is the so-called whistleblower missing? We do not know. Skipped his bail, being searched upon after being arrested. Now he is so desperate to cling to this narrative for defending this alleged crook.

I want to know, we have questions, was the Chairman, was the Committee staff in contact with Mr. Luft when he was a fugitive? Do we know where he is? What vetting does the Majority do to make sure that there are not targets of foreign influence on this Committee? These are the real questions that we need answered.

Chairman COMER. If you are willing to yield, I will answer that question.

Mr. GARCIA. Sure. I just want my time.

Chairman COMER. I have never met Gal Luft in my life. All I know is he was getting money from the same company that the Bidens were getting money from, CEFC. I yield back.

Mr. GARCIA. Thank you, Mr. Chairman. I am looking forward to also if anyone from the Committee, or any Committee Members, or Committee staff had any contact with who is now obviously a Chinese spy, which you and the Committee have been hyping up for weeks.

Chairman COMER. Well, is the President's son a Chinese spy? The only difference is the President's son took a hell of a lot more money than Gal Luft.

Mr. GOLDMAN. What does taking money from the same company mean?

Mr. GARCIA. Sir, Mr. Chairman, you were the one hyping up a Chinese spy and arms dealer for weeks, so this is just another example.

Mr. GOLDMAN. Who cares if they had money from the same company?

Mr. GARCIA. So, just to finish up my time. Let me just say that it is clear to me that this Majority will stop at nothing to try to impeach President Biden, the Attorney General, Secretary Mayorkas, and the list goes on and on. This is just another witch hunt that the Majority continues to do week after week. The Majority is trying to interfere in ongoing legal proceedings to cause chaos and to try to reelect Donald Trump, who obviously is pulling this extremist agenda. I yield back.

Chairman COMER. The Chair now recognizes Mr. Sessions from Texas for 5 minutes.

Mr. SESSIONS. Mr. Chairman, thank you very much. Gentlemen, welcome, and thank you very much for taking time. We have been sitting here listening and strongly identify that both of you have chosen to do this as strong people who have an ethical and moral idea about your service to this country. We want to thank you.

Today, we have examples of the Department of Justice and the IRS that have not just given special treatment to those who committed tax evasion and financial fraud with the President's family, but I think there is another point that we would want to make today. And that is that I believe that a taxpayer system where the Agency that is tasked with enforcing the laws fairly on regular citizens is also seeking the chance to shield those well connected to the President of United States from consequences of illegal behavior in direct opposition to our Nation's founding principles. We have established that. I think that is pretty clear what you have said today.

But I have a question for both of you because I believe today's hearing goes beyond that, and that is that there are strong whistleblower protections under 5(c) U.S.C Section 2302, the Whistleblower Protection Act, that afford you and any other person who works in this government the protection from retaliation after making a legally protected disclosure. In doing your job, you felt like there was something wrong, you said something about it, and you filed for whistleblower status because you believed that something was being held against you. In fact, both of you had made several legally protected disclosures during this time for the record. Is that correct?

Mr. SHAPLEY. That is correct.

Mr. ZIEGLER. That is correct.

Mr. SESSIONS. So, after making this disclosure to the Committee, did the IRS comply with the statutorily required whistleblower protections? How were you treated in this endeavor?

Mr. SHAPLEY. So, I will start. So, since I made these protected disclosures that are legally protected, the IRS has chosen to retaliate against me in multiple ways. Even now, there is a major case initiative that actually Special Agent Ziegler started as well, that are now being, you know, being put on the back burner and just being slow walked. My immediate supervisor and two levels above them have not spoken to me since June 1, 2023. Even though I am sending them emails and trying to conduct my business on a daily basis, they literally have not spoken to me. You know, there is—

Mr. SESSIONS. Would that be normal?

Mr. SHAPLEY. No, absolutely not. I mean, we are running undercover operations, we are doing interviews across the world, and when senior leadership really cuts off communication like that, you know, increases the chance of, you know, some officer safety type issue when we cannot communicate those types of issues with senior leadership and we have no support from them.

Mr. SESSIONS. And, so, Mr. Ziegler?

Mr. ZIEGLER. To be completely honest with you, this is going to make me a little bit emotional. But—

Mr. SESSIONS. And I am sorry because I know this personally. You spoke about that in your opening statement.

Mr. ZIEGLER. It is essentially like being left out on an island. And I do not know if that is done purposefully, but I essentially made disclosures up to the Commissioner of the IRS. I said, what happened, and the response I got a few days later was I may have broken the law and do not ever do this again, your emails need to go through your leadership. So, to have that come to me was chilling. I cannot even put words to it, but what I can say is there are some people within my Agency, some people in leadership that have been a person that I can go to for support, but the vast majority of it—the impact on the person, it is awful.

Mr. SESSIONS. Well, retaliation is many times seen by people who know it when they see it, and that is why the law exists. And I want both of you to know, as Chairman of Government Operations Subcommittee for this Committee, Government Reform and Oversight—Government Accountability, I will be coming to the IRS and I will be going to other agencies, specifically about their retaliation under the law within their agencies that we should take as a Committee, a whole Committee and a Subcommittee, very seriously because this could be a number of matters that are taking place where people have chilling impact against the laws of the United States of America.

Gentleman, I have been taking notes. I want to thank you for being here today. Mr. Chairman, thank you. I yield back my time.

Chairman COMER. The gentleman yields back. The Chair now recognizes Mr. Frost from Florida.

Mr. FROST. Thank you, Mr. Chairman. First off, thank you two so much for your service working at the IRS. Very important work.

Let us get right into it. Mr. Shapley, you are blowing the whistle today because you feel like the Department of Justice provided preferential treatment to Hunter Biden. Is that correct?

Mr. SHAPLEY. That is correct.

Mr. FROST. Yes or no? That is correct. And you believe that Hunter Biden received that preferential treatment because his father is the Democratic President, Joe Biden. Is that correct?

Mr. SHAPLEY. I cannot conclude why he is receiving the preferential treatment, but that is one conclusion you can come to.

Mr. FROST. Yes. I mean, it is evident in your deposition that you believe that. Mr. Ziegler, did any of your supervisors explicitly tell you, you are not allowed to investigate Hunter Biden because he is the President's son? Yes or no.

Mr. ZIEGLER. I was never told that.

Mr. FROST. You were never told. Thank you. I mean, nowhere in your deposition did you suggest that there is some larger conspiracy at play here, which is what my colleagues on the other side of the aisle would have us believe, that there is a two-tiered justice system that privileges Democrats over Republicans, and that is what my colleagues are doing. They are using you, and using your story, and using your work to make this argument for themselves.

And since January 6, these Republicans and Trump have complained about a two-tiered justice system, co-opting the language of the decades-long Civil Rights Movement for Black lives and Black freedom—a movement that they actually are actively looking to

eliminate. There is a two-tiered justice system, but it is not about Democrats versus Republicans. This language, “two-tiered justice system,” has a real history.

[Chart]

Mr. FROST. It has a real history of Emmett Till; it has a real history with Breonna Taylor; it has a real history with George Floyd; the Central Park Five; Derek Diaz, a young man who was just an unarmed young man who was just killed in Central Florida not about a week ago; and it has a real history with the Groveland Four, four Black boys from Central Florida, who were falsely accused of kidnapping and sexually assaulting a White woman when they pulled over to help her when the car was broken. The fourth boy, who is not pictured here, Ernest Thomas, was not apprehended initially. He was actually shot to death in his sleep. A 100-person mob wanted to get their hands on the remaining three Black boys and could not, and so they took it out on the predominantly Black town, shooting residents, looting, setting fire to their homes. Charles Greenlee was sentenced to prison for life. He was 16 years old.

Now, just a quick trigger warning here for Black death and trauma, but it is an important story to tell when we talk about the two-tiered justice system because on the way back from the courthouse, the sheriff took it upon himself to shoot the two remaining individuals, Walter Ervin and Samuel Shepard. Walter Ervin actually ended up living because when he was shot, he played dead, but the other one was shot and killed, Samuel Shepard. They were both handcuffed, as you can see in the photo, and were shot to death. They all died in either prison or on parole as convicted criminals. And in 2021, 72 years later, a judge exonerated them and the trial was considered a fraud.

In closing, there is a two-tiered justice system. It does exist, but it is not what my Republican colleagues want to say it is, using your story for that. It is not Republican versus Democrat. It is Black, Brown, and poor people versus everyone else. And I will not accept when Republican politicians look to appropriate the language of the movement for Black lives and civil rights to fit a political agenda to defend Donald Trump. This is the two-tiered justice system. This is the two-tiered justice system. And so, we have to continue to fight for a world where this does not happen. This case about Hunter Biden is a case closed.

And, you know, I will close with a question of the Chairman, considering the “falsehoods, abuses, and misrepresentations” of sensitive information that you presented here. When we are done with this made up investigation, are you expecting to be censured by the House? The reason I ask is because it is in line with the logic and actions of the Republican Party here in the 118th Congress. Thank you, and I yield—

Mr. RASKIN. Would the gentleman yield?

Mr. FROST. I yield to the Ranking Member.

Mr. RASKIN. Thank you very kindly. Mr. Ziegler, you referred to an FBI supervisory special agent who went with you to try to interview Hunter Biden. Is that someone that you respect?

Mr. ZIEGLER. That was not me. That would have been my supervisor.

Mr. RASKIN. OK. Sorry, Mr. Shapley, you went with this SSA. Was that someone that you respect?

Mr. SHAPLEY. Yes, I respect the FBI SSA.

Mr. RASKIN. Because he came and did an interview with us, and he testified that over his decade of experience with the Delaware U.S. Attorney's Office, the FBI agent never knew the assistant U.S. Attorneys in office or U.S. Attorney Weiss to allow any political considerations to influence their prosecutorial decisions in any case. Do you accept his judgment, or you disagree with his judgment about that?

Mr. SHAPLEY. So yes, the FBI SSA I respect and, you know, it is a matter of timing. He retired in June 2022. And at that time—I have not even overcome the burden that it took me to say that this has been political and been politicized, so it was not until October 7, 2022. So, you know, the FBI SSA, you know, he came to his conclusions, and he was not there for that October 7—

Mr. ZIEGLER. Can I mention something regarding that?

Mr. RASKIN. Let me just say, I respect very much your service, and I respect very much your testimony today, but I think it is completely within the realm of prosecutorial discretion, and just subjective differences of opinion that people have. And those of us who have been—

Chairman COMER. The gentleman's time has expired.

Mr. RASKIN [continuing]. In prosecution understand that happens all the time with prosecutors and investigators.

Chairman COMER. The Chair recognizes the gentleman from Arizona, Mr. Biggs, for 5 minutes.

Mr. BIGGS. Thank you. It is good to have you here. Appreciate it, and I appreciate your courage and your willingness to testify.

Mr. Shapley, I am going to go to pages 18 through 20 of your testimony, and, Mr. Ziegler, I am going to go to about page 104 to 105 of yours to start with, but while you are going there, I am going to ask this question. We have heard a lot about this, well, you know, this 2014, 2015, 2016 tax things. We have heard a lot about Trump, but in 2014, 2015, and 2016, those tax years, Donald Trump was not elected, but who was the Vice President of the United States, if you know?

Mr. ZIEGLER. Joe Biden was the Vice President of the United States.

Mr. BIGGS. Right. I think that is right, and when the statute of limitation ran on those 2014 and 2015 years, who was the President of the United States when the statute expired?

Mr. ZIEGLER. I do not remember. So, that was President Biden.

Mr. BIGGS. Under President Biden. But there is some indicia in the statements and testimony that you made that I want to go over. Mr. Shapley, why did you want to interview Rob Walker?

Mr. SHAPLEY. So, I think Special Agent Ziegler would be better to answer that question.

Mr. BIGGS. All right. So, I am going to click on page 18 of your testimony, Mr. Shapley.

VOICE. Can you repeat the question?

Mr. SHAPLEY. Yes. Can you repeat the question, please?

Mr. BIGGS. I will tell you what. I will rephrase the question. On the day of action, you guys were intending to interview 12 people.

One of whom was Rob Walker, a business associate of Hunter Biden and, in particular, you wanted to talk about, I think the quote is, “10 held by H for the big guy.”

Mr. ZIEGLER. Yes.

Mr. BIGGS. Right? So, who did you infer that the big guy may be?

Mr. ZIEGLER. So, all I can do is speak to the evidence there. What I can say is, I think I know what you are referring to is, when we are preparing for that interview and we were referencing that email, “10 held by H for the big guy,” and from what I understand that to be his dad, President Biden.

Mr. BIGGS. OK. So, I am sorry. I just want to ask Mr. Shapley a similar question because the AUSA Wolf interjected—and I am reading from your transcript now—and said she did not want to ask about the big guy and stated she did not want to ask questions about “dad”. Who did you take “dad” to be when she refers to dad?

Mr. ZIEGLER. The father of the subject is President Biden.

Mr. BIGGS. President Biden. And so, even by her response, she is inferring that Joe Biden may be involved in Hunter Biden’s transactions. And then you get to the FBI agent and you give some detail. Mr. Shapley, you give some detail about what he is saying in the transcript, if you will, of his interview. And, in particular, the FBI agent asked Mr. Walker, “So you definitely got the feeling that that was orchestrated by Hunter Biden to have, like, an appearance by his dad at that meeting just to kind of bolster your chances of making the deal work out.” Walker answered, “Sure.” The FBI agent continued, “Any times he was in the office, sir, did you hear Hunter Biden say that he was setting up a meeting with his dad with him while dad was still in office?” Walker answered, “Yes.”

That is the quote that you gave in your transcript, and then you said the FBI agent inexplicably ceases that line of questioning. I want to know what you thought the FBI agent was inferring. What did you think? What do you think when you read them, when you heard that, of the relationship between Joe Biden and Hunter Biden and his business transactions when he is still in office?

Mr. SHAPLEY. Yes. So, I cannot go beyond what you have quoted me as saying in my testimony, so I will just leave it there.

Mr. BIGGS. OK. Thank you. And, Mr. Ziegler, on page 104 of yours, you mentioned that Mr. Biden, Hunter Biden, attempted to obtain a business tax deduction on his return for hotel rooms that were used by his father, Joe Biden. Tell us about that, please.

Mr. ZIEGLER. So yes, on his tax return, he deducted a hotel room for his dad, so Joe Biden, and we actually got the invoice from the hotel that showed the dad’s name on it.

Mr. BIGGS. So, for that to be a valid business deduction, he would have to be doing business with Hunter Biden. Is that not true?

Mr. ZIEGLER. A typical part of the process would be to interview that person to find out what might have happened, why did you go to that hotel room, and based on statements he made in his book, I mean, you can correlate to what was kind of going on around that time.

Mr. BIGGS. But how does it become a valid business deduction if Joe Biden is just there on vacation?

Mr. SHAPLEY. You know, generally speaking, to be a valid business deduction, it would have to be some type of business activity being conducted at that time.

Mr. BIGGS. And the last one is the WhatsApp, and I will not get into it because just about out of time, but I would just say, the WhatsApp where he says “my dad is sitting next to me,” and you remember that. And that is on, I want to say, what, page 105, that is where you talk about it, Mr. Ziegler, in page 105 of your transcript. I guess the question there is, how would you be able to determine whether he was actually next to Hunter Biden? How would you be able to determine that?

Chairman COMER. And the gentleman’s time has expired, but you could please answer the question.

Mr. ZIEGLER. So typically, in that situation, you would want to get location data, contemporaneous data that would show where that person is at, so that is what we would typically look to.

Mr. SHAPLEY. That is right, yes. That is right.

Mr. BIGGS. Yes. Thank you so much.

Chairman COMER. Very good. The Chair now recognizes Ms. Lee from Pennsylvania.

Ms. LEE. Thank you, Mr. Chairman. Republicans have been invoking this term “two-tiered system of justice” a lot recently, so I want to talk about what the real two-tiered justice system is where Black and Brown people are over-criminalized and over-incarcerated.

On June 20, Chairman Comer claimed in a Committee press release, “The Department of Justice’s charges against President Biden’s son, Hunter, reveal a two-tiered system of justice.” As you see or have seen from the knockoff social media site, former President Trump has also used this phrase in connection with the Hunter Biden investigation. I would like to address the way my Republican colleagues are attempting to co-op the phrase “two-tiered justice system” to make it sound like Trump and his cronies are somehow the victims here when the reality is that the term, “two-tiered system of justice,” is meant to refer to the very real system that exists in the United States and which affects Black and Brown folks, not powerful former Presidents and their political allies.

The real two-tiered system of justice is one in which, in 2021, according to the DOJ’s Bureau of Justice Statistics, the imprisonment rate for Black men aged 18 and 19 was 11.6 times the rate for White males. The real two-tiered justice system is one in which, in 2021, according to those same statistics, the imprisonment rate for Native-American males aged 18 and 19 was 5.1 times the rate for White males. The two-tiered justice system is one in which, according to a May 2018 Vera Evidence Brief, “Black men comprise about 13 percent of the male population but about 35 percent of those incarcerated.” One in three Black men born today can expect to be incarcerated in his lifetime, compared to 1 in 6 Latino men and 1 in 17 White men. The two-tiered justice system is one in which an analysis of nearly 100 million traffic stops across this country found that Black drivers were about 20 percent more likely to be stopped than White drivers.

My Republican colleagues seem to think that using criminal law as a weapon or a political tool is objectionable only when directed

against someone who should be out of reach of the criminal system, someone too rich, too powerful, or too White to be charged, but let us face it: that same system has been used as a weapon and a political tool against Black people since the Emancipation Proclamation. These racial disparities are rooted in a two-tiered view on race, the belief that Black people were inferior that was created to justify the enslavement of Black people, which has now evolved into include the belief that Black people are more prone to criminality.

During the decades of lynchings that followed enslavement, White people defended the torture and murder of Black people as necessary to protect property, families, and a way of life from Black criminals. In 1980's, Nixon's War on Crime evolved into Reagan's War on Drugs, and we saw harsher and more frequent punishments and the start of mass incarceration. In both cases, it was Black people who were targeted and suffered under those policies.

There is a reason that crack cocaine, which carries a stereotype of being used by Black people, was at one point punished far more harshly than powder cocaine. Prior to 2010, that ratio was 100 to 1, meaning someone convicted in the Federal court of possessing crack cocaine will receive the same sentence as someone who possessed 100 times more powder cocaine. And I want to say that PA's extreme sentencing practices have overwhelmingly impacted people of color, but most specifically Black people who make up less than 11 percent of the population in Pennsylvania, but more than 65 percent of those serving life without parole sentences and 58 percent of those serving non-life sentences of 20 years or longer. How many times have our elected officials and judges ran on the promise of a tough-on-crime approach? Even now, Republicans still tout that they are the party of law and order, while in the same breath claiming that Donald Trump should not be prosecuted.

Do not get it twisted. Republican efforts to use the term "two-tiered justice" is to distract from those who are truly the victims of a disparate treatment in our criminal justice system, and whether we say it out loud or not, we all know who those people are. I yield the remainder of my time to the Ranking Member.

Mr. RASKIN. Thank you, Ms. Lee, for that very eloquent statement. I wonder if you remember, you might be too young for this, but when there was this horrific assault, a gang rape in Central Park, Donald Trump ran ads in the *New York Times* saying that the Central Park suspects should be given the death penalty, and, of course, they turned out to be completely innocent of the offense, so I think that is just to reinforce your point. There is a history of profound racism in the criminal justice system and in the rhetoric around it, and there is something very disappointing about our colleagues co-opting, as you say, in prostituting the critique of the system as two-tiered on behalf of Donald Trump. I yield back to you.

Chairman COMER. The Chair recognizes Mr. Grothman from Wisconsin for 5 minutes.

Mr. GROTHMAN. Thank you, Mr. Chairman, for holding this important hearing. I found it interesting that of the 12 witnesses the FBI and the IRS wanted to interview on December 8, 2020, including Hunter Biden, they only got one interview. That was Rob Walk-

er, a friend of the Biden family, and whose company, Robinson Walker LLC, sent millions of dollars to the Bidens that originated in Romania and China. President Biden said his family did not receive money from China, but that was not true. Mr. Shapley, according to your testimony before Ways and Means, on page 18, on December 3, 2020, did you have a long meeting with the prosecution team at the U.S. Attorney's Office in Delaware?

Mr. SHAPLEY. That is correct, on December 3, 2020.

Mr. GROTHMAN. And is it true that U.S. Attorney Weiss was in and out of that meeting?

Mr. SHAPLEY. Yes, that is true.

Mr. GROTHMAN. And during the meeting, did you share your plan to interview Hunter Biden's associate, Rob Walker?

Mr. SHAPLEY. All the interview outlines for the witnesses were discussed that day, yes.

Mr. GROTHMAN. OK. And you wanted to question Walker about the email that said, "10 held by H for the big guy." Is that correct?

Mr. SHAPLEY. That was included in the interview outline, yes.

Mr. GROTHMAN. OK. But U.S. Attorney, Lesley Wolf, told you she did not want you to ask questions about dad, meaning Joe Biden. Is that correct?

Mr. SHAPLEY. That is correct.

Mr. GROTHMAN. OK. So Assistant U.S. Attorney General Wolf was, you felt, conceding that the big guy was Joe Biden? Do you think that is accurate?

Mr. SHAPLEY. I mean I do not want to conclude what she was thinking.

Mr. GROTHMAN. OK. You did have an interview with Rob Walker in Arkansas, correct?

Mr. SHAPLEY. I did not, but agents did, yes.

Mr. GROTHMAN. OK. And did Rob Walker tell you that President Biden had ever showed up to a meeting with his son's business associates?

Mr. SHAPLEY. He told us that he had shown up at the meetings, yes.

Mr. GROTHMAN. OK. Can you elaborate on that at all?

Mr. SHAPLEY. I can only stick to what is in the transcript. And the witness described an instance where CEFC executives were, or people on the CEFC were meeting at the Four Seasons and that the subject's father, President Biden, showed up at that meeting.

Mr. GROTHMAN. So, President Biden was there physically?

Mr. SHAPLEY. That is what the witness said, yes.

Mr. GROTHMAN. OK. Mr. Ziegler, maybe I am going back here a little bit further, but earlier today you wanted to elaborate on one of your questions and you were cutoff by one of the Democratic Congressman. Is there anything that you want to say that you could remember that you were not able to say?

Mr. ZIEGLER. I appreciate that. So, I wanted to say that one thing that was mentioned regarding the retired FBI supervisory special agent, I have actually recently reached out to some of my former colleagues that I worked this investigation with at the FBI, and I have asked them was there anything I misstated in my transcript? They said, no, from their best understanding of reading it. So, I want to be clear on that, that they have read my transcript

or they have referenced that they did, and that they have said that they did not see any issues with what I said in my transcript.

Mr. GROTHMAN. OK. Thank you. Mr. Shapley, anything else from you?

Mr. SHAPLEY. Yes. I want to speak briefly about our criminal tax attorneys at IRS Criminal Investigation. So first, there are only advisory. And, you know, I cannot recall an instance where they non-concurred with any of my actions within the group and that we did not send it forward anyway with our senior leadership approval. The issue here was the manner in which it became a non-concur, the line CT attorney who took more than 50 days to review all the evidence, she concurred with all of the charges in that prosecution report. This is Exhibit 2. When she sent it forward, a panel of five lawyers at the national office of criminal tax attorneys, they concurred with the line attorney's assessment that it was concur on all the charges that were recommended. It then went to the senior leadership at CT counsel, and the top said that you need to change this to a non-concur, so even something like that could happen in practice.

The issue here was that I contacted the line attorney's manager, the area counsel, and I said that, you know, we did not know this is going to be a non-concur. She has been saying it is going to be a concur. And she told us that it had always been a non-concur, basically obfuscating the entire events that occurred at the senior levels with the panel agreeing with the law and recommending concurring those charges.

So, I do not know why CT counsel would lie to us or provide false information about it being a non-concur the whole time. And Special Agent Ziegler had some communication with that line attorney and said do you know that they are saying that it has always been a non-concur, and she confirmed. She said, "What? No, I sent a yellow light," which is a concur. And so that was the issue with CT counsel that really perplexed me, and that is something that I wanted to add to the Congressman back there, so thank you for the extra time.

Mr. GROTHMAN. Thank you. And just one other thing. I think with regard to what happened in Central Park years ago, the mischaracterization of what happened there is, I am sure, very hurtful and harmful to the Central Park jogger, that there is more to that story that you know very well. Thank you.

Chairman COMER. Very good. At the request of the witnesses, we are going to take two more questioners, and then we will have another 10-minute recess. So, I will just recognize Mr. Casar and then Mr. Donalds. Right now, the Chair recognizes Mr. Casar from Texas for 5 minutes.

Mr. CASAR. It is clear from this hearing that Democrats are pro-accountability, equal treatment under the law, and for paying your taxes. In the Hunter Biden case, we have heard that a Trump-appointed U.S. attorney took the extensive work of the IRS investigation and got the most severe penalty that he thought was possible, and he was held accountable. But there are so many millionaires, and billionaires, and big corporations that are never held accountable for tax evasion, and, in fact, they are shielded by this GOP Majority.

Republicans are not interested in that kind of accountability. Instead, they are interested in trying their hardest to embarrass the President and prevent our government from operating as it should. If Republicans were truly interested in holding the powerful accountable, we would be holding hearings on making sure the IRS has the resources to investigate every billionaire and every big corporation who cheats on their taxes.

But instead, the first bill that I voted on, the first bill brought forward by this Republican Majority, was to slash funding dedicated to the IRS in order to chase down billionaire tax cheats. If we spend some money on the IRS to chase down tax cheats, that would have brought, ultimately, more revenue to the United States and reduced our deficits and improved programs for the American people. A 2021 Treasury Department paper found that the wealthiest 1 percent may owe more than \$160 billion in uncollected taxes. According to the *New York Times*, “Tax compliance rates for high and low”—or, sorry—“are high. Tax compliance rates are high for low- and middle-income workers, who have their taxes deducted automatically from their paychecks. The rich, however, are able to use accounting loopholes to shield their tax liabilities.” So, I would like to reiterate. Low- and middle-income Americans have high tax compliance rates. They pay their taxes. It is the very wealthiest and the biggest corporations who refuse to pay their fair share and rig the system here in D.C. in their favor.

So, Mr. Chairman, I am interested in whether you could commit in short order to holding a hearing about holding billionaires and big corporations accountable for evading their taxes. I think this could be a bipartisan hearing. It could result in reductions to the deficit. And if we have interest in holding folks accountable on tax evasion, I think we should be looking at the biggest fish we can catch across the board.

Chairman COMER. We are starting here today.

Mr. CASAR. No, we are having a hearing about accountability, but what I want to know is, why it your folks have voted for cutting billions of dollars in order to let folks off the hook? So, I would be interested if we can have a hearing on the fact that the IRS has lost to attrition thousands of employees, including those with sophisticated skills.

It used to be that 41,000 audits happened a year for millionaires. That was 10 years ago, but in Fiscal Year 2020, the IRS only audited 11,000 millionaire returns. Only about 7,100 of those returns were audited by revenue agents who are the most highly qualified auditors. So, I want to know, Mr. Chairman, can we have a hearing? I think this is something we could all get behind, have a hearing about billionaires and big corporations at large scale potentially getting away with, from the latest reports, we are talking about \$160 billion in uncollected taxes. I would like to see whether there might be interest from anybody on the other side of the aisle on us having that kind of a hearing. Any interest? Really, I have over a minute of time.

Mr. SESSIONS. Count me in.

Mr. CASAR. Mr. Sessions, that would be great. I think that that would be a good hearing for us to have.

Mr. SESSIONS [continuing]. Follow the law.

Mr. CASAR. Yes, we want everybody to follow the law. I agree, and with that, I yield back my time to the Ranking Member.

Mr. GOLDMAN. Will you yield?

Mr. CASAR. Yes.

Mr. RASKIN. Will you yield to the gentleman from New York?

Mr. GOLDMAN. Thank you. I appreciate the gentleman from Texas yielding. I want to bring up that October 7 meeting real quick in just the minute we have. You are familiar with an October 6 *Washington Post* story entitled "Federal Agents See Chargeable Tax, Gun Purchase Case Against Hunter Biden." Is that right, Mr. Shapley?

Mr. SHAPLEY. Yes. I am familiar, yes.

Mr. GOLDMAN. And then this meeting occurred October 7, the day after this, right?

Mr. SHAPLEY. That is correct.

Mr. GOLDMAN. Was this article discussed at that meeting?

Mr. SHAPLEY. It was.

Mr. GOLDMAN. And what was the nature of the discussion?

Mr. SHAPLEY. It is in that document, the email that basically says that we got to keep the sphere small, and that—

Mr. GOLDMAN. You would agree it was pretty clear that this was a leak to the *Washington Post* by law enforcement agents since it describes what Federal agents believe, right?

Mr. SHAPLEY. So, it was not actually clear to me that it was because usually they will say that it is a law enforcement source that provided it. And if you see in the bottom, it says that they corroborated independently, and they did not mention law enforcement.

Mr. ZIEGLER. And there was—

Mr. GOLDMAN. So, you do not think it is the Federal agents, the agents who leaked this when the headline says, "Federal Agents See Chargeable Tax, Gun Purchase Case Against Hunter Biden?"

Chairman COMER. The gentleman's time has expired, but feel free to answer the question.

Mr. ZIEGLER. Prior to that, if you go back to December 2020, there was another leak to the *Washington Post*, I mean that we had to get Department of Justice OIG involved, TIGTA involved. So, there was other leaks that happened prior to this to the *Washington Post* that I think are important for us to understand as well in that situation.

Mr. SHAPLEY. It had similar information as—

Mr. ZIEGLER. Yes.

Mr. SHAPLEY [continuing]. The October 6 leak.

Chairman COMER. The Chair now recognizes Mr. Donalds from Florida.

Mr. DONALDS. Thank you, Mr. Chairman. To the witnesses, thank you for being here today. I want to get right to it because we have a lot to cover.

Mr. Ziegler, you are the agent that opened up this investigation. From your transcript, page 17, what it says is, is that you are investigating a social media company, and through the process of that investigation, you found out that Hunter Biden was paying potentially for prostitutes in a potential prostitution ring. Is that correct?

Mr. ZIEGLER. That is correct.

Mr. DONALDS. OK. You also say that in the beginning phases of that investigation, reviewing bank reports, that there was evidence that he was living lavishly through his corporate bank account. Is that correct? And when I say him, I mean Hunter Biden. Is that correct?

Mr. ZIEGLER. That is correct.

Mr. DONALDS. OK. A question for you, and also for Mr. Shapley, is it a clear line of potential investigation if somebody is charging up massive living expenses through a corporate account and not doing that through their own personal accounts and accounting for that properly on your income tax returns? Is that the basis of a criminal investigation?

Mr. SHAPLEY. Generally speaking, that would definitely be factors that would spur a criminal investigation. Yes.

Mr. DONALDS. OK. Let me ask you this question. Let me ask you this question real quick. So, there was reference to the WhatsApp text message referring to, and everybody knows it now, hey, I am sitting here with my dad. Tell the chairman to give me my money because we remember and we are not going to forget it because we are the Bidens and we have all these connections, yada, yada, yada. We all know that text message now.

Mr. Ziegler, on page 105 of your testimony, page 105, gentlemen, you state, "I know we wanted to get location data because I went to the prosecutors with this, and they again came back at me with, well, how do we know that? He could just be lying and claiming that dad," Joe Biden now, "that dad was there and dad was not there." Were you allowed to get location data, dealing with the WhatsApp text message?

Mr. ZIEGLER. So, from my memory of it and from the notes that were taken, I never obtained location data regarding that message.

Mr. DONALDS. Did Ms. Wolf, the AUSA in Delaware, did she say, oh, wow, look at this text message, let us figure out the location data and see where Hunter Biden was when he sent said message? Was she, like, excited about this as a prosecutor?

Mr. ZIEGLER. So, I mean, when I asked her about the location data, in her response right here it was her responding with, well, how do we know that. It was not, yes, let us try and figure that out. It was like, well, how do we know that?

Mr. DONALDS. Well, did she read the text message because if I read that text message as a prosecutor, I am saying, wait a minute, dad is sitting next to him and dad happens to be the now President, then-Vice President of the United States. Shouldn't we find out where Hunter was when he sent the text message? I mean, that is, I am not a prosecutor, I am a finance guy, but that just seems like commonsense to me.

Mr. ZIEGLER. Yes. And I think with the previous email that was referenced "10 held by H for the big guy," now that you have those two things kind of correlating with each other, as a normal process or procedure that we would go through, you would want to figure out, is that information truthful in that WhatsApp message?

Mr. DONALDS. I totally agree with you Mr. Ziegler, which is why I think it is the view of Members on this Committee and, frankly, a lot of Americans at this point, that there are elements at the Department of Justice who did not want this information out, who did

not want to go down the line of actually going through the evidence-gathering process to deceive the depths to which this international pay-for-play scheme was actually happening around Joe Biden going through Hunter Biden, and all the money that the Biden family was occurring. That is not a question for you. That is just a statement from me.

Last question. Through your investigation, how much money did you uncover was coming from Ukraine, Romania, and China?

Mr. ZIEGLER. If you hold on 1 second, let me reference—\$17.3 million, approximately.

Mr. DONALDS. OK. So, \$17.3 million through your investigation. You and Mr. Shapley, you are the guys that investigate criminal tax evasion on an international scale. Is that correct?

Mr. ZIEGLER. That is correct.

Mr. DONALDS. OK. Question for the Chairman. Mr. Chairman, through the investigation of the Oversight Committee, about how much money have we seen come from Ukraine, Romania, and China?

Chairman COMER. Over \$10 million.

Mr. DONALDS. OK. So we have two separate investigations, one done by the investigative branch of the IRS that is charged with doing these types of investigations, these are the people you want doing them, and an independent investigation by the Oversight Committee, and we are coming up with the same amount of money, give or take a couple of million, going through the same person in Hunter Biden, and his investigation is slow-walked, and we are supposed to sit here and think that Joe Biden knows nothing?

I think, for the record, Mr. Chairman, that the relevant committee needs to have questions for Lesley Wolf, the AUSA of Delaware; for David Weiss, the Attorney General of Delaware; for Lisa Monaco, who is the Deputy Attorney General; and for Merrick Garland himself, the Attorney General of the United States, because if this action is allowed to occur and investigations are slow-walked with this level of detail, this is not Donald Trump, you all. These are facts. I yield back.

Chairman COMER. Thank you. Great job, and I will add we just got bank records for Ukraine. So, we will be going through that.

At the request of the witnesses, we are going to recess for 10 minutes, and then we will promptly reconvene. The Committee in recess.

[Recess.]

Chairman COMER. The Oversight Committee will reconvene. We are now back in order.

The Chair recognizes Ms. Crockett for 5 minutes.

Ms. CROCKETT. Thank you so much, Mr. Chairman. The problem with going this late in the game is there is so much that has been put out there, you are just kind of all over the place, so just rock with me for a little bit.

First of all, I want to get the elephant out of the room. Just to be clear, both of you provided a deposition testimony, and in your depositions, neither one of you ever stated that President Joe Biden interfered with your investigations, correct?

Mr. SHAPLEY. The transcript does not include that, no.

Mr. ZIEGLER. Yes, the transcript does not include that.

Ms. CROCKETT. Nor does it include that Merrick Garland interfered with your investigations, correct?

Mr. SHAPLEY. The transcript does not say that, no.

Ms. CROCKETT. Thank you. The reason that I say that is because it is the insinuation that this Committee is trying to make, or at least one side of this Committee is trying to make, is that for some reason, there was interference, and my colleagues continue to make sure that they outline the fact that this investigation actually started under the Trump Administration, so that is the reason about who appointed who comes up. But at the end of the day, we have no evidence whatsoever that the President nor the Attorney General of the United States interfered.

But I also want to make sure that we outlined some legal principles, since we have gotten so many new found prosecutors today on this Committee. No. 1, just to be clear, just because you investigate something, it does not necessarily mean that there will be a conviction, correct?

Mr. SHAPLEY. That is correct.

Mr. ZIEGLER. That is correct.

Ms. CROCKETT. OK. In fact, in our criminal justice system, you are cloaked in a presumption of innocence. That is what happens under the Constitution, OK? So, we all have a role to play. Your role is investigative, correct?

Mr. SHAPLEY. Correct.

Ms. CROCKETT. All right. So, then you have an AUSA, who usually is the one that is responsible for taking the evidence. Actually, they probably have an investigator in their office. There is usually an investigator that is directly within their office that will review any documentation that you provide and then they will sit down and talk to the AUSA's office about recommendations, like what the charges will look like and things like that. Is that not correct?

Mr. SHAPLEY. If that is correct, I have never seen that.

Ms. CROCKETT. OK. Well, let me be clear. There is a level after you get done with your investigation in which the U.S. Attorney's Office then will look at the evidence that you have provided and they will make decisions, correct?

Mr. SHAPLEY. Yes. And all four assigned attorneys agreed with recommending felony and misdemeanor tax charges.

Ms. CROCKETT. I heard your testimony before. I am not going to dispute that. The difference is I have done the defense side of this before, so as far as I am concerned, it sounds like a sweetheart deal because I have never played anyone to every single count of a Federal indictment in the first place, unless they only have one count. I have always negotiated. And unlike on the state level, I typically do my negotiations a lot of times before there is even an indictment because a lot of times my clients are actually turning evidence over in all kinds of things. But the thing is, those conversations have never taken place with an investigator. They always take place with the U.S. Attorney. So, the point is, you do not have the ultimate charging authority. The people that did they decided to do what they decided to do for whatever reasons, correct?

Mr. SHAPLEY. So, in my experience, I have always been a part of that, at that table talking to the AUSA and talking about the charging decisions. So that is not accurate to say that I am not—

Ms. CROCKETT. So, for this—

Mr. SHAPLEY. [continuing] Investigators not involved, and I apologize.

Ms. CROCKETT. So, this time it was a little different for you, and that is why you felt as if something was wrong, but I want to get to something else really quickly. I want to talk about what we should be prosecuting. We should be looking at the fact that in 2017, Trump's first year in office, he also made \$6.5 million from China, his tax returns show. The source of the China payments is not clear from the returns. The payments were a surprise since Trump is an outspoken critic of the \$5.8 million that Hunter Biden made. The difference is Trump was our President when he made this money from China, whereas I am sure you would agree with me, Hunter Biden has always been a private citizen. We have got a lot of other stuff. In fact, it is clear that Trump never paid more than \$750 in taxes for, I want to say, a total of like 2 years of his taxes, which is absolutely insane. But we also know that it showed that Trump claimed large cash donations to charities, but the report said the IRS did not verify them. The report also said that while Trump's tax filings were large and complicated, the IRS does not appear to have assigned experts to work on them. That is shameful.

In addition to that, we heard testimony earlier that talked about whether or not you executed a search warrant under Section 9-13.420 of the DOJ's Justice Manual. It specifically states that when searching the premises of an attorney that is a subject of an investigation, prosecutors are expected to take the least intrusive approach consistent with vigorous and effective law enforcement. It is kind of what they did for Trump, when they gave him a number of opportunities to turn over the documents, our National secrets that he kept in the toilet, but he chose not to. And that is why he is facing Federal charges down in Florida.

And finally, I just want to make sure that we clear up something about the Central Park Five because I do not think my colleague from the other side of the aisle understands that not only were they found to be not guilty, they were paid \$41 million in a 2014 settlement because their civil rights in that lawsuit were violated. In addition to that, we do know that one of the Central Park Five now serves on City Council, Yusef Salaam. So, I ask unanimous consent that I allow that, that this *New York Times* article be admitted.

Chairman COMER. Without objection, so ordered.

Chairman COMER. And the lady's time has expired, but would the lady yield a quick question?

Ms. CROCKETT. For who?

Chairman COMER. Would you yield to a question?

Ms. CROCKETT. Yes.

Chairman COMER. You made the argument that Trump received \$6 million from China or something and Hunter Biden received the money from China. Do you know exactly what Hunter Biden did to receive the money from China because that is something we have had a hard time trying to figure out. I think I know what Trump's businesses were. I am not saying it is right or wrong. I

just know what his businesses are. I do not know what the Biden's businesses are.

Mr. GOLDMAN. And you do not know what it is not.

Chairman COMER. I am sorry?

Mr. GOLDMAN. And you do not know what it is not either.

Ms. CROCKETT. But what I would say is——

Mr. GOLDMAN. So, you have no idea why or why not he received that money.

Ms. CROCKETT. What I will say is——

Mr. GOLDMAN. You have no evidence about it.

Ms. CROCKETT. Can I submit this MSNBC or this NBC article for the record as well?

Chairman COMER. Without objection, so ordered.

Ms. CROCKETT. And I will say that in this article it specifically says that the source of a number of Trump's moneys, it was unclear.

Chairman COMER. OK.

Ms. CROCKETT. It did say that he did have businesses there. He did say that he had opened some bank accounts in China, but they could not find the source of the moneys that were paid to him from China.

Chairman COMER. OK. All right. The Chair recognizes Mr. LaTurner from Kansas for 5 minutes.

Mr. LATURNER. Thank you, Mr. Chairman. Thank you both for being here today. There is a lot of information. Let us try to quickly lay this out for the American people. OK? So quick answers. How long have each of you worked for the IRS? Mr. Shapley, you first.

Mr. SHAPLEY. Fourteen years.

Mr. ZIEGLER. Thirteen years.

Mr. LATURNER. Is it fair to say that you both have had successful careers at the IRS? You both been recognized for your achievement there?

Mr. SHAPLEY. I believe so, yes.

Mr. ZIEGLER. Yes, absolutely.

Mr. LATURNER. Are either of you overly partisan people?

Mr. SHAPLEY. I am not. No.

Mr. ZIEGLER. Yes, I have made an effort to not or to not be overly. Like, I have made an effort to be nonpartisan. I apologize.

Mr. LATURNER. Do either of you have a burning desire, or have you ever, to be a spectacle at a congressional hearing? Are you wanting to be on TV? Are you looking for your 15 minutes of fame here?

Mr. SHAPLEY. I would prefer not to be here.

Mr. ZIEGLER. Yes, I had never imagined that this would happen, but here I am.

Mr. LATURNER. Then quickly, for the American people, why did you step forward?

Mr. SHAPLEY. Because we need the equal application of justice. And we hear all these stories about, you know, these crimes that are committed that are horrible. But without the equal application of justice, I do not understand how we move forward, and I do not understand how I meet my oath of office if I do not do what I can to ensure that occurs. You know, there are 300 million taxpayers

out there that they think that this hearing is a big deal, because they are paying their taxes and they see someone who is not.

Mr. LATURNER. And Mr. Ziegler?

Mr. ZIEGLER. So, it is a matter of accountability. So, it is twofold. The matter of accountability. We need to hold those accountable who basically, for the last 5 years has not been following proper procedure. And the second part of this is that I think we need to have some reform or something that is built in there that this does not happen to people again, investigators.

Mr. LATURNER. Let us get the facts out. The Biden family and their associates received millions in global payments from companies linked to Ukraine, Romania, and China funneled through various shell companies. Mr. Ziegler, is that correct?

Mr. ZIEGLER. That is correct. It is \$17.3 million.

Mr. LATURNER. Quickly, Mr. Shapley. What is a special agent report?

Mr. SHAPLEY. It is the report that recommends prosecution for various charges, each of which are been proven each element.

Mr. LATURNER. Approximately how many of these, over your career, have you been a part of or have you prepared? Guess?

Mr. SHAPLEY. Hundreds.

Mr. LATURNER. Hundreds. Did you complete a special agent report for the Hunter Biden case?

Mr. SHAPLEY. Special Agent Ziegler authored that report.

Mr. ZIEGLER. I completed that report.

Mr. LATURNER. And when this special report was sent up the chain of command just like you all have been involved with, in your case, Mr. Shapley, hundreds of times, did you notice anything outside of the normal process that you have grown used to over the years?

Mr. SHAPLEY. So, the changing criminal tax attorneys was definitely inappropriate and out of the norm. But no, after that, the senior leadership quickly trumped CT counsel, and they concurred with the charges. So, we sent it forward to the Department of Tax Division for their approval.

Mr. LATURNER. And Mr. Ziegler?

Mr. ZIEGLER. Everything that he just said was correct.

Mr. LATURNER. Now, Mr. Shapley, you recommended felony charges in the special agent report. And we all know the answer, but was Hunter Biden ultimately charged with those felonies?

Mr. SHAPLEY. No, he was not.

Mr. LATURNER. Mr. Ziegler, what role did Lesley Wolf play in the investigation?

Mr. ZIEGLER. So, she was an Assistant United States Attorney out of the district of Delaware assigned to the investigation.

Mr. LATURNER. You met with her and her team during the Hunter Biden case, correct?

Mr. ZIEGLER. That is correct.

Mr. LATURNER. In your testimony to Ways and Means, you described Assistant U.S. Attorney Lesley Wolf, who was once again overseeing the case out of Delaware, as saying during a meeting that she did not want to ask about the big guy and stated she did not want to ask questions about dad. Is that statement accurate?

And I want to remind you that you are under oath. Is that accurate, your testimony to Ways and Means?

Mr. ZIEGLER. Can you ask that question one more time, so I can—

Mr. LATURNER. She said, Lesley Wolf said, during a meeting that she did not want to ask about the big guy and stated she did not want to ask questions about Dad.

Mr. ZIEGLER. So, there is twofold to that. That line in the email that said, “10 held by H for the big guy,” that was something that came up as a part of us reviewing what we were going to say during that day, and she immediately says, no, we are not going to ask that. And then we essentially had to argue our stance on why we should ask it, and then it was ultimately that we did not know. It was unknown.

Mr. LATURNER. I appreciate that. Mr. Shapley, you stated in public interviews that you and your team were stopped from taking certain investigative steps that you believe could have potentially connected this Hunter Biden case to President Biden. Is that correct?

Mr. SHAPLEY. That is correct.

Mr. LATURNER. Now, I just want to summarize as quickly as I can here. We have two credible nonpartisan IRS investigators confirming that there are millions of dollars and foreign payments to shell companies to the Biden Administration. We have Hunter Biden, who most of us would not hire to dog sit, receiving these millions of dollars for services that they cannot come forward and tell us about. And that potentially this is linked to President Biden, but we do not know that for a fact, because you were shut down. You were not allowed to pursue the investigative angle that you wanted to.

This is something that we have to get to the bottom of. It is shameful what is happening. And I want folks to mark my words that we will not be stifled, this Committee will not be stifled by the Department of Justice, or anyone in the Biden Administration. We are going to pursue this and get to the bottom of this, no matter what. Thank you, Mr. Chairman. I yield back.

Chairman COMER. The Chair recognizes Mr. Gomez for 5 minutes.

Mr. GOMEZ. Thank you so much, Mr. Chairman. I just want to be clear. Whistleblower allegations should be taken seriously, period. I had a whistleblower approach my office during my first term, but one of the things I learned from that is that there is a clear fact-based process that needs to be followed to ensure a whistleblower investigation is executed properly without political interference. This is not what is happening here today. Where this originated in Ways and Means, Republicans threw that process into the gutter. Here is how.

One, there were more than 50 people identified in the Ways and Means Committee’s depositions on the same topic that were not spoken to and not interviewed before the Republican Majority released these allegations to the public. They did not take the time to check their facts, and that the Republicans even admitted during questioning that they never interviewed or asked questions or sought to ask questions of these individuals. Instead, Republicans

cherry picked 13 people who they knew agreed to corroborate their claims. Why would not they conduct a thorough investigation and interview all people identified who might have information in this case. There are more than 50 people who were not given the opportunity to defend their names, respond to allegations, or give this inquiry important context and facts.

Two, the whistleblower transcript contains unauthenticated, unverified documents from unknown searches on the internet. The exhibit used by the gentleman from Ohio in the early part of this hearing is one of those unverified documents pulled from the internet, yet they treat it as a smoking gun. You can literally find anything on the internet. That does not make it true, and Republicans refused to verify their sources. They are trying to give the appearance that these documents are from IRS files provided by the whistleblower or from some trusted source, but, in fact, they are not. These documents are unauthenticated, and we do not even know their real source. What kind of basis is this for a serious investigation?

Three, the Majority released this transcript with all these errors I cited to the public before verifying any of these allegations. They put the cart far before the horse, declining to speak to over dozens of valuable witnesses, refusing to verify the information they pushed to the public, throwing this whole process and its credibility out the window. Additionally, this process has been tainted by the fact that one of these whistleblowers' attorneys has made substantial contributions to the Republican Chairman of Ways and Means, as recently as February of this year.

And one of these whistleblowers did not even come voluntarily. He was asked to testify by his supervisor. None of this inspires confidence in these efforts of my colleagues across the aisle or in a process that has been taken. If my colleagues were serious about these allegations, they would have gone through the proper steps to ensure this investigation was done correctly, but they did not. They would rather drag this investigation and this Committee into the gutter, and that was proved by the gentlewoman from Georgia. If the gutter is where they choose to live and the only purpose of this hearing is to drag us all down there with them, I do not want any part of it.

I ask for unanimous consent to submit for the record a letter from Ways and Means Ranking Member, Richard Neal, outlining improper steps taken by the Majority in this investigation.

Chairman COMER. Without objection, so ordered.

Mr. GOMEZ. Thank you. With that, I would like to yield my remaining time to Mr. Goldman of New York.

Mr. GOLDMAN. Thank you, Mr. Gomez. Gentleman, I want to return to the *Washington Post* October 6 article, and I would ask unanimous consent to enter it in the record.

Mr. GOLDMAN. In your testimony, Mr. Shapley, before the Ways and Means Committee, you stated, "There was a leak. It appeared to come from the agent's level, who was critical of the prosecutors for not charging the case." What you testified earlier was a little different. Which one do you stand by today?

Mr. SHAPLEY. I am sorry. Could you repeat that?

Mr. GOLDMAN. "There was a leak. It appeared to come from the agent's level, who was critical of the prosecutors for not charging the case."

Mr. SHAPLEY. Yes. So yes, it appeared because it said it came from the agent's level, but the source was a source familiar with the topic and it did not say it was a law enforcement source.

Mr. GOLDMAN. OK. It seems to be a distinction, I think, without a difference. And then you understand that obviously, leaks of grand jury information is a felony, right?

Mr. SHAPLEY. Leaking an investigative information including 6103 would be felony, yes.

Mr. GOLDMAN. Well, that is true as well. So, would you agree that there would be some skepticism from any prosecutors about which of the agents may be the source of a leak?

Chairman COMER. And the gentleman's time has expired, but feel free to answer the question.

Mr. SHAPLEY. Oh. Since there have been multiple leaks in this investigation and the one on December 8 or December 9, 2020 that appeared to have come from someone, as Lesley Wolf stated, were——

Mr. GOLDMAN. I was just asking about October 6, 2022.

Mr. SHAPLEY. So, you know, I would have to——

Mr. GOLDMAN. It would cause anyone suspicion, right?

Mr. SHAPLEY. If it says it comes from an agent level?

Mr. GOLDMAN. Yes, that is what you said.

Chairman COMER. The gentleman's time has expired. You are the next questioner after, Mr. Fallon, from Texas for 5 minutes.

Mr. FALLON. Thank you, Mr. Chairman. I am, you know, we are just talking about obfuscating and diverting and distracting and spin and a whole lot of word vomit from the other side of the aisle. It makes no sense as to what we are here for today. And you hear a lot of Trump, Trump, Trump, Rudy Giuliani, Giuliani, Giuliani. We are not talking about either of those gentlemen today. I want to thank both the witnesses for being here. I think it has been established that you are very credible, you are very experienced, you are subject matter experts at what you do.

Mr. Shapley, you lead a team of 12 elite agents in this investigation. How long were you investigating the sportsmen, that Hunter Biden investigation. How long did you lead it for?

Mr. SHAPLEY. I started in January 2020.

Mr. FALLON. OK. So, 2 to 3 years?

Mr. SHAPLEY. Yes, that is correct.

Mr. FALLON. OK. You both, I am sure, are aware that one of Hunter Biden's lawyers has accused you of having axes to grind and that you are disgruntled agents. Mr. Shapley, are you a political activist?

Mr. SHAPLEY. I am not. No.

Mr. FALLON. You are not. Mr. Ziegler, are you a part of the MAGA movement?

Mr. ZIEGLER. I am not.

Mr. FALLON. You are not. OK. Thank you. So, I have to ask a direct question and it is an important one. Are you two out to get Hunter Biden or are you out to get justice?

Mr. SHAPLEY. It is all about justice here and that is why, you know, a plea agreement, people asked me to comment about the plea agreement. It is just, you know, it is outside of my control.

Mr. FALLON. Mr. Ziegler, justice or you want to get Hunter?

Mr. ZIEGLER. It is justice.

Mr. FALLON. Thank you. OK. So, the Ranking Member who was a rather skilled orator, bombastically claimed when he was speaking earlier, that this is all “normal stuff, and there is no evidence that Hunter Biden received preferential treatment.” So, Mr. Ziegler, do you agree with those statements? That this investigation was normal stuff, nothing out of the ordinary, and that Hunter Biden did not receive any preferential treatment?

Mr. ZIEGLER. Based on my transcript, I would believe that that question would be incorrect.

Mr. FALLON. Would it be fair to say that you vehemently disagree with those statements?

Mr. ZIEGLER. I do not think it changes my perspective of it. All I can say is that we came forward with the information of slow walking, not following the investigative steps and——

Mr. FALLON. So, it was out of the ordinary?

Mr. ZIEGLER. Yes.

Mr. FALLON. OK. Mr. Shapley, do you agree with those statements or disagree with them?

Mr. SHAPLEY. Yes, this is out of the ordinary.

Mr. FALLON. OK. So, when you read your transcribed interviews, which are pretty massive in and of themselves, it is clear that the levels of interference and roadblocks that the DOJ and other Federal Government personnel put in front of you was astounding, if not unprecedented. In these pages, I was literally shocked to see how an assistant U.S. Attorney stonewalled and scuttled your investigation.

So, let us go back. It is December 2020. The prosecutorial team is meeting to discuss next steps. Hunter Biden has received millions of dollars in foreign payments, one of his shell companies, Wasco, to this day, no one can tell what the hell that ever did, other than accept money. So, nobody knows what services the companies ever provided, and it is December 2020. Hunter is vacating a Wasco’s D.C. offices, and he is moving those documents to a storage unit in Northern Virginia.

Mr. Shapley, were you pretty interested in what some of those documents might reveal?

Mr. SHAPLEY. Yes, we were.

Mr. FALLON. OK. And maybe possibly could have shed light on criminal activity, felony, criminal activity?

Mr. SHAPLEY. Unfettered access to the documents there before defense counsel can filter them would have been very advantageous——

Mr. FALLON. It could have been a treasure trove, we do not know. OK, because of what happened later. So, I am going to get that in a second. So, did you prepare an affidavit to search that storage unit?

Mr. ZIEGLER. Yes, I was the one that put on that.

Mr. FALLON. Did U.S. Attorney Weiss agree that if the unit was not accessed for 30 days, then you could execute the warrant?

Mr. SHAPLEY. That is correct.

Mr. FALLON. OK. So, now that in and of itself seems kind of weird though, doesn't it? To have to wait 30 days. How are you going to know if somebody accesses it? Is it going to be on a 24-hour surveillance? Is it going to be a stakeout or are we going to have to call Emilio Estevez and Richard Dreyfuss, and have them there with the binoculars checking things out?

Mr. SHAPLEY. So it was not in the transcript, but this was a little bit unique location where it would have been easier than what you just described, see if it was accessed.

Mr. FALLON. OK. But you did not have to wait for 30 days, did you? Assistant U.S. Attorney, Lesley Wolf, what did she do when she learned that you wanted to execute the search warrant on this storage unit?

Mr. SHAPLEY. So, she actually first approved and was saying that it is going to take approvals for us to get this done. But then came back a few days later and said, no, we are not going to move forward with this. And I was the one who proposed well, let us just wait 30 days, we will get the approvals, we will make sure that the storage unit is not accessed, and then we can move forward with the warrant. Her response was, I am going to think about it. And then, we come to find out a few days later that they had let defense counsel know that we know about the storage unit.

Mr. FALLON. OK. In that case, so a U.S. Attorney tipped off the lawyers of a person who was a subject of a years-long criminal felony investigation. Is that what you are saying? Did Lesley Wolf tip off Hunter Biden's lawyers?

Mr. SHAPLEY. Regarding the storage unit.

Mr. FALLON. That storage unit, that you guys had interest in the storage unit? Because once you know that, if you are the subject of criminal investigation, any of those documents that can incriminate, they are probably going to meet a match and some gasoline. So, that is astounding to me, that that is direct evidence clearly of preferential treatment, and that is not normal stuff. Is that normal?

Mr. ZIEGLER. So, I can tell you that that was actually my, kind of, red line situation a little bit different than how Shapley refers to it, but I did not think we had a seat at the table. It disappointed me so badly, but I knew this was something that we were up against and that it was like, OK, that is what they decided to do.

Mr. FALLON. Have either of you ever seen anything like that before in your decades of experience?

Chairman COMER. And the gentleman time has expired, but please feel free to answer the question.

Mr. SHAPLEY. No, I have not.

Mr. ZIEGLER. I have not either.

Mr. FALLON. Well, I want to thank you. I think you are both excellent public servants and you are courageous. And justice is the only thing I want to be blind, not our Democratic colleagues, not the legacy media, and certainly not top Administration officials. Mr. Chairman, I yield back.

Chairman COMER. The Chair recognizes Mr. Goldman from New York.

Mr. GOLDMAN. Thank you, Mr. Chairman. I would love to get the extra minute that Mr. Fallon got as well. Thank you guys for being here today. We do not have a lot of time here. I have a lot of questions. If I cut you off, I am not trying to be rude, I am just trying to get through them. And I want to talk a little bit about the actual evidence you did have.

Mr. Ziegler, you were the case agent. So how many documents would you say you gathered during the 5 year investigation?

Mr. ZIEGLER. So, however, I do believe I may have documents. I am limited by the statute, but I would be more than welcome to turn those documents over to the—

Mr. GOLDMAN. No, no, I do not need them. How many? Just the number?

Mr. ZIEGLER. It was a significant amount of documents. I apologize.

Mr. GOLDMAN. Hundreds or thousands? Millions?

Mr. ZIEGLER. I do not want to put a number to it, but there was a lot.

Mr. GOLDMAN. Bank records, right? You had a lot of bank records?

Mr. ZIEGLER. Yes.

Mr. GOLDMAN. Both domestic and foreign?

Mr. ZIEGLER. That is correct.

Mr. GOLDMAN. And you conducted search warrants?

Mr. ZIEGLER. Yes, there was reference in our transcripts to conducting electronic search warrants.

Mr. GOLDMAN. And did you do other search warrants as well?

Mr. ZIEGLER. When you say, "other search warrants," what do you mean?

Mr. GOLDMAN. Any other search warrants, electric, otherwise, physical?

Mr. ZIEGLER. So, I am going to stick to what I stated in my transcript. There were multiple electronic search warrants that we—

Mr. GOLDMAN. And you said that you conducted more than 60 interviews as part of this investigation, is that right, in your—

Mr. ZIEGLER. That is correct.

Mr. GOLDMAN. That is a lot for any investigation, right, for a tax investigation?

Mr. ZIEGLER. I would not say that. I would say that—

Mr. GOLDMAN. Alright, in my 10 years, I do not know how many investigations I did with 60 interviews. So, I want to focus though, for a second, on the WhatsApp that we went through. And, Mr. Shapley, in your testimony, in your opening statement, you said that the text message, the WhatsApp message that we have been talking about shows Hunter Biden discussing business with his father. Could you show me where in the text message it says anything about discussing business with Joe Biden?

Mr. SHAPLEY. So, if you would like me to go through it, I mean, I can take time to review it, if you would like me to.

Mr. GOLDMAN. Well, I do not have the time, unfortunately, as you point out. I will tell you, the only thing that says about it is that Hunter Biden was sitting with his father. It does not say anything about discussing any business. And, Mr. Shapley, you also said in your testimony, and we talked about this a bunch, that the

agents were prohibited from pursuing leads related to Joe Biden, and the big guy, but the agents did that anyway, right, investigating Rob Walker?

Mr. SHAPLEY. The agents that interviewed Rob Walker did not use—

Mr. GOLDMAN. And they asked him about that, right?

Mr. SHAPLEY. The word “big”—

Mr. GOLDMAN. Right. They did not use the word “big guy,” but they asked about it in reference to that text. And do you recall that Rob Walker actually said in response to that, that he was not aware that Joe Biden was ever a part of anything that he and Hunter were doing?

Mr. SHAPLEY. That is what the witness said, yes.

Mr. GOLDMAN. Yes. And then you describe a lunch, we talked about earlier, where Joe Biden came to say hello at the Four Seasons Hotel to lunch that he was having with CEFC executives, right?

Mr. SHAPLEY. That is correct.

Mr. GOLDMAN. But what you did not talk about is what Rob Walker said the origination of that lunch was, and you testified that Hunter told his dad, according to Rob Walker, “I may be trying to start a company or try to do something with these guys.” Now, let me ask you something. That does not sound much like Joe Biden was involved in whatever Hunter Biden was doing with the CEFC if Hunter Biden is telling him that he is trying to do business with them, does it?

Mr. SHAPLEY. No, but it does show that he told his father he was trying to do business and he was talking to his father—

Mr. GOLDMAN. OK. Well, that is true. Hunter Biden does try to do business. That is correct. So, you not only have no direct evidence connecting Joe Biden to any of Hunter Biden’s business deal, you actually had proof that he was not involved. That is the proof that you had. And in the end of the day, that this was a 5-year criminal investigation with tens of thousands of documents, maybe hundreds of thousands, unusual warrants, aggressive techniques. You wrote a report recommending felony charges. It went to DOJ Tax. They wrote a 99-page memo, approval memo, right, and neither of you saw that, did you?

Mr. SHAPLEY. That is correct.

Mr. ZIEGLER. That is correct.

Mr. GOLDMAN. And what was their recommendation?

Mr. ZIEGLER. So, all I know is—

Mr. GOLDMAN. Approval, discretion, or declination?

Mr. ZIEGLER. So, I have to stick to the confines of—

Mr. GOLDMAN. OK. You testified that it was discretion, which means that it was not an approval. It was to the discretion of the U.S. Attorney’s Office, which had that DOJ Tax memo, which had information from the defense lawyers that they spoke with, and they are the ones who have to prove this case in court. And I will tell you as a Federal prosecutor for 10 years, and I worked with many of your colleagues who do great work and I am sure you do great work as well, but I never met an agent who did not want to charge every possible case. But what I noticed in 5 hours of testimony today is that neither one of you has ever mentioned a portion

of the case that may not be so strong or maybe suspect or may have a defense. And that is because that is what the prosecutor has to think about before charging a case, and that is not what the special agent report does.

Chairman COMER. The gentleman time has expired. You went a minute over. The Chair now recognizes Mr. Perry from Pennsylvania.

Mr. PERRY. I thank the Chairman. Mr. Shapley, if you can turn to page 30 of your transcript and I want to say that Mr. Shapley and Mr. Ziegler, we sure appreciate you coming forward. I think we have heard of alleged so called whistleblowers in the past, they could not reveal themselves. And it led to an improper impeachment of a president that was unjustified and unsubstantiated. So, I really do credit you. I think this has probably been very, very difficult and a hard choice for you make, but I think it was the right one, and I commend you for it.

Mr. Shapley, page 30, your transcript. Let me see. Middle of the page, last sentence, second paragraph, starting with "every single day". Every single day was a battle to do our jobs. Now I understand that in Congress, but you are following the letter of the law. You are taking in information. You are prescribed you do this, you do this, and you get that. That is a chilling line. What do you mean when you said that?

Mr. SHAPLEY. Yes, every time when we tried to communicate investigative steps and get support for investigative steps, it was always slow-walked, it was always pushed off that we needed a PINS—DOJ Public Integrity approval—or DOJ OEO's approval, and it was just used as a crutch. The process was really used to stall the investigation. And, you know, ultimately, as you know, these which some people seem to be overlooking is that these prosecutors agreed with these charges.

Mr. PERRY. And you finally reached your red line. You said previous in answer to Mr. Fallon's question, you were seeking justice, I believe you were. I do not think you were picking winners and losers. You are just seeking to see who is following the rules. You finally reached your red line, October 7 of 2022 at the meeting with U.S. Attorney Weiss. Is that a reasonable characterization?

Mr. SHAPLEY. Yes, that is correct.

Mr. PERRY. And what did you mean when you say you reached your red line?

Mr. SHAPLEY. So, throughout the investigation, starting in the summer of 2020, my case agents were coming to me with certain concerns, and because we were worried about the discovery process, with agents turning over documents at the end of the investigation, we want to protect that investigation. So, I documented them on a recurring basis, issues that we are having, and it was after discussions with my agents. I also saw these things firsthand, so we got to the point where it is a heavy burden. Like, I have a very deep respect for the Department of Justice, and AUSA, and U.S. Attorneys I have worked within the past, and I just could not—to ultimately conclude that they were doing the wrong thing was just such a high burden.

Mr. PERRY. Yes, you concluded that. And, Mr. Ziegler, your red line, I think you said—I do not want to mischaracterize—a little

later December 14, 2020, when AUSA Wolf tips off the Biden counsel about your plan to search the storage unit. Is that right or—

Mr. ZIEGLER. Absolutely, because that storage unit, the method that we were planning to do was the least intrusive, it was a storage unit. We needed to get those records.

Mr. PERRY. And again, you were just seeking justice, right, seeking the truth?

Mr. ZIEGLER. Absolutely.

Mr. PERRY. Truth is going to take you wherever it takes you to make decisions based on what you learned. Turning back to you, Mr. Shapley, what was your Agency's leadership's response when you tried to alert officials outside your chain of command?

Mr. SHAPLEY. So, most recently, when Special Agent Ziegler emailed the Commissioner, they basically threatened and intimidated Special Agent Ziegler that he had violated some type of law—

Mr. PERRY. Threatened and intimidated?

Mr. SHAPLEY [continuing]. And forced him, you know, this chain of command requirement did not meet the legal requirement.

Mr. PERRY. So, you are trying to seek justice, you are trying to seek the truth, and they are throwing an obstruction in front of you. They are obstructing you from doing it, aren't they?

Mr. SHAPLEY. So, my complaints for IRS criminal investigation and senior leadership is not necessarily for blocking this investigation. You know, I do believe that we raise things on a continual basis and they just stuck their head in the sand, and took no action. But in terms of the retaliation, that is when they first reared their head, and, you know, there is no doubt about it that after protective disclosures were made, that they took primitive personnel practices against me.

Mr. PERRY. Mr. Shapley and Mr. Ziegler, have you ever been threatened before in an investigation?

Mr. ZIEGLER. I have not, and I have come to learn that that this 6(e) grand jury threat may have happened before to other people inside the IRS.

Mr. PERRY. Mr. Shapley?

Mr. SHAPLEY. No, not from my own Agency. Not from the team.

Mr. PERRY. Yes. So, when my friends on the other side of the aisle say that Treasury has not retaliated against you, simply not true. There is a law of 5 USC 2303(b)(13), and they placed, unlawfully, you and your fellow supervisors under a gag order. Mr. Shapley and Mr. Ziegler, my time has expired, but what we are talking about here is obstruction of justice. You were seeking justice and you were obstructed. It is against the law. Mr. Chairman, I yield the balance.

Chairman COMER. The gentleman yields back. The Chair recognizes Mr. Moskowitz from Florida.

Mr. MOSKOWITZ. Thank you, Mr. Chairman, and gentlemen, thank you for appearing today. Thank you for being a public servant, and there should be no retaliation against you as whistleblowers, unlike my colleagues that said nothing and supported President Trump when he retaliated and fired Vindman, and escorted him from the building for appearing in an investigation.

That should not happen to you, but, of course, they said nothing, when it happened to other people.

We have heard a lot about the Bidens, the Bidens, the Biden family, Biden associates, right? “Bidens” plural, the “s”, what does the apostrophe mean? But not Joe Biden. Did not hear a lot about Joe Biden. Why? Because he did not do anything. It has nothing to do with him.

You know, our colleagues talked about foreign countries, you know, foreign entities trying to make it all scary for the American people. Of course, President Trump got \$5.4 million from the Chinese while he was President because they were leasing space in Trump Tower. He goes out and air kisses President Xi, totally perfect. Jared Kushner gets \$2 billion from the Saudis even though he oversaw Mideast peace, totally kosher. Ivanka Trump, you know, she is doing business with the Chinese while she is working in the White House. Totally beautiful, right?

Why do I bring that up? They want to say you have credibility. The problem is they have none. They have no credibility, and because you are here at their behest, their lack of credibility, questions your credibility, not because of you personally, but because of what they have done over the last several years.

So, the Chairman says you are credible. You want to know actually what they feel about you, people like you who work in Government? I got pages of it. It goes on for years, but you know what? I will just read a couple of adjectives. Trump has called people like you, “so-called whistleblowers,” “fake whistleblowers,” “partisan people,” “political hack jobs,” “scams,” “frauds,” “traitors,” “coward,” “spies,” “losers,” “clowns,” “thugs” “puppets,” “unelected bureaucrats,” “the swamp,” and my favorite, “the Deep State.”

By the way, are you members of the Deep State? You are members of the Deep State? Did you stop paying? It is a rhetorical question. Did you stop paying your Deep State dues? You did not attend the latest Deep State meeting. Is that why you are not in the Deep State? I cannot tell when they want people like yourself to be in the Deep State, not in the Deep State, depending upon what the Deep State is saying. Again, it undermines their credibility. It undermines government. It undermines the Americans’ trust in government. It undermines our institutions, and throughout all of this for years, 4 years of it, they said nothing. And now, you know, in an effort to own Hunter Biden, OK, they are assembling nude photos of him, right? Having some intern have to sit in a room and blow up these photos and put it on poster board and figure out, oh, which ones, are beyond the pale.

Mr. Shapley, you said that the DOJ was slowing down the investigation, but some of that happened when President Trump was President. And I found it strange that when my colleague tried to ask both of you these questions about when your perceived slowness of this happened, you all struggled for a period of time to admit that it started under President Trump. Was President Trump directing that DOJ to slow down the investigation? He was not, just like President Biden is not now. So, if there are any perceived issues with DOJ, it is with DOJ. It is not with the President.

Mr. Ziegler, you said no one is above the law regardless of political affiliation. Do you think the President's son-in-law, not as an IRS agent as a person, do you think the President's son-in-law, Jared Kushner, who worked in the White House, could not get security clearance until the President made it happen, was put in charge of Mideast peace, and with no investment experience got \$2 billion from the Saudis? You guys made a lot of noise today about \$17 million, but what about \$2 billion? Do you think he is a person that should be looked at? Sounds a little strange.

Mr. ZIEGLER. Congressman, thank you for that question. Given the statute, I am limited to my testimony.

Mr. MOSKOWITZ. I understand. I got it. But think about it: \$2 billion from a foreign country that he was put in charge of their policy while he worked in the White House. They got no questions about that. That is totally great, totally wonderful, right?

You know, Joe Biden has been in Washington for almost 50 years. We did not hear about Hunter just until, like, a couple of years ago. Why? Because it is a pay no attention to the man behind the curtain, like the Wizard of Oz, right? Donald Trump is in so much trouble, and they cannot save him, but what they can do is they can spend taxpayer money and all the time while they control these hearings to convince the American people that somehow Joe Biden has done something wrong, but there is no evidence, none, zero, zilch, nada, zippo.

And you know how I know that? Because they could not even bring up their own impeachment, they had to bury it in Committee. On immigration, not on this topic, right? There are Members of this Committee that filed articles on impeachment. Did not bring it up for a vote, buried it in Committee. Again, not on this topic, because there is no evidence on Joe Biden. Thank you, Mr. Chairman. I yield back.

Chairman COMER. The Chair recognizes Mrs. Boebert from Colorado.

Mrs. BOEBERT. Thank you, Mr. Chairman. And thank you, gentlemen, for being here today. I appreciate you.

Now, if Mr. Shapley or Mr. Zeigler, if you could each just quickly, maybe 20 seconds or less summarize, what did each of you find when you criminally investigated Hunter and Joe Biden particularly, as it relates to China?

Mr. ZIEGLER. So, specifically related to China, there is CEFC, Hudson West III, State Energy HK. Yes, those are, I believe, the three entities in my transcript.

Mrs. BOEBERT. Uh-huh. Mr. Shapley?

Mr. SHAPLEY. So yes, I mean, I would just echo the same thing that is in my transcript.

Mrs. BOEBERT. And so there is a Ye Jianming, a Chinese billionaire, and he is tied to a CCP intelligence gathering agency, and his company is CEFC. What is the connection between Hunter Biden and CEFC?

Mr. ZIEGLER. So, I am going to have to stick to the confines of my testimony. But what I can tell you is that there may be some documents that are responsive to that, and then I can turn those over the House Ways and Means Committee and then get those over—

Mrs. BOEBERT. I welcome those, yes.

Mr. ZIEGLER [continuing]. If they would vote to get those released.

Mrs. BOEBERT. Yes, we would love to get those in. And I see that Hunter Biden received more than \$8 million in foreign payments, including \$100,000 made from CEFC directly, \$664,000 from State Energy HK, as you mentioned, another Chinese company. And a \$325,000 capital contribution made into Bohai Harvest, on Hunter's behalf, a Chinese equity investment fund. Were you shocked to find that the then-Vice President's son received all of these payments, particularly the ones from Chinese entities?

Mr. ZIEGLER. Well, as I tried to state earlier, in this position you have to be nonpartisan. It is not a matter of shock. It is just you follow—

Mrs. BOEBERT. Well, it is not the political position, not the party, but just the Vice President's son. So, I am not accusing you of a political bias here.

Mr. ZIEGLER. So, it is just follow the evidence, see where the transactions are coming from, interview witnesses, and try to figure out what the purpose of those transfers of money were for.

Mrs. BOEBERT. And Mr. Shapley in March 2017, Robinson Walker, LLC, received a \$3 million wire from a Chinese company, State Energy HK Limited, which took place just 2 months after Joe Biden left office as Vice President. And I believe it was in your testimony that you said that it seemed that this would be getting into place—it was in a testimony that was said today—this would be being assembled before he left office and then just shortly after it came to fruition. So, can you quickly discuss the Robinson Walker connection to the Biden family?

Mr. SHAPLEY. So yes, I mean, I have to defer to Special Agent Ziegler.

Mrs. BOEBERT. OK.

Mr. SHAPLEY. I do not think I spoke about the \$3 million.

Mr. ZIEGLER. Yes. So, any of that information related to the \$3 million, we can turn over the House Ways and Means Committee and they can vote to release that to you.

Mrs. BOEBERT. Thank you. And I see that Hunter Biden and a Gongwen Dong, a CEFC associate, establish Hudson West III, LLC, and each owned 50 percent of the company. Between August 2017 and October 2018, Hudson West III sent over \$4 million to Hunter Biden and over \$75,000 to James Biden, Hunter Biden's uncle. Now can you discuss these payments? Because my colleagues on the other side of the aisle are wondering what the apostrophe is when we are talking about the Bidens'. And it seems there are more Bidens right here who are receiving money.

Mr. ZIEGLER. So, in an answer to his question regarding President Biden and in an answer to this question, any documents that we believe that we may have in our possession, we can turn over the House Ways and Means Committee, they can vote to release it to you guys.

Mrs. BOEBERT. OK. I request that you release those to them. And then also we have the situation with Gal Luft that he was doing business with CEFC and I guess, that makes you a Chinese spy. So, I guess Hunter Biden is a Chinese spy according to their allega-

tions, but do you have any information regarding Gal Luft that you could also turn over to the Ways and Means Committee?

Mr. ZIEGLER. So, any information that I have in my case file at the direction of my attorney, we can turn over to the House Ways and Means Committee.

Mrs. BOEBERT. Thank you so much. I appreciate you, gentlemen, for being here, your bravery, your courage for standing up. You know, we saw a lot of evidence today about millions of dollars being shuffled through these shell companies. We have seen delayed warrants to impact a 2020 election, prosecutors instructed not to involve the big guy because optics. Well, the optics are very, very clear. Hunter Biden sold access to his father with an influence peddling scheme, which in my opinion, compromises the current President of the United States. The Biden family has never sold anything in their life, but their influence in Washington, DC, every business they have is monetizing their gift of the American people. Thank you for making that very clear today, gentlemen. I yield.

Chairman COMER. The gentlelady yields back. The Chair now recognizes Mrs. McClain from Michigan.

Mrs. MCCLAIN. Thank you guys for being here. I know it has been a long day, but we appreciate you, the American people appreciate you, to get some truth and honesty back in the American justice system, I think is great. So, thank you again. We have heard a lot of rhetoric today. And I just want to talk about it as much as we can just the facts, just stick to the facts.

So, Mr. Shapley, in August 2020, your team obtained a July 2017 WhatsApp message from Hunter Biden to Zhao, a Chinese businessman, and I want to read a few lines from that message. I am sure you remember it, but I will just refresh your memory, and I quote: "Z, please have the director call me, not James or Tony or Jim, have him call me tonight. I am sitting here with my father and we would like to understand why the commitment made has not been fulfilled. And Z, if I get a call or text from anyone involved in this other than you, Zang or the chairman, I will make certain that between the man sitting next to me and every person he knows and my ability to forever hold a grudge that you will regret not following my direction. And I am sitting here waiting for the call with my father." That is a fact. I did not make that up. That is not my opinion. That is not rhetoric. This is a message from Hunter Biden's WhatsApp app, correct?

Mr. SHAPLEY. It is from a search warrant from Apple iCloud backup, yes.

Mrs. MCCLAIN. From where? From whose phone? My phone, your phone?

Mr. SHAPLEY. It was from Hunter Biden.

Mrs. MCCLAIN. OK. Thank you, sir. I did not mean to be disrespectful.

Mr. SHAPLEY. It was not from his phone, but it was from a Hunter Biden device.

Mrs. MCCLAIN. Yes. OK. Thank you, but it was linked to Hunter Biden, correct?

Mr. SHAPLEY. Yes.

Mrs. MCCLAIN. OK. Thank you. Now, Mr. Shapley, were the Bidens contemplating a deal with CEFC in July 2017 timeframe?

Mr. SHAPLEY. So, I would just have to stick to what was in my transcript. I do not know if I really described that.

Mr. ZIEGLER. And then I think there, that is a portion of the WhatsApp message. However, I do believe there is a full chain that. If it is relevant, we can turn that over the House Ways and Means Committee, and they can decide to vote to release that to you.

Mrs. MCCLAIN. That would be appreciated. I just wanted to give in my limited time just to set the stage. One person has come forward. Tony Bobulinski, I believe has alleged that the Bidens were contemplating a deal with CEFC even earlier than 2017, and he has come forward and said that. Is Tony Bobulinski, the Tony referenced in the WhatsApp? I am trying to connect the dots.

Mr. ZIEGLER. Yes, I think we need to stick to the transcript, and I think in my testimony, I referenced Sino Hawk, the SinoHawk deal. And we know that that deal never went through, and that relates to CEFC in China.

Mrs. MCCLAIN. OK. So, the Tony, that he is referencing it, do you believe that to be Tony Bobulinski?

Mr. ZEIGLER. So, in my transcript I did not mention anything regarding Tony Bobulinski, but what I can do, again, is provide any information that I have related to him—

Mrs. MCCLAIN. Please.

Mr. ZEIGLER [continuing]. Over the House Ways and Means Committee.

Mrs. MCCLAIN. Thank you so much. And then the reference to James. Is there a reference to James in there? Is that James Gilliar another Biden associate? We might have to get that one too.

Mr. ZEIGLER. Again—

Mrs. MCCLAIN. That is OK. And again, I think it is just critical that we stick to the facts and not my opinion. So, I appreciate the fact that you are only speaking with fact not on a partisan basis.

Mr. ZIEGLER. Absolutely.

Mrs. MCCLAIN. But if you could get those that would help because in another message, Zhao responds to the earlier message, "Copy, I will call you on WhatsApp," and Hunter writes back, "Oh, my friend. OK. My friend, I am sitting here waiting for the call with my father." Again, my concern is the ability to tell the truth, right? The cover up is always worse than the crime. How many times did we hear Joe Biden say, not involved, not involved, not involved, I have no idea. Yet, his son says he is sitting right there while he is making these alleged influence peddling. So, Mr. Shapley, what do these messages indicate to you? Can you comment on that?

Mr. SHAPLEY. Yes, I mean, they indicate that we needed to take additional investigative steps to find out what the facts and circumstances were of this WhatsApp message, and, just simply, it was not supported.

Mrs. MCCLAIN. Can you explain to us what do you mean, it was not supported?

Mr. SHAPLEY. So Special Agent Ziegler, I mean—

Mr. ZEIGLER. Yes, so as a normal part of a tax investigation, you want to understand why individuals are earning money. If someone is paid a significant amount of money in order for that to be in-

come, not a gift, not a loan, you need to understand the substance to why that person is paying them. And that is why you need to—you need to understand the four corners of that transaction.

Mrs. McCLAIN. Sure. And that standard operating procedure that is usually held for normal members of society. I mean, that is standard operating procedure, but what you are telling me is you were not able to pursue that, correct?

Mr. SHAPLEY. That is correct.

Mrs. McCLAIN. I am out of time. Thank you so much, Mr. Chairman, and thank you again.

Chairman COMER. The Chair recognizes Mr. Burchett from Tennessee.

Mr. BURCHETT. Thank you, Mr. Chairman, Members, thank you all for being here.

When I was younger man, our country was not going too well. And one night, it really culminated in something and I remember my daddy praying, said, at the blessing, he just said, Lord, please do not let us lose our country. That is the prayer I will be making tonight after hearing this testimony, because this just really it sickens me. And Mr. Ziegler, I know you are a man of faith. Mr. Shapley, I guess after tonight, maybe you are or you are not. I am not sure where it will drive you, but I will be remembering you all in my prayers. And, Mr. Ziegler, I appreciate you all's incredible courage. It takes a lot of guts to get up here and put your families and your spouses through all this garbage, and it is not right, and thank you all, sincerely.

Mr. ZIEGLER. I appreciate that.

Mr. BURCHETT. Yes, sir. Mr. Ziegler, it has also come to my attention that today after this hearing was already underway apparently, oppo research is circulating from "Hunter Biden's legal team," suggestions that you had leaked SARS and other investigative information to someone who had released that information online. Is there a statement that you would like to make about whether you have leaked any investigative information to someone to reveal on the internet? And I am sure Hunter Biden's legal team is obviously watching right now and these dirtbags are trying to smear you through the press, and it is disgusting, and I would appreciate hearing a direct answer from you, brother.

Mr. ZIEGLER. So, there are two parts to this. There was that release of that bank report, my name was listed in there. So, my name was out in the public as one of the IRS agents working this case. And that was maybe 2 or 3 years ago. So that came out, and then on top of that, me and my husband were in a report that is out on social media, on Twitter, by a person with the same last name that I have, who I have never met, I have never turned over information to, we just happened to have the same last name. OK?

Mr. BURCHETT. Right.

Mr. ZIEGLER. I was, for my sexuality, my sexual orientation—my husband was put out there like information related to me. So, it was in an effort to discredit me that I am this person working for the liberal side, and I must be a plant, and it was awful the things that they were saying about me. But I can tell you that I have never turned over any information regarding this case to anyone

related to that Marco Polo report or someone with the same last name that I have.

Mr. BURCHETT. Thank you, and I appreciate that, and I am sorry—

Mr. ZIEGLER. Thank you so much, sir.

Mr. BURCHETT [continuing]. You and your husband had to go through all that misery. Mr. Ziegler, also, how much do you think Hunter Biden's business associates received from the Burisma Board?

Mr. ZIEGLER. I am going to need to refer to my transcripts. So, if you give me 2 seconds.

Mr. BURCHETT. How about this? How about if I just help you out, \$666,667. Does that sound about right?

Mr. ZIEGLER. So, is that a monthly transfer?

Mr. BURCHETT. I am not sure. Well, if it is a monthly transfer, I am in the wrong line of work.

Mr. ZIEGLER. Yes, so Burisma paid to everyone involved \$6.5 million.

Mr. BURCHETT. OK, OK. And when did Hunter leave the Burisma board?

Mr. ZIEGLER. Can you hold on 1 second?

Mr. BURCHETT. Sure.

Mr. ZIEGLER. It is not in the confines of my transcript, so that would be something I would have to turn over—

Mr. BURCHETT. OK.

Mr. ZIEGLER [continuing]. To the House Ways and Means.

Mr. BURCHETT. I would like to get that. Was the money you think received from Burisma sent directly to Hunter Biden in 2014 and 2015?

Mr. ZIEGLER. It was not. It was sent to an entity called Rosemont Seneca Bohai.

Mr. BURCHETT. OK. Why would they do that? And why would they send it to his business partner Devon Archer in all that?

Mr. ZIEGLER. So, I can talk about my normal experience. Hold on 1 second. So, I can provide this in an additional testimony to the House Ways and Means Committee to explain that.

Mr. BURCHETT. OK. I would like to get that. Mr. Ziegler, also Rosemont Seneca Bohai, they did not do anything. They did not produce anything. Skinny Atlas, they did not obviously do anything. Wasco did not do anything. Hudson West III did not do anything. But are all these Hunter Biden affiliated companies? To the best of your recollection.

Mr. ZIEGLER. I believe I referenced in my testimony that I knew of those.

Mr. BURCHETT. OK.

Mr. ZIEGLER. But I did not reference how I knew of them.

Mr. BURCHETT. OK. Well, I guess and I should have directed that at Mr. Shapley, I believe. But my point is you are familiar with these companies. But have you ever been able to identify what the Bidens did here in the business of selling or what they did with these companies? Either one of you all? Mr. Shapley?

Mr. ZIEGLER. The response to that, the reason why some of these payments were received, we can turn over as a part of an additional testimony of House Ways and Means—

Mr. BURCHETT. Well, I guess my point is, I did not sell tough steaks or crappy ties. They sold influence, in my opinion, and I am out of time, Mr. Chairman, I apologize. I would like to close and say a buddy of mine, Rob DeLoach, texted me during all this and said, "I hope you all get to the bottom of this, and I hope you all do something about it." So, that would be my wish for this Committee. Thank you guys so much. God bless you.

Chairman COMER. That is the goal. Thank you. The Chair now recognize Mr. Fry for 5 minutes.

Mr. FRY. Thank you, Mr. Chairman. Mr. Ziegler and Mr. Shapley, were you able to pursue this investigation in areas that may implicate the President's involvement in his family's businesses?

Mr. SHAPLEY. We were hindered from following that line of investigative steps.

Mr. FRY. Would you echo that, Mr. Ziegler?

Mr. ZIEGLER. Yes. Specifically, in my testimony, I referenced the campaign.

Mr. FRY. In 2020, President Biden—candidate Biden at the time—said during a debate, "My son has not made any money in terms of this thing about, what are you talking about China? I have not had—the only guy who made money from China is this guy, Donald Trump. He is the only one. Nobody else has made any money from China." Mr. Ziegler, was the President telling the truth when he said that his son Hunter Biden had not made any money from China?

Mr. ZIEGLER. So, I do not know what the President at the time was thinking, but what I can tell you based on what I testified in my transcript, that he did earn money from China.

Mr. FRY. Right. And in March 2023, just a couple months ago, the committee showed through bank records that Hunter Biden, the President's son, James Biden, Hallie Biden, all received money originating from China funneled through Robinson Walker, LLC, a company owned by Rob Walker, who is a well-known Biden associate. When presented with this evidence by a reporter the President said that is not true. Mr. Ziegler, is it true that the President's family received money originating from China, which was funneled through the Robinson Walker account?

Mr. ZIEGLER. That is correct.

Mr. FRY. As it pertains to the Hunter Biden investigation, Mr. Shapley, you sat in on a meeting on October 7, 2022, with Mr. Weiss. You have testified to that. Is that correct?

Mr. SHAPLEY. Yes, that is correct.

Mr. FRY. And later this year, on June 7, Mr. Weiss publicly stated in a letter to the Judiciary Committee, the following, "As the Attorney General has stated, I have been granted ultimate authority over this matter, including responsibility for deciding where, when, and whether to file charges." That statement is dramatically inconsistent with your recollection of a meeting that happened in October 2022. Is that correct?

Mr. SHAPLEY. Yes, in corroborated documentation of that meeting clearly shows that that is not accurate.

Mr. FRY. How is that not accurate from your recollection of that meeting?

Mr. SHAPLEY. Because during that meeting, United States Attorney Weiss said that he was not deciding person, he said it right out, and he further went in the Department of Justice Tax Division had to approve any charges first to which, as of March 16, 2023, we know that they had not approved anything yet. He further goes, he says the D.C. U.S. attorney had declined to allow charges to be brought there and that he requested special counsel authority around that time. It was denied and was told to follow the process. That process would lead him to another President Biden appointed U.S. Attorney in the central district of California. And he told us at that meeting on October 7, 2022, that if California declined it, that he would have to request those special authority again.

Mr. FRY. Right. So, during that meeting and in subsequent letters that Mr. Weiss produced to both Senator Graham and to the Judiciary Committee, he seems to corroborate that meeting or some of the facts from that meeting that maybe he did not have that authority, right?

Mr. SHAPLEY. So, yes, the second letter on June 30, clearly shows that he is saying that he has full authority, he has ultimate authority.

Mr. FRY. Right.

Mr. SHAPLEY. He immediately goes in and says, but my authority is geographically limited. I do not understand how you can conclude any way from that statement in the June 30 letter, that he has full authority.

Mr. FRY. Correct.

Mr. SHAPLEY. It is just simply not accurate.

Mr. FRY. Correct. And that was something that you saw early on or you all saw as a potential problem. Mr. Ziegler, if the U.S. Attorney Weiss could not gain special counsel authority, what options remained in bringing charges against Hunter Biden in California or in the District of Columbia?

Mr. ZIEGLER. So, I guess it would have been the special attorney authority that I have seen recently referenced. But I mean, essentially, when D.C. said no, and we know that D.C. said no. We were having conversations with our FBI counterparts of how do we bring in a special counsel into the situation? I think that, like, once we knew that there was going to be potential problems with going to President Biden appointees, with moving this case forward, we were actively trying to figure out how as agents do we get that to happen. And still, to this day, there is not a special counsel assigned to this investigation.

Mr. FRY. Right. So, the approach was, and I got to go quickly here, but the approach was to go to D.C., with Matthew Graves, where he was not able to bring charges under a Biden appointee. He went to the Central District of California, Mr. Estrada, was not able to bring charges. So, to both of you, in conclusion, in relation to the U.S. Attorney's inability to obtain that special counsel authority and bring these cases in either California or D.C., do you agree with Attorney General Garland's testimony that, "The United States Attorney Weiss has been advised that he has full authority to bring cases in other districts if he needs to do that?"

Mr. SHAPLEY. I do not believe that is accurate.

Mr. ZEIGLER. And I think the key word there is, "he has," and I do not think that that is accurate. And I think that that is refuted in the later letter by U.S. Attorney David Weiss.

Mr. FRY. Thank you both. In conclusion, thank you both for being here for your bravery and testifying today. I know it has not been easy on you or your family, but the American people and this Committee appreciate the work that you do, that you continue to do, and the truth that you are shedding light on. With that, Mr. Chairman, I yield back.

Chairman COMER. The gentleman yields back. The Chair recognizes Mr. Edwards from North Carolina for 5 minutes.

Mr. EDWARDS. Thank you, Mr. Chair. Mr. Ziegler, did you ever ask for access to Hunter Biden's laptop in your investigation?

Mr. ZIEGLER. I do recall asking for access, yes.

Mr. EDWARDS. And were you granted that access?

Mr. ZEIGLER. I do not believe that that is in the confines of my transcript. So, when we are talking about—

Mr. EDWARDS. Did you look at the laptop?

Mr. SHAPLEY. So, I can jump in there because I documented a meeting where we had this discussion, and it was included in my House Ways and Means Committee transcript. And Special Agent Ziegler asked a multiple times that, you know, that he had certain pieces of certain downloads from the devices, but he did not have access to all of them, and that is when Lesley Wolf said that well that is because prosecutors decided not to give it to you all.

Mr. EDWARDS. So, you effectively were denied access. Mr. Shapley, in your interview with the Ways and Means Committee, you stated the following regarding efforts to obtain a search warrant for, at the time, former Vice President Biden's guest house, we talked about the storage unit earlier. Let us talk about the guest house now, where Hunter Biden had been staying. And Assistant U.S. Attorney Lesley Wolf's assessment of the situation regarding the likelihood of such a warrant being approved. There was more than enough probable cause for the physical search warrant there, but the question was whether "the juice was worth the squeeze," and I find this in quotes. She continued, "That optics were a driving factor in the decision on whether to execute a search warrant." She said, "A lot of evidence in our investigation would be found in the guest house of former Vice President Biden," but said that there is no way that we will get it approved. I will open this question to both of you. In the course of your distinguished careers at the IRS, has a DOJ official ever attempted to argue against the execution of a search warrant, while acknowledging that such a warrant being carried out would likely yield positive evidentiary results for the investigation? Mr. Shapley?

Mr. SHAPLEY. So, my response would be that argument would not be required, you know, it would be discussion with the investigators working with the prosecutors, and if you were on the same page, then you just simply, you know, would move on. And with the circumstances of probable cause being achieved and knowing evidence was there, I do not know how she could have not allowed us to execute that search warrant.

Mr. ZEIGLER. And I mean, it goes further. And even to the storage unit, when you talk about access to something and you are re-

lying now on them to turn the records over to you versus you having access to those records, they are not being potentially destroyed. I mean, there is a multitude of reasons why you would want to execute a search warrant.

Mr. EDWARDS. Mr. Chair, I would just like to share some thoughts. This hearing is much like arguing with my wife. We start out on a topic and then we go in all kinds of different directions, and it seems like that is what I am hearing, at least from the other side, today. And I have heard over and over that President Biden has not been implicated or proven for any wrongdoing here, and I acknowledge that for now, and I know that it is the intent of this Oversight Committee to continue to look at the evidence that we have here.

The issue at hand, however, is that it is Joe Biden's son that is the target of this and seems to have had preferential treatment on a number of levels. The investigators were denied access to the laptop, the Biden family was tipped off with the warrant on the storage unit, and the investigators were denied access to the guest house even knowing, or suspecting, that there was evidential or evidence in that, and that is what concerns the American people. That is the two-tier justice system that we see here. It is not that Joe Biden has been proven to do anything wrong yet. It is that Joe Biden's son has received preferential treatment through the Department of Justice.

I think that is a shame, and I appreciate these gentlemen being here to share their brief story with the American people. I yield back.

Chairman COMER. The gentleman yields back. The Chair recognizes Mr. Langworthy from North Carolina—from New York. Buffalo, New York. I have been to his place, Buffalo, New York.

Mr. LANGWORTHY. Thank you, Mr. Chairman, and thank you to these two very brave whistleblowers for what has been a very grueling hearing today. And I am just very grateful, and for openly testifying in front of everyone, and this must be challenging despite your providing accurate and credible testimony, but that goes directly to my point. I think it is important to sum up a few things.

So, I just want to ask you a series of questions to you, Mr. Shapley and Mr. Ziegler. It is true that you provided testimony to the House Ways and Means Committee, correct?

Mr. SHAPLEY. Yes.

Mr. ZIEGLER. That is correct.

Mr. LANGWORTHY. And how long did each of your interviews last?

Mr. SHAPLEY. Around 7 hours.

Mr. ZIEGLER. Yes, a little bit more than 6, 7 hours.

Mr. SHAPLEY. Six or 7 hours.

Mr. LANGWORTHY. OK. And when did those interviews occur?

Mr. SHAPLEY. Mine was late May.

Mr. ZIEGLER. June 1.

Mr. LANGWORTHY. Of this year?

Mr. SHAPLEY. Yes.

Mr. LANGWORTHY. Were Democratic staff present during your interviews and did they question you?

Mr. SHAPLEY. Yes, they did.

Mr. ZIEGLER. Democratic staff was present, and actually the Chairman Smith was present at my—

Mr. LANGWORTHY. OK.

Mr. ZIEGLER [continuing]. Testimony.

Mr. LANGWORTHY. Did you give your testimony knowing that you could be criminally prosecuted if you lied to Congress?

Mr. SHAPLEY. Yes, I did.

Mr. ZIEGLER. Yes, I did.

Mr. LANGWORTHY. Now, how long has your testimony been public for the American people to read?

Mr. ZIEGLER. For the last 3-plus weeks, probably.

Mr. SHAPLEY. Around, yes, 3 weeks.

Mr. LANGWORTHY. OK. And you have been questioned by both Republican and Democratic Members today, correct?

Mr. SHAPLEY. That is correct.

Mr. ZIEGLER. That is correct.

Mr. LANGWORTHY. OK. Now, given all that you have just told us you gave over 15 combine hours of testimony to the Ways and Means, hours of public testimony today, and these facts have been public now for weeks, and yet, not one single person has been able to contradict a single fact about your testimony. That is incredible because it is that impressive. And it speaks to your credibility, your attention to detail as investigators, and now as whistleblowers.

The attacks you hear today are not actually because of your testimony. They are Democratic talking points meant to protect the Bidens just like the DOJ and the IRS. Your testimony speaks for itself. It is powerful, and I am so glad you are willing to voluntarily come in today. And that is why, Mr. Chairman, I am so pleased that you held this hearing today and show yet another example of why this Committee must continue this investigation into these matters. And I am proud to yield back.

Chairman COMER. The gentleman yields back—

Mr. ZIEGLER. Can I say something real quick regarding what he just—

Chairman COMER. Yes.

Mr. ZIEGLER. So, one of the topics that was brought up over here regarding the 99-page pros memo and then that there was discretion given in there. From what I understand discretion, there is also language that I have seen included in DOJ tax memos, that references the need to charge the felony, you have to charge the felony essentially. So, I would ask Congress, when Mr. Weiss comes to testify here, at that point in time, what did that memo say? In August, when he got it from his team, what did that memo say? Did it approve felony and misdemeanor charges, and then what happened to that after. That I think is crucial for you guys to understand.

Mr. LANGWORTHY. Thank you. I just got a little time. Mr. Shapley, do you have anything else that you would like to add?

Mr. SHAPLEY. Yes, just to add on to that. The Department of Justice Tax Division has a policy called a major count policy and that basically mirrors what Special Agent Ziegler is saying. They actually teach it when they come out to speak to agents and provide training to agents. And that major count policy is that they have to charge a felony. They cannot just plead away the felony just to

get out of a potential trial. They cannot just rely on charging a misdemeanor or giving someone a misdemeanor when there is felony charges on the table. And as we have said all along, we have shown all along, that these prosecutors agreed with multiple felonies and none of them were charged.

Mr. ZIEGLER. And I have one more thing to add to that. And I go back to last spring. David Weiss is going to do the right thing. He is absolutely going to do the right thing. Let us hold off. We are moving forward. We get to August, and we get recommended approval for the felony and misdemeanor charges. So how do we end up where we are at today, and I just do not know.

Chairman COMER. Gentleman, would you yield your last 30 seconds?

Mr. LANGWORTHY. I would be glad to.

Chairman COMER. And we were told the same thing about Mr. Weiss as well, so we share your disappointment. Mr. Ziegler, you said there were foreign documents related to this matter, related to the investigation?

Mr. ZIEGLER. Yes.

Chairman COMER. Would you provide those documents to the Committee?

Mr. ZIEGLER. Yes. I can provide those documents to Ways and Means Committee.

Chairman COMER. Thank you.

Mr. ZIEGLER. Like a normal process for obtaining——

Chairman COMER. Right.

Mr. ZIEGLER [continuing]. Foreign documents, correspondent bank requests. So, you can actually request those corresponding wires, and that is a step that you can take——

Chairman COMER. Very good.

Mr. ZIEGLER [continuing]. In getting foreign money transfers.

Chairman COMER. Would you also provide the full Rob Walker transcript?

Mr. ZIEGLER. So, I will consult with my attorney, and we will turn that over to the House Ways and Means Committee.

Chairman COMER. Thank you. Thank you.

Chairman COMER. The Chair now recognizes Mr. Burlison from Missouri.

Mr. BURLISON. Thank you, Mr. Chair. Good news, I am the last one.

Chairman COMER. Next to last.

Mr. BURLISON. Next to last. Oh, oh. So, I want to reiterate, thank you for your bravery, thank you for what you are doing. I think the American people should be pissed. They should be very angry about this. No one gets away with not paying hundreds of thousands of dollars in taxes and having just blown over or been turned into a misdemeanor charge especially when you have other criminal activity involved.

And it is funny, this hearing, no one denied the facts that he is guilty of this stuff, right? We all know he is guilty. I think the question at hand is, to what extent was his father aware? In a way, it is kind of like Schrodinger's cat. Either he was aware of what is going on and he knew what his son was doing, and he was involved, or he was not, and maybe he was completely clueless, ab-

sent-minded, whatever, unaware of what his family was doing, but one or the other is the truth. You cannot come to any other conclusion other than that. And the problem is, you were not able to determine or lift that box, the Schrodinger's cat box, and determine is the cat dead or not, was Joe Biden truly involved or not?

So, Mr. Shapley or Mr. Ziegler, throughout the investigation, what investigative steps that would have involved Joe Biden, would you have liked to have pursued but were unable to?

Mr. ZIEGLER. So, I guess in my testimony, I talked about the atmosphere when we were interviewing witnesses, and talking about specific areas or specific, being the campaign, that we were prevented, there was rolling eyes at us. I mean, it was a very harsh environment to be in.

Mr. BURLISON. And you were directly turned down, as well.

Mr. ZIEGLER. So, there were situations to where I was not able to ask certain questions, yes.

Mr. BURLISON. So, you were not able to lift the box and find out what is underneath?

Mr. ZIEGLER. In our investigation, you want to follow the facts. That is a part of our job is you follow the evidence, and you work the case.

Mr. BURLISON. So, I know that it was tipped off about the storage unit before you were able to actually search it. Can you say what you were looking for, what evidence, because you have built up to this point and then now, you know there is strong indication that there is something there.

Mr. ZIEGLER. So, I believe in Gary's testimony, there was that he moved his prior office, so he being Hunter, moved his prior office into that storage unit.

Mr. BURLISON. And so, this was computers, files—

Mr. ZIEGLER. I do not know specifically what would have been in there.

Mr. BURLISON. OK. Besides any tax crimes or violations, what other violations were being investigated by any other agencies?

Mr. ZIEGLER. So those are not in the confines of our testimony, what other charges are being investigated, any offshoots, but—

Mr. BURLISON. Were there other agencies that were working with you that were working on other—

Mr. ZIEGLER. Yes, FBI was working this case with us.

Mr. BURLISON. OK. But you cannot speak to whether there was a Foreign Agents Registration Act or—

Mr. ZIEGLER. I cannot speak to that.

Mr. BURLISON. OK.

Mr. ZIEGLER. But what I can tell you is, not only do we investigate tax crimes, but we also investigate money laundering. So, any instances of money laundering, us as IRS agents, we are allowed to investigate those crimes.

Mr. BURLISON. OK.

Mr. SHAPLEY. So, Mr. Congressman, if I can add. So, in my transcript, I do say that there is a FARA issue at play during the investigation.

Mr. BURLISON. OK. So, there was a FARA issue, a Foreign Agents Registration Act issue, and has that been pursued?

Mr. ZIEGLER. We are not a part of the investigation anymore, and, I mean, that is our whole point of a special counsel. If there is these offshoot investigations, we were going to just rely on the same thing to happen.

Mr. BURLISON. In your investigations, you knew that there was foreign bank accounts, foreign money wires. Are you aware if the Biden family has or they own foreign bank accounts, and do you have the ability to get access to those?

Mr. ZIEGLER. So, any records that I would have related to that, I can turn over to the House Ways and Means Committee, and then they could vote to release that.

Mr. BURLISON. Thank you, thank you. I yield back the remainder of my time.

Chairman COMER. Were you all ever given access to the Form 1023 that alleged Joe Biden and Hunter Biden were a part of a bribery scheme with Ukraine? The reason I ask that is because that allegation is consistent. The way that the oligarch claims he gave the Bidens the bribe is consistent with what we have seen in Romania and other countries where they set up all these shell companies, and then they launder the money through their shell companies back down to different Biden family members. So, I wondered if you knew about that form before it became public?

Mr. SHAPLEY. So, I can speak to that. So, in my original transcript, I would not have been able to say that I knew anything about 1023, but I provided a supplement after I saw open-source information from the former Attorney General Bill Barr. He said that he saw this document and they sent it to Delaware for further investigation. And the team, to the best of my knowledge, never saw that document.

Chairman COMER. So, the team that was in charge of investigating the Biden family for tax crimes never received the FBI document that alleged Joe Biden was involved in a bribery scheme?

Mr. SHAPLEY. For the IRS investigators on the case, the answer is no.

Chairman COMER. Is that odd? I mean, everybody knew you were investigating the Bidens for at least tax evasion.

Mr. SHAPLEY. Generally speaking, if there are any types of money coming in, and there is a criminal tax investigation ongoing, I do not see how that information can be withheld from the investigators.

Mr. ZIEGLER. And I can tell you and I can provide this in my testimony, but, like, there are things that are contained on that document that could further corroborate other information that we might be having an issue corroborating because it could be regarding a foreign official. So, if we have information regarding that in a document or a witness, we can further corroborate later evidence. And like I said, if that is something that we have, we can turn that over to the House Ways and Means Committee.

Chairman COMER. Thank you, thank you. The Chair recognizes Mrs. Luna from Florida.

Mrs. LUNA. Mr. Shapley, did the FBI first learned of the Delaware computer shop processing a laptop that allegedly belonged to Hunter Biden and contained evidence of potential crimes in October 2019?

Mr. SHAPLEY. Did the FBI first learn of it?

Mrs. LUNA. Yes.

Mr. SHAPLEY. I do not know if I speak about who first learned of it.

Mrs. LUNA. OK. The answer would be yes. But thank you. And isn't it true that the FBI verified the laptop's authenticity in November 2019 by matching the device number against Hunter Biden's iCloud accounts?

Mr. SHAPLEY. Yes, I believe that is in my transcript. That is accurate.

Mrs. LUNA. Correct. Transcript 12. The FBI analyzed the computer, correct? There was a report that the FBI CART team analysis had taken place?

Mr. SHAPLEY. Can you point to just a page on my transcript so that—

Mrs. LUNA. Page 12.

Mr. SHAPLEY. OK. Page 12.

Mrs. LUNA. Or Transcript 12.

Mr. SHAPLEY. So, could you repeat the question, please?

Mrs. LUNA. Isn't it true that the FBI verified the laptop's authenticity in November 2019, by matching the device number against Hunter Biden's iCloud account?

Mr. SHAPLEY. Yes, that is correct.

Mrs. LUNA. OK. And they performed an FBI CART team analysis?

Mr. SHAPLEY. Yes.

Mrs. LUNA. Mr. Ziegler, did you see this report?

Mr. ZIEGLER. I do not think that I talked about that in my transcripts.

Mrs. LUNA. Correct. I am assuming that that was probably very frustrating being that you were conducting an investigation.

Mr. SHAPLEY. So, I can speak to this again, because I did contemporaneously document a long meeting about the laptop.

Mrs. LUNA. Uh-huh.

Mr. SHAPLEY. And Special Agent Ziegler confirmed and it was released to House Ways and Means Committee testimony that he pointed out individual pieces of data that he was provided. And then he asked why he had not seen other pieces of data. And that is when Assistant United States Attorney Wolf told them that prosecutors were withholding information from the investigators.

Mr. ZIEGLER. And I think what is important with withholding, they never said what they were withholding. So, I think that is, like, important.

Mrs. LUNA. So, to my understanding, the U.S. Attorney said that you have not seen it because for a variety of reasons they kept it from the agents. So, they kept this information from you, I think this is important to know, correct?

Mr. SHAPLEY. That is correct.

Mrs. LUNA. OK. Isn't it relevant evidence for you and your team to review, Mr. Ziegler, that these types of evidence would help you to conduct your investigation.

Mr. ZIEGLER. So, in an everyday normal investigation, you would want to know, you are the investigators, we are the ones that are supposed to process the information and provide the relevant infor-

mation to the prosecutors. So, we should know absolutely everything that we are looking at because we might testify to it 1 day.

Mrs. LUNA. So, it is safe to say that it is not a normal practice to withhold evidence from agents reviewing the case?

Mr. ZIEGLER. It is not a normal practice to withhold and not tell us what you are withholding from us.

Mrs. LUNA. Do you know who made that decision to withhold information from the agents?

Mr. ZIEGLER. That I do not know.

Mrs. LUNA. OK.

Mr. ZIEGLER. And it is not in my transcript.

Mrs. LUNA. OK. Mr. Shapley, you and your team are learning about the existence of this information, and you are being denied information at the same time. And this is October 2020, correct, timeframe?

Mr. SHAPLEY. Yes.

Mrs. LUNA. At that same time, did you remember Hunter Biden's laptop being discussed or rather suppressed by the media?

Mr. SHAPLEY. I generally remember the discussion of a laptop. I think everybody heard about the laptop. I do not know if I knew about the media suppressing it.

Mrs. LUNA. So, I think it is important to note that the FBI learns about the laptop in 2019. That is 2019, not 2020. And, in fact, the FBI authenticated the laptop in November 2019, then takes possession of the laptop, does analysis, but these analysis and information are not provided to you guys, the IRS agents conducting the case. Mind you, the folks running the nuts and bolts of the criminal tax fraud case. They are learning about all this information, and yet, at the same time, being denied access to it. Meanwhile, the media is actively working to suppress that. And at the same time, 51 national security officials signed on to a letter saying that the FBI has authenticated saying that it is Russian disinformation.

This is, mind you, Joe Biden's son, which I think it is important to note that many of my colleagues tried to make this about race and saying that there is a two-tiered justice system for Black and Brown people. And yet we are investigating, according to their terms, a man of White privilege, who is being aided and abetted by this Administration and being criminally covered for by the Department of Justice, and yet somehow that is not supposed to be a topic of discussion.

I have 41 seconds left. Would you guys like to say anything for the record so the American people can know what is really happening in this country?

Mr. ZIEGLER. So, I do have something. So, there are two things. I believe that AUSA Lesley Wolf and U.S. Attorney David Weiss would say phenomenal things about my work, and I know they have said that. They have said that we did a great job in this investigation. I want to make that clear to everyone that we are not disgruntled. We are not out here to get people. We are here for accountability and that we learn from this. That is the most important part of why we are here.

Mrs. LUNA. Well, you are doing great, and I know that you are not conservative. I know you are not Republican, but I will say this. Thank you for at least bringing faith back to some part of the

IRS so that people understand that just because your last name is Biden does not mean that you are held above the law. So, thank you. Chairman, I yield my time.

Chairman COMER. The gentlelady yields back, and that concludes our questions.

Again, I want to thank you all for being here. I am going to yield to the much-improved Ranking Member, Ms. Ocasio-Cortez from New York, for a closing statement.

Ms. OCASIO-CORTEZ. I will take the gold star. Thank you, Chairman, and I would like to thank our witnesses here today. Once again, we acknowledge fully that this is not easy and that your public service here is respected and acknowledged and valued, so thank you. Thank you for your testimony.

You know, I think it is important for us to summarize much of what we heard and saw today, and overall, what this matter is about. A U.S. Attorney, handpicked by Attorney General Barr, has for 4 years investigated together with a dozen agents and at least four prosecutors from his office and the Tax Division of the Department of Justice, the son of President Biden. Hunter Biden has been charged with a felony and two misdemeanors, and he is pleading guilty to several crimes and submitting to sentencing by a Trump-appointed judge. However, we are also seeing today is an effort to find some issue with this prosecution, this existing prosecution, this is a person who has admitted to crime and finding evidence of political interference, a very serious charge.

So, much of what we saw today honed in on a conversation, the testimony honed in on a conversation that one of today's witnesses was involved in, in which Mr. Shapley heard Mr. Weiss to say that he was denied special counsel status. That account had been contradicted by the U.S. Attorney Weiss, who has reiterated several times that he had full authority to bring any charges in any district and had received assurances from the Department of Justice that if he needed special attorney status, not counsel, but rather attorney status to bring those charges, it would be granted. So, we are left here with two possible options for this story, that either Mr. Weiss, who was appointed by President Donald J. Trump and trusted by Attorney General Barr, also serving under Trump, was lying to protect the Biden Administration, or he respectfully disagreed with the charges that today's two witnesses wanted to bring as professionals in their professional opinion.

Disagreement over charges is not uncommon. The IRS Criminal Tax Counsel attorneys have disagreed in charging decisions, as we heard here today, 90 percent of the time, and in this particular case, reviewing attorneys at IRS and the Tax Division raised issues with the proposed charges. And the witnesses described how Mr. Weiss expressed some concerns about the charges. In fact, in some of the testimony, we saw Mr. Shapley recognized with regard to at least one of the charges which he himself recommended he could, "see some issues with that, that would preclude it from being charged."

Now, I understand why the two witnesses, who testified here today, are disappointed after 5 years of investigation. I believe you all are honorable serving professionals, truly, and that Mr. Weiss disagreed with this analysis of facts. There was absolutely frustra-

tion that to not “have a seat at the table”, that Mr. Weiss made his decision about how to charge in this case, and he did charge, and that was a decision that he, as the U.S. Attorney, in charge of the case, was empowered to make. The question though, I believe that is very important to address is, why we are holding these hearings today despite what we have seen as deliberate lobbying for this hearing by a political candidate, Donald J. Trump?

What we also saw today was the revival of certain conspiracy theories around Ukraine, first promoted by Rudy Giuliani during Trump’s first impeachment in 2019 and his reelection campaign. We did not bring that up. That was first brought up by the Republican side that required addressing here today. Chairman Comer started this hearing by asking these witnesses about Burisma and other Members of the Committee again raised the specter of these debunked conspiracy theories. It has been debunked time and time again, including by Trump’s own Department of Justice.

But that being said, this is the problem with bringing these conspiracy theories into this Committee. They beget more. It does not stop, and today we have gotten a new conspiracy theory, one that requires us to believe that David Weiss, a Trump-appointed U.S. Attorney, trusted by Trump-appointed Attorney General Barr, has somehow been complicit in abetting and concealing a Deep State conspiracy to protect Hunter Biden on behalf of the Biden Administration when they were selected by Donald Trump. This is a theory which has apparently been proven unsuccessful, given that Hunter Biden is now criminally charged and facing sentencing by a Trump-appointed judge.

Today also marked a new low when pornographic images were paraded in this hearing room. Chairman Comer, last October, you told Time Magazine that you were not interested in the sordid details of Hunter Biden’s life. You were quoted as saying, “That is counter to a credible investigation,” and I agree. Sadly, that is a reflection of how low some individuals here have been willing to go in their efforts to attack the President and his family, and, frankly, I do not care who you are in this country. No one deserves that. It is abuse. It is abusive.

If Republicans truly want to get to the facts here and they want to understand why Mr. Weiss decided to charge Hunter Biden the way he did, let us hear from Mr. Weiss. But until then, we must move on from these theories and focus on the issues that matter to the American people, like ending the scourge of gun violence that is plaguing our country, confronting and combating the climate crisis, and standing up for our constitutional rights, and yes, going after the enormous amount of inequity and injustice in our tax system. And with that, I yield back to the Chair.

Chairman COMER. The gentlelady yields back. Before I close, I want to ask for unanimous consent to enter into the record three letters from myself, Judiciary Chair Jordan, and Ways and Means Chair Smith to the Secret Service Director of the IRS and the Attorney General requesting more information pertaining to our investigation.

Without objection, so ordered.

Chairman COMER. As well as enter into the record the two bank memorandums that we have already submitted to our friends in

the media that we are trying to teach financial literacy, too. I would love to enter those two memorandums into the record.

Chairman COMER. Again, I want to thank you all so much for what you have done today. I cannot imagine what you have been through. I apologize for what you have been through. This is what this Committee is all about.

The mission for the House Oversight Committee is to identify and root out waste, fraud, abuse, and mismanagement in the Federal Government. To do that, we depend on whistleblowers coming forward and telling their story, and that is what you all have done. And to think that there are people on the Committee who have tried to question your credibility, it is pretty low mark for the history of the House Oversight Committee. So again, thank you.

And what we learned today, let us go back 6 months, when this investigation started, when we became the Majority. The laptop, according to many of my colleagues on the other side of the aisle and many of our friends in the media, was Russian disinformation. And what we now know is the laptop contains many of the financial records, the financial documents, the communications between both the President as well as other members of his family with many of these associates, with many of these foreign nationals.

So, there is a clear path of evidence. I say that investigating the Biden family influence peddling is like investigating a bleeding bear through a snowstorm. There is so much evidence laying around. We have confirmed today what we have been saying in this Committee for several months that the Bidens took in over \$10 million—\$17.3 million to be exact—from adversaries. We have no earthly idea of what they did to receive that money. I think that is concerning to every American. We have evidence that Hunter Biden spoke to his father about his businesses and that Hunter used his father's name to shake down the Chinese Communist Party-backed person. We saw that in the WhatsApp message that you all released, we have seen that in other emails and correspondence from the laptop. We learned, unfortunately, these brave and credible whistleblowers had been retaliated against at the IRS and intimidated by the Biden shady legal team and their lapdogs in the press, and for that, I apologize, and I hope that that does not deter other brave and credible whistleblowers from coming forward.

All roads lead to Joe Biden, the big guy, the guy who was set to go in business with the Chinese Communist Party-linked entity that wired money to the Biden family, as well as to Gal Luft, who was mentioned earlier by one of my colleagues on the other side of the aisle. Joe Biden was even set to share office space, according to an email, with this Chinese Communist Party-backed entity, and that is a concern. That should be a concern to every American because whether you are Republican or Democrat, whether you are rural or urban, one thing that we can agree on is that Americans detest public corruption. That is why we have an IRS. That is why we have an IRS Criminal Division. That is why we have an Oversight Committee. That is why we have an Ethics Committee. That is why we are supposed to have a judicial system in America that provides equal justice for all. But we have to work together, and we have to be honest, and we have to respect our checks and balances.

And what we learned today, as troubling as anything, is that your investigation that you spent years of your life on, that we have spent 6 months investigating, where you see a pattern of suspicious activity, where money flows from shady foreign companies and from shady foreign nationals through shell companies that are then laundered. And that is according to six different banks in the suspicious activity reports, laundered down in incremental payments to the Biden family, for things that we have no idea what they did to receive the money.

And as part of that years long investigation, the FBI is sitting on the whole time a document that alleges Joe Biden and Hunter Biden took a \$5 million bribe from a Ukrainian oligarch, where there are bank records that show that the Bidens were receiving money from this entity. There was already evidence there to show that. Now, I do not know whether that allegation is true or not. I know the FBI never investigated it. And what we know from today, they never communicated with the IRS Criminal Division that spent years investigating this. So, there are two things that is happening here with the Oversight Committee with respect to the President of the United States: there is the investigation of the Biden corruption and there is the investigation of the cover-up.

Again, I want to thank you all for the work that you have done over the years. We appreciate that. The American people appreciate that. The taxpayers appreciate that. And we look forward to receiving the additional information through the Ways and Means Committee through the proper process as we continue our investigation.

With that and without objection, all Members will have 5 legislative days within which to submit materials and to submit additional written questions for the witnesses, which will be forwarded to the witnesses for their response.

Chairman COMER. If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 7:04 p.m., the Committee was adjourned.]