

Questions for the Record
Senator Charles Grassley
“Oversight of the Department of Justice”
March 8, 2023

1. During the hearing, I asked you about whether U.S. Attorney Weiss is truly independent from politically appointed Justice Department officials in the Hunter Biden criminal matter. Specifically, I asked about his ability to make charging decisions without getting permission from President Biden’s political appointees. In response, you stated that U.S. Attorney Weiss has been “advised that he has full authority to make those kind [sic] of referrals that you’re talking about or to bring the cases in other jurisdictions if he feels it’s necessary. And I will assure that if he does he will be able to do that.” You also stated that U.S. Attorney Weiss has “full authority” to bring a case in another jurisdiction and “he’s been advised that he is not to be denied anything that he needs.”¹

With respect to the Hunter Biden criminal matter, please answer the following:

- a. Has the IRS recommended criminal charges against Hunter Biden? If so, when?
 - b. Was an IRS Special Agent’s Report issued recommending criminal charges against Hunter Biden? If so, when and is the Justice Department involved?
 - c. Did the Justice Department Tax Division recommend criminal charges against Hunter Biden? If so, when and was the recommendation accepted?
 - d. Has the Justice Department ever decided that certain investigative steps could not be taken by U.S. Attorney Weiss?
 - e. Were investigative steps, such as the execution of search warrants, service of subpoenas and/or interviews of witnesses or subjects proposed by investigative agencies but denied by the Justice Department?
 - f. Has the Justice Department denied a request for the use of grand jury subpoenas?
 - g. Procedurally, has U.S. Attorney Weiss’ office had sole authority on the issuance and timing of service of grand jury subpoenas or have there been occasions where Justice Department Tax Division personnel have asserted control over the process?
 - h. Has the Justice Department Tax Division approved, declined or given discretion to U.S. Attorney Weiss’ office to initiate criminal proceedings against Hunter Biden?
 - i. Has the Justice Department denied an interview of Hunter Biden by IRS agents?
 - j. Were investigators’ questions intended for subjects or witnesses limited in topic and scope to prevent questions related to President Biden?
2. Since 2016, how many case opening requests did the Justice Department Public Integrity Section send to the FBI’s Washington Field Office? Of those, how many targeted Republicans? Taxpayer dollars appropriated by Congress paid for those decisions, will you commit to producing that data to the committee?

¹ Senate Judiciary Committee, Oversight of the Department of Justice (March 1, 2023)
<https://www.judiciary.senate.gov/committee-activity/hearings/02/22/2023/oversight-of-the-department-of-justice>

3. Since August last year, I've sent you three letters based on protected whistleblower disclosures about political bias infecting Justice Department and FBI decision-making.² I've also sent you a letter based on whistleblower disclosures about sexual misconduct by Department officials.³ The Department hasn't challenged the accuracy of those disclosures. Accordingly, why haven't you provided me responsive letters and document productions?
4. As you are aware, a number of whistleblowers have alleged to my office that the FBI gave preferential treatment to the Biden family by shutting down investigative activity and sources with respect to potentially criminal information on Hunter Biden.⁴

First, it's been alleged that the FBI developed information in 2020 about Hunter Biden's criminal financial and related activity. It is further alleged that in August 2020, FBI Supervisory Intelligence Analyst Brian Auten opened an assessment which was used by a FBI Headquarters ("FBI HQ") team to improperly discredit negative Hunter Biden information as disinformation and caused investigative activity to cease. Based on allegations, verified and verifiable derogatory information on Hunter Biden was falsely labeled as disinformation.

Importantly, it's been alleged to my office that Mr. Auten's assessment was opened in August 2020, which is the same month that Senator Johnson and I received an unsolicited and unnecessary briefing from the FBI that purportedly related to our Biden investigation and a briefing for which the contents were later leaked in order to paint the investigation in a false light.

Second, it has been alleged that in September 2020, investigators from the same FBI HQ team were in communication with FBI agents responsible for the Hunter Biden information targeted by Mr. Auten's assessment. The FBI HQ team's investigators placed their findings with respect to whether reporting was disinformation in a restricted access sub-file reviewable only by the particular agents responsible for uncovering the specific information. This is problematic because it does not allow for proper oversight and opens the door to improper influence.

Third, in October 2020, an avenue of additional derogatory Hunter Biden reporting was ordered closed at the direction of ASAC Thibault. My office has been made aware that FBI agents responsible for this information were interviewed by the FBI HQ team in furtherance of Mr. Auten's assessment. It's been alleged that the FBI HQ team suggested to the FBI agents that the information was at risk of disinformation; however, according

² <https://www.grassley.senate.gov/news/news-releases/whistleblowers-reports-reveal-double-standard-in-pursuit-of-politically-charged-investigations-by-senior-fbi-doj-officials>; <https://www.grassley.senate.gov/news/news-releases/fbi-possesses-significant-impactful-voluminous-evidence-of-potential-criminality-in-biden-family-business-arrangements>

³ <https://www.grassley.senate.gov/news/news-releases/grassley-releases-internal-fbi-docs-on-response-to-sexual-misconduct-in-workplace-calls-for-inspector-general-review>

⁴ Letter from Ranking Member Charles E. Grassley, S. Judiciary Comm, to Att'y Gen. Merrick Garland, Dep't. of Justice, & Dir. Christopher Wray, Fed. Bureau of Investigation (July 25, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_deptfbipoliticalbiasfollowup.pdf (submitted into the record)

to allegations, all of the reporting was either verified or verifiable via criminal search warrants. In addition, ASAC Thibault allegedly ordered the matter closed without providing a valid reason as required by FBI guidelines. Despite the matter being closed in such a way that the investigative avenue might be opened later, it's alleged that FBI officials, including ASAC Thibault, subsequently attempted to improperly mark the matter in FBI systems so that it could not be opened in the future.

As Attorney General, you oversee the FBI and have an obligation to the country to take these allegations seriously, immediately investigate, and take steps to institute fixes to these and other matters before you. Please provide and answer the following:

- a. All leads sent to the Washington Field Office (WFO) that were under the purview of ASAC Thibault that were ordered closed by ASAC Thibault and/or denied for opening by the Justice Department's Public Integrity Section.
 - b. All opened and closed cases initiated by the WFO that were under the purview of ASAC Thibault that were ordered closed by ASAC Thibault and/or denied for opening by the Justice Department's Public Integrity Section.
 - c. Does the Justice Department have a criteria that it uses to evaluate whether information is or isn't disinformation? If so, what is that criteria?
 - d. With respect to the August 2020 FBI briefing given to Senator Johnson and me⁵:
 - i. A copy of the FBI 302 for the briefing;
 - ii. All intelligence reporting, products, and analysis that formed the basis of the briefing;
 - iii. The name(s) of the person(s) who recommended that Senator Johnson and I be briefed;
 - iv. A description of the process for deciding to brief us; and
 - v. All records, including emails, relating to the briefing.
5. On March 28, 2022, March 29, 2022, and April 5, 2022, Senator Johnson and I gave speeches on the Senate floor introducing bank records relating to Hunter Biden's and James Biden's financial connections to the communist Chinese regime.⁶ Based on reports of the scope of Mr. Weiss's investigation, these bank records are relevant to his work. It's unclear what records DOJ and FBI maintain with respect to Hunter and James Biden's financial associations with the communist Chinese government. Moreover, it's

⁵ Letter from Sen. Ron Johnson, U.S. Senate, to Att'y Gen. Merrick Garland, Dep't. of Justice (July 26, 2022), <https://www.ronjohnson.senate.gov/2022/7/sen-johnson-whistleblower-allegations-reveal-corrupt-fbi-undermined-hunter-biden-investigations>. (submitted into the record)

⁶ Floor Speech, Sen. Charles E. Grassley, U.S. Senate, Johnson Discuss Investigation into Biden Family Foreign Financial Entanglements - Part 1 (Mar. 28, 2022) <https://www.grassley.senate.gov/news/remarks/grassley-johnson-discuss-investigation-into-biden-family-foreign-financial-entanglements-part-1>; *see also* Floor Speech, Sen. Charles E. Grassley, U.S. Senate, Johnson Release Bank Records Tying Biden Family to CCP-Linked Individuals & Companies (Mar. 29, 2022), <https://www.grassley.senate.gov/news/remarks/grassley-johnson-release-bank-records-tying-biden-family-to-ccp-linked-individuals-and-companies>; Floor Speech, The Biden Family Investigation – Part III: James Biden (Apr. 5, 2022) <https://www.grassley.senate.gov/news/remarks/the-biden-family-investigation-part-iii-james-biden>.

unclear whether the records that DOJ and FBI have in their possession with respect to Hunter and James Biden have been shared with Mr. Weiss.

- a. With respect to the records that the Justice Department and FBI maintain on Hunter Biden and James Biden and their potential criminal conduct and affiliations with foreign governments and persons, has that information, including derogatory information, been shared with Mr. Weiss? If not, why not?
 - b. Does the Justice Department or FBI maintain records from Wells Fargo, USAA, Bank of America, TD Bank, JPMorgan Chase, PNC, Morgan Stanley, Citibank, Bank of New York Mellon, Bank of China and First National Bank of Omaha relating to Hunter Biden, James Biden, Sara Biden, John R. Walker, Eric Schwerin, Devon Archer and corporate entities linked to them, including but not limited to, Hudson West III and the Lion Hall Group? If not, why not?
6. On January 19, 2021, then-President Trump issued a memorandum to the Attorney General, the Director of National Intelligence and the Director of the Central Intelligence Agency directing them to declassify certain Crossfire Hurricane records for public dissemination. On February 25, 2021, Senator Johnson and I requested an update from the Justice Department with respect to when a full and complete set of declassified records would be provided to Congress.

Since then, our respective staffs have had countless emails and phone calls requesting updates, to which the Department has consistently failed to provide any substantive response. Indeed, to-date, the Justice Department has not produced a single declassified record to Congress and the American people. What role does the Justice Department have in producing the declassified Crossfire Hurricane records to Congress? What steps have you taken to ensure the records are produced to Congress?

7. Has Special Counsel Durham submitted a report of his investigation to the Justice Department? If so, when will the report be made public without redactions?
8. Does the Justice Department have a specific policy regarding the use of materials and information related to U.S. citizens who reside in the United States provided by foreign governments, including the fruits of surveillance carried out by a foreign state's intelligence services?
9. In August 2022, I wrote a letter with Sens. Cornyn, Cotton and Cruz asking about the Brookings Institution's potential obligation to register as a foreign agent under the Foreign Agent's Registration Act.⁷ To date, the Justice Department has not provided a substantive response to our inquiry. Did the Justice Department ever formally investigate the conduct of the Brookings Institution related to its relationship with the State of Qatar? If so, what is the status of the investigation? If not, why not?

⁷ <https://www.grassley.senate.gov/news/news-releases/senators-push-doj-on-fara-compliance-of-brookings-institution>

10. According to the Justice Department, it determined that Al Jazeera Media Network is “an agent of the Government of Qatar” and ordered its social media subsidiary unit, AJ+, to register under the Foreign Agents Registration Act.⁸ Why has the Justice Department not required Al Jazeera Media Network or AJ+ to register under FARA?
11. The False Claims Act has been the government’s best tool to fight fraud against the government and recover taxpayer dollars. Earlier this year, the Department announced that in Fiscal Year 2022, the False Claims Act was responsible for recovering \$2.2 billion lost to fraud. Since my amendments to modernize and strengthen the law were enacted in 1986, more than \$72 billion has been recovered through False Claims Act cases, and it likely has saved billions more in taxpayer dollars by deterring would be fraudsters.

Whistleblowers also play a key role in the False Claims Act’s success. The law’s *qui tam* provision allows whistleblowers to root out and expose fraudulent and abusive uses of taxpayer dollars by bringing lawsuits against alleged fraudsters on behalf of the government and share in any recoveries. However, the False Claims Act is constantly under attack by those who seek to weaken its provisions and make it harder for the government to recover taxpayer dollars subject to fraud. What effect would a weakened False Claims Act have on the Department’s ability to not only hold fraudsters accountable, but to deter would be fraudsters from defrauding the government?

12. On February 23, 2023, the Department of Justice Office of the Inspector General (DOJ-OIG) released a report evaluating the Federal Bureau of Prisons’ (BOP) efforts to address sexual harassment and sexual assaults committed by inmates toward staff.⁹ The DOJ-OIG report found that BOP had inadequate data on inmate-on-staff sexual harassment, was not consistently identifying the gender of the victims, and did not identify the specific nature of inmates’ prohibited conducted against staff. The DOJ-OIG reported that “BOP’s inability to fully identify and effectively mitigate inmate-on-staff sexual harassment has negative effects on both the BOP and its staff and can lead to unsafe work environments.”¹⁰

As part of this evaluation, the DOJ-OIG initiated a survey and conducted interviews of BOP personnel across the country to assess the prevalence and effects of inmate-on-staff sexual harassment and BOP’s efforts to address this inmate misconduct.¹¹ According to the survey, 40% of respondents said that they had been sexually harassed by an inmate since being employed by BOP, and of those 69% were women.¹² The DOJ-OIG reported that through their interviews with BOP staff, they found that “inmate-on-staff sexual harassment occurs across BOP institutions and BOP staff believe that it particularly

⁸ <https://www.grassley.senate.gov/news/news-releases/qatari-backed-media-still-not-registered-under-foreign-agents-law-despite-justice-department-determination-senators-want-to-know-why>

⁹ U.S. Department of Justice Office of the Inspector General, *Evaluation of the Federal Bureau of Prisons’ Efforts to Address Sexual Harassment and Sexual Assault Committed by Inmates Toward Staff*, (February 23, 2023)

<https://oig.justice.gov/reports/evaluation-federal-bureau-prisons-efforts-address-sexual-harassment-and-sexual-assault>.

¹⁰ *Id.* at i.

¹¹ *Id.* at 34.

¹² *Id.* at 18.

affects employees who are women” which is further evidenced by the results of the survey.¹³

The DOJ-OIG made nine recommendations for BOP to fully ascertain the prevalence and scope of inmate-on-staff sexual harassment, to mitigate and address inmate-on-staff sexual harassment, and to improve staff training on inmate-on-staff sexual harassment.

- a. What actions has the Department taken to ensure that BOP is implementing the recommendations made in the February 23, 2023, DOJ-OIG report?
 - b. What actions has the Department taken to ensure that BOP institutions across the nation are addressing inmate-on-staff sexual harassment allegations and punishing inmates who engage in this misconduct?
 - c. In Recommendation 1 of the report, the DOJ-OIG recommended that BOP add a field to their Discipline and Administration Reintegration Tracking System (DARTS) to specifically identify the prohibited conduct engaged in by an inmate to better track inmate-on-staff sexual harassment; however, BOP responded that only their two most serious categories of offenses (100 and 200 level) require additional identifiers and “lesser” offenses (300-400) do not, even though “lesser” offenses include sexual harassment offenses. Does the Department agree with BOP’s assertion that “lesser” inmate-on-staff sexual harassment specific incidents should not be tracked through DARTS? Please explain. What guidance has the Department provided or plans to provide to BOP on tracking 300 and 400 level incidents of inmate-on-staff sexual harassment?
 - d. The working group established by Deputy Attorney General Lisa Monaco to review the Department’s approach to instances of sexual misconduct by BOP employees released a report on November 2, 2022.¹⁴ The report stated that “BOP should address sexual harassment perpetrated by inmates against staff” and “impose meaningful consequences for such conduct.”¹⁵ What guidance has the Department provided to BOP staff to address this part of the working group’s recommendation?
13. During COVID, we saw farmers and ranchers receive low payments from the Big 4 packers while families across America faced record high rising meat prices. It’s critical for the Justice Department to coordinate with the Department of Agriculture in its activities on agriculture antitrust matters.
- a. How is the Justice Department working with the Department of Agriculture to enforce the Packers and Stockyards Act?
 - b. Are there any recommendations you’d make to strengthen your work with the Department of Agriculture?

¹³ *Id.* at i.

¹⁴ Principal Associate Deputy Attorney General Working Group of DOJ Components, *Report and Recommendations Concerning the Department of Justice’s Response to Sexual Misconduct by Employees of the Federal Bureau of Prisons*, U.S. Department of Justice, (November 2, 2022) <https://www.justice.gov/dag/page/file/1549051/download>.

¹⁵ *Id.* at 8.

14. It's important that foreign antitrust agencies be transparent in their operations, ensure there is due process and procedural fairness, and refrain from industrial policy and extraterritorial application of their laws.
 - a. Does the Justice Department support advancing U.S. core interests of due process and procedural fairness in competition investigations abroad?
15. The Justice Department Antitrust Division has indicated that they will be bringing criminal cases under Section 2. However, there is concern that the Antitrust Division has not provided any guidance about such criminal enforcement.
 - a. When will the Justice Department Antitrust Division provide guidance about criminal enforcement under Section 2?
16. At the March 1, 2023 oversight hearing, I asked whether the Department of Justice still considered Nicolás Maduro a fugitive of U.S. justice and, if so, if you would commit to diligently pursuing his arrest. You responded that you did not know what his current status was and would answer in writing.
 - a. Please provide that response.
 - b. If the Department of Justice is no longer pursuing Nicolás Maduro's arrest, please explain why.
17. In your October 27, 2021 responses to questions for the record, you stated that "in March 2021, the Department formed a dedicated Task Force on the Safety of Federal Prosecutors, Law Enforcement Agents, Judges, and Members of Congress[.]" On August 3, 2022, I told Assistant Attorney General Polite that neither my staff nor the Congressional Research Services had been able to confirm the existence of this task force and asked the Department of Justice for more information. AAG Polite testified that he would "get more details to [us.]" On August 15, 2022, I followed-up with a letter to you informing you that it doesn't look like this task force exists. Since then, my staff has followed up with yours, multiple times, and, incredibly, we still have not received any information on this task force.
 - a. Does this task force exist?
 - b. If not, will you create it and when can we expect its creation?
 - c. If the task force does exist, please provide the number of matters it is investigating and explain the resources the task force has.
18. In your October 27, 2021 responses to questions for the record, you mentioned that the Department of Justice recently created "Joint Task Force Alpha, a law enforcement task force that is marshaling the investigative and prosecutorial resources of the Department of Justice...to enhance U.S. enforcement efforts against the most prolific and dangers human smuggling and trafficking groups operating in Mexico and the Northern Triangle countries of Guatemala, El Salvador, and Honduras."
 - a. After two years of work, what results, if any, has this task force yielded?
19. In the same response, you also noted a new Anticorruption Task Force fighting corruption in El Salvador, Guatemala, and Honduras. On September 15, 2022, President

Biden identified these three countries, among others, as major drug transit or major illicit drug producing countries.

- a. What results has the Anticorruption Task Force produced?
20. After the tragic death of George Floyd, rioters across the country caused up to \$2 billion in damage to private and public property. You said that the Department of Justice “is committed to investigating, disrupting, and bringing to justice those who engage in violence in violation of federal law.”
 - a. To date, how many investigations has the Department of Justice opened?
 - b. How many people have been charged and with which offenses?
 21. In cases where crimes fall exclusively within state or local jurisdictions, what assistance, if any, has the Department of Justice provided to state and local law enforcement?
 22. Recently, Honoring Our PACT Act was enacted into law, which grants service members, their families, and others who were injured by contaminated water at Camp Lejeune the ability to sue the United States for health-related damages. Notably, and unlike other federal laws that permit claims against the U.S. Government, the PACT Act did not include any caps on attorneys’ fees.

Given the historic number of potential claimants, the plaintiffs’ bar has seized upon this opportunity and by some estimates spent over \$145 million on television and social media advertising so far. Some firms are charging over 40% or even 50% of any recovery despite the PACT Act’s anticipated lower burden of proof for these claims.

- a. What is the Department of Justice doing to rein in these misleading advertisements and to assist the impacted claimants?
 - b. How will the Department of Justice ensure just settlements—where the lawyers do not end up pocketing as much or even more money than their clients?
23. I’ve been trying to get the Biden Administration to issue a views letter on the bipartisan No Oil Producing and Exporting Cartels Act (NOPEC). In the past, AAG Makan Delrahim expressed his support for this legislation.
 - a. Do you support NOPEC? Can you commit to me that we will get a views letter from the Justice Department on the bill?
 24. The Promoting Security and Justice for Victims of Terrorism Act (PSJVTA), which strengthened the jurisdictional provisions of the Anti-Terrorism Act of 1992, helps ensure American victims of international terrorism have their day in court against the PLO and Palestinian Authority. The Justice Department’s voice is critical, as some judges continue to minimize or outright ignore Congress’ clear intent and role in protecting Americans abroad. Will you commit to keeping my office informed of the progress of this important litigation?