

ZMF F&J

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June 19, 2023

The Honorable Jason T. Smith
Chairman
Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

The Honorable Richard Neal
Ranking Member
Committee on Ways and Means
U.S. House of Representatives
Washington, DC 20515

RE: Interview Of Whistleblower X – Clarification and Update

Dear Chairman Smith and Ranking Member Neal:

On behalf of my client, Mr. X, I thank you for inviting him to testify recently before the Professional Staff of the Ways and Means Committee in a bipartisan process. I greatly appreciate the courtesies that the staff extended to my client.

After having been given an opportunity to review the transcript of his interview, Mr. X thought it would be helpful for the work of the Committee to clarify and update the transcript through this letter.

The clarification: Mr. X recalls in his testimony that he was told (roughly five years ago) by a supervisor that it was then-Attorney General William Barr who directed that the proposed case be merged with an ongoing case in Delaware. Mr. X 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. X cannot definitively state that his then-supervisor said that that the Department of Justice official directing the merger of the cases was AG Barr. Separate from that conversation with his supervisor, Mr. X has no independent knowledge of who at the Department of Justice directed that the cases be merged.

The update: Since Mr. X's testimony, there have been multiple news articles recently that reference an FBI Form 1023 Document regarding information provided from a Confidential Human Source in June of 2020. This information provided on this Form 1023 related to the subject and company xxx. In news articles, former AG William Barr is cited in saying that this Form 1023 was reviewed by the Western District of Pennsylvania and was ultimately shared with David Weiss, U.S. Attorney overseeing the subject Investigation.

As Mr. X has testified, he was the IRS-CI Case Agent over the subject investigation at the time – and Mr. X has stated to me that he has never seen this FBI Form 1023 and that he does not recall ever hearing about this information being turned over in any meetings with the prosecution team in Delaware.

Further, Mr. X informed me that this information could have been relevant to Mr. X's investigation at the time of the subject as it related to a claim of \$5 million being paid to the subject which directly ties to email correspondence reviewed between subject and a business partner of subject sent in May of 2014, which is believed to reference the \$5 million being paid to subject from company xxx.

I hope this information assists the Committee in its review and consideration of this matter. Thank you.

Sincerely,

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Dean Zerbe