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UNITED STATES SENATE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

COMMITTEE ON FINANCE

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INTERVIEW OF: :

AMBASSADOR BRIDGET A. BRINK :

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Room SD-342 and via Webex
Dirksen Senate Office Building
Washington, D.C.
Monday, September 21, 2020
9:09 a.m.

INTERVIEW OF AMBASSADOR BRIDGET A. BRINK

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14 SARAH SMERLING, Professional Staff Member, HSGAC

15 WILLIAM SACRIPANTI, Professional Staff Member, HSGAC

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17 For Senator Grassley:

18 JOSHUA FLYNN-BROWN, Deputy Chief Investigative Counsel,

19 Finance Committee

20 QUINTON BRADY, Investigative Counsel, Finance Committee

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1 APPEARANCES: [Continued]

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9 For Senator Wyden:

10 DAVID BERICK, Minority Chief Investigator, Finance
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21 Office of the Legal Advisor

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25

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1 P R O C E E D I N G S

2 MR. FOLIO: Good morning, everyone. This is a
3 transcribed interview of Ambassador Brink conducted by the
4 Senate Committee on Homeland Security and Governmental
5 Affairs and the Senate Committee on Finance. This interview
6 was requested by Chairman Ron Johnson and Chairman Charles
7 Grassley as part of the committees' investigation of whether
8 there were any actual or apparent conflicts of interest or
9 any other wrongdoing with regard to the Obama
10 administration's Ukraine policy for Burisma Holdings as well
11 as related matters.

12 On April 30th, 2020, Chairman Grassley and Johnson
13 requested Ambassador Brink's appearance for a voluntary
14 transcribed interview.

15 Ambassador Brink, can you please state your full name
16 for the record.

17 AMBASSADOR BRINK: Bridget Ann Brink.

18 MR. FOLIO: Good morning, Ambassador Brink. My name is
19 Joseph Folio, and I am the chief counsel for the Homeland
20 Security and Governmental Affairs Committee.

21 I'm going to ask first, Chairman Johnson and Chairman
22 Grassley's staff in the hearing room to introduce
23 themselves.

24 MR. WITTMANN: Hi, Ambassador Brink. My name is Scott
25 Wittman. I'm with Chairman Johnson's staff.

1 AMBASSADOR BRINK: Hi, Scott.

2 MR. DOWNEY: Good morning.

3 AMBASSADOR BRINK: I can't hear.

4 MR. DOWNEY: Good morning, Ambassador Brink. I'm Brian
5 Downey with Chairman Johnson's staff.

6 AMBASSADOR BRINK: Hi, Brian.

7 MR. FLYNN-BROWN: Good morning, Ambassador Brink. My
8 name is Josh Flynn-Brown. I'm deputy chief investigative
9 counsel for Chairman Grassley. Today I am joined by my
10 colleague Quinton Brady. Thank you for your time.

11 AMBASSADOR BRINK: Thank you.

12 MR. FOLIO: Thank you all, and now I will ask Ranking
13 Member Peters' staff to introduce themselves.

14 MR. SCHRAM: Good afternoon, Ambassador Brink, if I'm
15 not mistaken, in your time zone.

16 AMBASSADOR BRINK: Yes.

17 MR. SCHRAM: Thank you for participating in today's
18 interview. My name is Zack Schram. I'm chief counsel for
19 Ranking Member Peters. We're proud that a Michigander is an
20 ambassador to the Slovak Republic.

21 AMBASSADOR BRINK: Thank you.

22 MR. SCHRAM: The Minority's participation today is not
23 an endorsement of the investigation. Based in part on
24 public statements of the Office of the Director of National
25 Intelligence and the statement of the Department of Treasury

1 announcing sanctions on Russia election interference actors,
2 Ranking Member Peters remains alarmed that this
3 investigation amplifies an act of Russian disinformation
4 campaign and is intended to interfere in our 2020
5 presidential election, 43 days from today.

6 We are conducting this interview remotely because we
7 are in the midst of a pandemic that has created an
8 extraordinary public health crisis in the United States.
9 Since this investigation started, 200,000 Americans have
10 died of COVID. The Homeland Security and Governmental
11 Affairs Committee has jurisdiction over pandemic
12 preparedness and response, and yet this committee has now
13 spent more than twice as much time on the record and this
14 investigation than it has devoted to all of its COVID
15 hearings combined.

16 Ranking Member Peters believes that this investigation
17 is a misuse of committee resources that does not advance the
18 health, safety, or economic security of Americans,
19 consistent with our committee's mission.

20 Minority staff have a right and responsibility to be
21 here today, and we will do our best to ensure that you are
22 treated fairly, the record is accurate and complete, and
23 that the national security interest of the United States is
24 protected.

25 I am joined by my colleagues Roy Awabdeh, Soumya

1 Dayananda, and Yelena Tsilker.

2 AMBASSADOR BRINK: Thank you.

3 MR. FOLIO: I'll first ask for it to be stricken from
4 the record that Zack was showing me up as far as the time
5 zones, but other than that, I will respond to Zack just to
6 note that there's no basis in fact for the claim that this
7 investigation advances any sort of Russian disinformation
8 campaign, and we've addressed that numerous times before.
9 The committee has spent a tremendous amount of time on the
10 COVID work, both outwardly and the hearings and tireless
11 work daily behind the scenes.

12 I will ask Ranking Member Wyden's staff to introduce
13 themselves.

14 MR. BERICK: Good afternoon, Ambassador Brink. I'm
15 David Berick. I'm the chief investigator for the Democratic
16 staff on the Finance Committee. We really appreciate you
17 taking the time to participate today. I know how
18 challenging this is for those of you representing the U.S.
19 around the world but especially in Eastern Europe right now.

20 I am joined by Dan Goshorn, Josh Heath, Michael Osborn-
21 Grosso, who are investigators on our team.

22 Thank you.

23 AMBASSADOR BRINK: Thank you.

24 MR. FOLIO: Thank you, Dave.

25 I'll now ask State Department officials on the line,

1 other than Ambassador Brink, to joint us--or I'm sorry--
2 identify themselves for the record, please.

3 MR. KILLION: Bill Killion, Legislative Affairs.

4 MR. THOMAS: Ken Thomas, Office of the Legal Advisor.

5 MR. FOLIO: Thank you both.

6 All right. Ambassador Brink, now I will explain how
7 our interview today will proceed.

8 First, the Federal Rules of Civil Procedure do not
9 apply to any of the committees' investigative activities,
10 including transcribed interviews.

11 The way the questioning will proceed is that we will
12 alternate between the Majority and Minority staffs for one
13 hour each. The Majority staff will begin and proceed for an
14 hour. The Minority staff will then have an hour to ask
15 questions. We will rotate back and forth until there are no
16 more questions, and the interview will be over.

17 During the interview, we will do our best to limit the
18 number of people who are directing questions at you during
19 any given time, and that said, from time to time, there may
20 be a follow-up question or a clarifying question that may be
21 useful. And if that's the case, you may hear from other
22 folks around the virtual table, and if so, I ask everyone to
23 please take your time and speak clearly and do our best not
24 to cut each other off or to not interrupt others.

25 The reporter on the line is going to create a verbatim

1 record of what we discuss today. With that in mind,
2 Ambassador Brink, it is important that you please respond
3 verbally to questions. The reporter cannot properly record
4 nonverbal responses or gestures. Do you understand?

5 AMBASSADOR BRINK: Understood.

6 MR. FOLIO: Thank you.

7 We encourage witnesses that appear before the committee
8 to freely consult with counsel. Do you have counsel present
9 with you today?

10 AMBASSADOR BRINK: Yes, I do.

11 MR. FOLIO: Counsel, can you please state your name for
12 the record.

13 MR. MacDOUGALL: Mark MacDougall with Akin Gump
14 Strauss.

15 MR. FOLIO: Thank you, Mark. And are you joined by co-
16 counsel?

17 MR. MacDOUGALL: Yeah. Hayley?

18 MS. EVANS: Yes. Hayley Evans with Akin Gump.

19 MR. FOLIO: Thank you, both.

20 Ambassador Brink, we want you to answer our questions
21 in the most complete and truthful manner possible. So we're
22 going to take our time. If you have any questions or if you
23 don't understand our questions, just let us know. We'll be
24 happy to clarify, okay?

25 AMBASSADOR BRINK: Okay. Thank you.

1 MR. FOLIO: This interview is unclassified. So if the
2 question calls for any information that you know to be
3 classified, please state that for the record as well as the
4 reason for the classification, and then once you've
5 clarified that, to the extent possible, please respond with
6 as much unclassified information as you're able to. If we
7 need to have a classified session or forum later, we can
8 arrange for that.

9 It is the committee's practice to honor valid common
10 law privileges as an accommodation to a witness or a party
11 when those claims are made in good faith and accompanied by
12 sufficient explanation so the committees can evaluate the
13 claim. When deciding whether to honor a privilege, the
14 committees weighs its need for the information against any
15 legitimate basis for withholding it.

16 This interview is occurring without prejudice to any
17 future discussions with the committees, and we reserve the
18 right to request your participation in future interviews or
19 to compel testimony.

20 Ambassador Brink, if you need to take a break, please
21 just let us know. We will ordinarily take a five-minute
22 break at the end of each hour of questioning, but if you
23 need a break before then, we're happy to accommodate you.

24 AMBASSADOR BRINK: Thank you.

25 MR. FOLIO: Ambassador Brink, you're required to answer

1 questions before Congress truthfully. Do you understand
2 that?

3 AMBASSADOR BRINK: Yes, I do.

4 MR. FOLIO: And this also applies to questions posed by
5 congressional staff in an interview. Specifically, 18 USC
6 Section 1001 makes it a crime to make any materially false,
7 fictitious, or fraudulent statement or representation in the
8 course of a congressional investigation. That statute
9 applies to your statements today. Do you understand that?

10 AMBASSADOR BRINK: Yes, I do.

11 MR. FOLIO: Ambassador Brink, is there any reason you
12 are unable to provide truthful answers in today's interview?

13 AMBASSADOR BRINK: No, there is not.

14 MR. FOLIO: Finally, we ask that you not speak about
15 what we discuss in this interview with anyone else outside
16 of who is in the room today in order to preserve the
17 integrity of our investigation, and we also ask that you not
18 remove or make copies of the exhibits from the room. Do you
19 understand and agree to these terms?

20 AMBASSADOR BRINK: Yes, I understand that.

21 MR. FOLIO: Ambassador Brink, do you have any questions
22 before we begin?

23 AMBASSADOR BRINK: Just one question. I saw the
24 Business Committee meeting from last week, and so am I
25 correct that the transcript of these interviews will be

1 released publicly?

2 MR. FOLIO: Yep, that's correct. That was always
3 Chairman Johnson's intention, and the committee affirmed
4 that last week. The only exception, which I think we noted
5 during the hearing, was that we're going to provide the
6 opportunity for counsel and the witness to review first, and
7 if there are any other issues that arise, of course, we
8 would take those into account before making them--

9 AMBASSADOR BRINK: Okay. Of course, I would probably
10 need the State Department to review anything, you know, for
11 any sensitive material that couldn't be public but isn't
12 necessarily classified.

13 MR. FOLIO: Yeah, we will do that. We've spoken with
14 current officials, and I think that looped State in for that
15 same purpose.

16 AMBASSADOR BRINK: Okay. Thank you.

17 MR. FOLIO: Sure think.

18 MR. MacDOUGALL: Mr. Folio, before you get started,
19 could I clarify a couple things?

20 MR. FOLIO: Sure, Mark.

21 MR. MacDOUGALL: This is not being recorded with
22 respect to video. The only record of this will be a written
23 transcript in the traditional form; is that right?

24 MR. FOLIO: Correct.

25 MR. MacDOUGALL: Okay. I just want to make clear that--

1 -and this is--I do this in every--we do not agree with the
2 committee and the Senate's analysis of where the privilege
3 applies and where it doesn't. We think that belongs to the
4 attorney and their client, the attorney and his client. So
5 if we get into privileged areas, we'll address that then.

6 Because we're on video, we don't have the opportunity
7 to consult with our client easily. If either Ms. Evans or I
8 interpose an objection, we'd like you to respect that and
9 limit the questioning and wait until we have an opportunity
10 to speak privately to our client. Do you agree with that?

11 MR. FOLIO: Yes, Mark. We'll do our best, and we will
12 [inaudible].

13 MR. MacDOUGALL: All right. And to the extent we
14 instruct the client not to answer a question, again, we
15 would ask you to respect that instruction. If we have to
16 deal with that after the fact, we will.

17 MR. FOLIO: Yeah, understood. And if we get to that
18 place--and maybe we won't--, you know, all we'll do is make
19 sure you understand and just ask the question just to make
20 sure we're developing a record so we fully understand the
21 basis for any instruction in advance.

22 MR. MacDOUGALL: Okay. And, finally, there is an
23 inconsistency that we discovered in the Bates range number
24 that were given to Ambassador Brink versus what we received
25 and then what we received from you. So when you get into

1 documents, we're going to need to take extra care to be sure
2 that the document you're talking about--and the same would
3 apply to the Minority--is the document we're looking at.

4 MR. FOLIO: Sure thing. I'm sure--have you identified
5 those records as not being consistent?

6 MR. MacDOUGALL: Well, all of them are inconsistent in
7 some respects. Ambassador Brink received them in an
8 electronic form. We received them in a printed form. The
9 numbers that she had, the electronic index, were not
10 consistent.

11 What we'll just have to do is describe the documents
12 and number of pages and any other identifying information to
13 be sure we're talking about the same thing.

14 MR. FOLIO: All right. We'll do that. All right.
15 Thank you, Mark.

16 MR. MacDOUGALL: That's all I got.

17 MR. FOLIO: All right. To begin the Majority's one
18 hour of questions, I believe I'm going to hand it over to
19 John Flynn-Brown of Senator Grassley's--

20 AMBASSADOR BRINK: Oh, okay.

21 MR. MacDOUGALL: I think Ambassador Brink had a
22 statement she'd like to make at the outset.

23 MR. FOLIO: Oh, I'm sorry. Go ahead, Ambassador.

24 AMBASSADOR BRINK: Thank you.

25 Thank you to the staff members of the Senate Homeland

1 Security and Finance Committees for the chance to offer an
2 opening statement. I'm here in response to Chairman
3 Johnson's and Chairman Grassley's request for a transcribed
4 interview in connection with their investigation into U.S.
5 government actions with regard to Burisma Holdings.

6 I was the State Department's Deputy Assistant Secretary
7 for Ukraine, Moldova, Belarus, Georgia, Azerbaijan, and
8 Armenia from August 2015 until June 2018, a period spanning
9 the Obama and Trump administrations. In this capacity, I
10 was involved in policy formulation and execution toward
11 these countries together with other members of the U.S.
12 government.

13 I am a career foreign service officer with 24 years of
14 experience. My focus has been on securing the freedom and
15 strengthening the independence of the countries of Europe
16 and greater Europe. I view this work to which I've
17 dedicated my professional life as critical to our own
18 security. It has been my privilege to work with many
19 members and staff of Congress in its role as a separate but
20 equal branch of government in this joint effort to advance
21 the interests and values of the United States.

22 Our collective effort has created more stable and
23 capable allies and partners, open markets for U.S. goods and
24 military sales, and created partnerships that advance global
25 strategic priorities that protect and defend the people of

1 the United States.

2 Over my career, I have served Republican and Democratic
3 administrations with equal dedication and commitment and
4 currently have the honor of a lifetime to be the President's
5 representative and U.S. ambassador to Slovakia.

6 Hailing from Grand Rapids, Michigan, as a kid, I drove
7 every day by a sign celebrating my hometown as the childhood
8 home of Gerald Ford. President Ford was known for his
9 extraordinary decency, kindness, and honesty.

10 I entered my life of public service with the values I
11 learned from my family and this community, the importance of
12 working hard, never giving up, and doing the right thing I
13 carry with me the values of the Midwest and the unrelenting
14 support of my friends and family as I undertake this role.

15 I take with utmost solemnity the oath I took upon my
16 entry into the foreign service and again upon becoming
17 Ambassador that I will support and defend the Constitution
18 of the United States against all enemies, foreign and
19 domestic, that I will bear true faith and allegiance to the
20 same, that I take this obligation freely, without any
21 mental reservation or purpose of evasion, and that I will
22 well and faithfully discharge the duties of the office, so
23 help me God.

24 Protecting the values and interests of the American
25 people by deepening the bond between the United States and

1 Europe has been my life's mission of which I am deeply
2 proud.

3 It is one that stems from my own personal background.
4 I'm the granddaughter of two World War II veterans.
5 According to family lore, my grandfather, an Army doctor,
6 treated General Eisenhower during a critical moment in the
7 war. General Eisenhower, of course, went on to become the
8 first Supreme Allied Commander of NATO and the 34th
9 President of the United States.

10 I'm also the daughter of a former teacher and
11 prosecutor. In my family, there is nothing more valued than
12 the life of service, and as a mom and a wife, this life has
13 been one of sacrifice and service, not just by me, but also
14 by my husband, also a career foreign service officer, our
15 two children, and every one of our extended family. This is
16 true for all of us who have made a commitment to serve the
17 Nation in this way.

18 I want to relay how proud I am to be a part of our
19 career foreign service, underscore what an important role it
20 plays in our democracy, and pay tribute to all those who
21 make this choice and to their family members who also
22 sacrifice so much to serve our great country.

23 Thank you, and I'm glad to answer your questions.

24 MR. FOLIO: Thank you, Ambassador Brink.

25 I'll turn the questioning over to Josh Flynn-Brown from

1 Chairman Grassley's staff to begin the questioning.

2 MR. FLYNN-BROWN: Ambassador Brink, can you hear me
3 okay?

4 AMBASSADOR BRINK: I can. There's some strange noise
5 in the background, but yes.

6 MR. FLYNN-BROWN: Ambassador, you addressed some of
7 these issues in your opening statement. I'm going to go
8 ahead and ask them for the record here.

9 So during the Obama administration, what positions did
10 you hold at the State Department?

11 AMBASSADOR BRINK: During the Obama administration, I
12 was--I just have to think about it. Can you give me a
13 second?

14 MR. FLYNN-BROWN: Sure.

15 [Pause.]

16 AMBASSADOR BRINK: Okay. If I could just go through
17 them in chronological order, that's sort of how I think
18 about my own career. So from 2008 to 2009, I was deputy
19 director in the State Department Office of Southern Europe,
20 which is responsible for Turkey, Greece, and Cyprus.

21 From 2009 until 2010, I was a director at the National
22 Security Council for the Aegean and the Caucasus, and that
23 was responsible for coordination of policy with Turkey,
24 Greece, Cyprus, and Georgia, Azerbaijan, Armenia.

25 From 2011 to 2014, I was the deputy chief of mission in

1 our U.S. Embassy in Tbilisi, Georgia.

2 From 2014 to 2015, I was the deputy chief of mission at
3 our U.S. Embassy in Tashkent, Uzbekistan.

4 And then from 2015 to 2016, at the end of the Obama
5 administration, I was Deputy Assistant Secretary in the
6 European Bureau at the State Department, and my
7 responsibility was for six countries: Ukraine, Belarus,
8 Moldova, Georgia, Azerbaijan, and Armenia.

9 MR. FLYNN-BROWN: What were your responsibilities
10 regarding U.S.-Ukraine policy in those positions?

11 AMBASSADOR BRINK: Well, only in that last position was
12 I--had any responsibility for Ukraine, and in my role as the
13 Deputy Assistant Secretary, I was one of the policymakers
14 for Ukraine and was responsible for helping to both
15 formulate and execute foreign policy of the United States
16 towards Ukraine.

17 MR. FLYNN-BROWN: Who at the State Department did you
18 report to when you were Deputy Assistant Secretary in the
19 Bureau of European and Eurasian Affairs?

20 AMBASSADOR BRINK: I reported to the Assistant
21 Secretary, Victoria Nuland.

22 MR. FLYNN-BROWN: And who was on your team when you
23 were Deputy Assistant Secretary?

24 AMBASSADOR BRINK: Well, I was responsible for two
25 offices in the State Department, an office that was

1 responsible for Ukraine and an office that was responsible
2 for--well, Ukraine, Moldova, and Belarus--and an office that
3 was responsible for the countries of the Caucasus.

4 MR. FLYNN-BROWN: Are you able to say the individuals'
5 names who made up that team?

6 AMBASSADOR BRINK: Yes. Just give me a second. Let me
7 just think about if I had turnover.

8 [Pause.]

9 AMBASSADOR BRINK: You're interested in the
10 [inaudible], right? That's the one you're asking about?

11 MR. FLYNN-BROWN: Yes.

12 AMBASSADOR BRINK: So the office director worked for
13 me, and I don't remember the exact time period, but for the
14 first part of the time was Alexander [inaudible]. And then
15 subsequent to that, although I can't remember when the
16 change took place in terms of administration, was Jorgan
17 Andrews.

18 MR. FLYNN-BROWN: Thank you.

19 Are you aware of whether or not the United States
20 government viewed Burisma as a corrupt company?

21 AMBASSADOR BRINK: I don't know.

22 MR. FLYNN-BROWN: Would you agree that Burisma has a
23 reputation for engaging in corrupt activity?

24 AMBASSADOR BRINK: What I know is that Ambassador Pyatt
25 called out an incident that happened in 2013 prior to my

1 arrival as Deputy Assistant Secretary where Burisma and/or
2 the owner--I don't know who exactly it was. Allegedly there
3 was \$23 million in the United Kingdom, and that for reasons
4 unknown, the prosecutor general's office at the time did not
5 give the information that was required to allow the United
6 Kingdom to keep the money, and the money--what happened, the
7 money had to be released and went to some offshore place in
8 [inaudible] understanding.

9 [Technical problems.]

10 MR. MacDOUGALL: Yeah, Mr. Flynn-Brown, I think it's
11 coming in an echo in your hearing room. If it's possible
12 for you to mute while the witness is speaking, that might
13 take care of the problem. That's the only solution I can
14 think of.

15 MR. FLYNN-BROWN: Well, we can try that. I think
16 everyone in the hearing room is on mute right now. I'm
17 getting a thumbs up from our tech guy in here, too.

18 MR. SCHRAM: Josh, we think if you can mute after you
19 ask your question, that might address it.

20 MR. MacDOUGALL: Yeah, that's what I'm saying.

21 MR. FLYNN-BROWN: Yes, that's what I heard. So we will
22 give that a shot. Stand by. Hold on one second.

23 [Pause.]

24 MR. FLYNN-BROWN: Ambassador Brink, can you still hear
25 me?

1 AMBASSADOR BRINK: Yes.

2 MR. FLYNN-BROWN: Are you aware of whether or not the
3 United States Government viewed Mykola Zlochevsky, the owner
4 of Burisma, as a corrupt person?

5 AMBASSADOR BRINK: No, I don't know.

6 MR. FLYNN-BROWN: Was the Ukrainian Government
7 supported by corruption in the natural gas and energy
8 sector?

9 AMBASSADOR BRINK: I'm sorry. Could you repeat that
10 question?

11 MR. FLYNN-BROWN: Was the Ukrainian Government
12 supported by corruption in the natural gas and energy
13 sector?

14 AMBASSADOR BRINK: I mean, I would probably put it a
15 different way. I would say that corruption was endemic,
16 widespread, and a big problem in Ukraine in every sector.
17 Energy sector in this part of the world is always one that's
18 specifically--has specific challenges with corruption
19 because of the amount of money that's involved. So I would
20 just say it was an enormous problem, and as the U.S.
21 Government, our job was to push for reform and
22 anticorruption efforts because we were spending a lot of
23 taxpayer money in order to support this government. And
24 that's what we did.

25 MR. FLYNN-BROWN: What kind of a relationship did

1 Burisma have with the Ukrainian Government?

2 AMBASSADOR BRINK: I don't know.

3 MR. FLYNN-BROWN: Do you know whether the Ukrainian
4 Government had a strong interest in the United States taking
5 a favorable position regarding Burisma?

6 AMBASSADOR BRINK: I don't know. Burisma was one of a
7 number of entities, and the owner, a number of oligarchs
8 that operate in Ukraine. I wouldn't say Burisma was a big
9 player as far as I knew. There were much more bigger
10 players.

11 MR. FLYNN-BROWN: So was Zlochevsky known as an
12 oligarch?

13 AMBASSADOR BRINK: I don't know. I don't think I even
14 knew the owner of Burisma until his name started appearing
15 later in the press.

16 MR. FLYNN-BROWN: Do you know whether Burisma served as
17 a vehicle to enrich Ukrainian Government officials?

18 AMBASSADOR BRINK: I don't know.

19 MR. FLYNN-BROWN: Do you know whether Burisma served as
20 a vehicle to enrich Ukrainian political parties?

21 AMBASSADOR BRINK: I don't know.

22 MR. FLYNN-BROWN: Are you aware of whether or not
23 Burisma and Zlochevsky took directions from any Ukrainian
24 Government official?

25 AMBASSADOR BRINK: I don't know.

1 MR. FLYNN-BROWN: Are you aware of whether or not--

2 AMBASSADOR BRINK: Sorry.

3 MR. FLYNN-BROWN: Go ahead.

4 AMBASSADOR BRINK: I was just going to say what I know
5 is the information from 2014 and that Burisma was under
6 investigation by the U.K. and us, and that \$23 million that
7 was in a bank account in London frozen had to be let go
8 because the prosecutor's office failed to provide
9 information to allow it to remain--the investigation to
10 conclude.

11 MR. FLYNN-BROWN: So with respect to the reporting that
12 you referred to, based on that reporting, was it the State
13 Department's position then that Burisma and its owner,
14 Zlochevsky, had a reputation for corrupt activity?

15 AMBASSADOR BRINK: I would say that was a data point.
16 That certainly looked like corrupt activity.

17 MR. FLYNN-BROWN: Do you believe that data point is an
18 accurate representation?

19 AMBASSADOR BRINK: I can't say. It was before the time
20 and before I started, but I can say that our Ambassador in
21 Ukraine called that out publicly, and for us to do that in a
22 public way is a pretty strong diplomatic tool that we tried
23 to use to encourage people to do the right thing, in this
24 case to get the prosecutor's office to actually pursue this
25 alleged corruption.

1 MR. FLYNN-BROWN: And that's Ambassador Pyatt, correct?

2 AMBASSADOR BRINK: Correct.

3 MR. FLYNN-BROWN: Do you agree with his public
4 statements?

5 AMBASSADOR BRINK: I don't know what that means--agree.
6 I support them in terms of policy. It was our--you know,
7 that speech was done in September of 2015, which was a
8 couple weeks after I started as the Deputy Assistant
9 Secretary.

10 MR. FLYNN-BROWN: So with respect to the case against
11 Zlochevsky, when were you made aware of that?

12 AMBASSADOR BRINK: I don't recall. Maybe sometime when
13 I was being on-boarded in my job. Maybe I got some
14 background information, but not much.

15 Just to emphasize, there are many oligarchs, and there
16 was a massive, widespread, endemic corruption problem in
17 Ukraine.

18 MR. FLYNN-BROWN: And was Burisma and Zlochevsky a part
19 of that corruption problem?

20 AMBASSADOR BRINK: I would say by the way that we
21 talked about it publicly, yes. But not--there were many
22 other problems as well.

23 MR. FLYNN-BROWN: So at the time Hunter Biden was on
24 the board of Burisma, it was then the State Department's
25 view that Burisma and Zlochevsky had a reputation for

1 engaging in corrupt activity. Is that correct?

2 MR. MacDOUGALL: Objection. Mr. Flynn-Brown, would you
3 please clarify when, what time period you're talking about
4 rather than just referring to when Hunter Biden was on the
5 board?

6 MR. FLYNN-BROWN: I believe he joined the board in
7 April [inaudible].

8 MR. MacDOUGALL: I'm sorry?

9 MR. FLYNN-BROWN: I believe Hunter Biden joined the
10 board of Burisma in April of 2014.

11 MR. MacDOUGALL: Okay.

12 MR. FLYNN-BROWN: Excuse me. I stand corrected. May
13 of 2014.

14 Ambassador Brink, if you can answer the question, go
15 ahead.

16 AMBASSADOR BRINK: Sorry. Could you repeat it one more
17 time?

18 MR. FLYNN-BROWN: In May of 2014, when Hunter Biden
19 began on the board of Burisma, did the State Department hold
20 the view that Burisma and Zlochevsky had a reputation for
21 engaging in corrupt activity?

22 AMBASSADOR BRINK: I was not Deputy Assistant Secretary
23 at that time. I don't know when all these events in London
24 happened, and I don't know exactly if they're at the same
25 time as the time that Hunter Biden joined the board.

1 [Pause.]

2 MR. FLYNN-BROWN: Ambassador Brink, just a clarifying
3 question here. So can you recall when you first found out
4 about Zlochevsky and Burisma's reputation for corrupt
5 activity?

6 AMBASSADOR BRINK: I don't recall when. Sometime in
7 the first 6 months of my job, but I don't recall exactly
8 when or how.

9 MR. FLYNN-BROWN: And when you say your job, what
10 position were you in?

11 AMBASSADOR BRINK: In my position as Deputy Assistant
12 Secretary for Ukraine.

13 MR. FLYNN-BROWN: And what year was that?

14 AMBASSADOR BRINK: 2015.

15 MR. FLYNN-BROWN: 2015.

16 AMBASSADOR BRINK: Mm-hmm.

17 MR. FLYNN-BROWN: Ambassador Brink, thank you. I'm
18 going to pass the microphone to my colleague Brian Downey.

19 AMBASSADOR BRINK: Mr. Flynn-Brown, can I just say one
20 other thing?

21 MR. FLYNN-BROWN: Yes, please.

22 AMBASSADOR BRINK: I understand the interest in
23 corruption, and obviously, the way in which--the impetus for
24 the question. But as a policymaker, what I would say is
25 there are a lot of private citizens that serve on boards all

1 over the world in places where as a government official we
2 may or may not give advice that that is a good or a bad
3 thing. But I would say that Hunter Biden's service on the
4 board of Burisma had zero policy impact. We were pushing
5 the prosecutor's office very, very hard to prosecute and
6 investigate corruption cases, including the Burisma case,
7 and the problem was he was not and his team was not.

8 MR. FLYNN-BROWN: With respect to Hunter Biden being on
9 the board of Burisma and their apparent reputation for
10 corrupt activity, would you have advised Hunter Biden not to
11 join the board of Burisma?

12 MR. MacDOUGALL: Objection, calls for speculation.
13 I'll instruct the witness not to answer.

14 MR. FLYNN-BROWN: Ambassador Brink, with respect to
15 your previous comments about how the United States was
16 pushing to prosecute the case against Zlochevsky, can you
17 describe the actions that the United States Government took
18 to prosecute that case?

19 AMBASSADOR BRINK: Well, this wouldn't be a case that
20 the United States would prosecute on its own, unless there
21 is some U.S. nexus, and I don't know the details of the
22 London case. Again, it happened before my time. What I can
23 say from a diplomatic point of view is we did everything we
24 could to put as much pressure as possible diplomatically on
25 decisionmakers, including in the prosecutor's office, to get

1 the prosecutor's office to actually prosecute cases of
2 corruption, and including the Burisma case. And that's
3 evidenced in point by Ambassador Pyatt's September 2015
4 speech, which was made publicly, and that effort to push for
5 reform of the prosecutor's office, which meant essentially
6 going after corruption cases, was one that--was one of the
7 two lines of effort that we made in Ukraine to push for
8 reform. And the reason for that is that we were spending a
9 lot of U.S. taxpayer money on anticorruption and other
10 reforms. And in order to ensure that that money was spent
11 effectively, it was our duty and our obligation and our
12 responsibility to make sure that that money was actually
13 helping to support anticorruption efforts.

14 MR. FLYNN-BROWN: So when did you first become aware of
15 the case against Zlochevsky?

16 AMBASSADOR BRINK: I don't know when I first became
17 aware, and I didn't know his name. I had heard the Burisma
18 name, but I didn't know his particular name. And I think I
19 mentioned before, in my first 6 months I was briefed on the
20 Burisma case, but I can tell you there are a lot of
21 corruption problems and cases at that time.

22 MR. FLYNN-BROWN: Again, when you refer to your first 6
23 months now, what position were you in?

24 AMBASSADOR BRINK: Deputy Assistant Secretary.

25 MR. FLYNN-BROWN: Okay. Thank you. I'm going to now

1 pass the microphone over to Brian Downey.

2 MR. DOWNEY: Hi, Ambassador Brink. Can you hear me?

3 AMBASSADOR BRINK: Yes. Thank you.

4 MR. DOWNEY: So we're going to do our best to keep our
5 questioning in time frames, and we're going to turn to your
6 time as Deputy Assistant Secretary in the Bureau of European
7 and Eurasian Affairs.

8 AMBASSADOR BRINK: Okay.

9 MR. DOWNEY: So that's 2015 to 2018. Are you aware of
10 a January 2016 delegation coming to Washington that included
11 a group of senior-level Ukrainian prosecutors?

12 AMBASSADOR BRINK: Yes, I am.

13 MR. DOWNEY: Okay. We're going to have this as Exhibit
14 1. Will, it's Tab 6.

15 [Brink Exhibit No. 1 was
16 marked for identification.]

17 MR. MacDOUGALL: Could you give us the Bates numbers,
18 Mr. Downey, please?

19 MR. DOWNEY: Yes, this is the National Archives
20 document, Bates 1755 to 1757, and that's--

21 AMBASSADOR BRINK: I don't I had received this one.

22 MR. MacDOUGALL: Yeah, this was not on the list we were
23 given.

24 AMBASSADOR BRINK: So thank you for putting it
25 onscreen.

1 MR. DOWNEY: It's on the screen, yes.

2 AMBASSADOR BRINK: Can you scroll down? Or can I?

3 MR. MacDOUGALL: Let me just ask the witness to hold
4 for a second. Was this one of the three documents sent to
5 us over the weekend?

6 MR. DOWNEY: I believe it was.

7 MR. MacDOUGALL: Okay. Ambassador, I don't know if you
8 have access to those, but those were sent to us Saturday.

9 AMBASSADOR BRINK: Okay. I don't think I've seen this,
10 but if someone can scroll down, I can just look at it
11 onscreen. That's fine. I don't think I had seen this at
12 the time.

13 MR. DOWNEY: So as the Ambassador reviews this, I want
14 to just point out your name, Ambassador Brink, is on page 2
15 of this exhibit. January 21, 2016.

16 AMBASSADOR BRINK: Mm-hmm. Yes.

17 MR. MacDOUGALL: That's 2015, isn't it?

18 MR. DOWNEY: I believe that's an error from the
19 Department of Justice. That's their own error.

20 AMBASSADOR BRINK: It would be 2016 because I wasn't in
21 my position as Deputy Assistant Secretary in January 2015.
22 It would have to have been January 2016. Okay, sorry. Do
23 you mind just scrolling to the end?

24 [Pause.]

25 AMBASSADOR BRINK: Okay.

1 MR. DOWNEY: So according to this document from January
2 18 to January 23, 2016, a group of senior-level Ukrainian
3 prosecutors attended a series of meetings with various U.S.
4 Government officials here in Washington. Ambassador Brink,
5 you appear to have participated in at least one of these
6 meetings, and as this exhibit notes, it was scheduled for
7 January 21, 2016. Did that meeting occur?

8 AMBASSADOR BRINK: Yes, I remember that meeting

9 MR. DOWNEY: What was the purpose of your specific
10 meeting on January 21, 2016?

11 AMBASSADOR BRINK: As I recall, this was a meeting with
12 the head of the specialized anticorruption office, otherwise
13 known as SAPO, and the director of the anticorruption
14 bureau, otherwise known as NABU. These two entities were
15 set up with U.S. Government funding and assistance to help
16 and implement anticorruption efforts. So it was something
17 that we as a Government had supported, the United States,
18 and these two individuals were coming to Washington to brief
19 on the set-up of their office and things like hiring their
20 staff, how they are operating, how it's working within the
21 prosecutor's office, things like that.

22 MR. DOWNEY: Ambassador Brink, do you know who
23 scheduled this senior-level Ukrainian prosecutors' visit to
24 Washington?

25 AMBASSADOR BRINK: I don't know who scheduled it. I

1 mean, I have a scheduler, so someone would have contacted my
2 scheduler. But it would have been something in coordination
3 with our embassy in Kyiv, you know, probably would have
4 suggested that they do this visit so that people can talk to
5 them about how we're spending U.S. taxpayer money and
6 assistance and if it's effective. And so that's why they
7 came back, and it's natural that I would be one of the
8 senior State Department people that met with them. But I
9 see they met with someone else. I can't remember what
10 position James Walsh had at the time.

11 MR. DOWNEY: Who attended your meeting on January 21,
12 2016, from the Ukrainian delegation?

13 AMBASSADOR BRINK: So it would have been members of my
14 Ukrainian team, people that they brought themselves on their
15 side, so I would say--I would guess a mix of individuals,
16 Ukrainian experts and people involved in anticorruption
17 efforts.

18 MR. DOWNEY: Who specifically on your team attended
19 this January 21, 2016, meeting?

20 AMBASSADOR BRINK: I don't recall specifically, but it
21 would have likely have been my Ukraine office as well as
22 potentially, because they work very closely with the
23 Department of Justice, Department of Justice individuals,
24 and members of the delegations themselves, which would
25 include people that they brought in. And I remember

1 specifically in this meeting one of the--I think it's the
2 investigator--didn't speak English, so I think they brought-
3 -usually they bring an interpreter, so there was probably an
4 interpreter. When that happens, we often can't cover a lot
5 of ground because it wasn't a very long meeting, and when we
6 do interpretation, it takes twice as long to communicate,
7 obviously.

8 MR. DOWNEY: Did anyone take notes from this January
9 21, 2016, meeting?

10 AMBASSADOR BRINK: I would guess people would have
11 taken notes, yes.

12 MR. DOWNEY: Do you know if yourself or members of your
13 team took notes from this January 21, 2016, meeting?

14 AMBASSADOR BRINK: Yes, I took some notes.

15 MR. DOWNEY: And, once again, how many individuals from
16 your team joined you in this January 21, 2016, meeting?

17 AMBASSADOR BRINK: I would probably just have to look
18 this up and come back to you. I don't have it at the tip of
19 my fingers, but I could come back, and I can't guarantee who
20 was scheduled to meet was actually there. I don't recall.

21 MR. DOWNEY: And, once again, this meeting occurred,
22 correct?

23 AMBASSADOR BRINK: Yes.

24 MR. DOWNEY: What was discussed at this meeting?

25 AMBASSADOR BRINK: So the purpose of the meeting was to

1 hear what these two individuals who were running offices
2 supported with U.S. taxpayer money and U.S. assistance talk
3 about how it's working. Are they able to do what we needed
4 them to do and wanted them to do and they wanted to do?
5 Which was fight corruption and basically have a way where
6 there was a specialized unit within the prosecutor's office
7 that would be fighting--investigating and fighting
8 corruption, because it was not happening in the prosecutor
9 general's office in general.

10 MR. DOWNEY: So during this January 21, 2016, meeting,
11 the senior level Ukrainian prosecutors that you met with,
12 they discussed the current condition of the Prosecutor
13 General's Office in Ukraine and how effective or ineffective
14 it was?

15 AMBASSADOR BRINK: I don't remember if they discussed
16 that. They definitely discussed things like how many
17 prosecutors they had fired and what they were doing to train
18 them, were they getting central budgetary funding or were
19 there obstacles to them achieving their--you know, to doing
20 their jobs in this context. So it was more operational, I
21 would say, about how were they able to function and carry
22 out the goals which we were supporting with U.S. taxpayer
23 money.

24 MR. DOWNEY: So, Will, if you could scroll up on
25 Exhibit 1 to the first page. On the first day of their--or

1 actually the second day of their delegation trip on Tuesday,
2 January 19, 2016, this group of senior Ukrainian prosecutors
3 had a meeting with the National Security Council at the
4 White House and then a meeting with members of the
5 Department of Justice and with the Federal Bureau of
6 Investigation. When you met with them on January 21, 2016,
7 did they discuss how those meetings with those other U.S.
8 entities went?

9 AMBASSADOR BRINK: Not that I recall. We didn't have a
10 lot of time.

11 MR. DOWNEY: And how long did your meeting on January
12 21, 2016, last?

13 AMBASSADOR BRINK: Well, I see it's scheduled for 45
14 minutes, and with translation that's just not a lot of time.

15 MR. DOWNEY: Okay. We're going to have this as Exhibit
16 2, Will, and it's Tab 7. It's another document, Mr.
17 MacDougall, from the National Archives, and it's Bates
18 numbered 1907 to 1910.

19 MR. MacDOUGALL: Thank you.

20 [Brink Exhibit No. 2 was
21 marked for identification.]

22 MR. DOWNEY: And I'll let the Ambassador review this
23 before we ask any questions.

24 [Pause.]

25 AMBASSADOR BRINK: Yeah, I don't know if I was on this

1 email. I mean, normally what happens is my staff would
2 prepare a briefing memorandum for me, which would suggest
3 items to raise, to discuss in the meeting. And so that's
4 normal for them to coordinate with others with whom they're
5 meeting in advance so that we have a shared, combined
6 message. That's normal for us. I see I'm not on any of
7 these emails, which I would normally be. I would get the
8 briefing memo in advance of the meeting.

9 MR. DOWNEY: So just as clarification, Ambassador, you
10 wouldn't have received emails that went to the Euro desk,
11 that email chain?

12 AMBASSADOR BRINK: It didn't come to me because my
13 staff would have--I mean, this is natural, normal
14 coordination among staff, to ensure that among policy
15 principals, senior people are saying the same thing. But I
16 didn't--I wouldn't normally be on it, on something like
17 this.

18 MR. DOWNEY: Understood. So I just wanted to point out
19 this Monday, January 18, 2016, email from Jaime Gusack. Is
20 Ms. Gusack on your staff?

21 AMBASSADOR BRINK: She was. Can I ask, is this from
22 the classified system or from unclass?

23 MR. DOWNEY: This is unclass.

24 MR. MacDOUGALL: Mr. Downey, is the exhibit--this
25 document begins with Bates No. 1648?

1 MR. DOWNEY: This is an Archives document that begins
2 at 1907 and ends at 1910.

3 MR. MacDOUGALL: I don't think we've been given that at
4 all.

5 AMBASSADOR BRINK: No. This is the first time I'm
6 seeing it.

7 MR. MacDOUGALL: Yeah, we weren't given that in
8 advance, so I'm going to have to object to any questions in
9 this document.

10 MR. DOWNEY: Okay. Mr. MacDougall, we're just seeking
11 to maybe facilitate the Ambassador's recollection from the
12 meeting with the Ukrainian prosecutors as what is on the
13 screen points out a list of topics that the State Department
14 was hoping that the National Security Council might discuss
15 with them during the NSC's meeting.

16 MR. MacDOUGALL: I understand that, Mr. Downey, but we
17 had a very clear understanding that we were going to be
18 shown and given copies of any documents the Ambassador is
19 going to be asked about. This is--you're seeking to ask her
20 questions on this document and we weren't shown it until
21 this very moment. So if you want her to look at a list of
22 names and see if she knows those names I won't object to
23 that, but if you want to get into any further on this I
24 think it is completely inappropriate, given the long
25 discussions we've had about this.

1 MR. DOWNEY: And during a break we'll check to see what
2 documents we sent over the weekend and we'll get that
3 cleared up.

4 AMBASSADOR BRINK: Mark, if it's okay I think I can say
5 one thing.

6 MR. MacDOUGALL: Sure.

7 AMBASSADOR BRINK: I don't have any recollection of the
8 detail that is on this document, of raising this. Like I
9 said, there was very little time and it was very
10 operational, and my focus was on ensuring that they were
11 able to operate appropriately. I probably was doing this
12 meeting with our assistance coordinator, responsible for
13 assistance, as well, with the idea and concern that
14 anticorruption efforts needed to be effective.

15 So on issues with regard to, you know, the Prosecutor
16 General or any specific big cases, these folks, in
17 particular, would not have been able to change a situation
18 with regard to the Prosecutor General. That would have to
19 be done at a much higher level, at the presidential level,
20 not with the prosecutors.

21 So sometimes there might be cases where people are
22 preparing--I can't remember what was prepared for me for
23 this interview, for this meeting, but I can say with
24 certainty that either telling them that there needs to be a
25 new Prosecutor General or discussing some specific case

1 would not have been on my specific agenda. And so it was
2 very operational focused on ensuring that money being spent
3 to support these offices, which was a lot of money and
4 effort and energy by the U.S. Government on behalf of the
5 American people, was being done appropriately, not to talk
6 about individual cases or to talk about individuals.

7 MR. DOWNEY: How much money was the U.S. providing the
8 Ukrainians to institute these anticorruption efforts?

9 AMBASSADOR BRINK: I don't know the specific numbers
10 for anticorruption but I do--I can say that we provided,
11 during my time, \$3 billion in total loan guarantees as well
12 as almost \$1 billion in other types of assistance. We could
13 probably tell you specifically how much went to
14 anticorruption, but this was a serious amount of money, and
15 foremost and utmost in my mind during this whole time was
16 ensuring that this money was spent appropriately and
17 ensuring that it was achieving our foreign policy goals.
18 That was our sole focus.

19 MR. DOWNEY: So during this January 21, 2016, meeting
20 you had with the senior level Ukrainian prosecutors, did you
21 specifically discuss the Prosecutor General's Office of
22 Ukraine?

23 AMBASSADOR BRINK: I don't recall. I don't recall if
24 we did or not.

25 MR. DOWNEY: Did you--

1 AMBASSADOR BRINK: I recall the operational pieces of
2 it.

3 MR. DOWNEY: Did you discuss Prosecutor General Viktor
4 Shokin at this January 21, 2016, meeting?

5 AMBASSADOR BRINK: Not that I recall. I wouldn't
6 normally. There's no--not that I recall.

7 MR. DOWNEY: During this January 21, 2016, meeting,
8 were these senior level prosecutors concerned with--did they
9 express concerns to you about where the leadership of the
10 PGO's office was going in regard to anticorruption efforts?

11 AMBASSADOR BRINK: I don't recall. What I can say is
12 that in general the widespread belief and the widespread
13 perception was that the Prosecutor's Office was not--was
14 protecting corrupt entities without prosecuting corrupt
15 entities. Not one significant figure, from the Yanukovych
16 or the Poroshenko administrations was prosecuted under
17 Shokin. So that data point indicated that there was not--
18 that corruption was not being pursued and prosecuted. And
19 so there was a widespread feeling of that, not from any one
20 individual, but it was widely believed within the U.S.
21 Government, in the NGO community, in Ukraine, among European
22 partners.

23 MR. DOWNEY: So in January of 2016, what was the U.S.
24 Government's view of Prosecutor General Viktor Shokin?

25 AMBASSADOR BRINK: I don't know what--I mean, to say

1 there's a U.S. Government view might be a stronger thing
2 than what it was. But I would say at the U.S. Government
3 view was that the Prosecutor General's Office was operating
4 in the old way, which was close to the politicians and
5 always close to the Presidents, and more powerful than
6 judges, and not prosecuting corruption and corrupt entities.
7 And that had been a longstanding problem in Ukraine and
8 remained so under Prosecutor General Shokin.

9 MR. DOWNEY: Who was the Prosecutor General of Ukraine
10 before Viktor Shokin?

11 AMBASSADOR BRINK: It was someone named Yarema, but I
12 did not have any experience with him. That was before my
13 time.

14 MR. DOWNEY: Do you know any allegations regarding the
15 former Prosecutor General Yarema?

16 AMBASSADOR BRINK: I do not but I do believe the
17 Burisma case in 2014 happened when he was the Prosecutor
18 General.

19 MR. DOWNEY: So in January of 2016, in your position as
20 Deputy Assistant Secretary of the European Bureau, was
21 Viktor Shokin seen as an obstacle to perform?

22 AMBASSADOR BRINK: Yes.

23 MR. DOWNEY: And how was that--what was that based on?
24 What information that was--what information was coming from
25 maybe Embassy Kiev or anywhere else that support that?

1 AMBASSADOR BRINK: It was based on a simple data point,
2 that no prominent officials from the Yanokovych regime or
3 from the Poroshenko regime had been prosecuted for
4 corruption. Nobody who shot and killed 100 people on the
5 Maidan during the Revolution of Dignity, nobody who had
6 clearly stolen assets and money from the people of Ukraine
7 that led to the Revolution of Dignity, and no one after. So
8 it was based on that data point, and if there were other
9 data points our analysis would be different. But I can tell
10 you this was widespread, widely believed by government
11 officials, people outside of government, people in America,
12 in Ukraine, and in Europe, and I never heard anything
13 contrary to that, ever.

14 MR. DOWNEY: So were those concerns that you just
15 raised about Shokin's office not, you know, sort of going
16 with the old way of how business was done in the Prosecutor
17 General's Office, was that discussed in your January 21,
18 2016, meeting with those senior level Ukrainian prosecutors?

19 AMBASSADOR BRINK: Not that I recall, no.

20 MR. DOWNEY: Was Ukrainian officials aware of State
21 Department's view of Shokin at this time in January of 2016?

22 AMBASSADOR BRINK: I wouldn't call it the State
23 Department's view. I think if you--it was common view. I
24 wouldn't say it was just the State Department viewing. It's
25 not about personalities. It's about whether or not, you

1 know, reforms were happening, and they were not, and they
2 were not happening under Shokin, and they were not happening
3 in the Prosecutor General's Office.

4 MR. DOWNEY: Okay.

5 AMBASSADOR BRINK: That includes investigation of what
6 happened in 2014 with Burisma, and we pushed for that to
7 happen.

8 MR. DOWNEY: So during this time period in January of
9 2016, who conveyed these U.S. concerns to the Ukrainians
10 regarding the Prosecutor General's Office?

11 AMBASSADOR BRINK: Well, I think they were conveyed at
12 multiple levels, but because the Prosecutor General is
13 someone, as I can't recall exactly how the process works,
14 but I think nominated by either the Prime Minister, the
15 President, and then approved by Parliament, this is
16 something that obviously is at a very, very senior level.
17 So essentially the controlling entity on this question is
18 the President. So we conveyed it in ways, when--to the
19 President of the country.

20 MR. DOWNEY: So who conveyed it to President Poroshenko
21 at that time in January of 2016?

22 AMBASSADOR BRINK: I would say any official who met
23 with the President. So, in general, I don't know exactly,
24 but as I recall, you know, our senior-most officials. So
25 part of our job, in terms of pushing for specific policy

1 outcomes is to use the believers of influence that we have,
2 and that's our more senior officials. So we would use the
3 most senior official we could possibly get to help to
4 achieve what is a very difficult ask, which is to either
5 make the Prosecutor General's Office effective, and to do so
6 by changing the leadership or doing something else. But it
7 needed to be effective.

8 MR. DOWNEY: Did this include Vice President Joe Biden?

9 AMBASSADOR BRINK: In a general sense, yes. I can't
10 remember when and how, but yes, of course.

11 MR. DOWNEY: Do you know Vice President Biden may have
12 discussed Shokin with President Poroshenko?

13 AMBASSADOR BRINK: I don't know when. I don't recall,
14 I guess, is a better answer.

15 MR. DOWNEY: Ambassador Brink, were you aware that
16 Hunter Biden was on Burisma's board of directors as your
17 time as Deputy Assistant Secretary for the European Bureau?

18 AMBASSADOR BRINK: I had heard about it. Either I had
19 been briefed on it or, of course, there was at least one
20 article that had been, you know, sent to me again, that was
21 on it. So, yes, I had some awareness of it.

22 MR. DOWNEY: Do you know the time frame of when someone
23 on your staff may have briefed on you on Hunter Biden's
24 board seat?

25 AMBASSADOR BRINK: No. I can't recall. Probably in

1 the first few months of my job, that's when I would have
2 been told about it.

3 MR. DOWNEY: So as Deputy Assistant Secretary in 2015.

4 AMBASSADOR BRINK: Correct.

5 MR. DOWNEY: When you were briefed about Hunter Biden
6 being on Burisma's board, did you have any reaction to that
7 news?

8 AMBASSADOR BRINK: No.

9 MR. DOWNEY: Why not?

10 AMBASSADOR BRINK: It had zero impact on policy.

11 MR. DOWNEY: Did you raise any concerns about potential
12 conflicts of interest to anyone at the State Department
13 after you were briefed about this?

14 AMBASSADOR BRINK: No, I did not. Hunter Biden is a
15 private citizen. If I thought it was having an impact on
16 policy that might be a different situation. But it had zero
17 impact on policy.

18 MR. DOWNEY: So as your time as the Deputy Assistant
19 Secretary of the European Bureau, did you speak with anyone
20 in Vice President Biden's staff or the National Security
21 Council staff about Hunter Biden's position on Burisma's
22 board?

23 AMBASSADOR BRINK: No.

24 MR. DOWNEY: Did it ever come up in conversations or
25 during meetings that you had with those entities?

1 AMBASSADOR BRINK: No.

2 MR. DOWNEY: Do you know who Devon Archer is?

3 AMBASSADOR BRINK: I have heard of him because of the
4 link with Hunter Biden in the press.

5 MR. DOWNEY: What do you know about Devon Archer?

6 AMBASSADOR BRINK: Just that he was a partner with
7 Hunter Biden and allegedly on the board as well.

8 MR. DOWNEY: Did you learn about Devon Archer at the
9 same time that you were briefed about Hunter Biden being on
10 Burisma's board in 2015?

11 AMBASSADOR BRINK: Probably.

12 MR. DOWNEY: We're going to go to, this will be Exhibit
13 3, which will be Tab 3, Will, and this is the March 6, 2020,
14 New York Times article, Mr. MacDougall and Ambassador Brink.

15 MR. MacDOUGALL: Does that have a Bates number?

16 MR. DOWNEY: No. It's a public press document. I
17 believe we sent the link to you, sir.

18 MR. MacDOUGALL: Okay.

19 [Brink Exhibit No. 3 was
20 marked for identification.]

21 MR. DOWNEY: So according to this March 6th, 2020,
22 article, in December 2015 as Vice President Biden flew to
23 Ukraine to deliver an anticorruption speech to Ukraine's
24 Parliament, on page 5 of this article, it says several aides
25 recalled a surreal split screen of activity on board. As

1 Mr. Biden's team focused mostly on the speech, he urged them
2 to make it tougher but peeled off for intermittent huddles
3 on how to handle the Hunter story. Mr. Biden dismissed the
4 story as a distraction, did not engage. The group defaulted
5 to the pushback plan used the year before when the story had
6 first emerged issuing a statement that Hunter Biden was a
7 private citizen and a lawyer.

8 Ambassador Brink, did you travel with the Vice
9 President to Ukraine in December of 2015?

10 AMBASSADOR BRINK: No, I did not.

11 MR. DOWNEY: Did you have any involvement with Vice
12 President Biden's anticorruption speech to parliament?

13 AMBASSADOR BRINK: I don't remember specifically, but
14 usually, and as I recall, the State Department and my team
15 would have done a lot of the documentation, including a
16 draft of the speech for the Vice President's visit. And I
17 generally remember us doing those preparations.

18 MR. DOWNEY: Okay. We're going to go to--I believe
19 this will be Exhibit 4, which is Tab 5, and this is the
20 public remarks that Vice President Biden gave to Ukraine's
21 Rada on December 9th of 2015.

22 [Brink Exhibit No. 4 was
23 marked for identification.]

24 AMBASSADOR BRINK: Mm-hmm.

25 MR. DOWNEY: And we're going to specifically look at

1 page 5 of the Vice President's speech.

2 [Pause.]

3 AMBASSADOR BRINK: Mm-hmm.

4 MR. DOWNEY: And specifically, I want to point out the
5 graph that starts out and is on the screen with "As the
6 Prime Minister," at the ending, two sentences of this part
7 of the Vice President's speech says senior elected officials
8 have to remove all conflicts between their business
9 interests and their government responsibilities. Every
10 other democracy in the world, that system pertains.

11 Ambassador Brink, what was the purpose of Vice
12 President Biden telling elected Ukrainian officials to
13 remove all conflicts of interest between their business
14 interests and their government responsibilities?

15 AMBASSADOR BRINK: I can't recall specifically, but as
16 I remember, they are not clear--or they were not clear rules
17 for parliamentarians in Ukraine to divest themselves from
18 business, and so you had parliamentarians that were
19 allegedly doing the business of the Ukrainian people but
20 also you had side [inaudible] among other things, other
21 problems as well. But the idea of asset disclosure and
22 conflicts of interest was not something that had been put in
23 place in fact.

24 MR. DOWNEY: With regards to the specific two sentences
25 of the Vice President's speech in December of 2015, was

1 Hunter Biden's board position on Burisma consistent with
2 this message about conflicts of interest?

3 AMBASSADOR BRINK: Well, I mean, this is about elected
4 officials.

5 MR. DOWNEY: And Joe Biden is an elected official?

6 AMBASSADOR BRINK: Right.

7 MR. DOWNEY: Did the fact of Hunter Biden's position on
8 the board of Burisma undermine Vice President Biden's
9 message?

10 AMBASSADOR BRINK: I think this probably calls for
11 speculation. Maybe it isn't good for me to--

12 MR. MacDOUGALL: Well, if you don't know, then you
13 can't answer.

14 Can you restate the question?

15 MR. DOWNEY: Sure. Did the fact of Hunter Biden's
16 position on Burisma's board undermine Vice President Biden's
17 message on conflicts of interest and anticorruption?

18 MR. MacDOUGALL: Okay. To the extent you're asking for
19 the Ambassador's opinion, I will object to that and instruct
20 her not to answer.

21 MR. DOWNEY: Ambassador Brink, did you find that
22 awkward that Vice President Biden would be calling on
23 conflicts of interest and his son sat on Burisma's board?

24 MR. MacDOUGALL: Same objection, same instruction.

25 MR. DOWNEY: So on page 5 of this speech, Vice

1 President Biden said oligarchs and non-oligarchs must play
2 by the same rules. They have to pay their taxes, settle
3 their disputes in court, not by bullying judges. That's
4 basic. That's how nations succeed in the 21st century.

5 During your time as the Deputy Assistant Secretary for
6 the European Bureau, did you agree with Vice President Biden
7 confronting oligarchs in this speech?

8 AMBASSADOR BRINK: I mean, I think we would have
9 probably supplied the points from myself and my team.

10 MR. DOWNEY: Do you know whether the Vice President's
11 staff agreed with this position as well?

12 AMBASSADOR BRINK: I can't say. I don't know.

13 MR. DOWNEY: As Deputy Assistant Secretary for the
14 European Bureau during this time frame in 2015, why was it
15 important for Vice President Biden to confront oligarchs in
16 Ukraine?

17 AMBASSADOR BRINK: I think the importance was to
18 confront corruption, and many of the oligarchs were deeply
19 involved in the corruption that existed at very senior
20 levels, very--as I said, it was widespread, endemic, and a
21 big problem for us in promoting reform and promoting a
22 strong independent Ukraine.

23 MR. DOWNEY: So by confronting oligarchs, would that
24 send an anticorruption message to Ukraine's Rada and to
25 their people?

1 AMBASSADOR BRINK: I think the point is by confronting
2 corruption where it exists and problems fighting corruption
3 where it exists, and calling it out and shining a slight on
4 it is what's important. And that's what we did, and that's
5 what we asked senior members and Cabinet officials to do.
6 And they did.

7 MR. DOWNEY: Just a second.

8 [Pause.]

9 MR. DOWNEY: I believe the Majority has about four or
10 three minutes left, Ambassador Brink. I'm going to send it
11 to my colleague, Scott Wittmann, for the last three minutes.

12 AMBASSADOR BRINK: Thank you.

13 MR. WITTMANN: Hi, Ambassador Brink. Can you hear me?

14 AMBASSADOR BRINK: Yes.

15 MR. WITTMANN: Let me make sure I can hear you.

16 [Pause.]

17 MR. WITTMANN: Ambassador, can you hear me?

18 AMBASSADOR BRINK: I can hear you, yes.

19 MR. WITTMANN: And I can hear you. Thank you.

20 Just a few more questions, and then our round will be
21 finished. And we'll either take a break or we'll turn it
22 over to the Minority.

23 I just want to go back and ask you a couple questions
24 about what you were saying earlier regarding how the U.S.
25 was pushing anticorruption measures, and that included

1 holding Burisma and Zlochevsky accountable and pushing
2 Ukrainians to do that; is that correct?

3 AMBASSADOR BRINK: Yes. I mean, fighting for the
4 prosecutor general's office to actually do its job and
5 prosecute--investigate and prosecute cases of corruption,
6 which they were not doing. That was what we were trying to
7 do.

8 MR. WITTMANN: And I think you mentioned that included
9 the case against Zlochevsky and Burisma, pushing to hold
10 them accountable; is that right?

11 AMBASSADOR BRINK: Well I would say as shown by
12 Ambassador Pyatt's speech, a very important corruption
13 speech that he made in Odessa, yes.

14 MR. WITTMANN: And how often did the U.S.--in addition
15 to Ambassador Pyatt's September 2015 speech, how often did
16 the U.S. specifically call out Zlochevsky and Burisma to
17 Ukrainian officials?

18 AMBASSADOR BRINK: I can't say how often. What I can
19 say is that we had two policy lines, and you have to
20 remember that the main policy line was the fact that
21 Russia's aggression in the Donbass and attempted annexation
22 of Crimea was an enormous security threat, not just for
23 Ukraine, but for all of Europe. And so our one policy line
24 was to do everything we could to reinforce the security, the
25 physical security of the Ukraine and also to work with the

1 Normandy partners to move forward on the Minsk commitments.

2 That was one very big line of effort.

3 The second line of effort on Ukraine was to support
4 reforms, and those, of course, included anticorruption
5 reforms. But there were a whole host of other reforms. Any
6 country coming out of Communist legacy has serious
7 challenges with regard to democracy.

8 So it is anticorruption, and that's a very, very big
9 part of it. But it's also many other things. So I can't
10 say how many times we raised this individual case, which
11 frankly is small compared to a lot of the big cases--the
12 oligarchs that control the energy sector, the banking
13 sector, other aspects of the economy that are pivotal. So I
14 can't say.

15 MR. WITTMANN: Understood.

16 Based on your knowledge, was Zlochevsky or Burisma ever
17 held accountable?

18 AMBASSADOR BRINK: Not that I'm aware of, but I--not
19 that I'm aware of, but I don't know. I'm not currently--
20 obviously, I'm not responsible for Ukraine policy now, but--

21 MR. WITTMANN: So by the time you left your position as
22 Deputy Assistant Secretary, you were not aware then or you
23 don't recall now?

24 AMBASSADOR BRINK: I'm not aware. I don't know.

25 MR. WITTMANN: Okay. Ambassador Brink--

1 AMBASSADOR BRINK: I can maybe add one other thing. We
2 did follow some cases, but in general, those cases had to
3 have a very strong U.S. nexus, so some cases in terms of
4 prosecution.

5 So, in any case, this particular case on Burisma was
6 really the main datapoint we have is from 2014, and as far
7 as I know, Burisma under Prosecutor General Shokin was never
8 investigated and certainly not prosecuted nor the
9 prosecutors who basically failed to provide the UK with
10 information that was requested in order to give back \$23
11 million to the Ukrainian people.

12 MR. WITTMANN: And under Prosecutor General Lutsenko?

13 AMBASSADOR BRINK: Lutsenko? I don't know.

14 MR. WITTMANN: Okay. So despite all of these efforts
15 from the U.S. government and the Ambassador Pyatt
16 specifically calling out Zlochevsky, you don't know if he
17 was held accountable?

18 AMBASSADOR BRINK: I don't know.

19 MR. WITTMANN: Okay.

20 AMBASSADOR BRINK: But, obviously, he would have to be
21 prosecuted, right? So he'd have to have a fair trial or--

22 MR. WITTMANN: Sure.

23 AMBASSADOR BRINK: --some sort of investigation, but, I
24 mean, as far as I know, no.

25 MR. WITTMANN: Okay. Ambassador Brink, our hour is up.

1 So, first, I want to extend the opportunity for you to take
2 a break if you need to and also to turn it over to our
3 Minority.

4 MR. SCHRAM: It's 10:28 now. Why don't we restart at
5 10:35? Does that work for you, Ambassador?

6 AMBASSADOR BRINK: Of course.

7 MR. SCHRAM: Thanks so much.

8 AMBASSADOR BRINK: Thank you.

9 [Recess.]

10 MR. SCHRAM: Okay. Mark, are you ready?

11 MR. MacDOUGALL: Yeah.

12 Mr. Schram, let me just put this on the record before
13 you start. We want to be solicitous of your time, and we
14 have a four-hour hard stop, as everybody knows.

15 We've been receiving, as you know, documents from the
16 Minority very recently, including a few minutes ago. If
17 you're going to ask Ambassador Brink specific questions
18 about documents we haven't seen, we're going to have to take
19 a break, as we've discussed, and go over them with her.

20 So I don't know. You can ask her whatever questions
21 you want, but if there are new documents that we're just
22 receiving now, we're going to have to take a break and look
23 at those and get back to you.

24 MR. SCHRAM: Understood.

25 In response to the first hour of questioning, we've

1 sent some public letters and articles, but I don't believe
2 any of them are non-public material.

3 MR. MacDOUGALL: And my point is she hasn't read them
4 yet and hasn't been able to talk to her lawyer about them,
5 and that's what we need to do.

6 MR. SCHRAM: Okay. When we get to that step, then, by
7 all means, take as much time as you need.

8 MR. MacDOUGALL: All right. Okay.

9 MR. SCHRAM: Ambassador Brink, thank you again for your
10 time. I was quite moved by your opening statement, and as a
11 Michigander and the grandchild of two World War II and D-Day
12 veterans, I have to say I identified with your call to
13 service. And you may see over my shoulder, that's my
14 paternal grandfather in his flight suit.

15 AMBASSADOR BRINK: Oh, that's awesome. Thank you.

16 MR. SCHRAM: You were appointed by President Trump to
17 your current role as Ambassador to Slovak Republic, correct?

18 AMBASSADOR BRINK: Correct.

19 MR. SCHRAM: And as we heard from your opening, you've
20 spoken very movingly about your call to service. I'm
21 wondering if you might highlight some particular
22 achievements in the foreign service that you're proud of.

23 AMBASSADOR BRINK: Well, thanks for asking.

24 You know, a lot of what we do is kind of anonymous, and
25 we do it as part of a much bigger collective, whether that's

1 as part of our embassy or as part of our larger executive
2 branch or together with Congress and others. So I can't say
3 that I can take credit for individual things, but maybe I
4 can give you a few highlights that exemplify the things that
5 I'm proud of.

6 I started my career in the Balkans in the 1990s in the
7 middle of the wars there, and I started in Belgrade. And I
8 played a small role, but a role, in the negotiations between
9 Belgrade and Pristine, Kosovo at the time, Serbia and
10 Kosovo, to try to end that conflict.

11 So it didn't end well. It ended with NATO
12 intervention. Now I'm very happy to see that things
13 continue to move forward and that the President had recently
14 just signed something at the White House, an economic
15 cooperation between Serbia and Kosovo, which I think is
16 great and underscores what I tell my younger staff, that
17 sometimes on your watch, things go well. Sometimes they
18 don't, but you have to keep trying and know that this is
19 something that is generational in the process. And so it's
20 not necessarily that you see the results in whatever short
21 period of time you have in your tour, couple years.

22 I also served in the Caucasus. I served twice in the
23 Caucasus, and there, I was supportive of reform efforts that
24 took place after the Rose Revolution in Georgia. And some
25 really big and successful reforms took place there at the

1 time that I was there, and I'm very proud of supporting
2 that, both with diplomacy and assistance.

3 And when I was Deputy Assistant Secretary, I was very
4 proud of what I did in terms of being a part of the team
5 that was supporting Ukraine against Russian aggression and
6 changes of borders by force as well as what I did in other
7 parts of my portfolio.

8 So I would emphasize that I was responsible for six
9 countries. I was one of many that were working on Ukraine
10 because of the significant policy effort and resources
11 extended on that particular issue. It's, of course, a very
12 strategically important country and one in which we as the
13 United States put a lot of effort into and a lot of money
14 into, U.S. taxpayer money.

15 But I was also responsible for some of the other
16 countries of Eastern Europe and of the Caucasus, and in my
17 capacity, I was perhaps the senior most person following and
18 coordinating and executing together with the ambassadors in
19 the region, our policy there. So I was very, very busy and
20 traveled a lot and worked on those other countries as well
21 but in a way that I had even more senior, I would say, role
22 and responsibility in coordination with my own chain of
23 command, of course.

24 So, in that context, I'm really proud of some other
25 things that we did to help stabilize Moldova to do things to

1 reach out to Belarus and to also continue to support the
2 countries of the Caucasus in terms of their independence and
3 in terms of deepening some of the democratic aspects of
4 those countries where we saw some political prisoners be
5 freed or reform efforts and move forward in various ways.

6 So that's kind of a highlight, I guess.

7 MR. SCHRAM: Great. Turning to Ukraine specifically,
8 what were the principal focuses of your responsibility with
9 respect to Ukraine policy?

10 AMBASSADOR BRINK: Well, as the Deputy Assistant
11 Secretary, I was responsible for helping to both formulate
12 and execute foreign policy toward Ukraine, and so that
13 included political aspects, economic aspects, people-to-
14 people aspects, humanitarian aspects, and also to report,
15 obviously, through my chain of command to my Assistant
16 Secretary and higher on those issues and to work closely
17 obviously too with the Ambassador to Ukraine.

18 MR. SCHRAM: You spoke in your opening statement about
19 always advancing the interests and values of United States
20 and working to protect and defend the people of the United
21 States, and did you fulfill those objectives with respect to
22 your work on Ukraine policy?

23 AMBASSADOR BRINK: Yes, I believe so, to the best of my
24 ability, because my family in Michigan is always asking,
25 "What are you doing for us?"

1 [Laughter.]

2 MR. SCHRAM: And to the best of your knowledge, is that
3 true of your colleagues that you worked with on those
4 matters?

5 AMBASSADOR BRINK: Yes, absolutely.

6 MR. SCHRAM: And would you include the Vice President
7 among those people who were working with you on Ukraine
8 policy to advance the interests and values of the United
9 States and protect and defend the people of the United
10 States?

11 AMBASSADOR BRINK: Absolutely.

12 MR. SCHRAM: Ambassador Brink, in the chairman's open
13 letter of August 10th, you wrote, quote, "Many in the media
14 in an ongoing attempt to provide cover for former Vice
15 President Biden continue to repeat the mantra that there is
16 no evidence of wrongdoing or illegal activity related to
17 Hunter Biden's position on Burisma's board. I could not
18 disagree more," end of quote.

19 Are you aware of any evidence of wrongdoing or illegal
20 activity by Vice President Biden related to Hunter Biden's
21 position on Burisma's board?

22 AMBASSADOR BRINK: No, I am not.

23 MR. SCHRAM: Was the foreign policy that Vice President
24 Biden pursued in Ukraine intended to advance the interests
25 of the United States of America?

1 AMBASSADOR BRINK: Yes, it was.

2 MR. SCHRAM: Are narratives that suggest otherwise
3 false?

4 MR. MacDOUGALL: Objection to the extent that it asks
5 the Ambassador to evaluate alternative opinions. I'll
6 instruct her not to answer.

7 MR. SCHRAM: I'm sorry, Mark. I believe you were cut
8 off at the beginning.

9 MR. MacDOUGALL: Sorry. Yeah. No, I said the
10 objection is that you're asking the Ambassador to evaluate
11 the opinions of others. She's answered your question with
12 regard to her personal knowledge. So we'll object to the
13 question as you asked it.

14 MR. SCHRAM: I don't believe I have asked about anyone
15 else's opinion. The ask is about the allegation that the
16 foreign policy of the United States was contrary to the--
17 pardon me--that the policy of--that Vice President Biden
18 pursued in Ukraine was contrary to the interests of the
19 United States or related to any wrongdoing or illegal
20 activity. With response to those allegations, my question
21 was, Are those narratives false?

22 MR. MacDOUGALL: Well, again, Mr. Schram, you asked the
23 witness did she know of any misconduct or illegal conduct,
24 whatever phrasing you used, and she said no. She's answered
25 with regard to her personal knowledge. You're now asking

1 her to evaluate things that are beyond her knowledge, and
2 that would be the opinions of other people.

3 MR. SCHRAM: Okay. I don't believe I'm asking about
4 opinions, but I'll move on.

5 Did a potential conflict of interest related to Hunter
6 Biden influence the Obama administration's policy decisions
7 with respect to Ukraine and Burisma Holdings?

8 AMBASSADOR BRINK: No.

9 MR. SCHRAM: Was the foreign policy pursued by Vice
10 President Biden in Ukraine corrupt to your knowledge?

11 AMBASSADOR BRINK: No.

12 MR. SCHRAM: Did Vice President Biden alter United
13 States government foreign policy concerning Ukraine to
14 assist Burisma or to assist his son?

15 AMBASSADOR BRINK: Not that I am aware of in any way.

16 MR. SCHRAM: Did you witness any efforts by U.S.
17 officials to shield Burisma from scrutiny?

18 AMBASSADOR BRINK: No, absolutely not. The contrary.

19 MR. SCHRAM: Please go ahead and elaborate.

20 AMBASSADOR BRINK: We and--we were calling out Burisma
21 and calling out the prosecutor general's office's failure to
22 investigate Burisma publicly, which is quite a strong
23 diplomatic signal.

24 MR. SCHRAM: Can you say more about that? When you say
25 it's a strong diplomatic signal, those of us who are not

1 diplomats, what do you mean?

2 AMBASSADOR BRINK: Well, usually, you would start
3 privately. It's usually a way to do something more publicly
4 in a way that puts more pressure on the officials.

5 MR. SCHRAM: And with respect to Burisma specifically,
6 did those signals start privately?

7 AMBASSADOR BRINK: I'm not sure because it was before
8 my time. What I saw when I started as Deputy Assistant
9 Secretary was simply a point within a couple weeks that we
10 were calling out publicly the prosecutor general's office
11 for not prosecuting and investigating the situation with
12 regard to Burisma.

13 MR. SCHRAM: But it would be ordinary diplomatic
14 practice to start with private messages and to move to
15 public messages, if I understand you correctly?

16 AMBASSADOR BRINK: Generally, yes.

17 MR. SCHRAM: Based on your work with the Vice
18 President's office to advance anticorruption efforts in
19 Ukraine, do you believe the Vice President's decisions were
20 influenced by a conflict of interest related to his son?

21 AMBASSADOR BRINK: No.

22 MR. MacDOUGALL: I--

23 AMBASSADOR BRINK: Sorry.

24 MR. SCHRAM: Was the Vice President an effective
25 messenger of our anticorruption policy in Ukraine?

1 AMBASSADOR BRINK: Yes.

2 MR. SCHRAM: Why do you say that?

3 AMBASSADOR BRINK: Because he's the Vice President, and
4 when we need to move policy--and I just underscore that I do
5 this with Republican and Democratic administrations--you try
6 to do it with the least power and influence that you need to
7 save everybody's time. But when you need it at senior
8 levels, there's no one more senior than the President if you
9 have the Vice President. So it's a very powerful tool to
10 promote policy, but obviously, the Vice President can't do
11 policy on every single issue. So we have to be strategic,
12 and we need to use--when we have the Vice President and that
13 influence level, it is very helpful to policy.

14 MR. SCHRAM: Ambassador Brink, based on your extensive
15 experience in the formulation of U.S. foreign policy, both
16 from your time at the National Security Council and your
17 long career at the State Department, can you explain the
18 process of developing foreign policy toward Ukraine
19 generally?

20 AMBASSADOR BRINK: Well, generally, policy is developed
21 with a bottom-up approach. Generally, it's the experts and
22 also our embassy, which is on the ground overseas in Kyiv,
23 that will make recommendations on policy lines, and that
24 will come back to Washington where different parts of our
25 national security agencies have a role to play, including

1 the State Department, but including other national security
2 agencies, Treasury, Commerce, USTR, many others, of course,
3 Defense Department. And the National Security Council then
4 is required to help coordinate these disparate pieces, and
5 then we come together as an interagency group to discuss and
6 decide on policy, usually at levels starting at the Deputy
7 Assistant Secretary level.

8 That's sort of the baseline level where it starts, and
9 then once approved by that level, recommendations are made
10 and go to more senior levels, so go to Assistant Secretary
11 level, Deputy Secretary level, Principal level, and then
12 National Security Council, which includes the President.

13 MR. SCHRAM: Was this the process that was generally
14 followed with respect to our anticorruption policy in
15 Ukraine?

16 AMBASSADOR BRINK: Yes. But I'd just emphasize again
17 we had a very big agenda with Ukraine, and the
18 anticorruption part of it was one piece of it. But the big
19 agenda was this two-fold agenda in terms of helping to
20 protect Ukraine's security, territorial integrity, and
21 independence, in spite of what was going on with regard to
22 Russia, the Russian aggression and attempted annexation, and
23 then the reform piece. And the reform piece included
24 anticorruption, but it included other things as well.

25 So I would say that the details on the anticorruption

1 effort were done at levels probably even lower than mine on
2 what would be recommended and certainly in conjunction with
3 our embassy, which has the bird's-eye view as to making
4 recommendations as to how to approach the anticorruption
5 piece, because we can't see that so well from Washington.

6 MR. SCHRAM: Is that how the process operated with
7 respect to the policy advocating for the removal of
8 Prosecutor General Shokin?

9 AMBASSADOR BRINK: I can't recall.

10 MR. SCHRAM: Do you recall generally the origins of the
11 policy to remove Prosecutor General Shokin?

12 AMBASSADOR BRINK: I don't recall. It happened very
13 early in my tenure, and so I don't recall exactly how that
14 happened.

15 What I can say is the prosecutor general's office--you
16 can see from the public statements, but also what we were
17 doing privately, was seen as ineffective to pursuing and
18 investigating corruption. And so it was a question of how
19 to make sure that changed or how to see that change.

20 MR. SCHRAM: Was the policy of the United States
21 government with respect to Ukraine communicated to Congress?

22 AMBASSADOR BRINK: I am sure it was. We had very close
23 coordination with Congress, both informally and formally. I
24 can't say specifically on this issue when or how that
25 communication would have happened, but we were in very close

1 touch with members who were interested in Ukraine. And,
2 obviously, I'd just repeat again, with the huge amount of
3 money that we were spending, most of this--Ukraine was
4 taking most of the budget of all of Europe in resources. So
5 this was a very big budgetary commitment by the Congress and
6 by the U.S. taxpayers, and for that reason especially we
7 really needed to keep in close touch with Congress because
8 we needed to be in sync.

9 MR. SCHRAM: What was your role in ensuring that you
10 were in sync with--the policy was in sync with the views of
11 Congress?

12 AMBASSADOR BRINK: Well, I mean, I had contacts at that
13 time, as I recall, with, you know, staff who would have been
14 interested in Ukraine. We had--I would have helped prepare
15 for any either staff meetings or formal testimony or
16 anything else that would have been done on Ukraine by senior
17 levels of the Department.

18 There was a lot of interaction between Congress and the
19 executive because, again, a key part of this puzzle was
20 Parliament in Ukraine, and it's very effective if our
21 Congress and Parliament are also--have connections for us to
22 be able to move policy and achieve the policy goals for the
23 American people.

24 MR. SCHRAM: Did Congress support the Obama
25 administration's policy with respect to Ukraine during your

1 time at the State Department?

2 AMBASSADOR BRINK: As I recall, we had very strong
3 bipartisan support, and I did a number of briefings to
4 staff, classified and unclassified briefings, during the
5 course of my time as Deputy Assistant Secretary, and it was
6 always a very strong bipartisan group. And, of course, part
7 of Congress' role is to have oversight over what we're doing
8 and to ask the questions, but I never found that there was
9 disagreement on--in the general sense, what we were trying
10 to do, or on any specific issue. And if there were, we
11 would have sat down to talk this through in a serious way,
12 and I don't ever remember that.

13 MR. SCHRAM: Are you familiar with the United States
14 Senate Ukraine Caucus?

15 AMBASSADOR BRINK: Yes.

16 MR. SCHRAM: And what is that?

17 AMBASSADOR BRINK: Well, it's just a caucus of
18 interested Senators, usually bipartisan. I'm not sure who
19 is leading it now but, you know, who are particularly
20 interested in Ukraine and who I would always brief, but
21 together with usually members of the SFRC and other, you
22 know, interested entities, when they wanted a briefing or
23 wanted to speak with us.

24 MR. SCHRAM: Marking as Exhibit A, a February 12, 2016,
25 letter from the Senate, the Ukraine Caucus, to President

1 Poroshenko. And please take as much time as you need to
2 review this document and let me know when you're ready.

3 [Brink Exhibit A was marked
4 for identification.]

5 MR. SCHRAM: I will ask you a question about the second
6 to last paragraph, specifically with respect to reforms of
7 the Prosecutor General's Office.

8 MR. MacDOUGALL: To Ambassador Brink, if there's
9 anything that you want to discuss as you read this letter
10 with counsel we will take a private break and do that.

11 AMBASSADOR BRINK: Okay. If you might, go down a
12 little bit.

13 [Pause.]

14 AMBASSADOR BRINK: Yeah. Can I see who signed it?
15 Yeah.

16 MR. SCHRAM: Drawing your attention--sorry. What were
17 you saying?

18 AMBASSADOR BRINK: No, it's okay. Go ahead.

19 MR. SCHRAM: Drawing your attention to the second to
20 the last paragraph, the letter states, "We similarly urge
21 you to press ahead with urgent reforms to the Prosecutor
22 General's Office and Judiciary."

23 First, do you recall having seen this letter at the
24 time?

25 AMBASSADOR BRINK: I don't recall it but it sounds

1 consistent to what I know.

2 MR. SCHRAM: With respect to Congress' support for
3 Ukraine policy?

4 AMBASSADOR BRINK: Mm-hmm. Yes.

5 MR. SCHRAM: And the sentence, "We similarly urge you
6 to press ahead with urgent reforms to the Prosecutor
7 General's Office and Judiciary," at that time, February
8 2016, what were the urgent reforms that the U.S. Government
9 was pursuing with respect to the Prosecutor General's Office
10 and Judiciary?

11 AMBASSADOR BRINK: So I don't remember the specifics of
12 these, but the general thing was, and something that just,
13 you know, understandable to anyone, is that they needed to
14 prosecute corrupt individuals. They needed to investigate
15 and prosecute, and that's what wasn't happening. So we had
16 some U.S. assistance, for various programs, either an actual
17 prosecutor, who was in the Prosecutor General's Office to
18 assist with identify cases to be prosecuted, among other
19 things. So we had a lot of specific programs that were not
20 being used appropriately, effectively, and that was taxpayer
21 money and that was a problem.

22 On the Judiciary, I don't recall specifically the
23 issues with regard to the Judiciary, but I think, as I've
24 mentioned before, there is a long history of the Prosecutors
25 General being more powerful than the judges in this part of

1 the world, and that's a problem because the Prosecutors
2 General are often very tied into the political leadership.
3 So it's this nexus of corruption that needed to be broken
4 and changed, but very hard to do because it had a long
5 history.

6 MR. SCHRAM: On the date this letter was signed,
7 February 12, 2016, the Prosecutor General was Viktor Shokin.
8 Correct?

9 AMBASSADOR BRINK: Sorry. What's the date that the
10 letter was signed?

11 MR. SCHRAM: February 12, 2016.

12 AMBASSADOR BRINK: Yes, I think he was still Prosecutor
13 General at that time. He handed in his resignation in
14 March, I believe, 2016.

15 MR. SCHRAM: Do you understand this letter to be
16 supporting the removal of Prosecutor General Shokin?

17 MR. MacDOUGALL: Objection. Calls for speculation and
18 interpretation of somebody else's words.

19 MR. SCHRAM: I'm simply asking her understanding, what
20 she took it to mean.

21 MR. MacDOUGALL: Well, she just read it for the first
22 time. If you'd like to take a break we can discuss it,
23 whether she can answer the question. But you're asking her
24 to essentially evaluate what somebody else wrote, and that's
25 outside the scope of what we understand her testimony to be.

1 MR. SCHRAM: All right. Let's stick to the public
2 record. Marking as Exhibit B, an article in The Hill from
3 October 3, 2019, entitled, "GOP Senator says he doesn't
4 remember signing 2016 letter urging reform of Ukraine
5 Prosecutor's Office."

6 [Brink Exhibit B was marked
7 for identification.]

8 MR. SCHRAM: Ambassador, please take as much time as
9 you need to familiarize yourself with this article. I will
10 ask you about the fifth paragraph that begins, "Johnson did
11 acknowledge the letter."

12 [Pause.]

13 AMBASSADOR BRINK: Mm-hmm. Sorry. Can you just scroll
14 to the end?

15 [Pause.]

16 AMBASSADOR BRINK: Mm-hmm. Okay.

17 MR. SCHRAM: Ambassador, drawing your attention to the
18 fifth paragraph, which states, "Johnson did acknowledge the
19 letter in an interview Thursday on WIBA's The Vicki McKenna
20 Show, saying, quote, 'The whole world, by the way, including
21 the Ukrainian Caucus, which I signed the letter, the whole
22 world felt that Mr. Shokin wasn't doing a good enough job,
23 so we were saying, hey, you've got to rid yourself of
24 corruption,'" end quote.

25 Is this consistent with what you've testified that you

1 felt Congress was supportive of the U.S. Government's
2 anticorruption efforts in Ukraine?

3 MR. MacDOUGALL: Mr. Schram, again, I'm going to object
4 to that and instruct the witness not to answer. You're
5 asking her to comment on a news article that she didn't
6 write, that she's just read for the first time, and a
7 statement that is attributed to the Chairman of the
8 Committee, and that's--she's testified in depth about her
9 personal knowledge, events she was a witness to and
10 participated in. This is outside the scope of her testimony
11 and I'm going to instruct her not to answer.

12 MR. SCHRAM: Mr. MacDougall, the witness has just
13 testified about contemporaneous support from Congress with
14 respect to the anticorruption agenda in Ukraine, and I'm
15 looking at a specific example in the public record and
16 asking if her understanding, is that consistent with the
17 policy. So I don't believe I'm calling for speculation or
18 interpretation, only her contemporaneous understanding.

19 MR. MacDOUGALL: Well, contemporaneous understanding of
20 what? I mean, she stated what the policy and the process
21 was as she understood it, and now you're asking her to
22 opine, I suppose, as to whether the Chairman's statement,
23 you know, in the Hill article is consistent with that
24 policy, and that's outside the scope. She is here to talk
25 about facts and her own experience. She is a sitting

1 Ambassador and you're trying to put her in a position she
2 shouldn't be in, so I'm going to instruct her not answer.

3 MR. SCHRAM: I'm just seeking to develop specific
4 examples of Congress' support for U.S. policy, but I will
5 ask it differently.

6 MR. MacDOUGALL: Yeah, no, I think if you want to ask
7 her if she can identify examples of Congress' support for
8 U.S.-Ukraine policy that's perfectly appropriately, and have
9 at it. But asking her to comment on a The Hill article is
10 outside the scope.

11 MR. SCHRAM: Ambassador Brink, was Chairman Johnson
12 supportive, among the Senators that you testified were
13 supportive of U.S. policy in Ukraine?

14 AMBASSADOR BRINK: I don't remember specifically this
15 letter or specifically Chairman Johnson's position. I can
16 just say that as the Deputy Assistant Secretary I felt,
17 because I had personal interactions with many staff members
18 as I was briefing them, that they were supportive, that they
19 wanted information, that they wanted to be a part of, you
20 know, helping Ukraine succeed, that they felt this was a big
21 issue with regard to not just Ukraine but Russia and
22 European security. And in the general sense they were
23 supportive of the administration. And our goal, under my
24 Assistant Secretary, was to work closely with Congress and
25 everyone in the U.S. Government and European partners to

1 achieve our policy goals.

2 MR. SCHRAM: On a bipartisan basis.

3 AMBASSADOR BRINK: Sorry?

4 MR. SCHRAM: And that was on a bipartisan basis?

5 AMBASSADOR BRINK: Of course, yes.

6 MR. SCHRAM: The policy of calling for the removal of
7 Prosecutor General Shokin, was that the consensus view of
8 the U.S. Government?

9 AMBASSADOR BRINK: I don't know if that was--I can't
10 speak to that, you know, what was the consensus view. I
11 don't recall how that specific policy came about or exactly
12 when. It happened as I started as Deputy Assistant
13 Secretary. I do think there was fundamental agreement
14 within the government or within the people who follow
15 anticorruption issues closely that Shokin was blocking and
16 undermining efforts of reform and efforts for us--and was
17 essentially not allowing us to use U.S. taxpayer money for
18 its intended purpose, which was to fight corruption and to
19 support reform in the Prosecutor General's Office.

20 MR. SCHRAM: Was it your view that removing Prosecutor
21 General Shokin would advance our reform agenda in Ukraine?

22 AMBASSADOR BRINK: Yes.

23 MR. SCHRAM: And to what extent was our reform agenda
24 supported by our European partners and international
25 financial institutions that we worked with in the region?

1 AMBASSADOR BRINK: Well, of course there was IMF, big
2 IMF commitment, and Ukraine had to undertake actions in
3 order to get disbursements from the IMF. And I don't
4 remember what the specific requirements were at each step,
5 but continuing reform, and as part of that continuing to
6 advance anticorruption measures was a part of the IMF
7 commitment. It was also a part of the loan guarantees.
8 This was an important part of what we were doing to ensure
9 that this big investment of U.S. money was used to achieve
10 policy goals.

11 MR. SCHRAM: How involved were you with respect to the
12 third loan guarantee?

13 AMBASSADOR BRINK: Not very involved. It's usually
14 done among the economic experts at the State Department and
15 Treasury, with regard to conditions precedent, and so
16 someone on my team would have been working closely with the
17 right economic people on that. And then essentially we
18 would help or support it by taking whatever those conditions
19 precedent were and pushing them at the policy level.

20 MR. SCHRAM: Was the U.S. Government position
21 advocating for the removal of Prosecutor General Shokin part
22 of an effort to stop an investigation into Burisma?

23 AMBASSADOR BRINK: No.

24 MR. SCHRAM: How do you know?

25 AMBASSADOR BRINK: Because the Prosecutor General's

1 Office was not investigating or prosecuting Burisma under
2 Shokin.

3 MR. SCHRAM: Was it your view at the time that the
4 dismissal of Prosecutor General Shokin would make it more or
5 less likely that Burisma would be investigated for
6 corruption?

7 AMBASSADOR BRINK: My judgment, it would be more
8 likely, but again, Burisma was a small fish in a much larger
9 pool with a lot bigger fish. It wasn't only about Burisma.
10 It was about prosecuting prominent figures who controlled
11 many aspects of the economy--the banking sector, energy
12 sector, other things. So this was a very big deal, not
13 because of Burisma alone--that was a part of it--but there
14 were--there was massive, widespread, endemic corruption that
15 needed to be broken for Ukraine to be successful, for the
16 people to actually have a chance at a real economy and
17 independence.

18 MR. SCHRAM: And do you feel that the work that you did
19 on that issue advanced the cause of combating corruption?

20 AMBASSADOR BRINK: I believe, yes, but on the margins.
21 Corruption is really hard to--really hard to break. You
22 need senior leadership, you need good rules in place, you
23 need a public that is also willing to sacrifice and follow
24 the rules, and you need oversight agencies and people who
25 are making sure that that is happening in the proper way.

1 And you need all those factors together. It's very hard.

2 MR. SCHRAM: And the Vice President's role in advancing
3 our anticorruption agenda, how did that impact your ability
4 to make progress?

5 AMBASSADOR BRINK: Well, as I said, in our business the
6 higher political level, the more influence that you're able
7 to wield. So having the Vice President push on issues,
8 including anticorruption, but on other issues with regard to
9 Ukraine, was very important and very helpful.

10 MR. SCHRAM: Was the policy advocating for the
11 dismissal of Prosecutor General Shokin formulated by Vice
12 President Biden in an effort to assist his son?

13 AMBASSADOR BRINK: No.

14 MR. SCHRAM: How often did Hunter Biden's name come up
15 during the development of Ukraine policy?

16 AMBASSADOR BRINK: It never came up in my presence.

17 MR. SCHRAM: Did Hunter Biden's role on the board of
18 Burisma influence U.S. foreign policy in any way, to the
19 best of your knowledge?

20 AMBASSADOR BRINK: No.

21 MR. SCHRAM: And how do you know?

22 AMBASSADOR BRINK: Because by removing Shokin there was
23 a larger chance that Burisma would be prosecuted.

24 MR. SCHRAM: In the Chairman's August 10th--sorry. Go
25 ahead.

1 AMBASSADOR BRINK: Because the Prosecutor General's
2 Office, Shokin and/or his deputies, were protecting Burisma,
3 were prohibiting, were preventing prosecution of Burisma,
4 not just Burisma but also other prominent cases of
5 corruption.

6 MR. SCHRAM: Understood. In the Chairman's August 10th
7 open letter he wrote, quote, "Isn't it obvious what message
8 Hunter Biden's position on Burisma's board sent Ukrainian
9 officials? The answer: if you want U.S. support, don't
10 touch Burisma."

11 Ambassador Brink, did you ever deliver to the
12 Ukrainians the message that if they want U.S. support they
13 should not touch Burisma?

14 AMBASSADOR BRINK: No.

15 MR. SCHRAM: To your knowledge, did anyone in the U.S.
16 Government ever convey that message?

17 AMBASSADOR BRINK: Not to my knowledge.

18 MR. SCHRAM: Do you think--pardon me. Did U.S.
19 officials consistently communicate United States support for
20 anticorruption reforms to Ukrainian officials?

21 AMBASSADOR BRINK: Sorry. Could you repeat that one
22 more time?

23 MR. SCHRAM: Did U.S. officials consistently
24 communicate United States support for anticorruption reforms
25 to Ukrainian officials?

1 AMBASSADOR BRINK: Yes.

2 MR. SCHRAM: And did that include the September 24,
3 2015, speech by Ambassador Pyatt and the December 19--pardon
4 me--December 9, 2015, speech by Vice President Biden?

5 AMBASSADOR BRINK: Yes.

6 MR. SCHRAM: And would targeting corruption in Ukraine
7 include targeting corruption by Mr. Zlochevsky or at
8 Burisma?

9 AMBASSADOR BRINK: Yes. Ambassador Pyatt mentioned
10 Burisma specifically in his speech.

11 MR. SCHRAM: Ambassador Brink, the majority raised your
12 January 21, 2016, meeting with the Ukrainian delegation of
13 senior prosecutors, and in the last round, you discussed the
14 purpose of that meeting. But if you wouldn't mind
15 summarizing in brief, what was your purpose in those
16 meetings?

17 AMBASSADOR BRINK: The U.S. Government and the U.S.
18 Congress and the U.S. taxpayers had put a lot of money into
19 Ukraine to set up anticorruption programs and institutions.
20 Two of those were headed by these two individuals that I
21 met: one, the special anticorruption prosecutor's office
22 and the other was the--I can't remember the actual name. So
23 the first one, the acronym is SAPO, and the other--the
24 National Anticorruption Bureau, NABU. These two offices
25 were in charge with both investigating and then prosecuting

1 corruption cases, and the reason that these had to be set up
2 is because the prosecutor general's office was not working
3 properly and was not prosecuting corruption cases. So the
4 idea was to have a separate office with separate authorities
5 that could properly and adequately prosecute cases of
6 corruption.

7 And so we had funded it from the United States, and
8 they came to the U.S. in order to tell us how the set-up of
9 this office was going and how they were working and what
10 they were doing. And from my recollection, we discussed,
11 you know, how many prosecutors they had, how many
12 investigators they had, how they're working together, how
13 they are preventing corrupt elements from infiltrating into
14 their process; you know, how did they keep the process, the
15 integrity of the process; what exactly they were doing to
16 protect that; what more they needed; did they need more
17 authorities or, you know, what did we need to do to ensure
18 that this assistance we were giving them was effective?

19 And so that's why I met with them, and I know that they
20 were in town to meet with a wide of variety of people. They
21 represented a significant investment, and as I have said
22 before, it's our--when that happens, especially, it's our
23 duty and our responsibility to make sure that that
24 investment is being used appropriately and that we are being
25 responsible with U.S. taxpayer money.

1 MR. SCHRAM: So to be crystal clear, was the purpose of
2 that meeting to deliver to the Ukrainians a message to keep
3 their hands off of Burisma or Hunter Biden?

4 AMBASSADOR BRINK: No. No, absolutely not.

5 MR. SCHRAM: Marking as Exhibit C a letter dates
6 November 21, 2019, from Chairmen Johnson and Grassley to the
7 Archivist of the United States.

8 [Brink Exhibit C was marked
9 for identification.]

10 MR. SCHRAM: Please take as much time as you need to
11 review this document. I will ask you about the third
12 paragraph.

13 [Pause.]

14 AMBASSADOR BRINK: If you might just go further.

15 [Pause.]

16 AMBASSADOR BRINK: Okay.

17 MR. SCHRAM: Ambassador Brink, turning your attention
18 to the third paragraph.

19 AMBASSADOR BRINK: Is that the one starting with,
20 "According to"?

21 MR. SCHRAM: No. "During the same meeting."

22 AMBASSADOR BRINK: Oh.

23 MR. SCHRAM: So this refers to a series of meetings on
24 January 16th--sorry, in January of 2016, and one of the
25 meetings that the delegation took in D.C., not the one that

1 you were a participant in. The letter reads: "During that
2 same meeting, U.S. officials also reportedly brought up
3 investigations relating to Burisma Holdings, the Ukrainian
4 gas company that had hired then-Vice President Joe Biden's
5 son Hunter to serve as a board member. According to
6 Telizhenko, U.S. officials told Ukrainians they would prefer
7 that Kyiv drop the Burisma probe and allow the FBI to take
8 it over."

9 Do you know who Mr. Telizhenko is, Andrii Telizhenko?

10 AMBASSADOR BRINK: I understand he was a third
11 secretary at the Ukrainian Embassy.

12 MR. SCHRAM: Are you familiar with his role in
13 promoting narratives related to Ukrainian interference in
14 the 2016 election?

15 AMBASSADOR BRINK: I have seen some press reporting,
16 yes.

17 MR. SCHRAM: And promoting the narratives that Vice
18 President Biden's actions in Ukraine were corrupt?

19 AMBASSADOR BRINK: I've seen the press reporting on
20 this.

21 MR. SCHRAM: To your knowledge, did anyone in the U.S.
22 Government ever convey to anyone in the Ukrainian Government
23 that the U.S. "would prefer that Kyiv drop the Burisma
24 probe"?

25 MR. MacDOUGALL: Mr. Schram, that question is limited

1 to the witness' personal knowledge, I take it.

2 MR. SCHRAM: Yes.

3 AMBASSADOR BRINK: To my knowledge, no.

4 I would just say in these cases there has to be a U.S.
5 nexus for the FBI or anyone--any other investigative entity
6 to be interested in it, and I don't know of a U.S. nexus
7 with regard to Burisma.

8 MR. SCHRAM: I'll stop there.

9 MR. DOWNEY: Okay. It is 11:28. Ambassador Brink,
10 would you like a 5-minute break?

11 AMBASSADOR BRINK: Sure. Thank you.

12 MR. DOWNEY: Okay. We'll come back at--we'll say 11:35
13 Eastern time.

14 AMBASSADOR BRINK: Thank you.

15 MR. DOWNEY: Thanks.

16 [Recess.]

17 MR. DOWNEY: It's 11:38, and we're back on the record
18 with Ambassador Brink.

19 I have a couple clean-up questions from our first hour,
20 Ambassador. During your time as the Deputy Assistant
21 Secretary for the European Bureau, if yourself or members of
22 your team raised issues of conflicts of interest, who within
23 the State Department would you report those concerns to?

24 AMBASSADOR BRINK: Usually to the Legal Advisor.

25 MR. DOWNEY: And the Legal Advisor at the State

1 Department would then handle any obligations or concerns
2 that yourself or members of your team would have?

3 AMBASSADOR BRINK: Yes. We have ethics attorneys to
4 deal with questions like this.

5 MR. DOWNEY: Okay. And then during your time as Deputy
6 Assistant Secretary of the European Bureau, did the Russians
7 use Hunter Biden's Burisma board seat as a tool to harm
8 U.S.-Ukraine policy?

9 AMBASSADOR BRINK: I have no awareness of that
10 happened. I don't know.

11 MR. DOWNEY: So during your time as the Deputy
12 Assistant Secretary, there was no articles or information
13 that the Russians were pushing because of Hunter Biden being
14 on Burisma's board?

15 AMBASSADOR BRINK: I am unaware of any examples.

16 There was an article in the New York Times, but that
17 was obviously a U.S. publication. But I'm unaware of other
18 articles or other pieces of information that may be out
19 there.

20 MR. DOWNEY: Okay. So we're going to the--back to
21 the U.S. loan guarantees that the--

22 AMBASSADOR BRINK: Can I just--sorry, Mr. Downey. Can
23 I just stress once again that this idea that pushing to
24 remove Shokin would--and somehow protect Burisma is--just
25 doesn't align with the fact that Shokin was not prosecuting

1 and his team of prosecutors were not prosecuting Burisma or
2 anyone else. So by removing Shokin, the actual effect,
3 potentially, would be to increase the chance that Burisma
4 and these other corrupt or allegedly corrupt actors in
5 businesses would be prosecuted.

6 MR. DOWNEY: Understood.

7 So the third U.S. loan guarantee to Ukraine, public
8 reporting shows that it was announced June 3rd, 2016, signed
9 June 3rd, 2016, but entered into force on September 27th,
10 2016. Does that generally align with your view when you
11 were the Deputy Assistant Secretary in 2016?

12 AMBASSADOR BRINK: I don't recall the specific dates.

13 MR. DOWNEY: Okay. Regarding the third U.S. loan
14 guarantee to Ukraine and as you were the Deputy Assistant
15 Secretary for the European Bureau, did members of your team
16 or anyone in the State Department discuss conditioning
17 Shokin's removal to releasing the third \$1 billion loan
18 guarantee?

19 AMBASSADOR BRINK: I don't recall what the specific
20 conditions precedent were. I am sure there was something on
21 corruption. What the specifics on that were, I don't know.
22 It would have been part of a record, and this would have
23 been something that would have been in the record, so to
24 speak. I don't recall precisely what they were.

25 I mean, our goal, again, is not about personalities.

1 It's about seeing results. So from our perspective, it was
2 how--what needed to be done to achieve results--

3 MR. DOWNEY: So during your time--

4 AMBASSADOR BRINK: --the prosecutions of corruption.

5 MR. DOWNEY: So during your time as Deputy Assistant
6 Secretary in the 2016 time frame, did your boss, Victoria
7 Nuland, ever discuss conditioning Shokin's removal to the
8 release of the third \$1 billion loan guarantee to Ukraine?

9 AMBASSADOR BRINK: I don't recall the specifics.

10 MR. DOWNEY: Do you know who within the Vice
11 President's office was working with the State Department on
12 the third \$1 billion loan guarantee to Ukraine?

13 AMBASSADOR BRINK: Well, I don't know that anyone in
14 the Vice President's office would have been focused on that
15 specific thing. In the Vice President's office are
16 advisors, and they generally advise the Vice President on a
17 broad range of--a large number of countries and issues. So
18 I don't know that the Vice President had someone
19 specifically focused on that. He would have had--and as is
20 the case today--a European advisor, but that person's
21 responsibility spans 50 countries--

22 MR. DOWNEY: So--

23 AMBASSADOR BRINK: --and probably has other
24 responsibilities as well.

25 MR. DOWNEY: So during your time as Deputy Assistant

1 Secretary in 2016, who was Vice President Biden's, for lack
2 of a better term, Ukraine advisor?

3 AMBASSADOR BRINK: During the time that I was there, I
4 think it was Mike Carpenter and then another person who
5 followed him, Anna--and I can't recall her last name now.

6 MR. DOWNEY: Anna, you said?

7 AMBASSADOR BRINK: Anna.

8 MR. DOWNEY: Or Anna?

9 AMBASSADOR BRINK: I'm sorry. I can't recall her last
10 name.

11 MR. DOWNEY: Do you know during your time as Deputy
12 Assistant Secretary for the European Bureau in 2016 what
13 individuals on the National Security Council, what--if they
14 had any role in developing the third loan guarantee to
15 Ukraine?

16 AMBASSADOR BRINK: I don't know the answer to that.

17 MR. DOWNEY: Do you know in--so during the time of
18 2016, who within the NSC had the Ukraine portfolio?

19 AMBASSADOR BRINK: There were a few different people.
20 I don't recall precisely who had the Ukraine portfolio.
21 Often that person would be in contact with my team, not
22 necessarily with me. But, yeah, I don't know because I
23 wasn't in the NSC at the time.

24 MR. DOWNEY: Does Charlie Kupchan--

25 AMBASSADOR BRINK: He was the senior director for

1 Europe, and yes, he was someone who was involved in the
2 Ukraine, but not just Ukraine. He had responsibilities
3 broader than that.

4 MR. DOWNEY: So when you were the Deputy Assistant
5 Secretary, would you communicate with Mr. Kupchan during
6 this time period?

7 AMBASSADOR BRINK: Sometimes he would communicate, as
8 is normal, much of the time with my Assistant Secretary, but
9 I would communicate with him occasionally and occasionally
10 with his staff. We had often our detailees from government
11 agencies. I can't remember. There were a few different
12 ones that I worked with over my period of time because often
13 they spend just one year in the office. And then they move
14 to somewhere else.

15 MR. DOWNEY: So during this 2016 time period when
16 you're the Deputy Assistant Secretary of the European
17 Bureau, did you participate in any discussions about
18 conditioning the third loan guarantee to Ukraine?

19 AMBASSADOR BRINK: I just don't recall.

20 MR. DOWNEY: But the position you held in 2016, you and
21 your team would--would you be involved in those discussions?

22 AMBASSADOR BRINK: Yes. But, again, these are things
23 that are primarily done by the expert level on the economic
24 side. So if I did participate, under normal circumstance,
25 there would be meetings among the economic experts because

1 it's about macroeconomic assistance, and these are huge
2 amounts of money, obviously. And so the idea is to help
3 with the Ukrainian economy. So you need economic experts
4 looking at this, and so I would have probably, you know,
5 seen what the conditions precedent were. It also would have
6 been something that our assistance arm--we have an
7 assistance coordinator in Europe in that office, and that
8 person would have been heavily involved in that as well.

9 But my job would have been more focused on the policy
10 side, and certainly, I am sure that there were
11 anticorruption reforms as part of this conditions precedent.
12 But they would have also been aligned with IMF conditions,
13 which are made not just by the United States, but by a
14 number of countries that are responsible. And so it would
15 have been complementary and aligned with the IMF conditions,
16 aligned with our policy approach, and also offering the best
17 way to support the Ukrainian economy. So that would have
18 started among this largely economic- and assistance-focused
19 part of the State Department and U.S. government agencies,
20 and then it would have come to me at some point and then
21 gone higher at some point.

22 MR. DOWNEY: So for econ in the State Department, would
23 that be Catherine Novelli and her group that would be
24 involved?

25 AMBASSADOR BRINK: It would be--she was--as I recall,

1 she was the Under Secretary for Economic Affairs, so yes.
2 She would be involved or her staff probably, and, you know,
3 someone, the economic officer from my staff in coordination
4 with the embassy in Ukraine and the economic people who are
5 there, together with others from Treasury and the NSC. So,
6 yes, it would have been done in that way and with this
7 assistance coordinator position in the European Bureau
8 because they're responsible for the assistance.

9 MR. DOWNEY: So going back to Vice President Biden's
10 trip to Ukraine in December 2015 where he gave the speech to
11 the Rada, I think you mentioned that the State Department
12 had some involvement maybe with his speech that he gave.
13 Did you do any other prep for Vice President Biden's
14 December 2015 trip?

15 AMBASSADOR BRINK: I don't remember the specifics, but
16 how the process works is the State Department, specifically
17 the desk, you know, the people that worked for me would have
18 been the people who drafted the speech, the first draft,
19 would have been the people who drafted press points, would
20 have been the people who drafted briefing memos for the
21 meetings in coordination, of course, with our embassy, and
22 that all of that then gets sent over to the Vice President's
23 office and then is, you know, put in a way that he can use.

24 MR. DOWNEY: Do you know if Vice President Biden
25 conveyed concerns about Prosecutor General Shokin to

1 President Poroshenko in December of 2015?

2 AMBASSADOR BRINK: Do I know if he did?

3 MR. DOWNEY: Correct.

4 MR. THOMAS: My apologies. This is Ken Thomas at
5 State.

6 I understand that perhaps a generic topic could be
7 possible in an answer, but I just want to--you've all heard
8 me before. If this is about her knowledge of a direct
9 conversation between the Vice President and the Ukrainian
10 President, the privilege, if any, on that belongs to the
11 former administration, and we are neither asserting nor
12 waiving privilege here.

13 MR. DOWNEY: Okay. Thank you, Ken.

14 So, Ambassador Brink, you testified that you did not
15 travel with the Vice President to Ukraine in 2015, in
16 December of 2015, correct?

17 AMBASSADOR BRINK: Correct.

18 MR. DOWNEY: Did you receive a debrief on how the trip
19 went from other members of the State Department who did go
20 with the Vice President to Ukraine in December of 2015?

21 AMBASSADOR BRINK: I don't recall specifically, but I'm
22 sure I did.

23 MR. DOWNEY: Did anyone in the State Department
24 disclose to you that Vice President Biden conveyed his
25 concerns about Prosecutor General Shokin to President

1 Poroshenko in December of 2015?

2 AMBASSADOR BRINK: I just don't know if I can answer
3 this because it may be classified information.

4 MR. DOWNEY: Who in the State Department would debrief
5 you after a trip like that where the Vice President went to
6 a foreign country to deliver a speech like this?

7 AMBASSADOR BRINK: Probably somebody who would have
8 gone on the trip.

9 MR. DOWNEY: So did Victoria Nuland debrief you after
10 the December 2015 trip to Ukraine?

11 AMBASSADOR BRINK: I don't recall specifically, but it
12 is normal in our business that if somebody is--like me or
13 she is traveling, that when you get back, you brief your
14 staff so they can follow up on any issues.

15 MR. DOWNEY: So did Victoria Nuland disclose to you
16 that Vice President Biden conveyed concerns about Shokin to
17 President Poroshenko in December of 2015?

18 AMBASSADOR BRINK: I just don't know if I'm able to
19 answer in this format. I guess I have to get advice from my
20 lawyer and from the State Department lawyer.

21 MR. MacDOUGALL: Well, I mean, if you have any reasons
22 to believe it could be classified, then, of course,
23 Ambassador Brink, you shouldn't discuss it or disclose it in
24 either direction, not to suggest the answer is, you know,
25 one answer or another.

1 I mean, our understanding from this document, this
2 would be it.

3 AMBASSADOR BRINK: I would assume private--in our
4 business, private conversations with heads of state or
5 anyone else generally are classified.

6 So I don't know, Ken, if you have any guidance on this?

7 MR. THOMAS: Thank you, Ambassador.

8 There's two issues. One, the continuing issue about
9 whether or not material might be privileged, but by
10 definition, a communication from a senior official of the
11 U.S. government in an exchange with a foreign government
12 official is foreign government information. And there is a
13 presumption that is rebuttable, but the presumption is that
14 it would be, at a minimum, confidential or higher.

15 MR. DOWNEY: Okay. Well, I'm going to see if we can
16 help move on the conversation, and I'm going to turn this
17 over to my colleague, Mr. Wittmann.

18 AMBASSADOR BRINK: Thank you.

19 MR. WITTMANN: Hi, Ambassador Brink. Can you hear me?

20 AMBASSADOR BRINK: Yes.

21 MR. WITTMANN: So Vice President Biden, you might be
22 aware, publicly talked about a conversation he had with
23 President Poroshenko, and this was at a foreign affairs
24 event in, I believe, January 2018. And he said--and this is
25 a quote from him at the event--I said I'm telling you you're

1 not getting the billion dollars. I said you're not getting
2 the billion. I'm going to be leaving here in--I think it
3 was about six hours. I looked at them and said I'm leaving
4 in six hours. If the prosecutor is not fired, you're not
5 getting the money. Well, son of a--expletive, deleted. He
6 got fired, and they put in place someone who was solid at
7 the time.

8 So this is what the Vice President said publicly. Does
9 this public description align with what you were--the
10 briefings that you had about the Vice President's
11 conversation with Mr. Poroshenko?

12 MR. MacDOUGALL: Objection. Mr. Wittmann, you've just
13 read something that is unsourced and that you're asking the
14 Ambassador to comment on. I'm not going to permit her to
15 answer that question.

16 MR. WITTMANN: Ambassador Brink, would you like us to
17 send you a transcript of this?

18 MR. MacDOUGALL: It won't make any difference. No,
19 she's not going to comment on what was publicly said and
20 what her opinion is and whether that aligns with the U.S.
21 policy.

22 MR. WITTMANN: And she's not--the Ambassador is not
23 going to comment on--

24 MR. MacDOUGALL: She's been--she's been instructed by
25 her attorney not to answer.

1 MR. FOLIO: Hey, Scott, I'm going to--Mark, if I can
2 just understand. So you're not asserting a privilege. So
3 what basis are you instructing her not to answer?

4 MR. MacDOUGALL: Outside the scope of what our
5 agreement was with regard to her testimony. You're
6 entitled--and you've been asking for almost three hours now--
7 -for the most part, what she knows personally, what she
8 experienced personally, what she witnessed.

9 You're now asking her for her opinion on what somebody
10 else said, and I've been consistent on both sides that we're
11 not going to have the Ambassador answering those kind of
12 questions.

13 MR. FOLIO: Okay. So just to be absolutely clear, I
14 don't think the question was about opinion. I think the
15 question is based about fact, that in her role as Deputy
16 Assistant Secretary of State, her knowledge of Vice
17 President Biden, describing how he implemented and executed
18 U.S. policy which she was intimately familiar and worked on.

19 MR. MacDOUGALL: You're asking the same thing. You're
20 asking her to opine on what someone else said, and I would--

21 MR. FOLIO: I don't think there was an opinion
22 question. It was a fact question. I think an opinion
23 question is a different issue, and I would probably
24 disagree. But I think we can focus on the fact questions,
25 and I think Mr. Wittmann wants to ask her when this

1 conversation occurred and what her knowledge of that
2 conversation is. And I think those questions are more than
3 appropriate.

4 MR. MacDOUGALL: Well, that's not what Mr. Wittmann was
5 asking. If he wants to ask the Ambassador if she knows when
6 the conversation happened and if the Ambassador was a
7 witness to it, that's a different story, but if he's going
8 to go into the question he actually asked, she's not going
9 to answer it.

10 MR. FOLIO: Okay. Why don't we start there and see how
11 it goes.

12 MR. WITTMANN: I'm happy to ask that question or,
13 Ambassador Brink, if you understand the question please feel
14 free--

15 MR. MacDOUGALL: Why don't you ask it again. Ask the
16 question that you want to ask now.

17 MR. WITTMANN: Ambassador Brink, were you aware of Vice
18 President Biden conveying this condition to President
19 Poroshenko?

20 AMBASSADOR BRINK: Was the question if I was a witness
21 to this?

22 MR. WITTMANN: Sure. Were you a witness to this?

23 AMBASSADOR BRINK: No. I was not on the trip.

24 MR. WITTMANN: Were you aware of this condition?

25 AMBASSADOR BRINK: I don't recall being briefed out on

1 any specifics such as this. But again, I wouldn't be able
2 to, I don't think, talk about conversations between a Vice
3 President and President of a sitting country, in any case,
4 unless it's declassified.

5 MR. WITTMANN: Even if it's--even if that conversation
6 has been described publicly by one of the people present in
7 that conversation?

8 AMBASSADOR BRINK: I think Ken will tell you it doesn't
9 matter. We went through this with WikiLeaks.

10 MR. MacDOUGALL: Amen.

11 MR. WITTMANN: Okay. Just so I understand--

12 MR. FOLIO: We have also gone through that with
13 WikiLeaks. I think Mr. Wittmann makes a fair point that it
14 was a purposeful disclosure by one of the parties, a member
15 of the U.S. Government, which is a little bit different than
16 an unacknowledged leak.

17 AMBASSADOR BRINK: I think for our purposes it remains
18 classified. Just because someone, or reportedly allegedly
19 someone says something, the information remains classified
20 until it is declassified.

21 MR. FOLIO: So I think it would be helpful to have Ken
22 chime in here, because obvious, you know, the Vice President
23 would probably be considered an original classifying
24 authority, and if the Vice President decided to publicly
25 make comments about his conversation I think that would

1 probably address and resolve the issue definitely.

2 AMBASSADOR BRINK: Sorry, Mr. Folio. I think something
3 with your speaker. Well, I can't hear you very well. I
4 don't know if others can.

5 MR. FOLIO: I'm sorry. I was inviting Ken Thomas from
6 the Legal Advisor's Office to opine, and I was drawing a
7 distinction between the WikiLeaks incident, in which a third
8 party allegedly disclosed U.S. Government documents as
9 opposed to hearing a first-party participant to a
10 conversation between a U.S. Government official and a
11 foreign official released what happened during that
12 conversation, and moreover, that person would be, himself,
13 an original classifying authority, so he would have the
14 authority to do that. So I don't know if State has a
15 position, and I think it's undisputed that this is what the
16 Vice President said publicly occurred during the
17 conversation.

18 MR. THOMAS: Joe, this is Ken Thomas. Your last point
19 is one which isn't necessarily for me to address, but what's
20 "undisputed," quote/unquote, about what the Vice President
21 said, I can't really address that, but that is a critical
22 factual issue. But if, in fact, the President and Vice
23 President have made statements, those are not leaks. Those
24 are deemed to be statements made in their authority to
25 declassify information that might have been classified at

1 the time they made them. But again, I can't speak to
2 whether or not the quote out of a newspaper is, in fact,
3 what the Vice President said.

4 MR. FOLIO: Thanks, Ken. The quote that we were
5 reading was the transcript of an audio, a video recording of
6 what the Vice President said. But I think we're all on the
7 same page.

8 AMBASSADOR BRINK: I guess I just would say this. I am
9 happy to talk about what I know. I just want to be very
10 careful on classification and not speaking to issues which
11 may be classified.

12 MR. FOLIO: We very much understand and appreciate
13 that, and we share in that caution. And I think as I just
14 described at the outset, that how we'd like to proceed in
15 those instances is to try to understand exactly what the
16 basis for the classification is, and then once we've nailed
17 that down, talk about as much unclassified information as
18 possible, and then we can follow up in a different setting
19 to resolve any classified information that would answer the
20 question.

21 So here I think I'll turn it back to Mr. Wittmann to
22 ask a couple more questions about this conversation the Vice
23 President described with regard to his interaction
24 [inaudible] publicly.

25 MR. WITTMANN: Thank you, Mr. Folio. Ambassador Brink,

1 going back to this third loan guarantee--and I just want to
2 make sure that the record is clear--we were you aware of any
3 conditions related to the third U.S. loan guarantee to
4 Ukraine?

5 AMBASSADOR BRINK: I'm sure I was at the time, but it
6 was, I don't know, four years ago now and I don't recall
7 what the specific conditions were. They would have been
8 consistent with our policy, including on reforms, as a key
9 part of it, and they also would have been complementary to
10 the IMF conditionality, so that these all worked together.
11 But I just don't remember what the specific conditions were,
12 and I haven't seen anything since to remind. I don't know.

13 MR. WITTMANN: Is it your understanding that there were
14 conditions for the third U.S. loan guarantee?

15 AMBASSADOR BRINK: Of course. There are always
16 conditions. It's called conditions precedence, I
17 understand. I'm not an economic experts, but yes, there
18 would be conditions, of course. It's a \$1 billion loan
19 guarantee.

20 MR. WITTMANN: And what is the--how are the conditions
21 developed? Who--where does the idea for a condition
22 originate?

23 AMBASSADOR BRINK: Well, I don't recall in this
24 specific incident, you know, this specific example, how it
25 was developed, but it would have been developed in a bottom-

1 up approach, where the econ experts at both the State
2 Department, at Treasury, at other places that have interest
3 in this, the National Security Council, would have gotten
4 together to look at what would make sense. What would be
5 both consistent with U.S. policy, what would be
6 complementary to the IMF program and the things that Ukraine
7 needs to do with that, and what would help with
8 macroeconomic stability.

9 So those conditions would have been developed in some
10 sort of process, probably an NSC-led process, probably led--
11 I can't recall myself being a part of this process. It
12 could have been that it was done through our economic side
13 and then it came to me later, because it's a very economic-
14 focused process. And it would have been then developed and
15 approved, I would assume, I think, you know, through our
16 normal policy process, so starting with the Assistant
17 Secretary level, and then moving up to a Deputies Committee
18 and approved at the Deputies level, unless it needed to go
19 higher. I don't know and don't remember specifically, but
20 \$1 billion would have probably gone through this process.

21 MR. WITTMANN: So at some point you are made aware of
22 what the conditions or the proposed conditions are going to
23 be for the U.S. loan guarantees?

24 AMBASSADOR BRINK: I normally would have, in the sense
25 of, you know, once it's been agreed by our government then

1 we would implement it. And so even if this were developed
2 on the economic side, let's say through the E chain of
3 command in our State Department, which means another Deputy
4 Assistant Secretary and another chain would have worked on
5 this, I just don't remember. Even if that would have
6 happened we would have incorporated it into our policy
7 talking points once it's been agreed by the government. So
8 whatever those conditions were we would have then followed
9 up with ensuring that within every talking point, with every
10 official, meeting every appropriate Ukrainian, we would have
11 emphasized, reiterated, and relayed this, so that we were
12 sending a consistent message across the U.S. Government.
13 And that would have been my team would have kind of
14 coordinated that to make sure that was happening.

15 MR. WITTMANN: Okay, so just so I understanding. So
16 your team would coordinate how the conditions are going to
17 be explained to Ukrainian officials. Is that correct?

18 AMBASSADOR BRINK: I mean, not necessarily with every
19 single officials. It would be up to other agencies within
20 the U.S. Government. But our responsibility, and the State
21 Department's, to make sure that all State Department
22 officials do. We also would be giving information to the
23 National Security Council so that if it were the Vice
24 President or the President, and if it were appropriate, you
25 know, to raise it at those levels, and we also provide

1 advice when needed on policy issues to other National
2 Security and other agencies, so Treasury and Commerce and
3 others. So our team would have been a part of that process.

4 MR. WITTMANN: In preparation for Vice President
5 Biden's December 2015 trip to Ukraine, did your team provide
6 those types of preparations that you just described to the
7 Vice President and his staff, if he was going to discuss the
8 loan conditions?

9 AMBASSADOR BRINK: I can't remember the specifics of
10 what we provided, but any time a senior principal, Cabinet
11 member takes a trip to a country overseas, what we do in the
12 State Department is the responsible expert level, but moving
13 it through the Bureau front office, which included me as the
14 DAS and included my boss as the Assistant Secretary, would
15 prepare whatever is needed--briefing points, background,
16 talking points--so that we're all saying the same thing.

17 So for that particular trip I am sure we did. It's a
18 tremendous amount of preparation, and I'm sure that we were--
19 -we did that prior to the trip, and supplied that to the
20 National Security Council, the Vice President's Office, as
21 is normal.

22 MR. WITTMANN: And would it have been normal within
23 that preparation for there to be something about information
24 about conditions on U.S. loan guarantees?

25 AMBASSADOR BRINK: I just don't remember where the

1 third loan guarantee was at that particular time. So
2 certainly, as I've mentioned before, we had these two policy
3 tracks, supporting Ukraine's independence and sovereignty
4 and pushing reform. And so in that context of pushing
5 reform, part of that is looking at how much U.S. taxpayer
6 money is going toward Ukraine and how to make sure to use
7 our principal wherever it's traveling--in this case it was
8 the Vice President--to push very hard to make sure U.S.
9 taxpayer money is spent effectively. And that's what we
10 did. And I just don't recall the specifics on the
11 guarantee.

12 MR. WITTMANN: Okay. I'm going to turn it back over to
13 my colleague, Mr. Downey. Thank you.

14 MR. DOWNEY: Ambassador Brink, who was the Prosecutor
15 General before Victor Shokin?

16 AMBASSADOR BRINK: Someone named Yarema, but I didn't
17 know that person because, I mean, I didn't have any
18 familiarity with that person. When I started in my position
19 as Deputy Assistant Secretary the Prosecutor General was
20 Viktor Shokin.

21 MR. DOWNEY: So during your time as Deputy Assistant
22 Secretary, did you become aware of any corruption
23 surrounding Yarema or his staff?

24 AMBASSADOR BRINK: I don't know any detail. The only
25 point I had, that I know, is what I mentioned before with

1 regard to Burisma in 2014.

2 MR. DOWNEY: So during your time as Deputy Assistant
3 Secretary, did any State Department officials raise
4 allegations that Burisma's owner, Zlochevsky, paid a bribe
5 to the PGO office under the Yarema team in an effort to
6 close the case against Zlochevsky?

7 AMBASSADOR BRINK: I think that I saw in the
8 information that was provided to me that George Kent made
9 that statement in some communication.

10 MR. DOWNEY: So that would be--would that be the first
11 time you were made aware of those allegations?

12 AMBASSADOR BRINK: I don't recall what the timing of
13 that particular communication back to me was, but, you know,
14 that's the only point that I know, except for Ambassador
15 Pyatt's speech in Odessa in September of 2015.

16 MR. DOWNEY: Who became the Prosecutor General for
17 Ukraine after Shokin was voted out by the Rada?

18 AMBASSADOR BRINK: Lutsenko.

19 MR. DOWNEY: What do you know about Mr. Lutsenko?

20 AMBASSADOR BRINK: Well, I think, from our perspective
21 I think we hoped that whoever took over the Prosecutor
22 General's Office would be someone who was a serious reformer
23 and committed to reforms, including especially fighting
24 corruption. He was not a prosecutor. He was a politician.
25 A lot of people thought that was a bad idea. He said the

1 right things, and at first, I mean, our view from, and my
2 view from a U.S. Government perspective is you can't--you
3 have to look at what they're doing and see what the result
4 is.

5 So he said the right things but he failed to take
6 action. In my recollection, our experience with him was not
7 much different from with Shokin, and we ended up, as a U.S.
8 Government, as I recall, taking back some of the assistance
9 that we had given to the Prosecutor General's Office because
10 he, too, failed to prosecute.

11 MR. DOWNEY: So during that time frame that Lutsenko is
12 the Prosecutor General in Ukraine, and you're the Deputy
13 Assistant Secretary of the European Bureau, would you
14 communicate with Lutsenko directly, or his office directly?

15 AMBASSADOR BRINK: No. I met him once when I went to--
16 when he first started in his position, on a trip to Ukraine.
17 And as I mentioned in my opening statement, my father's a
18 former prosecutor, so I met with--

19 MR. DOWNEY: When did you meet with Lutsenko?

20 AMBASSADOR BRINK: I don't know what the time period
21 was but it was on one of my trips to Ukraine. It was when
22 he first started.

23 MR. DOWNEY: And what did you two discuss?

24 AMBASSADOR BRINK: It was right at the beginning, and
25 as I recall we just discussed what his priorities were,

1 which was to get results--I clearly remember that--for the
2 people of Ukraine. I guess that's the main thing. And how
3 he was operating the office and what he was doing. That was
4 the main discussion.

5 MR. DOWNEY: Was this a--

6 AMBASSADOR BRINK: It was not about specific cases.

7 MR. DOWNEY: Was this a planned trip to specifically
8 meet with Lutsenko or was this part of a broader trip that
9 you had to Ukraine at that time?

10 AMBASSADOR BRINK: It was part of my regular visits to
11 the countries that I was responsible for, and the idea of
12 meeting with Lutsenko was to send a strong message of it's
13 really important that he carry out a strong anticorruption
14 effort and that he reform the office for us to be able to
15 give U.S. assistance. Otherwise we can't say that we're
16 appropriately spending U.S. taxpayer money.

17 MR. DOWNEY: So this meeting that you had with Lutsenko
18 in 2016, was this sought by you in the State Department or
19 was this sought by Lutsenko and the Ukrainian officials?

20 AMBASSADOR BRINK: I can't remember if it was 2016. It
21 might have been but I don't recall the date. It was--I
22 mean, I was visiting Ukraine and so I was having meetings
23 across a wide range of interlocutors. So I'm sure it was
24 requested by us, but the reason I did it, because when we
25 set out to go to a place, we look to our embassies to give

1 us recommendations. How can we help advance our policy
2 priorities, and they give us a recommendation. So I'm sure
3 what happened, my embassy said that I should do that, and do
4 this meeting, and it would be helpful to send a message from
5 Washington that reform needs to continue and it's really
6 important in the Prosecutor General's Office to keep getting
7 U.S. assistance, and to the success of Ukraine.

8 MR. DOWNEY: So who--how long did this meeting with
9 Lutsenko last for and who else attended it?

10 AMBASSADOR BRINK: I don't recall. I mean, probably an
11 hour or less.

12 MR. DOWNEY: Did George Kent attend?

13 AMBASSADOR BRINK: It would have been people from the
14 embassy. I don't recall. I don't recall who was leading
15 the embassy at the time, and usually it would be the
16 Ambassador, the DCM, who would accompany the Deputy
17 Assistant Secretary. I just don't recall.

18 MR. DOWNEY: And during this meeting with Lutsenko, did
19 he raise any concerns about his office with you, or any
20 concerns generally on how he was going to be able to perform
21 his duties as Prosecutor General of Ukraine?

22 AMBASSADOR BRINK: I mean, again, I don't think I want
23 to get into details of classified--what are probably still
24 classified conversations. But I can say that my message was
25 a very clear one. It was that, you know, the Prosecutor

1 General's Office had not been effective in the past. The
2 United States was deeply committed to Ukraine's success, and
3 part of that comes with \$3 billion of loan guarantees and
4 almost \$1 billion in other assistance, and it was imperative
5 that he actually do what the Prosecutor's Office had not
6 done in the past, and that's to pursue corruption through
7 investigations and prosecutions.

8 MR. DOWNEY: And in the end, Lutsenko failed as well.

9 AMBASSADOR BRINK: Yes.

10 MR. DOWNEY: How often did you communicate with George
11 Kent when you were the Deputy Assistant Secretary for the
12 European Bureau?

13 AMBASSADOR BRINK: Well, when he was the Deputy Chief
14 of Mission position, very frequently.

15 MR. DOWNEY: Did he raise concerns to you about Hunter
16 Biden being on Burisma's board?

17 AMBASSADOR BRINK: I know there was one email where he
18 sent something back about these concerns. I do think,
19 again, these date from 2014, so it wasn't something that he
20 raised with me specifically at the time that I took up my
21 role.

22 MR. DOWNEY: Do you know if Mr. Kent raised those
23 similar concerns about Hunter Biden being on Burisma's board
24 to Ambassador Geoffrey Pyatt?

25 AMBASSADOR BRINK: I don't know.

1 MR. DOWNEY: After you received these concerns from Mr.
2 Kent, did you do anything with those? Did you discuss it
3 further with Mr. Kent? Did you discuss it with Victoria
4 Nuland? Did you do anything with those concerns?

5 AMBASSADOR BRINK: I think the way I received it was in
6 an anecdotal way from an email from George Kent about a
7 different set of issues.

8 MR. DOWNEY: So did you understand why he kept putting-
9 -why did George Kent keep bringing up the concern that
10 Hunter Biden was on Burisma's board to yourself and to other
11 State Department officials?

12 AMBASSADOR BRINK: I mean, I can't--I don't want to
13 speculate as to why he was doing it. I think he was trying
14 to give a picture of what was going on in the context in
15 which he told me.

16 MR. DOWNEY: Is it significant that the Deputy Chief of
17 Mission for a U.S. Embassy would raise those types of
18 concerns?

19 AMBASSADOR BRINK: I would say the way that it came to
20 me from George was parenthetically and anecdotally, and in
21 my receipt of it, I did not know whether at this point it
22 was true or not true that Hunter Biden was on the Burisma
23 board. He was talking about 2014, not today, so the fact
24 from my perspective was that this was an allegation and an
25 explanation of what was happening in 2014, not at the

1 moment.

2 MR. DOWNEY: Okay. We're going to enter in Exhibit 5,
3 which will be Tab 11, Will, which is a State Department
4 document, Bates numbered 345 to 347, and we'll put it up on
5 the screen as well.

6 [Brink Exhibit No. 5 was
7 marked for identification.]

8 MR. DOWNEY: Ambassador Brink, do you need time to
9 review this?

10 AMBASSADOR BRINK: Yeah, I'm just going to look for it
11 in my--what was the number? Sorry, the document number?

12 MR. DOWNEY: It is Bates number 345 to 347.

13 AMBASSADOR BRINK: Okay. Yes, I have it. Thank you.

14 MR. DOWNEY: Okay. So on September 6, 2016, George
15 Kent sent an email to you, Jorgan Andrews, and Marie
16 Yovanovitch, with the subject line: "Bullying threatening
17 call by Blue Star's Sally Painter regarding Lutsenko."

18 Ambassador Brink, prior to receiving this email, were
19 you aware of any effort by Blue Star Strategies to contact
20 George Kent about one of their clients?

21 AMBASSADOR BRINK: Well, I mean, I received this email.

22 MR. DOWNEY: Prior to receiving this email from George
23 Kent, were you aware that, according to Mr. Kent, Blue Star
24 Strategies had been arranging a trip to Washington for
25 Prosecutor General Lutsenko to meet high levels of the

1 Clinton campaign and attend other meetings?

2 AMBASSADOR BRINK: I don't recall, but I don't think I
3 was aware.

4 MR. DOWNEY: From your position as the Deputy Assistant
5 Secretary for the European Bureau, what's your view on
6 private parties seeking to arrange a meeting like described
7 above or that I just described?

8 MR. MacDOUGALL: Objection, calls for speculation.
9 I'll instruct the witness not to answer.

10 MR. DOWNEY: Ambassador Brink, do you recall receiving
11 this email?

12 AMBASSADOR BRINK: I didn't recall it until I received
13 it again, but, yes, I recall now receiving it.

14 MR. DOWNEY: What was your reaction to receiving this
15 call summary from Mr. Kent in September of 2016?

16 AMBASSADOR BRINK: I didn't have any real reaction to
17 it. It was a good heads up that Lutsenko was trying to come
18 to Washington and that Blue Star Strategies was apparently
19 seeking meetings.

20 MR. DOWNEY: So earlier we discussed you traveled to
21 Ukraine and had a meeting with Lutsenko. Did that meeting
22 occur before September 2016?

23 AMBASSADOR BRINK: I just don't recall. I'm sorry.

24 MR. DOWNEY: Okay. If you'd turn your attention to
25 Bates number 346?

1 AMBASSADOR BRINK: Mm-hmm.

2 MR. DOWNEY: George Kent wrote: "Zlochevsky was viewed
3 as corrupt not just in Ukraine but by the U.S. Government
4 FBI, and Zlochevsky almost certainly had paid a bribe to the
5 PGO office Yarema team to have them close a case against
6 Zlochevsky in December 2014 and issue a letter to that
7 effect to Zlochevsky's lawyer and flipped it to a U.K. judge
8 who unfroze assets that the FBI and MI5 had spent months
9 trying to make a case for asset repatriation, the first and
10 so far only possible case in an effort we collectively have
11 spent hundreds of thousands of dollars."

12 Ambassador Brink, do you know what U.S. officials,
13 including those in the FBI, viewed Zlochevsky as corrupt?

14 AMBASSADOR BRINK: I don't know.

15 MR. DOWNEY: Did you know that, according to George
16 Kent, the FBI viewed Zlochevsky as corrupt?

17 AMBASSADOR BRINK: I mean, he put it in his email, but
18 I don't know that independently.

19 MR. DOWNEY: So a couple minutes ago you mentioned that
20 Mr. Kent might have raised issues about Hunter Biden being
21 on Burisma's board in 2014. Is that tracking with this
22 September 2016 email?

23 AMBASSADOR BRINK: No. I guess maybe--to clarify, I
24 received this email in--I don't know what the date is on it.
25 2016?

1 MR. DOWNEY: September 2016.

2 AMBASSADOR BRINK: 2016, referring to incidents in
3 2014, including this issue around Burisma. This is the
4 first I have seen of it at that time, 2016.

5 MR. DOWNEY: So what do you know about this alleged
6 Zlochevsky bribe to the PGO?

7 AMBASSADOR BRINK: I only know what's here and what was
8 in the speech by Ambassador Pyatt in September 2015 in
9 Odessa.

10 MR. DOWNEY: So just to be clear, this is the first
11 time you were made aware of the Zlochevsky bribe
12 allegations?

13 AMBASSADOR BRINK: Well, I think I had--I can't
14 remember if the speech exactly references a bribe. I don't
15 think it does. So, yeah, this is probably the first time I
16 was made aware of that or told that. But as you can see,
17 it's parenthetically in a footnote, and I have never--was
18 never approached by the FBI or anyone else that there was
19 some specific issue that has a U.S. nexus with regard to
20 Burisma or the owner of Burisma.

21 MR. DOWNEY: Do you know if George Kent or members of
22 the Embassy Kyiv reported these allegations to the FBI?

23 AMBASSADOR BRINK: I don't know.

24 MR. DOWNEY: Also on page Bates number 346, George Kent
25 wrote: "The presence of Hunter Biden on the Burisma board

1 was very awkward for all U.S. officials pushing an
2 anticorruption agenda in Ukraine."

3 At that time in September 2016, Ambassador Brink, were
4 you aware of State Department officials sharing this same
5 concern?

6 AMBASSADOR BRINK: I was not aware, no.

7 MR. DOWNEY: Was the presence of Hunter Biden on
8 Burisma's board, as George Kent described, "very awkward"
9 for you and others who worked on Ukrainian issues?

10 AMBASSADOR BRINK: My understanding and based on this
11 particular email was that this was not a current position.
12 But I didn't know, I wouldn't know necessarily. So--

13 MR. DOWNEY: What wasn't a current position?

14 AMBASSADOR BRINK: His position on the board. Based on
15 this email, I don't know--I did not know that he was
16 currently on the board and had been on the board, nor would
17 I know that because I just wouldn't know that in my position
18 necessarily.

19 MR. DOWNEY: So when did you believe Hunter Biden
20 served on Burisma's board?

21 AMBASSADOR BRINK: I can't remember at the time, and it
22 wasn't until more recently, as all the articles came out,
23 that I have seen what the time period was or at least how
24 it's reported.

25 MR. DOWNEY: So when you received this September 2016

1 email from George Kent, if you knew Hunter Biden was on
2 Burisma's board, would that have changed your reaction to
3 what Mr. Kent was saying?

4 MR. MacDOUGALL: Objection, calls for speculation.
5 I'll instruct the witness not to answer.

6 MR. DOWNEY: Ambassador Brink--

7 MR. FOLIO: If I can just interject, so, again, you're
8 instructing the witness not to answer, and you've done this
9 a couple times before, and it was fine. But here I just
10 want to understand. So typically you would instruct the
11 witness not to answer if the answer would call for the
12 discussion of privileged information. So if she's able to
13 answer something that's a fact question based upon what she
14 saw or observed or what she would have done normally in her
15 course of business, why are you instructing the witness not
16 to answer?

17 MR. MacDOUGALL: The witness is a sitting Ambassador,
18 as you know, Mr. Folio, and she's here voluntarily to answer
19 questions that she can respond to based upon personal
20 knowledge or personal experience. You continue to ask
21 questions about what she might have done 4 or 5 years ago
22 based on what she might have known then versus what she
23 might know now. That's entirely inappropriate. It's
24 outside the scope of what our understanding has been from
25 the start as to what this interview would be.

1 MR. FOLIO: I appreciate your point about asking her to
2 speculate now what she might have done then insofar as we
3 ask questions of what--does she have a specific recollection
4 or what her pattern and practice would have been at the
5 time, if she's able to answer to that extent, we think that
6 is more than appropriate, and we would ask that she answer
7 those questions, and we will do our best to phrase our
8 questions that way. And, again, I think that I want to be
9 clear that you're instructing the witness not to answer and
10 that should be based on privilege grounds, and there is no
11 privilege asserted that she was refusing--or, I'm sorry,
12 declining to answer and this is a voluntary interview. I
13 just want the record to clearly reflect that.

14 MR. MacDOUGALL: Okay. Joe, your audio is very poor.
15 Can you say that again?

16 MR. FOLIO: All I would say is that we can do a better
17 job of asking the questions to be sure that we're not
18 speculating, because I appreciate your point that you don't
19 want to speculate now about what she might have thought
20 then. That said, our questions about what she did are
21 appropriate and also what her pattern and practice of what
22 she would have done in that position, what she typically did
23 in that position in that time we believe are appropriate as
24 well. What I'm asking to do is insofar as you are
25 instructing her not to answer, typically that is reserved

1 for an asserted privilege. I think here there's no
2 privilege being asserted. I'd note your objection, and
3 typically you would have to move forward and answer
4 [inaudible] decline to answer because this is a voluntary
5 interview, I would make that clear as opposed to an
6 instruction not to answer because the answer would call for
7 privileged information.

8 MR. MacDOUGALL: Well, you can phrase it any way you
9 want. You began the interview by saying the Federal Rules
10 of Civil Procedure don't apply, and because they don't
11 apply, we can instruct the witness based upon our agreement
12 from the start as to what this interview would involve, her
13 current position, and what she's being asked to respond to
14 as being entirely inappropriate. If Mr. Downey wants to
15 rephrase his question and ask her about what she knows, what
16 she experienced, what she saw, what she heard, that's
17 perfectly fine. I haven't objected to any of that. But
18 with regard to both the minority and the majority, where,
19 you know, she has been asked questions about what would you
20 have done or what do you think you would have thought, she's
21 not going to answer that because those are entirely
22 inappropriate. They wouldn't be allowed in a courtroom, and
23 we're not going to allow them here.

24 MR. FOLIO: We will do that. We will rephrase it. We
25 will endeavor to be better.

1 MR. DOWNEY: Okay. So going back to this exhibit, the
2 September 6, 2016, email from George Kent to Ambassador
3 Brink, Jorgan Andrews, and Marie Yovanovitch, after
4 receiving this, Ambassador Brink, did you discuss this email
5 with Mr. Kent?

6 AMBASSADOR BRINK: I don't think so. I know from
7 what's been turned over to me that I responded to it.

8 MR. DOWNEY: Did you discuss this email with Marie
9 Yovanovitch?

10 AMBASSADOR BRINK: Not that I recall.

11 MR. DOWNEY: And what was Marie Yovanovitch's position
12 at the time in September of 2016?

13 AMBASSADOR BRINK: I think she must have been the
14 Ambassador at that time.

15 MR. DOWNEY: And George Kent at that time was the DCM?

16 AMBASSADOR BRINK: Deputy. Deputy Chief of Mission,
17 yeah.

18 MR. DOWNEY: So I think you told me earlier that you
19 communicated with George Kent during your time as Deputy
20 Assistant Secretary. Is that correct?

21 AMBASSADOR BRINK: Mm-hmm, and the Ambassador.

22 MR. DOWNEY: Would he normally put a lot of information
23 in emails as evidenced in this September 6, 2016, email?

24 AMBASSADOR BRINK: Yes.

25 MR. DOWNEY: So to be clear, after receiving this

1 September 6, 2016, email from Mr. Kent, you responded to his
2 email, but you did not discuss it with Marie Yovanovitch or
3 Jorgan Andrews?

4 AMBASSADOR BRINK: No. The purpose of his email was to
5 give us a heads up that Lutsenko was trying to come to
6 Washington, that Blue Star Strategies was acting on
7 Lutsenko's behalf to try to set up meetings, but was
8 frustrated and upset for reasons I'm not sure I understand,
9 and to just let us know. And so my--I know my response on
10 this was that government-to-government meetings should be
11 set up by the Embassy of Ukraine, and, of course, it's up to
12 the Ukrainians if they have meetings outside of government,
13 and those can be set up in ways where we can be helpful or
14 they can set them up through their paid lobbyists if they
15 wish.

16 MR. DOWNEY: So just to be clear, regarding the
17 allegations that Zlochevsky bribed members of former
18 Prosecutor General Yarema's team, during your time as Deputy
19 Assistant Secretary at the State Department you did not have
20 any discussions with the Department of Justice or FBI
21 officials about those specific allegations?

22 AMBASSADOR BRINK: Correct, not that I recall. It was
23 from 2014, which was before I became Deputy Assistant
24 Secretary.

25 MR. DOWNEY: Understood. We're going to go to--this

1 will be Exhibit 6. It's Tab 12, Will.

2 [Brink Exhibit No. 6 was
3 marked for identification.]

4 MR. DOWNEY: This is Bates number 860 to 863. It's a
5 State Department document.

6 So on October 4, 2016, George Kent sent an email to
7 Ambassador Yovanovitch and to you with the subject line:
8 "Leshchenko claims Blue Star's SP went after him spreading
9 black PR ahead of his Washington meetings. Ambassador
10 Brink, you responded to Mr. Kent's email saying,
11 "Interesting. Thanks."

12 Who was Leshchenko?

13 AMBASSADOR BRINK: Leshchenko was an investigative
14 journalist and a member of parliament.

15 MR. DOWNEY: So what was interesting about Mr. Kent's
16 October 2016 email?

17 AMBASSADOR BRINK: I guess all the inside baseball.

18 MR. DOWNEY: And what was that inside baseball?

19 AMBASSADOR BRINK: Well, his claim that Blue Star was
20 trying to undermine him prior to his visit to Washington.

21 MR. DOWNEY: And do you understand from Mr. Kent's
22 email why Blue Star was allegedly trying to undermine
23 Leshchenko?

24 AMBASSADOR BRINK: No, I don't know exactly why.

25 MR. DOWNEY: At the time of October 2016, do you know

1 why Mr. Kent was updating you and Ambassador Yovanovitch
2 about the situation?

3 AMBASSADOR BRINK: I don't know why, no.

4 MR. DOWNEY: Did you do anything more based off this
5 email from Mr. Kent?

6 AMBASSADOR BRINK: Not that I recall.

7 MR. DOWNEY: Just a minute.

8 [Pause.]

9 MR. DOWNEY: Ambassador Brink, I believe we are done
10 with our questioning. I wanted to see where the Minority
11 was at--

12 AMBASSADOR BRINK: Thank you.

13 MR. DOWNEY: --as we get closer to one o'clock.

14 MR. SCHRAM: We have just a few more questions.

15 Brian, when you say you're done with your questioning,
16 do you mean for the round or for the day?

17 MR. DOWNEY: I will consult with Chairman Grassley's
18 staff, but I believe we're pretty close being done for this
19 session.

20 MR. SCHRAM: Okay, great.

21 MR. DOWNEY: So go ahead.

22 MR. SCHRAM: Ambassador Brink, would you like a short
23 break?

24 AMBASSADOR BRINK: I think we can--I can keep going.
25 It's okay.

1 MR. SCHRAM: Okay. I won't take much of your time.

2 Ambassador Brink, as you said in the hearing on your
3 nomination to be Ambassador to Slovak Republic before the
4 Senate Foreign Relations Committee last year and to a
5 certain extent repeated in your opening statement today,
6 you've worked closely with our NATO allies and EU partners
7 to advance U.S. interests in Europe throughout your career,
8 from Belgrade during the Balkan wars, to supporting reform
9 in Georgia, to your role as a policymaker in Washington
10 during Russia's attempts to redraw the borders of Europe.

11 AMBASSADOR BRINK: Yes.

12 MR. SCHRAM: Can you talk a bit about the threat that
13 Russia poses to European democracies generally and to
14 Ukraine specifically?

15 AMBASSADOR BRINK: Sure. Well, in my experience,
16 Russia poses an enormous threat to democracy in general, and
17 Russia uses specific tools like disinformation, outward
18 aggression, covert active measures, among other things, to
19 try to undermine democracies and so divisiveness within more
20 established democracies and also in newer democracies. And
21 so I have seen this in many places in the region, and it's a
22 big threat. It's a big threat to our NATO allies. It's
23 obviously a threat to us as well. It's a big threat to
24 those countries that became independent at the time that the
25 Soviet Union collapsed and are trying very hard in many

1 cases to become stronger democracies.

2 MR. SCHRAM: You mentioned disinformation and covert
3 active measures. Can you expand on what you mean by those
4 two categories?

5 AMBASSADOR BRINK: Well, in disinformation, there are
6 many ways to do this, but obviously, you can have actors
7 that are using social media and other platforms to take
8 false information or partial information or very sensitive
9 and explosive information and try to use it to divide
10 populations. And we have--I know we have seen this happen
11 across Europe in America and in places where Russia and
12 others are active.

13 So disinformation, it's very challenging because it's
14 not based in fact, and it is corrosive to democracies which
15 require also some confidence by the public that governments
16 are operating in a way which is representative of their
17 interests.

18 And on active measures and other actions, there are
19 clear examples. I think the latest is the opposition
20 figure, Navalny, and this attempted, alleged attempted
21 poisoning, but there are many other examples of active
22 measures that are also very--well, they're against the rule
23 of law. In some cases, they're happening outside of the
24 territorial boundaries of the country, and they
25 fundamentally undermine the security and the stability and

1 the strength of Europe.

2 And this is a very big deal for us as the NATO
3 alliance. The bond between the United States and the
4 members of NATO is absolutely critical to our own security,
5 and with those countries--or countries in which we are
6 partnering, have decided to choose their own future, are
7 being threatened. It's also a threat to us.

8 MR. SCHRAM: Speaking of disinformation, are you
9 familiar with the September 10th statement of the Department
10 of Treasury entitled Treasury Sanctions Russia-Linked
11 Election Interference Efforts?

12 AMBASSADOR BRINK: Sorry. Can you repeat which one,
13 what that is, the September--

14 MR. SCHRAM: September 10th announcement of the
15 Department of Treasury, Treasury Sanctions Russia-Linked
16 Election Interference Actors.

17 AMBASSADOR BRINK: Oh, yes. I am familiar with that,
18 yes. That was big news.

19 MR. SCHRAM: Is this an example of what you refer to as
20 the disinformation efforts that Russia pursue with respect
21 to Europe and our role in Europe?

22 AMBASSADOR BRINK: I don't know the rationale behind
23 the specific sanctioning, but in a general sense, yes.

24 MR. SCHRAM: The Treasury Department press release
25 states from at least late 2019 through mid-2020, Derkach

1 waged a covert influence campaign centered on cultivating
2 false and unsubstantiated narratives concerning U.S.
3 officials in the upcoming 2020 presidential election,
4 spurring corruption investigations in both Ukraine and the
5 United States, designed to culminate prior to election day.
6 Derkach's unsubstantiated narratives were pushed in western
7 media through coverage of press conferences and other news
8 events, including interviews and statements.

9 Is that consistent with the practices you've just
10 described?

11 AMBASSADOR BRINK: In general, yes.

12 MR. SCHRAM: In what ways does Russia use proxies in
13 Ukraine to advance its disinformation efforts?

14 AMBASSADOR BRINK: I can't speak to exactly the methods
15 in which are used to spread the disinformation, but it's
16 very common to use proxies and to--well, use whatever works,
17 whatever is going to put this information into the system
18 and be disruptive, rather than rely on fact.

19 MR. SCHRAM: Ambassador Brink, are you familiar with
20 Prime Minister Arseniy Yatsenyuk?

21 AMBASSADOR BRINK: Yes.

22 MR. SCHRAM: Who is he?

23 AMBASSADOR BRINK: He's a former prime minister of
24 Ukraine.

25 MR. SCHRAM: Is he regarded as pro-western?

1 AMBASSADOR BRINK: I mean, I would say he is regarded
2 as someone who is supportive of Ukraine's movement toward
3 the west, yes.

4 MR. SCHRAM: Marking as Exhibit D, the statement on the
5 Ukrainian-American Strategic Partnership of which Prime
6 Minister Yatsenyuk is the lead signatory.

7 It's a short statement. Please take as much time as
8 you need to review it.

9 [Brink Exhibit D was marked
10 for identification.]

11 AMBASSADOR BRINK: What year is this from? This year?

12 MR. SCHRAM: It's dated May 23rd, 2020.

13 AMBASSADOR BRINK: Mm-hmm.

14 [Pause.]

15 MR. SCHRAM: And to help understand the context, Andrii
16 Derkach released recordings of phone calls between President
17 Poroshenko and Vice President Biden in transcripts. Andrii
18 Telizhenko did as well on May 19th. This committee had a
19 markup to vote on a subpoena related to Blue Star Strategies
20 on May 20th. This letter was transmitted on May 23rd.

21 AMBASSADOR BRINK: Mm-hmm. Okay.

22 MR. SCHRAM: Drawing your attention to the paragraph
23 beginning with the word "We." The letter states we call on
24 American leaders to distinguish between the position of new
25 Ukraine, which stands for the unity of the West, and acts to

1 unite democracies around the world and those forces that
2 seek to turn the political developments in our country into
3 a toxic narrative, so discord among our partners. We oppose
4 the dishonest attempts to use the political controversies in
5 the United States. We do not choose any side but support
6 each of them in the same way that they together help
7 Ukraine's independence. We call on America's leaders to
8 distinguish between the position of our nation from the
9 actions politicians instigated by Moscow.

10 This letter, at the top, you'll see it says it's from
11 the Kyiv Security Forum.

12 AMBASSADOR BRINK: Mm-hmm.

13 MR. SCHRAM: Are you familiar with that organization?

14 AMBASSADOR BRINK: I am not.

15 MR. SCHRAM: Can you speak to the importance of
16 bipartisan support in the United States for Ukraine?

17 MR. MacDOUGALL: Mr. Schram, just to be clear, you've
18 just read in large part from evidently a statement from a
19 group of private academics and individuals in Ukraine. Are
20 you now leaving that document and asking Ambassador Brink to
21 speak generally unrelated to this document about U.S.-
22 Ukrainian relations?

23 MR. SCHRAM: I'm asking her to speak generally about
24 U.S.-Ukrainian relations. To the extent this statement is
25 at all relevant to her opinion, I'd be interested to know

1 that as well.

2 MR. MacDOUGALL: Okay. Again, just as I did with the
3 Majority, I'm instructing the witness not to opine as to
4 what happens to be in this memorandum.

5 If you want to restate your question, direct it toward
6 her view of how U.S.-Ukrainian relations are managed or
7 anything in that realm, I think that's an appropriate
8 question.

9 MR. SCHRAM: I believe my question was, Can you speak
10 to the importance of bipartisan support for Ukraine?

11 AMBASSADOR BRINK: Sure. I want to caveat that I don't
12 work on Ukraine right now. So I might just expand this
13 answer a little more broadly.

14 It's my experience and my judgment that bipartisan
15 support on any of our big policy initiatives and especially
16 where a lot of U.S. assistance is going is incredibly
17 helpful to achieving our policy goals. So whether that is
18 China, Russia, North Korea, Middle East, or in Europe,
19 Ukraine, it is very helpful.

20 That doesn't mean that there has to be blind agreement
21 on everything, but it does mean that in the general sense of
22 what we're trying to do in this case, in Ukraine's case,
23 when I was the Deputy Assistant Secretary, to help this
24 country fight back against changes in border by force and
25 also to break a legacy of corruption and government

1 mismanagement that had impoverished a country that is very
2 rich in many things. And to give these people of this
3 country an actual chance and for the United States to have a
4 very strong partner in this region, a trading partner, a
5 business partner, a security partner is actually in our
6 benefit and also important to have this bipartisan, in
7 general, support.

8 We don't always have that. I know that, obviously, but
9 if it's possible, it is helpful to achieving our goals.

10 MR. SCHRAM: You spoke about the corrosive impact of
11 disinformation on democracies. What has been your
12 experience with respect to effective ways to address
13 disinformation about America's role in the world and
14 specifically in the regions that you've worked in?

15 AMBASSADOR BRINK: Well, I think there are a couple of
16 ways. One is we have to try to get fact out fast, and we're
17 not always so fast at doing that. But we have to be living
18 and dealing in fact and to be as reactive as we possibly can
19 to correct the facts when they're wrong.

20 The second thing and the one that I actually enjoy even
21 more is I think we have to play to our strength, and our
22 strength is who we are and the fact that we are for
23 something. And always being for something and trying to
24 build something is much harder than trying to destroy it,
25 and we are for this. We are for freedom. We are for

1 democracy. We are for rule of law, and we are for human
2 rights. That is what we have always been for. It's still
3 what we're for, and we need to use the strength and the
4 power that we have to play on our playing field. That's my
5 view.

6 MR. SCHRAM: With respect to dealing with fact and
7 correcting facts, returning again to my first question,
8 substantive question in this interview, are you aware of any
9 evidence of wrongdoing or illegal activity by Vice President
10 Biden related to Hunter Biden's position on Burisma's board?

11 AMBASSADOR BRINK: I'm sorry. Can you repeat that one
12 more time?

13 MR. SCHRAM: Are you aware of any evidence of
14 wrongdoing or illegal activity by Vice President Biden
15 related to Hunter Biden's position on Burisma's board?

16 AMBASSADOR BRINK: No.

17 MR. SCHRAM: Ambassador Brink, from one Michigander to
18 another and on behalf of a junior Senator from Michigan,
19 we're proud of your accomplishments, appreciative of your
20 time, and grateful for your sacrifice.

21 I just have one more question. The State Department
22 offered to answer our questions via written interrogatories
23 in lieu of this interview; is that correct?

24 AMBASSADOR BRINK: Yes.

25 MR. SCHRAM: But the committee declined to accept that

1 offer.

2 AMBASSADOR BRINK: That's my understanding.

3 MR. SCHRAM: Thank you again for your time.

4 AMBASSADOR BRINK: Thank you.

5 MR. DOWNEY: Ambassador Brink, we just have two or
6 three more quick questions, and we can wrap it up by one.

7 AMBASSADOR BRINK: Okay.

8 MR. DOWNEY: Did you know Blue Star Strategies' CEO,
9 Karen Tramontano?

10 AMBASSADOR BRINK: No.

11 MR. DOWNEY: Did you know Blue Star Strategies' Chief
12 Operating Officer, Sally Painter?

13 AMBASSADOR BRINK: No. I don't think I have ever met
14 them, or if I have, it's been incidental. I don't have any
15 recollection of having met either of them.

16 MR. DOWNEY: Did you ever take meetings with members of
17 Blue Star Strategies?

18 AMBASSADOR BRINK: Not that I recall.

19 MR. DOWNEY: And then finally, regarding--you were
20 Deputy Assistant Secretary of the European Bureau. Did you
21 interact with Elisabeth Zentos of the National Security
22 Council?

23 AMBASSADOR BRINK: Yes.

24 MR. DOWNEY: Avril Haines?

25 AMBASSADOR BRINK: Yes, less frequently. She was the

1 deputy.

2 MR. DOWNEY: Eric Ciaramella?

3 AMBASSADOR BRINK: Yes.

4 MR. DOWNEY: And you interacted with Ms. Zentos and Mr.
5 Ciaramella on Ukraine policy?

6 AMBASSADOR BRINK: Yes.

7 MR. DOWNEY: And how often did you interact with them?

8 AMBASSADOR BRINK: It would depend. I mean, regularly,
9 they were a part of the policy process, but it would just
10 depend on the issue of the day.

11 MR. DOWNEY: Did Ms. Zentos or Mr. Ciaramella discuss
12 the Ukraine loan guarantees with you?

13 AMBASSADOR BRINK: Not that I recall. I don't recall.

14 MR. DOWNEY: What did you discuss with them regarding
15 Ukraine?

16 AMBASSADOR BRINK: Well, a whole range of how we were--
17 I guess I go back to this dual policy approach of trying to
18 help secure Ukraine, support its independence, push back on
19 Russian aggression and attempted annexation, and then also
20 on reforms. So, I mean, it was a very big basket of policy
21 issues.

22 MR. DOWNEY: Does that include anticorruption measures?

23 AMBASSADOR BRINK: Yes.

24 MR. DOWNEY: Did you discuss the prosecutor general's
25 office with Mr. Ciaramella and Ms. Zentos?

1 AMBASSADOR BRINK: I just don't recall.

2 MR. DOWNEY: Would it--

3 AMBASSADOR BRINK: I guess, Mr. Downey, I just go back
4 to our whole point wasn't about people. It was about how to
5 push the prosecutor general's office to be effective, and it
6 was not. Neither Shokin nor his successor prosecuted any
7 prominent individuals from the previous regime or the
8 current, at that time, regime.

9 MR. DOWNEY: So the policy failed?

10 AMBASSADOR BRINK: I don't know if it failed, but we
11 did everything we could to try to change the prosecutor
12 general's office into something that was an effective
13 fighter of corruption.

14 MR. DOWNEY: But it didn't turn into that?

15 AMBASSADOR BRINK: I don't know what the situation is
16 today, and as I said at the beginning, our efforts sometimes
17 from the United States government are not immediate, and it
18 takes time and energy and commitment over a long time. The
19 prosecutor general's office has been corrupted in Ukraine
20 for a very long time, and it's going to take a very long
21 time to fix it.

22 MR. DOWNEY: To round this out, did you discuss the
23 loan guarantees to Ukraine or the prosecutor general's
24 office with Secretary Kerry?

25 AMBASSADOR BRINK: No.

1 MR. DOWNEY: With Antony Blinken?

2 AMBASSADOR BRINK: Not that I recall.

3 MR. DOWNEY: Amos Hochstein?

4 AMBASSADOR BRINK: No.

5 MR. DOWNEY: Catherine Novelli?

6 AMBASSADOR BRINK: No.

7 MR. DOWNEY: And George Kent?

8 AMBASSADOR BRINK: I don't recall.

9 MR. DOWNEY: Okay. We checked with Chairman Grassley's
10 office. They are all set with their questioning.

11 So we thank you very much, Ambassador Brink, for your
12 time and your service to our country.

13 AMBASSADOR BRINK: Thank you.

14 MR. DOWNEY: And as Mr. Folio mentioned in the
15 beginning, as soon as the transcript is ready, you and your
16 attorney, Mr. MacDougall, will have the opportunity to
17 review it.

18 AMBASSADOR BRINK: Thank you.

19 MR. MacDOUGALL: And, Mr. Downey, will the transcript
20 be made available electronically, or do we have to come in
21 and physically look at a printed transcript?

22 MR. DOWNEY: It will be provided electronically.

23 MR. MacDOUGALL: Okay.

24 MR. DOWNEY: So we'll get that over--

25 AMBASSADOR BRINK: Can I just--

1 MR. DOWNEY: Go ahead.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 MR. FOLIO: I just want to thank Ambassador Brink for
9 her time.

10 AMBASSADOR BRINK: Thank you.

11 If I can just say thank you to you all. I have worked
12 a long time with congressional members and also with staff,
13 and I understand the important role that you play and
14 respect that, obviously. So thank you for the time, and
15 thank you for all of your questions.

16 MR. MacDOUGALL: Ambassador Brink, if I could ask you
17 one question. It's a little after 7:00 p.m. there in
18 Bratislava?

19 AMBASSADOR BRINK: Yep.

20 MR. MacDOUGALL: I'm just looking at the castle over
21 your left shoulder. How come the sun stays up so late
22 there? I mean, like, it gets dark here, you know.

23 AMBASSADOR BRINK: My security requires I mask my
24 actual location.

25 MR. MacDOUGALL: Oh, okay.

1 AMBASSADOR BRINK: Everyone knows where I am. So this
2 is Slovakia.

3 MR. MacDOUGALL: I was going to--

4 AMBASSADOR BRINK: So at another time, maybe I will see
5 you all here. I keep trying to--

6 MR. MacDOUGALL: I'm going to go there for a fall
7 vacation, yeah.

8 AMBASSADOR BRINK: Come to Slovakia.

9 MR. MacDOUGALL: Sun never goes down.

10 AMBASSADOR BRINK: It's easier to get than into
11 Ukraine.

12 MR. MacDOUGALL: Okay. Are we dismissed?

13 MR. FOLIO: Dismissed. Thank you, everyone.

14 MR. MacDOUGALL: All right. Thank you.

15 MR. SCHRAM: Thanks so much.

16 MR. MacDOUGALL: Bye-bye.

17 AMBASSADOR BRINK: Thank you. Thank you.

18 [Whereupon, at 1:03 p.m., the interview was concluded.]

19

20

21

22

23

24

25



Agenda for Examination of the US Adversarial Criminal Justice System for senior-level Ukrainian prosecutors
January 18 – January 23, 2016
Washington, DC

Points of Contact:

Catherine Newcombe: (202) 436 6885 catherine.newcombe@usdoj.gov

Rob Hurtekant: (214) 458 7707 rob.hurtekant@usdoj.gov

Monday, January 18, 2016

Delegation Arrives in Washington, D.C.

Airport transfer to: **JW Marriot**, 1331 Pennsylvania Ave N. W. Washington, DC 20004

Tuesday, January 19, 2016

- 9:45 Meeting in the hotel to discuss the program
- 10:10 Depart hotel
- 11:00 – 12:00 **Meeting with Eric Ciaramella, Elizabeth Zentos and others TBD, National Security Council - Confirmed**
Location: 1600 Pennsylvania Ave NW
POCs: Eric Ciaramella – (202) 456-9106
 Elizabeth Zentos – (202) 456-9158
- 13:00 – 14:00 **Meeting with Kenneth Blanco, Deputy Assistant Attorney General and Bruce Swartz, Counsel to the Attorney General for International Affairs, U. S. Department of Justice - Confirmed**
Location: 950 Pennsylvania Avenue NW, Suite 4706
POC: Denise Turcotte (202) 616-9318
 (202) 314- 2333
- 15:00 – 16:00 **Meeting with FBI – TBC**
Location: TBC
- 16:00 – 17:00 **Meeting with OPDAT/DOJ - Confirmed**
Location: 1331 F Street NW, Room 745
POC: Rob Hurtekant: (214) 458 7707

Wednesday, January 20, 2015

- 10:00 Depart hotel
- 10:30 – 12:00 **Meeting with Michael E. Horowitz, Inspector General of US Department of Justice and Robert Storch, Deputy Inspector General of US Department of Justice – Confirmed**

Location: 1425 New York Avenue, NW

Point of Contact: Rob Storch, (202) 532-6980, robert.p.storch@usdoj.gov

Point of Contact: Pat Brantley, (202) 514-3435 (receptionist)

12:15 – 13:15

Lunch

14:00 – 15:00

Meeting with Raymond Hulser, Chief of the Public Integrity Section, US Department of Justice – Confirmed

Location: 1400 New York Ave. NW, 12th Floor

Point of Contact: Peter Koski, tel. 202 524 1412

15:30 – 16:30

Operational meeting with FBI – Confirmed

Location: 1400 New York Ave. NW, 9th Floor

POC: Mary Butler – (202) 598- 6711
(202) 538-0394

Thursday, January 21, 2015

08:45

Depart hotel

09:45 – 10:45

Meeting with James A. Walsh, Deputy Assistant Secretary of State - Confirmed

Location: 2201 C St NW

POC: Adriana Cosgriff - (202)647-0777

11:00 – 11:45

Meeting with Bridget A. Brink Deputy Assistant Secretary of State - Confirmed

Location: 2201 C St NW

POC: Jamie Gusack - (202)647-4117

12:00 – 13:00

Lunch

13:00 – 14:00

Meeting with Jonathan Katz, Deputy Assistant Administrator for the Bureau for Europe and Eurasia, USAID and Tomas Melia, Assistant Administrator of the United States Agency for International Development - Confirmed

Location: 301 4th Street, SW (Federal Center Bldg), room 247-SA-44, Washington, DC 20004

POC: Michelle Sadler - (202)567-4005

15:00 – 16:00

Meeting with Mary Rodriguez, Chief of Office of International Affairs and Jason Carter, Associate Director of Office of International Affairs, US Department of Justice - Confirmed

Location: 1301 New York Ave. NW. Washington D.C 20530

POC: Jason Carter tel. (202)514 -0000

Friday, January 22, 2015

Check out from the hotel

001757

13:50-14:05

Depart for airport

15:00

AIRPORT DROP OFF: *TBC*

BEGINNING OF NEW RECORD

From: Ciaramella, Eric <eric_a_ciaramella@nsc.eop.gov>
Sent: Monday, January 18, 2016 3:24 PM
To: gusackje@state.gov
Cc: Zentos, Elisabeth; kasanofa@state.gov; montgomerymc@state.gov; Zentos, Elisabeth
Subject: Re: Upcoming meeting with Ukraine anticorruption delegation

Thanks, Jamie! Will definitely provide a readout after the mtg to help inform Bridget's mtg later in the week.

From: Gusack, Jamie E [mailto:GusackJE@state.gov]
Sent: Monday, January 18, 2016 03:14 PM
To: Ciaramella, Eric
Cc: Zentos, Elisabeth; Kasanof, Alexander <KasanofA@state.gov>; Montgomery, Molly C <MontgomeryMC@state.gov>
Subject: RE: Upcoming meeting with Ukraine anticorruption delegation

Eric,

Sorry for the delay. I don't have a full BCL to share (just starting on it now) but can give you an outline of topics I plan to include (see below). Adding Sahsa and Molly here in case they have anything to add to my suggested agenda. Let me know if I'm missing anything from your perspective.

If you could give us a brief readout after your meeting tomorrow/let us know if you'd like us to follow up on anything specific on Thursday, that would be great. We're happy to reinforce any points that need to be driven home.

Best,
Jamie

- Note the importance of appointing a new PG, reiterating that Shokin is an obstacle to reform.
- Discuss the "diamond prosecutors" case, check on progress of the case, underscore the importance of putting corrupt high-level officials in jail.
- Ask the del what high-level cases are on the docket for prosecution. Note that we're expecting big steps in the near future.
- Be prepared for a long list of asks. (Looking for updated numbers from ACE and INL on much money is already set aside and for what.)
- An "if time permits" point for Sakvarelidze regarding reining in Saakashvili.
- Ask about implementation of new legislation. How is the new IG in the PGO shaping up? Where does the NABU stand, etc.

SBU
This email is UNCLASSIFIED.

From: Gusack, Jamie E
Sent: Sunday, January 17, 2016 11:08 PM
To: Ciaramella, Eric A (nsc.eop.gov)
Cc: Zentos, Elisabeth (nsc.eop)
Subject: Re: Upcoming meeting with Ukraine anticorruption delegation

I'll be in the office writing this BCL tomorrow. Will send a draft/bootleg version when I have something to share.

From: Ciaramella, Eric
Sent: Sunday, January 17, 2016 1:44 PM
To: Gusack, Jamie E
Cc: Zentos, Elisabeth (nsc.eop)
Subject: RE: Upcoming meeting with Ukraine anticorruption delegation

Thanks, Jamie!

From: Gusack, Jamie E [<http://redirect.state.sbu/?url=mailto:GusackJE@state.gov>]
Sent: Friday, January 15, 2016 3:32 PM
To: Ciaramella, Eric
Cc: Zentos, Elisabeth
Subject: RE: Upcoming meeting with Ukraine anticorruption delegation

Eric,

I'd be happy to share Bridget's BCL, but haven't written it yet (since the meeting isn't until Thursday). I was planning to draft it today, but that prospect is becoming less and less likely with all the work that is piling up. I may just come in on Monday to work on it.

I'll try work up an outline/send it your way later today if time permits.

Thanks,
Jamie

This email is UNCLASSIFIED.

From: Ciaramella, Eric [http://redirect.state.sbu/?url=mailto:Eric_A_Ciaramella@nsc.eop.gov]
Sent: Friday, January 15, 2016 3:16 PM
To: Gusack, Jamie E
Cc: Zentos, Elisabeth (nsc.eop)
Subject: RE: Upcoming meeting with Ukraine anticorruption delegation

Jamie – Thanks, this is extremely helpful! I was wondering whether you happen to have a draft of the BCL for Bridget's meeting, and whether you might be willing to share it informally with us before Tuesday. We have some ideas for what we'd like to raise with the group, but it's always good to check in on top lines and make sure we're all saying the same thing.

Thank you!!
Eric

From: Gusack, Jamie E
[<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:GusackJE@state.gov>]
Sent: Thursday, January 14, 2016 8:01 PM
To: Ciaramella, Eric; EUR-Ukraine Desk-DL
Cc: Zentos, Elisabeth
Subject: RE: Upcoming meeting with Ukraine anticorruption delegation

Eric,

Thanks very much for the invitation. DAS Brink will meet with the delegation on Thursday. Attached are the final agenda for the visit and the bios of the participants so you have full visibility.

On the question of background info on how the various anticorruption agencies/authorities fit together, I don't have anything at the ready, but will check with EUR/ACE tomorrow. I agree that this would be extremely helpful and we'll look to put something together if it doesn't already exist.

Thanks again and let me know if you have any further questions or if you'd like us to follow up on any outstanding issues that may come up in your meeting on Tuesday.

Best,
Jamie

SBU
This email is UNCLASSIFIED.

From: Ciaramella, Eric
[http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:Eric_A_Ciaramella@nsc.eop.gov]
Sent: Thursday, January 14, 2016 7:35 PM
To: EUR-Ukraine Desk-DL
Cc: Zentos, Elisabeth (nsc.eop)
Subject: Upcoming meeting with Ukraine anticorruption delegation

Desk colleagues –

We'll be hosting Deputy PG Sakvarelidze, NABU chief Sytnyk, and AC prosecutor Kholodnytsky here on Tuesday 1/19 at 11:00. Are you having meetings with them at State? If not, would anyone from the desk like to attend our meeting?

In addition, I was wondering whether you have any off-the-shelf background info on how the various anticorruption agencies/authorities fit together (no need to create this if it doesn't exist), and whether there are any particular points that you or Post would like us to raise with the group.

Thank you!
Eric

Eric Ciaramella
Director for Baltic and Eastern European Affairs
National Security Council | The White House

001910

(202) 456-9106

THE LONG RUN

What Joe Biden Actually Did in Ukraine

By Glenn Thrush and Kenneth P. Vogel

Published Nov. 10, 2019 Updated March 6, 2020

When Russia invaded Ukraine in early 2014, Vice President Joseph R. Biden Jr. pressed President Barack Obama to take decisive action, and fast, to make Moscow “pay in blood and money” for its aggression. The president, a Biden aide recalled, was having none of it.

Mr. Biden worked Mr. Obama during their weekly private lunches, imploring him to increase lethal aid, backing a push to ship FGM-148 Javelin anti-tank missiles to Kiev. The president flatly rejected the idea and dispatched him to the region as an emissary, cautioning him “about not overpromising to the Ukrainian government,” Mr. Biden would later write in a memoir.

[Trump, Ukraine and impeachment: The inside story of how we got here.]

So, Mr. Biden threw himself into what seemed like standard-issue vice-presidential stuff: prodding Ukraine’s leaders to tackle the rampant corruption that made their country a risky bet for international lenders — and pushing reform of Ukraine’s cronyism-ridden energy industry.

“You have to be whiter than snow, or the whole world will abandon you,” Mr. Biden told the country’s newly elected president, Petro O. Poroshenko, during an early 2014 phone call, according to former administration officials.

That message was delivered just as Mr. Biden’s son Hunter joined the board of a Ukrainian gas company that was the subject of multiple corruption investigations, a position that paid him as much as \$50,000 a month and — in the view of some administration officials, including the ambassador to Kiev — threatened to undermine Mr. Biden’s agenda.

Thanks to President Trump and his lawyer Rudolph W. Giuliani, that subplot has now swallowed the story line. Their efforts to press Ukrainian officials to investigate unsubstantiated charges against the Bidens have propelled Mr. Trump to the brink of impeachment. They have also put Mr. Biden on the defensive at a critical moment in the Democratic presidential primary campaign. As the impeachment hearings go public this week, the Republicans are hoping to redirect the spotlight onto the Bidens.

A look at what the former vice president actually did in Ukraine (he visited six times and spent hours on the phone with the country’s leaders) tells a different story, according to interviews with more than two dozen people knowledgeable about the situation. It casts light on one of Mr. Biden’s central arguments for himself in the primary: his eight years of diplomacy as Mr. Obama’s No. 2.

Mr. Biden dived into Ukraine in hopes of burnishing his statesman credentials at a time when he seemed to be winding down his political career, as his elder son, Beau, was dying and his younger one, Hunter, was struggling with addiction and financial problems. It turned out to be an unforgiving landscape — threatened by Russia, plundered by oligarchs, plagued by indecisive leaders and overrun by outsiders hoping to make a quick buck off the chaos.

Writing in his 2017 memoir, Mr. Biden said Ukraine gave him a chance to fulfill a childhood promise to make a difference in the world. It also came to serve a political purpose, as “a legacy project, something he could run on,” said Keith Darden, an associate professor at American University who studies Ukraine policy.



George P. Kent, right, the deputy assistant secretary of state for European and Eurasian Affairs, told impeachment investigators that he had raised concerns about Hunter Biden in 2015. Erin Schaff/The New York Times

In the end, it was an unglamorous holding action, but one that suited Mr. Biden's Mr. Fix-It approach to the vice presidency — and his view of Ukraine as the front line in a larger battle to contain the Russian president, Vladimir V. Putin.

“People forget it now, but at that time period, 2014 and 2015, it wasn't clear Ukraine would survive,” Mr. Darden said. “They were teetering on the brink of bankruptcy. They had only 8,000 battle-ready troops.”

A key to Mr. Biden's relevance as vice president was his willingness to take jobs nobody else wanted. In early 2014, as others on Mr. Obama's team raced to finish big-splash deals with Cuba and Iran, Mr. Biden told the president he wanted to take on three of the most unappetizing foreign-policy tasks left undone: containing the Islamic State, curbing immigration from Central America and keeping Russia from devouring Ukraine.

Mr. Biden had deep contacts in Europe, and as a senator in the 1990s had had some success persuading President Bill Clinton to take action in the Balkans. He considered himself to be among the few people in Mr. Obama's orbit who understood Europe and were willing to challenge Mr. Putin — a counter to the national security adviser, Susan E. Rice, who repeatedly warned the president against escalating a conflict with Russia that the United States could not win.

Yet on Ukraine, as elsewhere, Mr. Biden was less an architect of policy than the empowered executor of Mr. Obama's policy.

“He was the vice president, not the president,” said Senator Jeanne Shaheen, Democrat of New Hampshire, part of a bipartisan group of lawmakers allied with Mr. Biden who pressured Mr. Obama to help Ukraine's military.

Indeed, the drive to provide lethal aid to Kiev was a group effort, pushed by senators and two powerful State Department officials: Geoffrey R. Pyatt, who was the ambassador in Kiev, and Victoria J. Nuland, then the hawkish assistant secretary for European and Eurasian affairs.

Ms. Nuland was overheard telling Mr. Pyatt they needed Mr. Biden “for an attaboy” to encourage Ukrainian leaders to fulfill their promises, during a 2013 phone conversation about Ukraine, bugged and released to the media.

Bribes, Shakedowns and ‘Sweetheart Deals’

Mr. Biden applied his Amtrak charm to local players like Ukraine's embattled president, Viktor Yanukovich, with limited effect. Former White House aides recall watching an agitated Mr. Biden ducking in and out of a secure phone booth outside the situation room in early 2014, trying to reach Mr. Yanukovich on his cellphone.

“Where the hell is this guy?” he kept asking, before learning that Mr. Yanukovich had fled Kiev, ultimately for Russia, as huge street protests erupted against his regime's corruption and his pivot away from Europe and toward Moscow.



Pro-Russian forces in Crimea in March 2014. Sergey Ponomarev for The New York Times

Mr. Putin then rushed in, annexing Crimea and backing paramilitaries who invaded the country's east. While Mr. Biden's pitch for missiles was rebuffed, he eventually helped sell Mr. Obama on sending about 100 American service members to train Ukraine's security forces.

Things seemed to be looking up in May 2014 with the election of Mr. Poroshenko, an oligarch who billed himself as a reformer. At first, the vice president's hard-edged messages to him on corruption were coated with kibbitz — demands accompanied by Bidenesque inquiries like whether the puffy-eyed president was getting enough sleep, aides recalled.

Within months, though, the State Department began suspecting that the office of Mr. Poroshenko's first prosecutor general was accepting bribes to protect Mykola Zlochevsky, the oligarch owner of Burisma Holdings, the gas company where Hunter Biden was a board member. In a February 2015 meeting in Kiev with a deputy prosecutor, a State Department official named George P. Kent demanded to know "who took the bribe and how much was it?"

The prosecutor general was fired soon after. But it wasn't long before the new prosecutor, Viktor Shokin, was drawing allegations of corruption, including from State Department officials who suspected he was shaking down targets and intentionally slow-walking investigations to protect allies.

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Mr. Giuliani has claimed, without evidence, that Mr. Biden's push to oust Mr. Shokin was an attempt to block scrutiny of his son's actions. In fact, Mr. Biden was just one of many officials calling for Mr. Shokin to go. Good-government activists were protesting his actions in the streets, as were eurozone power players like Christine Lagarde, then the managing director of the International Monetary Fund, along with Ms. Nuland and Senate Republicans.

"The position regarding getting rid of Shokin was not Vice President Biden's position; it was the position of the U.S. government, as well as the European Union and international financial institutions," said Amos J. Hochstein, former coordinator for international energy affairs at the State Department and one of the few administration officials who directly confronted Mr. Biden at the time about his son.

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1h ago

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Is this helpful?



Ukraine's energy industry, the country's geopolitically crucial economic engine, was a central point of contention between the Obama administration and Kiev. Mr. Biden and Mr. Hochstein, echoing a similar effort by European officials, pressured Mr. Poroshenko to reform the operations of the state-owned natural gas company Naftogaz, which controlled about two-thirds of the country's energy resources.

(Burisma, a smaller, privately owned company, played no role in Mr. Biden's pressure campaign, and administration officials could not recall whether the company was even mentioned in meetings the vice president attended on energy matters.)

By late 2015, American officials had grown so frustrated with Mr. Poroshenko's sluggish response on all fronts that Mr. Biden was dispatched to make the case publicly for reforms to the Ukrainian Parliament.

That December, in a speech that he later described as one of the most important he had ever delivered, the vice president told legislators they had "to remove all conflicts between their business interest and their government responsibilities." He also singled out the natural gas industry, saying, "The energy sector needs to be competitive, ruled by market principles — not sweetheart deals."



The National Anti-Corruption Bureau in Kiev. Sean Gallup/Getty Images

His words, like his work in Ukraine over all, were important but hardly decisive.

"A lot of good things would not have happened if Biden hadn't been focused on Ukraine, but his work did not fundamentally change the overall institutional corruption," said Edward C. Chow, an expert on geopolitics and energy policy at the Center for Strategic and International Studies, a nonpartisan Washington think tank. "And having his son doing what he did was a distraction that undermined his message."

Mr. Shokin was eventually fired, but only months later, after I.M.F. officials threatened to withdraw funding.

In the intervening years, there has been much churn and less change. Mr. Putin, facing sanctions, has mostly stayed in check. Mr. Poroshenko was beaten at the polls by Volodymyr Zelensky in April, and remains bitter toward Mr. Biden for calling him out over his handling of Naftogaz during a meeting shortly before the 2016 elections, according to a person to whom he recently complained.

Some reforms have been put in place at the energy giant: Ukrainian officials agreed to appoint an international oversight board (Mr. Hochstein is now a paid I.M.F. appointee to the panel), but the issue of sweetheart deals remains unresolved.

The battle over Naftogaz has also become wrapped up in the House impeachment inquiry. Two of Mr. Giuliani's associates in his pressure campaign against the Bidens — Lev Parnas and Igor Fruman — were part of an effort to remove Mr. Pyatt's successor as ambassador to Kiev, Marie L. Yovanovitch, who had called for reforms to the energy giant.

For his part, Hunter Biden remained on Burisma's board until his term expired in April.

It was Mr. Trump, ironically, who signed off on Mr. Biden's request to send the Javelins.

Handling the Story

Mr. Biden wants to move on.

"I carried out the policy of the United States government," he said during the most recent Democratic debate. "That's what we should be focusing on."

But he did not take advantage of a chance to eliminate the distraction four years ago, when the threat resurfaced — in the form of questions from The New York Times and follow-ups from other news organizations — as he flew to Kiev on Air Force Two to deliver the anti-corruption speech to Parliament.

Several aides recalled a surreal split-screen of activity onboard, as Mr. Biden's team focused mostly on the speech (he urged them to make it tougher), but peeled off for intermittent huddles on how to handle the Hunter story (Mr. Biden dismissed the story as a distraction, and did not engage). The group defaulted to the pushback plan used the year before when the story had first emerged, issuing a statement that Hunter Biden was "a private citizen and a lawyer."

They emphasized "private citizen," many former aides said, because the vice president would not even discuss taking the step that could make all questions vanish: asking his son to quit the Burisma board, as editorial boards and Ukraine experts were suggesting.



Hunter Biden, the former vice president's son, served on the board of the Ukrainian energy company Burisma Holdings. Ozier Muhammad/The New York Times

Mr. Biden's advisers say that he and his son had informally agreed years earlier not to discuss anything pertaining to the younger Mr. Biden's business activities, as a way to insulate them both.

Bob Bauer, former Obama White House counsel and Biden adviser, said that even pressuring Hunter Biden to quit the board would have constituted a breach of that firewall, and suggested that was one of the reasons the vice president chose not to do it. "The independent activities of an adult child simply don't create a 'conflict of interest' for the parent who is a public

official,” he said. “And as a matter of sound ethical practice, it is important for officials in this position to maintain that distance: to be able to show that, in doing their jobs, they could not have been affected by discussions or involvement with their adult children relating to private business matters. Their posture has to be, ‘Whatever you decide to do, I am going to do what I have to do.’”

Mr. Biden has said he first learned of his son’s activities in Ukraine when the story broke in 2014. He told his son, “I hope you know what you are doing,” according to Hunter Biden’s account of their discussion in *The New Yorker* earlier this year.

If that settled matters between father and son, Hunter Biden’s activities struck many of the officials working on Ukraine policy as an unnecessary distraction, or worse. Mr. Biden’s own aides were so worried about the optics, they enlisted State Department officials to gather facts to determine how to handle the story, according to people who worked with his office.

Yet few, if any, had raised the issue with Mr. Biden directly when it first arose. Most viewed the revelation — unseemly, but not illegal or a violation of ethics rules — as simply not worth risking a scolding from Mr. Biden, who had reacted angrily when Mr. Obama’s aides raised the issue of his son’s lobbying during the 2008 campaign. One person who briefly discussed the matter with Mr. Biden said he was anguished by his son’s personal problems and unsure how to help him recover.

Mr. Hochstein, reflecting the concerns of State Department officials, including Mr. Pyatt, tried to get several of Mr. Biden’s aides to broach the subject with him in 2014. When they declined, he took matters into his own hands, according to three Obama administration officials with knowledge of the situation. It is not clear how Mr. Biden responded; Mr. Hochstein did not disclose details of their interaction.

But former administration officials involved in the response to the story, speaking on the condition of anonymity, cited one reason above all others for backing off: the vice president’s shaky emotional state over Beau’s illness and death. Mr. Kent, now the deputy assistant secretary of state for European and Eurasian affairs, told House investigators that his concerns had not been addressed by a White House official, who told him that Mr. Biden lacked the “further bandwidth to deal with family-related issues at that time.”

Mr. Biden’s mood in 2019 is no longer grief but anger. His aides accuse the news media of abetting Mr. Trump by aiming the story, now the catalyst for impeachment, back at the former vice president.

“Let’s not forget that this was covered on A22 of *The Times* in 2015, because it did not fall outside the White House’s ethical guidelines and was simply not a major story,” said Kate Bedingfield, the Biden campaign’s communications director.

She added: “What’s different now? It’s that Donald Trump is aggressively lying about it every day in the hopes that it winds up on the front page.”

Andrew E. Kramer and Nicholas Fandos contributed reporting.

A version of this article appears in print on Nov. 11, 2019, Section A, Page 1 of the New York edition with the headline: Biden Tried to Buttress Ukraine, And a Subplot Became the Story

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Updated Sept. 2, 2020

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The White House

Office of the Vice President

For Immediate Release

December 09, 2015

SHARE THIS:



Remarks by Vice President Joe Biden to The Ukrainian Rada

The Rada

Kyiv, Ukraine

11:58 A.M. (Local)

THE VICE PRESIDENT: Thank you. What a great honor for me to be able to represent my country before such an august audience.

Mr. President, Mr. Prime Minister, Mr. Chairman, members of the Rada, ladies and gentlemen, I am deeply honored to be invited to speak to you today at a moment marked by great opportunity, as well as great uncertainty for the people of Ukraine. The stakes for your country and the expectations of your people have never been higher because Ukraine, as you know better than I, has been here before.

In the West, as here we remember, the Orange Revolution -- young men and women who filled the Maidan a decade ago demanding that their voices and their votes both be respected. They refused to back down in the face of rigged elections, and they succeeded.

But as history tells us and shows, and as we know, Ukraine's leaders proved incapable of delivering on the promise of democratic revolution. We saw reforms put in place only to be rolled back. We saw oligarchs uninterested in change ousted from power only to return. Reformers persecuted, thrown in prison as political retribution. And the bright flame of hope for a new Ukraine snuffed out by the pervasive poison of cronyism, corruption, and kleptocracy.

Nearly a decade later, that flame of hope was reignited by thousands of brave Ukrainians, some of you in this room, storming the Maidan, demanding a Revolution of Dignity. The world was transfixed. This time they were not going to be denied the future that so many of your country have longed for, for so long.

And the world was horrified when peaceful patriots were met by violence. They stayed at the Maidan day and night, facing down the Berkut in riot gear. For the first time since the Middle Ages, the bells of St. Mary [*sic] raised the alarm, calling the citizens of Ukraine to reinforce their brothers and sisters on the Maidan. Tens of thousands heeded the call bringing with them food, clothing, blankets, medical supplies, and their support. As the world watched -- and I was literally on the phone with your former President urging restraint -- as the world watched, the final assault came. Amidst fire and ice, snipers on rooftops, the Heavenly Hundred paid the ultimate price of patriots the world over. Their blood and courage delivering to the Ukrainian people a second chance for freedom. Their sacrifice -- to put it bluntly -- is now your obligation.

You have a historic opportunity to be remembered as the Rada that finally and permanently laid in place the pillars of freedom that your people have longed for, yearned for, for so many years.

I need not tell you this is a joint responsibility. The President, the Prime Minister, the members of this august body -- all of you must put aside parochial differences and make real the Revolution of Dignity.

My country, too, was born of revolution. But the battle for our independence was underway well before the first shots were fired. It began when men of conscience stood up in legislative bodies representing every region in what was then Colonial America -- Massachusetts, Pennsylvania, Virginia, very different interests -- and declared in each of their regions the inherent rights of free people in different documents, in different language -- but the inherent right to be free.

They took a vast continent and a diverse people -- what John Adams, one of our Founding Fathers and future Presidents once said -- called "an unwieldy machine". And they molded that unwieldy machine into a united representative democracy where people saw themselves as Americans first and citizens of their region second.

But our union remained imperfect, our democracy incomplete. Seventy years later we went through a second testing during the American Civil War, which nearly tore our still young country asunder. Winning on the field of battle wasn't sufficient to unite our country. To end slavery and the regional differences we had, to grant former slaves citizenships and rights, the United States Congress assembled -- had to amend our Constitution.

Individual members of that Congress lost their jobs standing up to do the right thing. Everyone took real political risks to overcome entrenched opposition for the good of achieving a truly United States of America.

In the end, it came down to extraordinary patriots -- individuals putting their personal needs behind the needs of their nation, their narrow interest behind unity.

Ladies and gentlemen, I believe the President, the Prime Minister, every member of this body now faces a similar test of courage.

To quote an early American patriot, Thomas Paine, "These are the times that try men's souls." These are the times that try men's souls.

This is your moment. This is your responsibility. Each of you -- if you'll forgive me for speaking to you this way in your body -- each of you has an obligation to seize the opportunity that the sacrifices made in the Maidan, the sacrifices of

the Heavenly Hundred. Each of you has an obligation to answer the call of history and finally build a united, democratic Ukrainian nation that can stand the test of time.

Edmund Burke said it best in 1774, speaking to his constituency in Bristol, England. Here's what he said: "Parliament is a deliberative assembly of one nation, with one interest -- that of the whole; where not local purpose, not local prejudice ought to guide, but the general good."

I respectfully suggest this is a standard for which each of you will be judged. This is the standard by which your grandchildren and great grandchildren, your progeny will judge whether or not you had the moral courage to put the general good above local prejudice. And this is all within your power. It's within your hands. Nobody else's -- yours.

You can bend the arc of history of this nation toward greater justice and opportunity for the Ukrainian people, and you can do it now.

I've had the great privilege and opportunity afforded to me by all of you over the past two years to meet with representatives representing all sectors of this country -- east and west, including the illegally occupied Crimea -- from all walks of life -- civil society, members of this body, your military leaders, your clergy. I've met with souls who stood on the Maidan -- some of you are now in this chamber -- a place which I visited yesterday. All one has to do is look at the photographs of the Heavenly Hundred at that spontaneously erected monument where I stood yesterday. Just look at the photographs. This is not hyperbole. I'm not trying to be unduly -- this is real. As a foreigner, all I have to do is look at the photographs. See the photographs of young men as early as their early 20s to those in their early 80s. Every one of them were joined in common purpose, a Revolution of Dignity.

My father had an expression he repeated a thousand times growing up: Every man and woman is entitled to be treated with dignity. Everyone. That's what your new revolution was about: dignity.

And those martyrs still give voice to the timeless ideals and the timeless ideas, the universal values that unite free people all around the world. I visited every part of this world. There's fewer than a handful of countries I've not been in. I've traveled over 1.3 million miles just since being Vice President. The whole world is watching you. That's a fact. They're watching you because their hopes for your success as you fight both the unrelenting aggression of the Kremlin and the cancer of corruption will impact on them.

In both these struggles you have the unwavering support of the United States of America and the American people -- including nearly 1 million proud Ukrainian Americans. You have the united support of Europe -- Western, Central, and Eastern Europe -- all invested in your democratic success because your success goes to the heart of an enduring commitment to a Europe whole, free, and at peace. If you fail, the experiment fails. It is no exaggeration to say that the hopes of freedom-loving people the world over are with you because so much rides on your fragile experiment with democracy succeeding.

It's equally important, by the way, for aggressors around the world to understand that they can't use coercion, bribery, sending tanks and men across a border to extinguish the dreams and hopes of a people. For if you succeed, that message is sent around the world.

The President asked me back in the late winter, 2009, to come to Europe to speak at the Munich Conference to lay out the principles that would guide our administration; the fundamental elements of American foreign policy under the Obama-Biden administration. And what I said then I will repeat now. I said, we will not recognize any nation having a sphere of influence. Sovereign states have the right to make their own decisions and choose their own alliances. Period. Period. (Applause.)

In the 21st century, nations cannot -- and we cannot allow them to redraw borders by force. These are the ground rules. And if we fail to uphold them, we will rue the day. Russia has violated these ground rules and continues to violate them. Today Russia is occupying sovereign Ukrainian territory. Let me be crystal clear: The United States does not, will not, never will recognize Russia's attempt to annex the Crimea. (Applause.) It's that saying -- that simple. There is no justification.

And as Russia continues to send its thugs, its troops, its mercenaries across the border, Russian tanks and missiles still fill the Donbas. Separatist forces are organized, commanded and directed by Moscow -- by Moscow. (Applause.)

So the United States will continue to stand with Ukraine against Russian aggression. We're providing support to help and train and assist your security forces, and we've relied on and rallied the rest of the world to Ukraine's cause.

I have spent hours -- as the President has -- talking to heads of state in Europe and around the world, making it clear that one of the tests for whether or not they are our allies is are they allied with your purpose.

America and Europe now stand together united in our commitment to impose tough economic sanctions on Russia. And while Russian aggression persists, the cost imposed on Moscow will continue to rise. The false propaganda that the Kremlin is disseminating in an attempt to undermine Ukraine and fracture Europe's resolve will not work. No one should mistake saber rattling and bombast for strength. Let me say that again, no one should mistake saber rattling and bombast for real strength.

We're taking steps to bolster Europe's resilience to Russian coercive tactics. We are strengthening NATO as I speak, improving energy security as I speak, and attempting to help spur an economic revival throughout Europe.

The United States and Europe will maintain pressure until Moscow fulfills its commitments under the Minsk Agreement. While there has been some progress in deescalating the violence, there can be no sanctions relief unless and until Russia meets all of its commitments under the Minsk Agreement. (Applause.)

And I might add parenthetically, I don't think the Russian people fully understand what Putin is doing. That's why he spends so much time hiding at home the presence of Russian forces here in your country. Heavy weapons must be withdrawn from the frontlines. The OSCE must be granted full, unencumbered access. Russia must press the separatists to hold elections according to Ukrainian law and OSCE standards and disavow the illegal election that's just taken place. Hostages held by Russia and its proxies must be returned. Russian troops must leave. The Ukrainian side of the border must be returned to Ukrainian control. Unless all -- if they do all of that, and only if they do, Ukraine also has a responsibility it still has to fulfill -- including amnesty for those who have not committed capital offenses; granting devolved administration to the Donbas. But we've made it clear to Russia and the world that continued delay and foot-dragging is unacceptable. That includes elections in the Donbas. They can only go forward as stipulated under the Minsk Agreement. Full access to the media must be provided. Ukrainian political parties allowed to compete openly. Full and unobstructed OSCE election monitoring. Full voting rights for the people displaced from their homes in the Donbas and living elsewhere in Ukraine. And all weapons contained and kept under OSCE supervision. That only happens if Russia lives up to its commitments, if Russia does its part. If it does, then you must follow through with yours because this is the best chance to keep Donbas in Ukraine, end the conflict, and begin restoring Ukrainian sovereignty and territorial integrity. (Applause.)

It's hard. There's nothing easy about what you have to do. There's nothing easy. The pressure you will all get will be immense.

I'd like to also speak directly to the people in the Donbas. The alternative to what I just said is to continue to live under separatists thugs, criminals who deny humanitarian aid, keep out organizations like Doctors Without Borders, stealing lifesaving medicine to sell on the black market. That's not a future. That's not a future I believe any Ukrainian wants for their children.

That's why the Minsk Agreement needs to be implemented in full. And truly free and fair elections are exactly what the Kremlin fears the most. It's not just your territory they covet; it's your success that they fear. For if free elections occur, and the people determine, as I am confident they will, that they want to remain and integral part of Ukraine, that they are Ukrainians first, that's what Russia fears. That's what Putin fears.

Because as all of you know the struggle for Ukraine's freedom is not confined to the battlefields of the east. Constitutional reform that includes judicial reform and decentralization does not compromise your sovereignty. It enhances it. It's an important step to building a strong, new nation. And it's important to the Ukrainian-European future.

This issue of federalism is the thing that almost prevented our nation from coming into being. Autonomous independent states, their determination to have their own police forces, their determination to have their education system, to have their own government under the united Constitution.

But in addition, you also have a battle, a historic battle against corruption. Ukraine cannot afford for the people to lose hope again. The only thing worse than having no hope at all is having hopes rise and see them dashed repeatedly on the shoals of corruption.

And if the people resign themselves to exploitation and corruption for fear of losing whatever little they have left, that would be the death knell for Ukrainian democracy. We've taken so many critical steps already. But all of you know there's more to do to finish this race. Not enough has been done yet.

As the Prime Minister and the President heard me often say, I never tell another man or another nation or another woman what's in their interest. But I can tell you, you cannot name me a single democracy in the world where the cancer of corruption is prevalent. You cannot name me one. They are thoroughly inconsistent. And it's not enough to set up a new anti-corruption bureau and establish a special prosecutor fighting corruption. The Office of the General Prosecutor desperately needs reform. The judiciary should be overhauled. The energy sector needs to be competitive, ruled by market principles -- not sweetheart deals. It's not enough to push through laws to increase transparency with regard to official sources of income. Senior elected officials have to remove all conflicts between their business interest and their government responsibilities. Every other democracy in the world -- that system pertains.

Oligarchs and non-oligarchs must play by the same rules. They have to pay their taxes, settle their disputes in court -- not by bullying judges. That's basic. That's how nations succeed in the 21st century.

Corruption siphons away resources from the people. It blunts the economic growth, and it affronts the human dignity. We know that. You know that. The Ukrainian people know that. When Russia seeks to use corruption as a tool of coercion, reform isn't just good governance, it's self-preservation. It's in the national security interest of the nation.

Russia is trying to undermine the stability and sovereignty of Ukraine any way they can't, including squeezing Ukraine financially, trying to undermine your economy. They view that as a cheaper way than sending tanks across the line of contact.

So Ukraine must be strong enough to choose its own future, strongly. Strong defensively. Strong economically. A strong system of democratic governance.

The United States is with you in this fight. We understand we're with you afar. It's much harder for you than it is for us. We've stepped up with official assistance to help backstop the Ukrainian economy. We've rallied the international community to commit a total of \$25 billion in bilateral and multilateral financing to support Ukraine. It includes \$2 billion in U.S. loan guarantees and the possibility of more.

Yesterday I announced almost \$190 million in new American assistance to help Ukraine fight corruption, strengthen the rule of law, implement critical reform, bolster civil society, advance energy security. That brings our total of direct aid to almost \$760 million in direct assistance, in addition to loan guarantees since this crisis broke out. And that is not the end of what we're prepared to do if you keep moving.

But for Ukraine to continue to make progress and to keep the support of the international community you have to do more, as well. The big part of moving forward with your IMF program -- it requires difficult reforms. And they are difficult. Let me say parenthetically here, all the experts from our State Department and all the think tanks, and they come and tell you, that you know what you should do is you should deal with pensions. You should deal with -- as if it's easy to do. Hell, we're having trouble in America dealing with it. We're having trouble. To vote to raise the pension age is to write your political obituary in many places.

Don't misunderstand that those of us who serve in other democratic institutions don't understand how hard the conditions are, how difficult it is to cast some of the votes to meet the obligations committed to under the IMF. It requires sacrifices that might not be politically expedient or popular. But they're critical to putting Ukraine on the path to

a future that is economically secure. And I urge you to stay the course as hard as it is. Ukraine needs a budget that's consistent with your IMF commitments.

Anything else will jeopardize Ukraine's hard-won progress and drive down support for Ukraine from the international community, which is always tenuous. It's always tenuous. We keep pushing that support.

The Ukrainian people have long struggled to direct their own destinies, to carve out a place besides the mighty Dnipro, to claim their own identity, proud and distinct.

A great poet Taras Shevchenko wrote verse after verse declaiming the spirit of Ukraine, urging his fellow Ukrainians rise up and claim their liberty. His poem "The Testament" ends with this reflection. And I quote:

Then, in the mighty family

Of all men that are free,

May be sometimes, very softly

You will speak of me?

May be sometimes very softly you will speak of me. (Applause.)

Ladies and Gentlemen, I will speak of Ukraine. I will speak of the writer who took a beating on the Maidan to put him in the hospital. When asked why he sustained those injuries, why he was willing to endure it, he wrote: "People who don't protest injustice, they have no future."

I will speak of the young mother who gave up a lucrative career working on government reform. And then when asked why, she replied: "I have two small children and I cannot fight in the east. So this is what I can do for my country." (Applause.)

I will speak up for the university student who handed out food on the Maidan and later spoke about how those months changed. She said: "Now people don't think about what Ukraine can give them but about what they can give Ukraine."

I will speak of the men and women of this institution, a freely elected representative body of the people. I will speak of the sacrifices you've made. Nadiya Savchenko, the pioneering Ukrainian helicopter pilot who was elected to the Rada, despite being unjustly imprisoned in [sic] to this day. I will speak of her bravery, and many others will, as well. I will speak about how it's up to all of you to ensure the people of this land, once and for all -- that mighty family of all men that are free.

Ukraine's moment. It may be your last moment. Please for the sake of the rest of us, selfishly on my part, don't waste it. Seize the opportunity. Build a better future for the people of Ukraine.

There was a famous American politician when I was a young senator. He was in the other party -- very different ideology. But he said -- once in response to a question, he said, in your heart, in your heart, you know it's right. In your heart, you know what's right. You know. Do it. As long as you remain on that path, as long as you honor the obligation to the Ukrainian people, you never have to worry or doubt America and the United States will be by your side.

I hesitated to come to make this speech. The reason I did is not because a lack of affection for your country. But as a man who sat where you're sitting for 36 years as a United States senator, sometimes when a foreign leader would come to speak, I resented when he or she appeared to lecture us. I hope I don't come across as hectoring or lecturing you. Because that's not my intention. I just have -- as a fellow human being, I just have such hope in the promise of what you could deliver. It will spread far beyond the borders of Ukraine.

I used to wonder as a young senator when I first stood up on the Senate floor, and I've never been frightened of standing and speaking, I stood up and all of a sudden I realized that my desk is exactly where a senator, Daniel Webster, spoke from. I mean this sincerely. And for the first and only time in my career, I was seized with, my God, one of the great men in our history stood in this spot. And I wondered what it'd have been like to be in that first Congress that gave us our freedom, created what I consider to be a great and decent nation. Well, that's where you are. It's not hyperbole. That's

where each of you sit. If you succeed, you will be the founders of the first truly free, democratic, united Ukraine. An awesome responsibility, but what an incredible, incredible opportunity to serve your country.

Thank you so much for this opportunity to speak to you today. May God bless our two great nations and may God protect our troops. (Applause.)

END

12:33 P.M. (Local)

*St. Michael's



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From:Kent, George P
Sent:Tue, 6 Sep 2016 09:55:14 -0400
To:Brink, Bridget A;Andrews, Jorgan K
Cc:Yovanovitch, Marie L
Subject:Bullying, threatening call by Blue Star's Sally Painter (Re Lutsenko)

Bridget, Jorgan:

Need to give you a heads up that I took a call just now from Sally Painter from Blue Star Strategies, the first time we have interacted. I am confident it will be the last. Nearly simultaneously her boss, Karen Tramontano, called on the other line asking to talk to the Ambassador (who is out on the run the rest of the day, event to event).

Painter adopted a hostile, aggressive tone from the outside, and was rude and accusatory throughout. It was unlike any conversation I have had in my 24+ years in the foreign service, and completely inappropriate on her part. She ended the conversation by saying that she would take the matter up with "The Under Secretary." (NFI)

The topic/issue was Prosecutor General Yuri Lutsenko, and his now cancelled plans to come to Washington – a trip that Blue Star had apparently been arranging.

I wasn't able to scribble notes to follow the specific accusations and bullying remarks. The crux of the accusation was that I had allegedly damaged her/firm's reputation to Lutsenko, and allegedly told him not to have anything to do with them (for the record: I did not tell him that. Full stop). She then proceeded to make rambling reference to "not representing Nikolai in the US" (I presume this is Zlochevsky), "because he has legal representation in the US, or Burisma" (Zlochevsky's company), and that she had represented Yushchenko's interests in the US for five years, and knew what was legal and what was not, and when it was required to register, that she was on the board of the Atlantic Council, and on a pro bono basis had been happy to arrange something with John Herbst (ie, for Lutsenko to speak), and that they also had offered a private dinner for Lutsenko that she and her partner Tramontano would have hosted for Lutsenko at no cost, to invite various people, important people, including Melanne Veveer, who was by the way close to former Secretary Clinton.

After I let her vent for close to five minutes and she reached a pause, I pointed out that we had never previously talked. I noted that her tone and accusations, including outright misrepresentations of my conversations with Lutsenko, was an odd way of initiating a first time conversation. I stated that the first time I had ever heard her name had been earlier this summer, when Dan Fried called and asked me if I would be willing to talk to her. I told Dan I would, and had passed my number. Painter jumped in and said: "you never called back." I reiterated that Dan had asked me if I would be willing to talk to her; I had said yes, and passed him my number, and never heard anything further.

I told her that, given the aggressive, threatening, bullying tone she had adopted and her misrepresentations of what I had said in the course of diplomatic discussion, I was within norms and my rights simply to wish her good day and hang up. I instead offered a partial reset, if she were interested (she was). I told her that I had met the Prosecutor General to talk about his proposed trip. I had given him the general advice that for a trip to Washington on which he would look to engage the USG, it made sense to work primarily through the US embassy here and the Ukrainian embassy in Washington. We

became aware of the trip because a senior DOJ official had reached out to the embassy for our reaction and what we knew of the trip.

Painter broke in at this point and said: “we know that. Government to government meetings would be the responsibility of the Ukrainian embassy.” This is in fact a false statement by Painter. Blue Star, through an associate who traveled with Tramontano to Kyiv in July and was previously a DOJ political appointee, reached out to DOJ itself; Bruce Schwartz then called RLA Jeff Cole about the visit. That is how we learned of the trip. I subsequently reached out to the Ukrainian acting DCM, Oksana, who indicated she knew nothing of the request to DOJ.

Beyond arranging govt-govt meetings, I continued, I had suggested to Lutsenko that the proposed timing of his trip (25-27 Sept) was not the best, because of UNGA and attention on international relations focused on New York in the second half of September, and the election season, with key people on the Hill out on the stump six weeks before the general election. That suggested an earlier or later trip.

Ukrainian officials had been known to have relations with third parties for other events, and that was their business. Ours was bilateral relations, and that had been my focus.

When Painter went back into interrogative mode, asking whether I had mentioned her company, I told her that it would not be appropriate to share the content of my conversation with the Prosecutor General. She referenced an email that Lutsenko sent “her” (Blue Star), and said I would have to answer if I damaged the reputation of her company, and that she would take it up with the Under Secretary (unspecified).

At that point, I told her I could not and would not presume to characterize Lutsenko’s private correspondence, while reminding that she had mischaracterized my conversations with Lutsenko. I wished her good day, and told her the conversation was over. And went back to my regularly scheduled business, since I had kept the visiting regional medical officer waiting in the meantime.

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Footnote1: Lutsenko told me he did not know who exactly had come to Kyiv and talked to him in July about coming to Washington. He said Blue Star had promised they could arrange access to high levels of the Clinton campaign, including someone who might lead her White House (my guess: Podesta, head of the campaign, for whom Tramontano worked in the last year of the Bill Clinton White House). The political angle of the trip is what interested him. I pulled up the Blue Star website on my phone and showed him photos of Tramantano (he said: “that’s her”). I showed him a picture of Painter (right underneath); he shook his head and replied: “never seen her.”

Footnote 2: When Dan Fried called me in the summer, asking if I would be willing to talk to Painter, the subject was Zlochevsky, and allegedly the bad reputational deal he was getting. I warned Dan this was a sticky wicket, that Zlochevsky was viewed as corrupt, not just in Ukraine but by the USG/FBI, that he almost certainly had paid a bribe to the PGO office (Yarema team) to have them close a case against Zlochevsky in December 2014 and issue a letter to that effect to Zlochevsky’s lawyer, who flipped it to a UK judge, who unfroze assets that the FBI and MI5 had spent months trying to make a case for asset repatriation – the first and so far only possible case, in an effort we collectively have spent hundreds of thousands of dollars. Furthermore, the presence of Hunter Biden on the Bursima board was very awkward for all US officials pushing an anti-corruption agenda in Ukraine. Dan then said: “Sally’s apparently been asked to gather information in an attempt to convince Hunter to sever the relationship.” I said he was free to pass my name and number to her, and I would be as forthright about

Zlochevsky and Burisma as I had been to him. I heard nothing further. From the conversation today with Painter, it would appear she is on a first name basis with Zlochevsky.

Footnote 3: after we learned of the possible Lutsenko trip by the DOJ-RLA interaction, I discussed with RLA, LEGATT, and INL possible next steps. We agreed I would SMS Lutsenko to seek confirmation of his plans, both to travel to DC and to use of a third party rather than embassies to arrange the trip. He responded with a request to meet one on one to discuss. We did – it slipped from Friday to Saturday, because on Friday Lutsenko released the Illovaik report regarding the August 2014 tragedy, and who was at fault (in short: the Russians, for invading/killing hundreds of Ukrainians after offering free passage; but “mistakes were made” by the Ukrainian general staff).

Sensitive
This email is UNCLASSIFIED.

From:Brink, Bridget A
Sent:Tue, 4 Oct 2016 18:22:18 -0400
To:Yovanovitch, Marie L;Kent, George P
Subject:Re: Leshchenko claims Blue Star's SP went after him, spreading "black PR" ahead of his Washington meetings

Interesting, thanks.

From: Kent, George P <[REDACTED]>
Date: October 4, 2016 at 11:15:21 PM GMT+2
To: Yovanovitch, Marie L <[REDACTED]>
Cc: Brink, Bridget A <[REDACTED]>
Subject: Leshchenko claims Blue Star's SP went after him, spreading "black PR" ahead of his Washington meetings

Right Bank-Inside the Beltway relations are starting to heat up, with proxy elbows being thrown from afar (and not the first time – Greg Craig/Skaden’s infamous “report” on Tymoshenko from 2012 commissioned by Yanu’s Justice Minister, being advised by Paul Manafort).

Sergiy Leshchenko FB messaged me to say Blue Star’s Sally Painter distributed a “Black PR” report during his DC visit designed to discredit him among “stakeholders” – several people who received the report, attached, from her, then alerted him/forwarded it. The “research” report was prepared by someone named Jeremiah Baronberg, working for a PR/Lobbying firm called Fontheim. Below was the screen shot, with some info blurred of a note circulating among Washington opinionators ahead of his NDI talk. Focus is Leshchenko’s purported relationship with Grigorhyshyn (which does seem to exist and is to my mind a weak spot for Sergiy), and how that allegedly drove his anti-corruption reporting over recent years, focusing on purported foes of Grigorhyshyn. Sergiy claims the photo in this report purportedly showing him with Grigorhyshyn is fake, that the situation is one of manipulation + disinformation.

When I raised whether his known willingness to associate with Grigorhyshyn was a potential vulnerability that could then be exploited by manipulation+disinformation, he replied: of course I know and meet Grigorishin, but also Pinchuk, Fiala, Zhevago, Utkin etc. And it is not the point to say that I was ordered by any of these persons

He continued by adding that SP worked on behalf of Lyovochkin when the latter was Yanu’s chief of staff, pre-EuroMaidan.

Since it is after midnight, I wished him good night. Don’t want to go down that rabbit hole too far.

From: Jeremiah Baronberg
Date: September
To:
Subject: NDI event tomorrow: Enacting Sustainable Reform in Ukraine

I see that you follow Ukraine and the region and that you are based in Washington, as am I.

You may be aware of the below event about Ukraine taking place at NDI tomorrow with Serhiy Leshchenko.

If you are planning to attend, I thought you might be interested in the attached research I've done.

It raises some questions that you may be interested to look into further.

Best regards,

Jeremiah Baronberg



ABOUT US

OUR WORK

OUR RESULTS

OUR NETWORK

GIVING BACK

CONTACT

OUR TEAM

IN THIS SECTION

About Us

Our Team

- [Jeremiah Baronberg](#)
- Lisa B. Barry
- Sam Buchman
- Claude G.B. Fontheim
- D. Holly Hammonds
- Stephen Herbits
- Richard Leach
- Ken Levinson
- Bernadette Palmeri
- Ritu Sharma

Careers

Our Clients

Jeremiah Baronberg

Senior Advisor

Jeremiah J. Baronberg is a Senior Advisor at Fontheim International LLC, where he advises and represents clients regarding corporate social responsibility and international trade and public policy matters.

Prior to joining Fontheim International, Mr. Baronberg served as the business development strategist for the public policy and regulatory affairs practice at an international law and government relations firm.

Previously, Mr. Baronberg served on the global advisors practice at a leading bipartisan multidisciplinary government affairs firm. He represented foreign governments, political leaders, global companies, and multi-lateral and non-profit organizations on their bilateral and foreign policy, economic development, international trade, market access, and business investment objectives in the U.S. and emerging markets.

His client engagements have included focus on: transatlantic relations; free and fair elections; anti-money laundering/counter-terrorism financing; U.S. trade preferences; European energy security; NATO and EU Summits and enlargement; and the historic modernization of the U.S. Visa Waiver Program in 2008, which resulted in legislation enabling the citizens of Central and Eastern European countries to travel to the U.S. visa-free.

SBU

This email is UNCLASSIFIED.

From: lbi@lbicompany.com.ua

Sent: Tuesday, October 4, 2016 8:34 PM

To: Kyiv, Media Alerts

Subject: FB:Leshchenko: The notorious "gag orders" of the Presidential Administration are now in the

United States.

Facebook: [Serhiy Leshchenko](#)

04.10.2016

The notorious "gag orders" of the Presidential Administration are now in the United States. On the eve of my arrival to Washington a PR agency was hired that has sent "gag orders" against me in regard of the organizations we cooperate with. Truth was mixed with lies and they did not bother checking the authenticity of the sources. The guys were doing a careless work so frankly, when spending money of their Ukrainian clients, that they even used falsified photos.

The author of the "gag order" was Jeremiah Baronberg from the company Fontheim International, LLC. The leaders of the lobbying company Blue Star Strategies LLC, which helped Borys Lozhkyn when he was working as the Head of the Presidential Administration of Poroshenko, also took part in sending this "gag order."

What can I say? Write more "gag orders," send them to all addresses not only in America, but also in Europe. Because normal people understand - if someone is willing to spend time and money on work against me, then there is truth in my words. I think that the "gag order" against me being spread is a kind of recognition. I'm waiting for new "masterpieces."

<https://www.facebook.com/leshchenko.ukraine/posts/1189313351139331?pnref=story>

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*With best regards,
LBI Team*

www.lbicompany.com.ua

(044) 501 58 41

(097) 479-13-50

United States Senate
WASHINGTON, DC 20510

February 12, 2016

H.E. Petro Poroshenko
President of Ukraine
Presidential Administration of Ukraine
11 Bankova Street
Kyiv, Ukraine 01220

Dear President Poroshenko,

As members of the U.S. Senate Ukraine Caucus and strong supporters of your government, we write to express our concern regarding the recent resignation of Minister of Economy Aivaras Abromavičius and his allegations of persistent corruption in the Ukrainian political system.

During the past year, Mr. Abromavičius and his team implemented tough but necessary economic reforms, worked to combat endemic corruption, and promoted more openness and transparency in government. He was known to many of us as a respected reformer and supporter of the Ukrainian cause. Minister Abromavičius's allegations raise concerns about the enormous challenges that remain in your efforts to reform the corrupt system you inherited.

We recognize that your governing coalition faces not only endemic corruption left from decades of mismanagement and cronyism, but also an illegal armed seizure of territory by Russia and its proxies. Tackling such obstacles to reforms amidst a war and the loss of much of southeastern Ukraine's economic productivity is a formidable challenge -- one which we remain committed to helping you overcome.

Succeeding in these reforms will show Russian President Vladimir Putin that an independent, transparent, and democratic Ukraine can and will succeed. It also offers a stark alternative to the authoritarianism and oligarchic cronyism prevalent in Russia. As such, we respectfully ask that you address the serious concerns raised by Minister Abromavičius. We similarly urge you to press ahead with urgent reforms to the Prosecutor General's office and judiciary. The unanimous adoption by the Cabinet of Ministers of the Basic Principles and Action Plan is a good step.

We very much appreciate your leadership and commitment to reform since the Ukrainian people demonstrated their resolve on the Maidan two years ago, and we look forward to continued cooperation in the future.

Sincerely,

Rob Portman

Senator Rob Portman

Dick Durbin

Senator Richard J. Durbin

Jeanne Shaheen

Senator Jeanne Shaheen

Ron Johnson

Senator Ron Johnson

Chris Murphy

Senator Chris Murphy

Mark Kirk

Senator Mark Kirk

Richard Blumenthal

Senator Richard Blumenthal

Sherrod Brown

Senator Sherrod Brown



GOP senator says he doesn't remember signing 2016 letter urging 'reform' of Ukraine prosecutor's office

BY ZACK BUDRYK - 10/03/19 06:00 PM EDT

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FBI director calls Antifa 'a real thing'

NATIONAL SECURITY
— 8M 27S AGO

House passes resolution condemning anti-Asian discrimination relating to coronavirus

HOUSE — 17M 32S AGO

Chamber to lay off a dozen employees, expand advocacy efforts amid coronavirus pandemic

BUSINESS & LOBBYING
— 17M 39S AGO

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Sen. Ron Johnson (R-Wis.) told reporters Thursday he did not recall signing a letter urging reforms in the office of the Ukrainian prosecutor President Trump has alleged former Vice President Joe Biden improperly had ousted, [The Milwaukee Journal-Sentinel](#) reported.

Trump has repeatedly alleged Biden used his office to have Prosecutor General Viktor Shokin fired and prevent him from investigating a gas company whose board included Biden's son Hunter.

CNN on Thursday reported that three Republican senators, including Johnson, Sen. Rob Portman (R-Ohio) and then-Sen. Mark Kirk (R-Ill.) [signed a 2016 letter](#) urging "urgent reforms to the Prosecutor General's office and Judiciary."

"I send out all kinds of oversight letters ... I don't know which 2016 oversight letter you're referring to so I will look at that and then we'll issue a press release, statement, or something — but I don't engage in hypocrisy. I'm looking at getting the truth," Johnson said when asked about the letter.

Johnson did acknowledge the letter in an interview Thursday on WIBA's "The Vicki McKenna Show," saying "The whole world, by the way, including the Ukrainian caucus, which I signed the letter, the whole world felt that

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ADMINISTRATION — 30M 24S AGO

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Senate Republicans signal openness to...



this that Sholkin wasn't doing a [good] enough job. So we were saying hey you've got to rid your elf of corruption "

In the first interview, Johnson also said there was no misconduct in Trump call on Thur day for China to inve tigate Biden and hi on

"If there's potential criminal activity, the President of the United States is our chief law enforcement officer We have proper agreement with countries to investigate potential crimes so I don't think there's anything improper about doing that," he aid

Even as he endorsed investigations by both China and Ukrainian officials, John on denied the July 25 call between Trump and Ukrainian Pre ident Volodymyr Zelensky at the heart of a whistleblower complaint represented Trump pre uring Zelen ky to inve tigate the Biden

"I look at that transcript and I go, it's Trump being Trump," Johnson said, according to the Journal Sentinel

In a statement, Andrew Bates, rapid response director for the Biden campaign, told The Hill "The United State , the European Union, the I.M.F., and Ukraine's leading reform figures were all pressing for Viktor Shokin to be removed from office because he was one of the biggest obstacles to fighting corruption in the entire country. This was a bipartisan goal in Congress as well."

"It is unfortunate that Senator Johnson seems to have forgotten a time when he put the country's values over his own politics, but perhaps re-reading his well-articulated words whole-heartedly agreeing with Joe Biden's push to move the anti-corruption cause in Ukraine forward will help him on his journey back to intellectual consistency," Bates added.

Updated: 9:35 p.m.

TAGS DONALD TRUMP RON JOHNSON ROB PORTMAN JOE BIDEN MARK KIRK

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TWEET

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United States Senate

WASHINGTON, DC 20510

November 21, 2019

The Honorable David S. Ferriero
Archivist of the United States
U.S. National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Mr. Ferriero:

We write to request records of multiple White House meetings that took place in 2016 between and among Obama administration officials, Ukrainian government representatives, and Democratic National Committee (DNC) officials. According to recent reports, in January 2016 “some of Ukraine’s top corruption prosecutors and investigators [met] face to face with members of former President Obama’s National Security Council (NSC), FBI, State Department and Department of Justice (DOJ).”¹ Other meetings included Alexandra Chalupa, a contractor for the DNC, who reportedly worked with Ukrainian government officials to undermine the Trump campaign.

According to Andrii Telizhenko, a political officer in the Ukraine Embassy in Washington, D.C. who participated in a January 2016 meeting, “U.S. officials volunteered . . . that they had an interest in reviving a closed investigation into payments to U.S. figures from Ukraine’s Russia-backed Party of Regions,” which refers to the investigation that involved Paul Manafort.² He “recalled DOJ officials asking investigators from Ukraine’s National Anti-Corruption Bureau (NABU) if they could help locate new evidence about the Party of Regions’ payments and its dealings with Americans.”³

During that same meeting, U.S. officials also reportedly brought up investigations relating to Burisma Holdings, the Ukrainian gas company that had hired then-Vice President Joe Biden’s son, Hunter, to serve as a board member.⁴ According to Telizhenko, “U.S. officials told the Ukrainians they would prefer that Kiev drop the Burisma probe and allow the FBI to take it over.”⁵

According to that same reporting, there were multiple meetings between U.S. officials and Ukrainian authorities in January 2016. It noted that at least one of these meetings was held

¹ John Solomon, *How the Obama White House engaged Ukraine to give Russia collusion narrative an early boost*, The Hill (Apr. 25, 2019), <https://thehill.com/opinion/white-house/440730-how-the-obama-white-house-engaged-ukraine-to-give-russia-collusion>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

in the White House's Old Executive Office Building (OEOB), and confirmed that Nazar Kholodnytsky, the head of Ukraine's Specialized Anticorruption Prosecutor's Office, attended some but not all of these meetings.⁶

White House meeting records also show that Alexandra Chalupa, a Ukrainian-American operative "who was consulting for the Democratic National Committee" during the 2016 U.S. presidential election, attended numerous meetings at the White House, including one event with President Obama.⁷

Chalupa reportedly worked to get dirt on Trump from the Ukrainians. For example, in March 2016, Chalupa reportedly met with Valeriy Chaly, Ukraine's ambassador to the U.S., and Oksana Shulyar, a top aid to the Ukrainian ambassador, to share her alleged concerns about Manafort.⁸ Reports state that the purpose of that initial meeting was to "organize a June reception at the embassy to promote Ukraine."⁹ However, Ukrainian embassy official Andrii Telizhenko told *Politico* that Shulyar instructed him to assist Chalupa with research to connect Trump, Manafort, and the Russians.¹⁰ He reportedly said, "[t]hey were coordinating an investigation with the Hillary team on Paul Manafort with Alexandra Chalupa" and that "Oksana [Shulyar] was keeping it all quiet...the embassy worked very closely with" Chalupa.¹¹ According to Telizhenko:

[Chalupa] said the DNC wanted to collect evidence that Trump, his organization and Manafort were Russian assets, working to hurt the U.S. and working with [Russian President Vladimir] Putin against the U.S. interests. She indicated if we could find the evidence they would introduce it in Congress in September and try to build a case that Trump should be removed from the ballot, from the election.¹²

White House visitor logs indicate that Chalupa visited the White House on at least 27 occasions.¹³ In 2016, the year of the presidential election, she visited the White House at least five times on January 12, 2016; February 22, 2016; April 4, 2016; May 13, 2016; and June 14, 2016.¹⁴

⁶ *Id.*

⁷ White House Visitor Access Records 2016 Log, obamawhitehouse.archives.gov, <https://obamawhitehouse.archives.gov/briefing-room/disclosures/visitor-records>.

⁸ Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, *Politico* (Jan. 11, 2017), <https://www.politico.com/story/2017/01/ukraine-sabotage-trump-backfire-233446>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² John Solomon, *Ukrainian Embassy confirms DNC contractor solicited Trump dirt in 2016*, *The Hill* (May 2, 2019), <https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>.

¹³ Sara Carter, *Whistleblower and DNC Contractor Visited Obama WH. It Must Be Investigated*, *Saraacarter.com* (Nov. 8, 2019), <https://saraacarter.com/whistleblower-and-dnc-contractor-visited-obama-wh-it-must-be-investigated/>; White House Visitor Access Records 2008-2016 Logs, obamawhitehouse.archives.gov, <https://obamawhitehouse.archives.gov/briefing-room/disclosures/visitor-records>.

¹⁴ White House Visitor Access Records 2016 Log, obamawhitehouse.archives.gov, <https://obamawhitehouse.archives.gov/briefing-room/disclosures/visitor-records>.

In order to better understand the nature of these meetings, including who attended and what was discussed, please provide the following information:

1. All records¹⁵ relating to the five White House meetings listed above—January 12, 2016; February 22, 2016; April 4, 2016; May 13, 2016; and June 14, 2016—including, but not limited to:
 - a. Purpose and attendees;
 - b. Notes or transcriptions from the meetings; and
 - c. Communications about the meetings.

2. All records relating to meetings between and among White House officials, Andrii Telizhenko, Nazar Kholodnytsky, Oksana Shulyar, and Valeriy Chaly including, but not limited to:
 - a. Purpose and attendees;
 - b. Notes or transcriptions from the meetings; and
 - c. Communications about the meetings.

Please provide these documents as soon as possible but no later than 5:00 p.m. on December 5, 2019.

We anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the Committees. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committees, and provide a classified addendum to the Office of Senate Security. Although the Committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent their prior agreement, by any handling restrictions.

Thank you for your prompt attention. Should you have any questions, please contact Brian Downey or Scott Wittmann of Chairman Johnson's staff at 202-224-4751 and Joshua Flynn-Brown of Chairman Grassley's staff at 202-224-4515.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs



Charles E. Grassley
Chairman
Committee on Finance

¹⁵ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

Statement On the Ukrainian-American Strategic Partnership

23 May, 20:11

Kyiv Security Forum expresses gratitude to the distinguished Ukrainian politicians, diplomats and civic activists for their support of the appeal to the American leaders and society on the importance of protecting the Ukrainian-American strategic partnership.

Statement On the Ukrainian-American Strategic Partnership

We, the representatives of Ukrainian politics, civil society, and the expert community, are deeply concerned to watch a campaign to involve Ukraine in the political competition in the United States unfold with renewed vigor.

Ukraine greatly appreciates the steadfast support of the American people for our independence, security, and Western course.

Our nations share the common values of national and human freedom.

The combined efforts of the two largest political parties in the United States and all concerned Americans to defend Ukraine are a major historical contribution to the creation of a united Europe and a just world order.

We call on American leaders to distinguish between the position of new Ukraine, which stands for the unity of the West and acts to unite democracies around the world, and those forces that seek to turn the political developments in our country into a toxic narrative to sow discord among our partners.

We oppose the dishonest attempts to use the political controversies in the United States. We do not choose any side, but support each of them in the same way that they together help Ukraine's independence.

We call on America's leaders to distinguish between the position of our nation from the actions of politicians instigated by Moscow.

We condemn hostile provocations aimed at alienating our nations.

We believe in the strategic partnership between Ukraine and the United States.

Let us not allow mutual distrust and doubt to erode this great and lasting relationship.

Let us stand together in times of great trials.

Signed on May 22-23, 2020

* * *

Arseniy Yatsenyuk, Chairman of the Kyiv Security Forum, Prime Minister of Ukraine (2014-2016).

Oleksandr Turchynov, acting President of Ukraine, Speaker of the Verkhovna Rada of Ukraine (2014), National Security Advisor (2014-2019).

Oksana Zabuzhko, writer, National Taras Shevchenko Prize laureate.

Joseph Zissels, member of the First of December Initiative Group, member of the Strategic Council of the Movement against Capitulation.

Myroslav Marynovych, Vice-Rector of the Ukrainian Catholic University, political dissident and prisoner of conscience under the Soviet occupation, member of the First of December Initiative Group.

Yevhen Zakharov, Chairperson of the Kharkiv Human Rights Group, Head of the Board of the Ukrainian Helsinki Human Rights Group, member of the First of December Initiative Group.

Leonid Finberg, Director of the Research Center of the History and Culture of Eastern European Jewry at the National University of Kyiv-Mohyla Academy, Editor-in-Chief of the “Dukh i Litera” Publishing house.

Ihor Kozlovsky, prisoner of the Russian occupation regime in Donbas, President of the Center for Religious Studies, member of the First of December Initiative Group.

Lilia Hrynevych, Minister of Education of Ukraine (2016-2019).

Volodymyr Vasylenko, Ambassador Extraordinary and Plenipotentiary, Judge of the International Criminal Tribunal for former Yugoslavia (2001-2005), Representative of Ukraine to the UN Human Rights Council (2006-10).

Volodymyr Ohryzko, Ambassador Extraordinary and Plenipotentiary, Minister for Foreign Affairs of Ukraine (2007-2009).

Danylo Lubkivsky, Deputy Foreign Minister of Ukraine (2014), member of the Board of Open Ukraine Foundation.

Ivanna Klympush-Tsintsadze, Chair of the Parliamentary Committee on Ukraine’s integration into the EU, European Solidarity faction, Deputy Prime Minister for European and Euro-Atlantic integration of Ukraine (2016-2019).

Yuriy Shcherbak, Ambassador Extraordinary and Plenipotentiary of Ukraine to Israel (1992-1994), the United States (1994-1998), Canada (2000-2003).

Oleksandr Motsyk, First Deputy Foreign Minister of Ukraine (2004-2005), Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States (2010-2015).

Valeriy Chaly, Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States (2015-2019), Chair of the Board of the Ukrainian Crisis Media Center.

Hanna Hopko, civic activist, Chairwoman of the Parliamentary Committee on Foreign Affairs (2014-2019).

Roman Bezsmetny, Ambassador Extraordinary and Plenipotentiary, Vice-Prime-Minister of Ukraine (2005).

Natalia Popovych, Co-Founder of the Ukrainian Crisis Media Center, Founder of One Philosophy Group.

Ivan Vasyunyk, Head of the Supervisory Board of the International Foundation for the Development of the Holodomor Victims’ Memorial, Vice-Prime-Minister of Ukraine (2007-2010).

Solomiia Bobrovska, member of the Verkhovna Rada of Ukraine of IX convocation, Holos / Voice faction.

Ostap Semerak, Minister of the Cabinet of Ministers of Ukraine (2014), Minister of Ecology of Ukraine (2016-2019), member of the Verkhovna Rada of Ukraine of VI and VIII convocations.

Iryna Geraschenko, member of the Verkhovna Rada of Ukraine of IX convocation, Co-Chair of the European Solidarity faction, First Deputy Speaker of the Verkhovna Rada of Ukraine (2016-2019).

Serhiy Kvit, Minister of Education of Ukraine (2014-2016), professor at the National University of Kyiv-Mohyla Academy.

Svitlana Voitsekhivska, member of the Verkhovna Rada of Ukraine of VIII convocation, member of the Board of Open Ukraine Foundation.

Maksym Burbak, Minister of Infrastructure of Ukraine (2014), member of the Verkhovna Rada of Ukraine of VII and VIII convocations.

Iryna Friz, member of the Verkhovna Rada of Ukraine of VIII and IX convocations, European Solidarity faction, Minister of Veterans Affairs (2018-2019).

Mykola Kniazhytskyi, journalist, member of the Verkhovna Rada of Ukraine of VIII and IX convocations.

Maria Ionova, member of the Verkhovna Rada of Ukraine of VIII and IX convocations, European Solidarity faction.

Mykola Ryabchuk, Honorary President of the Ukrainian PEN-Club.

Myroslava Barchuk, journalist, member of the Ukrainian PEN-Club.

Vitaliy Portnykov, journalist, writer.

Volodymyr Yermolenko, philosopher, Chief-editor of UkraineWorld Initiative, analytics director at Internews Ukraine.

Vakhtang Kebuladze, philosopher, professor at the Kyiv Taras Shevchenko National University.

Taras Lyuty, philosopher, professor at the National University of Kyiv-Mohyla Academy.

Mykhaylo Basarab, civic activist, Coordinator of the Movement against Capitulation.

Victoria Ptashnyk, member of the Verkhovna Rada of Ukraine of VIII convocation.

Viktor Yelensky, member of the Verkhovna Rada of Ukraine of VIII convocation.

Borys Potapenko, Head of International Council in Support of Ukraine.

Serhiy Vysotsky, journalist, member of the Verkhovna Rada of Ukraine of VIII convocation.

Andriy Levus, civic activist, Coordinator of the Movement against Capitulation, member of the Verkhovna Rada of Ukraine of VIII convocation.

Oleksandr Sochka, member of the Verkhovna Rada of Ukraine of VI, VII and VIII convocations.

Mykhaylo Khmil, member of the Verkhovna Rada of Ukraine of VIII convocation.

Myroslav Hai, civic activist, Chairman of the Peace and Co Charitable Foundation.

Yevhen Bystrytsky, philosopher.

Kateryna Smagliy, Director of the International Cooperation Department at the Diplomatic Academy of Ukraine's Foreign Ministry.

Mykola Horbal, poet, political prisoner under the Soviet occupation.

Volodymyr Dubrovsky, economist.

Borys Zakharov, Director of "Human and Right" Charitable Foundation.

Hennadiy Kurochka, member of the Board of the Ukrainian Crisis Media Center.

Oleksiy Panych, philosopher, member of the Ukrainian PEN-Club.

Valeriy Pekar, Lecturer of Kyiv-Mohyla Business School.

Kostyantyn Sigov, philosopher, civic activist, Chair of the Center of the European Humanitarian Studies at the National University of the Kyiv-Mohyla Academy.

Hennadiy Buryak, Deputy Director of the National Institute of the History of Ukraine.

Oleksandr Skipalsky, Lieutenant General, Honorary President of the Veterans Society of the Intelligence Community.

Anatoliy Podolsky, Director of the Ukrainian Center of the Holocaust Studies.

Ukrainian Crisis Media Center.