INTERVIEW OF AMBASSADOR GEOFFREY R. PYATT

Room SD-342 and via Webex
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11:07 a.m.
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3 For Senator Peters:

4 ZACHARY SCHRAM, Minority Chief Counsel, HSGAC
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17 WILLIAM K. KILLION
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19 KENNETH A. THOMAS
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1 MAJORITY EXHIBITS

2 1) Email, Redacted to Redacted, 11/23/15

3 2) Email, Zentos to Montgomery and Ellsworth, 1/21/16

4 3) Email, Bedingfield to Pyatt, Carpenter, Kahl, Hochstein, and Nuland, 12/6/15

7 MINORITY EXHIBITS

8 A) Letter, U.S. Senate Ukraine Caucus to Poroshenko, 2/12/16

10 B) Email, Segal-Knowles to Goldbrenner, 1/15/16

11 C) Letter, Kaldahl to Johnson, 9/4/20
MR. FOLIO: Good morning, everyone. Good evening, Ambassador Pyatt. This is a transcribed interview of Ambassador Geoffrey Pyatt being conducted by the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on Finance. This interview was requested by Chairman Ron Johnson and Chairman Charles Grassley as part of the Committees' investigation of whether there were any actual or apparent conflicts of interest or any other wrongdoing with regard to the Obama administration's Ukraine policy or Burisma Holdings as well as related matters.

On April 30, 2020, Chairmen Grassley and Johnson requested Ambassador Pyatt's appearance for a voluntary transcribed interview.

Ambassador Pyatt, can you please state your full name for the record?

AMBASSADOR PYATT: Geoffrey Pyatt.

MR. FOLIO: Again, good evening, Ambassador Pyatt. My name is Joseph Folio, and I'm Chief Counsel with the Homeland Security and Governmental Affairs Committee staff. I am now going to ask the folks around the virtual room to introduce themselves, and I'll start with the remainder of Chairman Johnson's staff.

MR. DOWNEY: Good evening, Ambassador Pyatt. My name
is Brian Downey. I am a Senior Investigator with Chairman Johnson's office.

MR. WITTMANN: Hello, Ambassador Pyatt. My name is Scott Wittmann. I'm also with Chairman Johnson's office.

MR. SACRIPANTI: Hi, Ambassador. This is Will Sacripanti, also with Chairman Johnson's office.

MR. FOLIO: Thank you all. And now I'll ask representatives from Chairman Grassley's staff to introduce themselves.

MR. FLYNN-BROWN: Hello, Ambassador Pyatt. My name is Josh Flynn-Brown. I'm Deputy Chief Investigative Counsel with Chairman Grassley. Today I am joined with my colleague Quinton Brady. Thank you for your time.

MR. FOLIO: Thank you all. Will Ranking Member Peters' staff please introduce themselves?

MR. SCHRAM: Good afternoon, Ambassador. My name is Zack Schram. I'm Chief Counsel with Ranking Member Peters. Thank you for your participation in today's interview. The minority's participation today is not an endorsement of the investigation.

Based in part on the public statements of the Office of the Director of National Intelligence and the statement of the Department of Treasury announcing sanctions of Russia-linked election interference actors, Ranking Member Peters remains alarmed that this investigation amplifies an active
Russian disinformation campaign and is intended to interfere in our 2020 Presidential election 42 days from today.

We are conducting this interview remotely because we are in the midst of a pandemic that has created an extraordinary public health crisis in the United States. Since this investigation started, 200,000 Americans have died of COVID.

The Homeland Security and Governmental Affairs Committee has jurisdiction over pandemic preparedness and response, and yet this Committee has now spent more than twice as much time on the record in this investigation than it has devoted to all of its COVID hearings combined.

Ranking Member Peters believes that this investigation is a misuse of Committee resources that does not advance the health, safety, or economic security of Americans consistent with our Committee's mission. Minority staff have a right and responsibility to be here, and we will do our best to ensure that you are treated fairly, that the record is accurate and complete, and that the national security interest of the United States is protected.

I am joined by my colleagues Soumya Dayananda, Roy Awabdeh, and Yelena Tsilker.

MR. FOLIO: And just a brief response to Mr. Schram's opening statement, just to note that the claims that the investigation is based on a Russian disinformation campaign
are not grounded in fact. The investigation is based on collecting and reviewing U.S. Government records and speaking with current and former U.S. Government officials like Ambassador Pyatt [inaudible], and part of the Committee's core jurisdiction is to explore conflicts of interest and understand what effect, if any, that has on U.S. policy.

With regard to COVID, we've held a half dozen or so hearings, and aside from the public-facing work, the Committee staff, several dozen of which continue to work tirelessly in the background to track these important issues for the American people.

I'm going to ask Ranking Member Wyden's staff to introduce themselves.

MR. GOSHORN: Good evening, Ambassador Pyatt. My name is Dan Goshorn. I'm Senior Investigative Counsel to Senator Wyden on the Finance Committee staff. I'm joined by my colleagues Dave Berick, our Chief Investigator, as well as Josh Heath and Michael Osborn-Grosso, who are Investigators on our staff. Our staff associates itself with the comments made by Zack Schram on the HSGAC minority, and we thank you for your time today.

MR. FOLIO: Thank you. And for the record, the State Department participants on the phone please introduce themselves.
MR. KILLION: You have Bill Killion with Legislative Affairs and Ken Thomas with the Office of the Legal Advisor.

MR. FOLIO: Thank you.

Ambassador Pyatt, I will now explain how the interview will proceed. The Federal Rules of Civil Procedure do not apply to any of the Committees' investigative activities, including transcribed interviews.

The way questioning will proceed is that we will alternate between the majority and minority staff for 1 hour each turn. The majority staff will begin and proceed for an hour, and the minority staff will then have an hour to ask questions. Then we will rotate back and forth until there are no more questions and the interview will be over. And we are going to endeavor to be very focused and respectful of your time. We appreciate all of the other many important issues that you must deal with as Ambassador to Greece.

AMBASSADOR PYATT: Yeah, thank you. I appreciate that. You'll see if you look on your news tickers, there's a new announcement from Turkey tonight that's blown up several weeks of U.S.-Greece diplomacy as well. So there's a lot going on out here. So if we can do this quickly, I'll be grateful, and it'll make the country safer.

MR. FOLIO: Understood. Thank you.

One other thing for the record. I just wanted to note that our colleague Lydia Westlake is also joining the
interview as well for Chairman Johnson's staff.

AMBASSADOR PYATT: Great. Hello, Lydia. It's been a while.

MS. WESTLAKE: Good morning, Ambassador, or good afternoon.

MR. FOLIO: All right, Ambassador Pyatt. So during the interview, again, we will do our best to limit the number of people who are directing questions at you during any given hour. That said, from time to time a follow-up or clarifying question may be helpful. And if that's so, you may be hearing from additional folks around the virtual table. Because it is virtual, I will ask everyone to please speak slowly, give others time to answer, and try not to talk over one another.

The court reporter is going to create a verbatim record of what we discuss today. With that in mind, Ambassador Pyatt, it's important that you respond to questions verbally because the reporter cannot properly record nonverbal responses or gestures. Do you understand this?

AMBASSADOR PYATT: Yes.

MR. FOLIO: We encourage the witnesses that appear before the Committees to freely consult with counsel. Do you have counsel present with you today?

AMBASSADOR PYATT: Yes, I do.

MR. FOLIO: And for the record, counsel, can you please
state your name?

MS. JEFFRESS: Yes, thank you. Amy Jeffress from Arnold & Porter, and I'm joined by my colleagues Sam Witten and Tian Tian Xin.

MR. FOLIO: Good morning, Amy, Sam, and Tian Tian.

MS. JEFFRESS: Thank you.

MR. FOLIO: Ambassador Pyatt, we want you to answer our questions in the most complete and truthful manner possible, so we are going to take our time. If you have any questions or do not understand what we ask, just let us know, and we will do our best to clarify or, if necessary, repeat.

This interview is unclassified, so if a question calls for any information that you know to be classified, please state that for the record as well as the basis for the classification. And then once you've done that, we will ask you to respond with as much unclassified information as possible. And if we need to have a classified session later, that can be arranged.

It's also the Committees' practice to honor valid common law privilege claims as an accommodation to a witness or party when those claims are made in good faith and accompanied by a sufficient explanation so the Committees can evaluate the claim. When deciding whether to honor the privilege, the Committee will weigh its need for the information against any legitimate basis for withholding it.
This interview is occurring without prejudice to any future discussions with the Committees, and we reserve the right to request your participation in future interviews or to compel testimony.

Ambassador Pyatt, if you need to take a break, please let us know. We ordinarily will take a break in between the 1-hour questioning sessions. But if you need to take a break for any reason, let us know, and we will try to accommodate you.

Ambassador Pyatt, you're required to answer questions before Congress truthfully. Do you understand this?

AMBASSADOR PYATT: Yes.

MR. FOLIO: This also applies to questions posed by congressional staff. Specifically, 18 U.S.C. Section 1001 makes it a crime to make any materially false, fictitious, or fraudulent statement or representation in the course of a congressional investigation, and this statute applies to our interview here today. Do you understand that?

AMBASSADOR PYATT: Yes.

MR. FOLIO: Is there any reason that you are unable to provide truthful answers to today's questions?

AMBASSADOR PYATT: No.

MR. FOLIO: Finally, we ask that you do not speak about what we discuss in this interview with anyone else who is outside the room in order to protect and preserve the
integrity of our investigation, and for that same reason, we also ask that you not remove exhibits or share those with others. Do you understand and agree?

AMBASSADOR PYATT: Yep. As long as everybody sticks to the same terms, I'm fine with that.

MR. FOLIO: All right. If there are no more questions, before we begin we will start with the majority's 1 hour of questioning, and I will turn the lead over to--

MS. JEFFRESS: Joe?

MR. FOLIO: Yes, sorry, Amy. Go ahead.

MS. JEFFRESS: Just to amplify on Ambassador Pyatt's response there, we understand your desire to keep this interview confidential, and we would respect that. But if anyone mischaracterizes Ambassador Pyatt's testimony and we feel the need to correct that, then we will no longer feel bound by confidentiality because someone else will have breached it, and we hope you understand.

MR. FOLIO: We do, Amy. Thank you for clarifying. And as I think we've explained, we'll give you an opportunity to review the transcript as well, but understand those unique circumstances you're describing.

MR. SCHRAM: Joe, just to add, Ambassador Pyatt, the Committee passed a motion to release the transcripts in full with appropriate redactions for national security concerns at the same time that the Committee's report is released.
So I just want you to be aware that the Committee has expressed its intention to release the transcripts publicly.

AMBASSADOR PYATT: Yeah, thanks. I would just ask that I have the opportunity to review the transcript for correctness, as I did when I was debriefed by the SSCI a couple of years ago on similar topics.

MR. FOLIO: Yes, you will.

All right. Now I'll turn the questioning over to another member of Chairman Johnson's staff. Thank you.

MR. DOWNEY: Hi, Ambassador Pyatt. Thank you for your time today and your service to the country.

We're going to get started off here. Did you serve as Ambassador to Ukraine from July 2013 to August of 2016?

AMBASSADOR PYATT: Yes.

MR. DOWNEY: As U.S. Ambassador to Ukraine, who did you report to?

AMBASSADOR PYATT: I reported to the President through the Assistant Secretary of State and the Secretary.

MR. DOWNEY: And who were the Assistant Secretary of State and the Secretary of State at the time that you were Ambassador to Ukraine?

AMBASSADOR PYATT: Victoria Nuland was the Assistant Secretary, and John Kerry was the Secretary.

MR. DOWNEY: Who were your main Deputies at Embassy Kyiv?
AMBASSADOR PYATT: I had a series of Deputies. My first was Bruce Donahue. He sadly passed away while I was posted in Ukraine from a health problem. I had a series of interim Deputies thereafter, and then George Kent finally arrived as the full-time Deputy, if I'm remembering correctly, sometime in 2016. He did a couple of temporary stints. I had a series of temporary Deputies after Bruce, who was forced to depart post for medical treatment.

MR. DOWNEY: What role did Vice President Joe Biden play in articulating and implementing U.S.–Ukraine policy while you were U.S. Ambassador to Ukraine?

AMBASSADOR PYATT: He was one of—the Vice President was the leading voice for the administration's policy as part of a large interagency team that helped to mobilize the U.S. Government in response to Vladimir Putin's unprovoked invasion and occupation of Ukraine, the first time that that had happened in the history of the post-World War II security order in Europe. But it was a whole-of-Government effort, and I had the opportunity and the privilege to work with President Obama; with the Vice President; with the National Security Adviser; with Avril Haines, the Deputy; with Tony Blinken, Deputy Secretary of State; Victoria; with almost every Assistant Secretary of State who had any involvement with Ukraine. Our INL program was quite large. We had a robust—thanks to Congress, including support from
Senator Johnson, we had a robust foreign assistance program. So it was a very large enterprise that I eventually came to lead.

MR. DOWNEY: So how did Vice President Biden's leading role on U.S.-Ukraine policy, how did that work with the role of Secretary of State John Kerry during that time period?

AMBASSADOR PYATT: So we were part of a large interagency enterprise. Most U.S. foreign policy is driven at the embassy level by the country team, so I had my Deputy, my State Department colleagues, my CIA, FBI, Department of Justice, USAID. It's one of the things that makes the U.S. Government's presence overseas so effective and so unique, and we all worked back through our interagency counterparts up to and including the Cabinet officers. I can't remember how many Deputies Committee meetings, Principals Committee meetings I was involved with over the course of my 3 years there. There were a lot.

I particularly remember the day that President Yanukovych fled the country because we had two Deputies Committees meetings, a double header. My first was probably around 8 o'clock in the morning Washington time, and the last one was well after midnight Kyiv time. So there was a lot of interagency process. The Vice President was a very important voice in that process, but he was just one part of a large interagency policy.
MR. DOWNEY: So now we're going to go into the U.S. loan guarantees to Ukraine, and we understand that there were three $1 billion loan guarantee agreements between the United States and Ukraine during the period of 2014 to 2016.

Ambassador Pyatt, what role did you play in setting and monitoring conditions for U.S. loan guarantees to Ukraine?

AMBASSADOR PYATT: So let me back up and do a little bit of big picture because I think it's important to understand those loan guarantees in context.

There were three big lines of effort that characterized U.S. policy towards Ukraine after the Russian invasion that I talked about earlier. The first and most important was the kinetic one, to help the Ukrainian people, the Ukrainian armed forces resist a brutal invasion of their sovereign country by Vladimir Putin and the Russian military. At the peak of the fighting, which was the winter of 2014, spring of 2015, a little bit in the summer of 2014, we estimated there were nearly 10,000 regular Russian soldiers in Ukraine. Some of Russia's most advanced weapons systems like the Smerch and the Buk missile which shot down an airplane full of European and American citizens. So our first line of effort was to prevent what I clearly saw as Vladimir Putin's effort to dismember that country, to do a full Yugoslavia, and I was really privileged in that period that a lot of the Senate senior leadership agreed with me on
this, members like Senator McCain, Senator Corker, Senator
Johnson, Senator Portman. And it was a whole-of-Government
effort involving all the power that the United States can
bring to bear, including our military; our security
assistance, which was critically important, because nobody
else was able to do it; and the intelligence support that we
were able to provide.

The second line of effort was the economic one because
when the corrupt President, Yanukovych, fled the country in
February of 2014, he left behind an empty treasury with very
large debts to the international financial institutions.
There was a real risk of the economy bleeding out, and the
loan guarantees that you referred to were part of the U.S.
response to that threat, coordinated jointly with the
international financial institutions. We worked closely
with the IMF, with the World Bank, but also with the
Europeans who carried their share of the burden.
And then the third line of effort related to why the
revolution happened in the first place. The revolution
against President Yanukovych was driven not by the United
States or the CIA, as Vladimir Putin would have us believe,
but it was driven by the desire of the Ukrainian people to
live in a normal European society. Their deep
disappointment at the profound corruption that President
Yanukovych had allowed to flourish under his rule,
corruption that went back to really the Soviet Union and the way the Soviet Union ran things, but against which the Ukrainian state had made very little progress in the first decades of that country's independence.

So the loan guarantees from the beginning were targeted on those second two lines of effort: first, to provide critical support to Ukraine so that Putin was not able to achieve through economic coercion what he failed to achieve through military coercion; and, second--and this was reflected in the loan guarantee condition precedents, which we developed across the interagency community, which were notified to Congress because it involved congressional appropriations and which were the subject of constant back-and-forth with Washington, but also with our congressional appropriators, those conditions precedent were targeted on trying to support that process of reform. So everything from changes to the energy sector, which had been one of the real epicenters of Russian malign influence in Ukraine, as it is in much of Europe, where Russia continues to use even today energy as a political tool to exert influence, something I know Senator Johnson cares about a lot because he and I talked about it over 7 years now. So energy sector reform, fiscal reform to rebalance the economy, privatization, and progress on anticorruption.

The Ukrainians called their revolution the Revolution
of Dignity, and what meant was their desire to live with
dignity and to live in a normal society with rule of law,
with freedom of speech, with the accountability of their
rulers. So the conditions precedent in each of those
instances in those three loan guarantees, which, as far as I
know, have been fully repaid to the U.S. Government, but the
conditions precedent were all shaped to support those two
big lines of effort that I just described to you.

MR. DOWNEY: Understood. So the third $1 billion loan
guarantee to Ukraine, we understand it was signed on June 3,
2016, and then entered into force September 27, 2016. Does
that sound accurate?

AMBASSADOR PYATT: It sounds about right. I was
confirmed at the beginning of July. I was actually in
Washington, D.C., for this job through a chunk of June, but
this was obviously all unfolding at about the same time. So
I think your chronology is roughly accurate. There would
have been a signing ceremony which was done by me and the
Ukrainian Prime Minister, the USAID Mission Director, and
USAID plays a huge role on all of these issues because they
have the technical and financial expertise. So you'd have
to consult with them on the exact moment.

MR. DOWNEY: So a condition for the third U.S. loan
guarantee was the removal of Ukraine's prosecutor general,
Viktor Shokin. Ambassador Pyatt, when did the U.S.
government decide to condition a third loan guarantee on the
dismissal of then Prosecutor General Shokin?

AMBASSADOR PYATT: So I don't actually recall the exact
date or even the exact month. What I can tell you is that
there was a gradual evolution in the thinking of the
interagency community about these issues.

As I said, probably the most remarkable of many
remarkable days that I had in Ukraine was the first Sunday
after Yanukovych fled the country. He fled Kyiv on a
Saturday--Friday night, Saturday morning with his gold bars
and helicopter and everything else.

I went downtown. We were focused--that first Saturday
was largely focused on the security mission and efforts now,
which is my first responsibility.

But that Sunday, I went down to see the acting
president at that point, who was the Speaker of Parliament,
Mr. Turchinov. And what I will always remember was driving
up towards the Parliament, which I had done many times
before at that point, and eventually, my Cadillac couldn't
get through the crowds anymore because there were so many
people with strollers and parents and flowers, and they were
all walking to Parliament. And it was an incredibly moving
occasion. It was basically the Ukrainians reclaiming their
democracy, and it was really telling to me that in the face
of the departure of this tyrant--and they weren't pulling
down statues. They weren't--they weren't breaking into offices. They were walking to the Parliament with their kids and, as I said, with flowers and candles. And I think it was an incredibly powerful moment. I remember in the days thereafter talking with my ambassadorial colleagues from other countries, and I work very closely with the EU ambassador, the Germany ambassador, the British, the French. We all were saying to yourself, "Wow. This is really amazing, and maybe this time is really going to be different. Maybe Ukraine is really going to live up to the aspirations of its people to move towards a more European future."

This is a big country. It's 45 million people. So it will have--it's going to have a decisive impact on the future of Europe and European security. That, of course, is exactly why Vladimir Putin found it to be such a threat. That's why he invaded a few weeks later, because he thought he could get away with it.

MR. DOWNEY: So, Ambassador Pyatt--

AMBASSADOR PYATT: No, let me finish on this, please. And so we were very focused from the beginning on how to live up to those aspirations of the Ukrainian people, how to help the Ukrainian people build the rule of law society that they wanted. That was one of our very early priorities. So we were really pleased.
I had terrific support from the Department of Justice. I had a very good Department of Justice regional legal advisor. I also had terrific support from State INL. So the State Department's INL Bureau provided funding for a major police reform program all about what had happened in Georgia, where basically they reinvented the police, but also for advice to the prosecutor general's office.

The prosecutor general, you have to understand in Ukraine, it's not like the United States. It's an office that combines extraordinary powers. So it's sort of a combination of the U.S. Attorney, the Department of Justice, and a judge. So there's an incredible concentration of power, and this office had been used in the past in post-Soviet societies, including Ukraine, to pursue politically motivated prosecutions.

So, for instance, Yulia Tymoshenko, whose case I know Senator Johnson was very familiar with because we worked on it, he asked me about it in my confirmation. Yulia Tymoshenko was a victim of what we called "politically motivated prosecution," driven by the prosecutor general's office.

So we began working on these anticorruption issues almost from the days of--the first days of the new government. USAID had programs working with civil society organizations in Ukraine who were key partners of the United
States, and we had our advisors inside the prosecutor
general's office, who were there to, at the beginning, we
hoped, build a new institution.

By 2014--or excuse me--2015, it was clear that those
aspirations were not being fulfilled, and that a lot of the
bad behaviors that we had seen under President Yanukovych
were replicating themselves under the new government.

So that's sort of how we came to these issues, and you
have to understand that we had a broad anticorruption agenda
that followed multiple lines of effort, all of which,
however, were aimed at empowering the Ukrainian people and
giving them the kind of society they wanted.

I'm obviously boring you with this.

MR. DOWNEY: No. There's people in the room, and
there's a lot of computers that are on the virtual table.
So I don't want to interrupt you by cross-talk.

AMBASSADOR PYATT: But it's really important to
understand the context of where this all came from and what
were [inaudible].

MR. SCHRAM: [Inaudible].

MR. DOWNEY: No, we understand. We just want to be
appreciative of your time, Ambassador.

Zack, I think you were not muted.

MR. SCHRAM: Apologies.

MR. DOWNEY: Okay. So, Ambassador Pyatt, based on
public reporting, we understand that Vice President Biden conditioned the third $1 billion loan guarantee on the removal of Viktor Shokin. Do you know when this was first communicated to the government of Ukraine?

AMBASSADOR PYATT: So I would disagree with the premise of your question. It wasn't Vice President Biden who conditioned the assistance. It was the--our interagency policy. It was a policy that was developed based on the data that my embassy was reporting from our contacts in Ukraine civil society, data that the intelligence community was reporting based on their sources, and particularly important, the advice and data that was provided by the U.S. Department of Justice and our experts who were inside the prosecutor general's office.

And that's the important thing to understand. We have a very high level of visibility into this institution because of the technical assistance that we were provided. So it was a U.S. government policy, which was amply debated in many DCs and PCs. I can't tell you now when that was decided, but I'm quite confident that the documentary record fully reflects exactly how that unfolded. And I'm also quite confident that it was briefed to Congress at the time.

MR. DOWNEY: So did you speak with individuals at the National Security Council about developing this condition,
including Charlie Kupchan, Elisabeth Zentos, and Eric Ciaramella?

AMBASSADOR PYATT: You know, I don't remember, five years now, who exactly I discussed it with.

What I can tell you is that it was a--it was definitely a topic of various interagency discussions and the way these processes worked in the Obama administration, which is very similar to what I worked with here in the Trump administration is you have a layered process. So,
typically, a policy initiative like what I'm doing right now, my Greece-Turkey work. The day-to-day worker-bee engagement happens at the level of the sub-IPC, and that would include people like NSC directors, like Eric Ciaramella, and dozens of other people across the government.

Then you have the IPC process, which is typically chaired at the level of an NSC senior director and special assistant to the President, so somebody like Charlie Kupchan in the context that you're referring to, and then finally at the deputies and at the principals level.

So these things, it's an iterative process. Generally, certainly in the Obama administration, my experience was there were more of these meetings, not less, and they all had summaries of conclusions, and all of those would document the evolution of the policy.
What I will tell you is at the beginning, it was not our expectation that Shokin's removal would be necessary to achieve our policy goals. I had—and again, this would be reflected in classified embassy cables and classified instructions which I received, with talking points that I used with President Poroshenko, with Mr. Shokin, with other senior Ukrainian officials, as we sought to help the Ukrainian government and in particular President Poroshenko who had been elected as a reformer with support of all of those people who are out putting flowers in front of Parliament after Yanukovych left.

So we were working with him and the expectation that he too was trying to figure out how to navigate around the legacy of corruption that he had inherited.

I sometimes—I gave speeches where I talked about old Ukraine and new Ukraine, and I still think that's a very useful framework to understand what we were doing in those days. You had the old forces, the energy oligarchs, the political parties, the media outlets they owned, and then you had new Ukraine, which were a lot of young people, people who were new to politics, the people who were out on the Maidan who wanted to build a modern European state.

MR. DOWNEY: So was this condition for the $1 billion loan guarantee and the removal of Viktor Shokin—was that developed and communicated to Vice President Joe Biden in
December of 2015?

AMBASSADOR PYATT: I don't remember when the Vice President would have weighed in on this.

In that process that I talked about—you know, typically, sometimes there would be a principals meeting, and it was not—it was not unprecedented for the Vice President to participate in a principals meeting. And I can remember those meetings, and I would remember Susan Rice as the chair, as National Security Advisor, saying, "You know, I think we need to have the guys go back and work on this some more." So then they would send it back down to the IPC level or the DC level.

I believe you've spoken to Tony Blinken. Tony, of course, was the Deputy Secretary of State in those days.

MR. DOWNEY: No, we haven't spoken to Mr. Blinken yet.

AMBASSADOR PYATT: Okay. So as the Deputy Secretary or State, he played—the deputies—the deputies are where the magic happens in the U.S. interagency process. The sweat and tears happen at the sub-IPC level. The consensus emerges at the deputies level, and the principals, they're all busy people. They're Cabinet officers. Their job is to bless the policy and make sure that those are the President's objectives.

MR. DOWNEY: So did you communicate this Shokin condition for the third loan guarantee to Vice President
Biden?

AMBASSADOR PYATT: No. I cannot--no. I mean, I think you--again, you misunderstood my presentation.

I would have gotten an instruction. I would have gotten the instruction which says we, the interagency, have decided that the loan guarantee condition for the third loan guarantee will include--and that would be something--and there would always be an anticorruption condition, but eventually, that condition evolves towards "President Poroshenko, you need to have Shokin removed."

I would have then received that instruction, and I would have communicated that instruction to President Poroshenko. I would have communicated it to people around President Poroshenko, including his chief of staff and national security advisor, both of whom were almost daily interlocutors. And all of that would be--[inaudible] classified State Department [inaudible].

MR. DOWNEY: So following up on what you just said, Ambassador, do you know when specifically you communicated this third loan condition to President Poroshenko and his staff?

AMBASSADOR PYATT: I do not. It would have been in roughly that period you described, and obviously, I didn't--I didn't get through to him or he didn't act on it. And eventually, we used the visit of Vice President Biden in
December, I believe, as an opportunity to really drive home that point. The Vice President, Secretary of State Kerry was involved in this effort. This was a whole-of-government effort, and it reflected the best advice that we across the administration gave to him.

Again, you know, it's important to understand I have a very--I've been an ambassador for seven years now. I've survived a long time under Republican and Democratic administrations, and as an ambassador, you develop a very good sense of what your role is. And my role is to represent the President and the people of the United States as best as I can.

I will occasionally provide my advice, but policy comes from Washington, and I've been part of that process as a PDAS. I was three years as the PDAS for South and Central Asia working on Afghanistan, working on India. So I have a good sense of how the interagency process works on the Washington side as well and have appropriate sense of humility about where I--what my role is.

I'm at the pointy end of U.S. diplomacy effort, but I'm not the guy throwing the spear.

MR. DOWNEY: So you mentioned Vice President Joe Biden's trip to Ukraine in December of 2015, and I believe the Vice President gave a speech to Ukraine's Rada--

AMBASSADOR PYATT: Right.
MR. DOWNEY: --during that trip. Can you walk us through that trip that the Vice President had in Ukraine in December 2015 and whether you were in the room when Vice President Biden allegedly gave his threat to President Poroshenko about the third loan guarantee and the firing of Viktor Shokin?

AMBASSADOR PYATT: You know, that's five years ago. I honestly can't remember the specifics. I'm sure I was in the room. I was fortunate to have a relationship of trust and confidence with Vice President Biden. I saw him consistently advance the policy interests of the United States of America.

I can tell you if I was in the meeting, I would have been there as a notetaker, and my reporting message from the meeting would have been put into the appropriate channels. And it's available somewhere.

MR. DOWNEY: So to be clear, Ambassador Pyatt, during the December 2015 trip by Vice President Biden to Kyiv, do you recall the Vice President threatening to withhold aid unless Viktor Shokin was removed?

AMBASSADOR PYATT: You know, again, I do not remember--and I don't want to misinform the committee--in terms of when precisely that condition was communicated. It would have been recorded in the paper trial. There were many--Vice President Biden, as we now know, thanks to the Russian
government, had many phone calls with President Poroshenko, and these issues would have been dealt with there as well. We also had other visitors who were part of the interagency team working on these issues, and they would have communicated very similar messages.

I had a couple of visits from Jack Lew, the Secretary of Treasury, and anticorruption was on the agenda very time he came. I had visits from Deputy Secretary Blinken, and he talked about anticorruption. Assistant Secretary Nuland was a very frequent visitor. She always raised these issues. She also always met with Ukrainian civil society to understand what their perspectives were, with the Ukrainian opposition parties to understand what the impediments were.

MR. DOWNEY: So that's why we appreciate your time today, Ambassador, because if there is documents or paper that exists, those have not been provided to Chairman Johnson or Chairman Grassley at this point.

AMBASSADOR PYATT: Anybody who has worked with me in the State Department will tell you that I am a studious cable drafter. I'm a great believer in the historical record, and I--

MR. DOWNEY: You and George--you and George Kent take a lot of notes, it seems.

AMBASSADOR PYATT: I write more cables. George writes more emails. I'm a believer in cables. I think cables--the
discipline of a cable distributed across the U.S. government is what helps make our policy process smarter, and it's also what the historians use to understand what was happening. And I fully recognize that I served as Ambassador of Ukraine. So I'm very--and I want the historians to get at that.

MR. DOWNEY: So was Viktor Shokin removed by the Rada in December 2015?

AMBASSADOR PYATT: You'll have to tell me. I don't remember the exact date. I think you may have it a little bit early, but you'll know better than me. That was 5 years ago.

MR. DOWNEY: Okay. I'm going to turn some questions over to my colleague, Scott Wittmann, for a minute.

Thank you, sir.

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

AMBASSADOR PYATT: Yep.

MR. WITTMANN: Thank you for your time today, sir.

Just a few clarifying questions regarding your recollection of the meeting that you said you attended with Vice President Biden and President Poroshenko in December 2015. Vice President Biden has said, at a, I guess, Q&A in January 2018, in front of the--at the Council on Foreign Relations, he described an interaction he had with President Poroshenko, and he said, and I'll just quote it here, the
transcript, Vice President Biden said, "I said I'm telling you you're not getting the billion dollars. I said you're not getting the billion. I'm going to be leaving here in, I think it was about six hours. I looked at them and said, I'm leaving in six hours. If the Prosecutor is not fired you're not getting money. Well, son of a [expletive deleted], he got fired, and they put in place someone who was solid at the time."

Ambassador, is this--did this--is this your recollection of what occurred in the meeting that you attended with the Vice President and President Poroshenko?

AMBASSADOR PYATT: Again, I, you know, I was privileged to be part of a lot of meetings with President Poroshenko and Vice President Biden. I listened in on a lot of phone calls. The anecdote that Vice President Biden told in those remarks is certainly consistent with the leading role that he played in conveying the U.S. Government interagency position that we had concluded that Mr. Shokin, despite many changes and best efforts, including support from U.S. Department of Justice technical advisors, had become an insurmountable obstacle to building a less corrupt Ukrainian political system.

And, therefore, it was in the best interests of our shared agenda to build a modern European and function economy to see Mr. Shokin removed. And there was nobody who
was more effective at that than Vice President Biden, because he did so with the credibility of the President of the United States, and he also did so with the credibility earned as somebody who clearly demonstrated throughout this crisis, and through his phone calls with President Yanukovych before the revolution, that he cared about Ukraine's future and he recognized the importance of Ukraine's future to the political future of our Euro-Atlantic community.

MR. WITTMANN: Understood. I think right now we're just trying to understand when this threat occurred, and based on your recollection, since you were in the room, whether your recollection lines--aligns with what Vice President Biden told the public in January 2018. So I just want to go back and just sort of pin down the extent to which you recall whether or not the Vice President specifically said, "I'm going to be leaving in six hours. If the Prosecutor is not fired, you're not getting the money." Is that your recollection?

AMBASSADOR PYATT: I was--I'm not--I can't go there because I simply don't know. I can't remember. It was five years ago. As I said, I consistently--I saw, over three years, Vice President Biden consistently act just like Senator McCain acted and Senator Portman and Chairman Corker and Senator Johnson acted, in the interest of the United
States, in the furtherance of the bipartisan policy that saw corruption as top priority.

I will assure you that that meeting that Vice President had during his December visit was not the first time that we had aired that U.S. policy position. That policy position had been conveyed earlier, in various channels, in various ways. I am also confident, knowing Vice President Biden's skill as a politician, that he did a better job than the rest of us in focusing President Poroshenko on the urgency of the issue.

You know, the precise words, I'm sorry, I just--I simply cannot tell you what happened in a conversation five years ago.

MR. WITTMANN: Was there ever an instance that you recall where Vice President Biden conveyed this condition to President Poroshenko, and within six hours of conveying this condition Viktor Shokin was fired?

AMBASSADOR PYATT: Again, you've got--you have a better command of the tick-tock than I can have here, four years after I ceased being U.S. Ambassador to Ukraine. I literally, you know, if I had the cables, if I had my calendars--I don't have access to my calendar from those days. We have to--all of that gets retired as a presidential record.

So I can't confirm or deny or corroborate or not
corroborate the tick-tock that you're describing, but I'm confident, again, that it's reflected in the documentary record.

MR. WITTMANN: Would it be unusual if this type of threat was made with, you know, some sort of time commitment of six hours, and then for that condition to be met within that period of time, six hours?

AMBASSADOR PYATT: You know, there was a lot about Ukraine that was unusual. The stakes were very high. The level of U.S. commitment was very high. This was $100 million of U.S. taxpayer money, and all of us treated it very, very seriously.

It would certainly not be--on a whole variety of issues that I worked on in Ukraine, whether anticorruption or the Minsk agreements, and the whole question of negotiations with Putin, there were a lot of high-drama moments. Those continued right up until my very last day in Ukraine.

Literally, my very last day before I got on the airplane I came into the office in the morning and I had an email from Avril Haines on a totally separate issue than this, which told me that I had a message that I needed to get to President Poroshenko right there, that day. That's the nature of the crisis diplomacy that we were engaged in, and important my office, the office of the American Ambassador, and U.S. policy was to saving that country from the
concerted effort that Putin was making to dismember it.

MR. WITTMMANN: Understood. So just so I understand, sir, based on your testimony it sounds like the condition to remove Shokin had been conveyed to Ukrainian officials prior to December 2015, and then it was reiterated by Vice President Biden in December 2015, on this trip. Is that accurate?

AMBASSADOR PYATT: That would be my recollection.

MR. WITTMMANN: Okay. I appreciate that.

I'd like to enter into the record our first exhibit, which will be Tab 16, Will, please.

[Pyatt Exhibit No. 1 was marked for identification.]

MR. WITTMMANN: Ambassador, I don't know if you have these papers in front of you but it should appear on your screen as well. And these are Bates numbers ending in 83--

AMBASSADOR PYATT: Yeah, you can take it down. I just got this one so I printed it out.

MR. WITTMMANN: --to 94. Okay, great. So as you can see, Ambassador, this is--

AMBASSADOR PYATT: Can we make that go away so I can see you guys again?

MR. WITTMMANN: Sure. Yeah, go ahead, Will.

AMBASSADOR PYATT: Thanks.

MR. WITTMMANN: Okay. And as I'm sure you can see,
1 Ambassador, these are what looks like talking points for
2 Vice President Biden for his upcoming meetings in Ukraine in
3 December 2015. The dates on the talking points are November
4 22, 2015. So obviously there is time between when these
5 talking points are dated and then the actual date of the
6 trip.
7 So what we are trying to understand, with your help,
8 sir, is to what extent these talking points were changed, if
9 they were, and the extent to which these talking points
10 correspond to your recollection of the meeting the Vice
11 President had with President Poroshenko.
12 The first page I want to draw your attention to is
13 page—the Bates number ending in 86. And just let me know
14 when you're ready, sir.
15 AMBASSADOR PYATT: Sorry. Just give me some words and
16 I'll find it quicker that way.
17 MR. WITTMANN: Sure. At the top of it, it says--
18 AMBASSADOR PYATT: I've got 86 here. I've got it.
19 MR. WITTMANN: Okay. Great. At the very top
20 paragraph, sir, the second sentence, it begins with, "You
21 will sign on our third billion-dollar loan guarantee and
22 publicly announced FY15 U.S. assistance for the first time,"
23 and then it continues.
24 So the question is, as part of these talking points,
25 was State Department advising the Vice President at this
point that he was, in fact, going to sign the third billion-
dollar loan guarantee?

AMBASSADOR PYATT: So I can't help you on that. If you
look on the clearance page you will see that I actually
didn't see these documents until you guys sent them to me.

MR. WITTMANN: Okay.

AMBASSADOR PYATT: And that would be exactly the same
way if I was hosting Vice President Pence here, or Secretary
Pompeo, who--news flash--I will have with me in just a
couple of days. I would typically not see these materials.

I would say, just to understand how this process works,
and in terms of how the drafting process works, first of
all, as you know, in a visit like this, the briefing
materials are often prepared weeks in advance, because they
have to go through a long clearance process. Also, these
were prepared as sensitive but unclassified points so that
they could be carried by people in their briefcases and
whatnot. And some of the topics that we would have been
dealing with, at these two meetings in particular, the Prime
Minister and the President, would be classified. And so
those couldn't be conveyed here.

You know, typically what also happens--and I remember,
for instance, if you look at my bio you will see long ago I
worked for Deputy Secretary of State, and part of my job
when I was on the Deputy Secretary of State's staff was to
take briefing memos like this, which would be laboriously assembled by the building, and then write a little 3x5 card on top of it, "Dear Mr. Deputy Secretary of State, here are three points you really need to make." Because very few U.S. principals will pull out these talking points and start reading them. The principal is going to want it boiled down to the essence.

These three big messages are certainly consistent with what I recall as our three priorities at the time, one being reform and political unity, and the government was struggling with political unity at that moment. The other was the question of our ongoing assistance, in which Congress played such a critical role. And then the third is the thing I talked about earlier, which was our diplomacy with the Germans and Europeans on the question of negotiations with Putin, and whether Putin was going to be able to get at the negotiation table when he couldn't get on the ballot there.

So those are certainly consistent, but it would never be my experience that a principal at the level of a Cabinet officer or the Vice President or the President would take a State Department product like this and sort of use that as their script.

MR. WITTMANN: Understood. So I want to go to the next page, Bates 87, and draw your attention to, sir, the second
bullet point under number 2, U.S. Support. It states, "I
will sign a billion-dollar loan guarantee with you today."
AMBASSADOR PYATT: Right.
MR. WITTMANN: Was it the State Department's plan or
expectation that Vice President Biden was going to Ukraine
in December 2015 to sign the third billion-dollar loan
guarantee?
AMBASSADOR PYATT: Yeah, again I would go back to my
point to your colleague about my role at the pointy end of
diplomacy. So there's a huge amount of churn that goes on
behind me, or behind an Ambassador, or behind an Embassy, to
develop U.S. policy. So I can't tell you when and how that
shift happened. Certainly, you know, I would have written,
and the Embassy would have sent to the Vice President a
scene-setter cable, which was a "Dear Mr. Vice President, we
look forward to welcoming you again to Ukraine on December
blah. You know, from where I sit these are the top
priorities." Likewise, I would have met the Vice President
at the airport and as soon as he landed given him my best
sense of what the landscape was and what he was walking
into.
But I simply--I'm not in a position to tell you, and
even if you had gotten me five years I wouldn't have been
able to be in a position to tell you when that change
happened, because that would have come out of the Washington
interagency process that we talked about earlier.

MR. WITTMANN: And for something as significant as this, as signing the third billion-dollar loan guarantee, obviously these talking points are dated November 22, 2015. The trip is just a couple of weeks away. For something as significant as signing the loan guarantee, would those decisions be made in only a couple weeks' time and perhaps changed within that period of time?

AMBASSADOR PYATT: That would be perfectly normal. It's the character of U.S. Government policymaking. And, you know, there's both the challenge--and again, I will go back to my PGAS role. I was working on South Asia issues. You know, this is written by a desk officer. This is somebody who is 16 levels removed from the Vice President from a policymaking process. And she or he are trying to do their best job of distilling the policy direction that comes from the DC, PC, IPC process I talked about, clearing it with all the other offices that you see listed here, including F, which are the resource people, who are the worst ones to get clearance from in our building.

So this is an imperfect art, and what it ultimately comes down to is the principal's decision, and, you know, in this case how the Vice President based--and there would typically, before a big trip like this, a day or two before he got on the airplane there would have been a deputies' or
a principals' level discussion. I would imagine, based on my conversations with him that the Vice President also would have a discussion with the President, and saying, "Hey, boss, this is what I'm doing," and, you know, take it from there.

So again, this was a normal interagency process, completely consistent with everything I've done in the U.S. Government for the past 31 years, and certainly consistent with my experience in the Trump administration, and the way I get my instructions in my current role. And as I alluded to, it's not public yet but I'll have Secretary Pompeo here on Sunday, and I can guarantee you that there are memos like this that are also working their way through the building. I can also guarantee you that other than a phone call with me last week, Secretary Pompeo probably hasn't thought a whole lot about this yet.

And then, by the way, then he will get on the airplane, and he will sit down with his briefing book and his closest advisors, and he will say, "Okay, guys, we're going to Greece. What are we trying to do?" That's the question--when I was working on the NSC staff and traveling on the plane, that's the question you have to be ready to answer. But that's not going to happen three weeks before because of some piece of paper drafted at the desk level.

MR. WITTMANN: I'm going to turn it back over to my
colleague, Mr. Downey.

MR. DOWNEY: Ambassador Pyatt, just to round out our questions regarding Vice President Joe Biden's visit to Ukraine in December of 2015 and the alleged threat that Vice President Biden gave to Poroshenko, after the trip concluded, did you hear from President Poroshenko or anyone in the Ukrainian government about that threat? Wouldn't they talk to you, to the U.S. Ambassador, about the threat the Vice President allegedly delivered?

AMBASSADOR PYATT: So, again, this was--I simply can't recall the tick-tock of when these different discussions that were happening. I can guarantee you that they are reflected in U.S. government embassy telegrams and all of which would have been classified.

I can also tell you that I had a number of very emotional conversations personally with President Poroshenko on this issue focused on--and not just about Mr. Shokin, also focused on other individuals who we believe were associated with bad activities around the President's office.

There was another member of Parliament who was very close to President Poroshenko, a guy named Martynenko. I remember getting a screaming phone call from one of the President's senior staff, President Poroshenko's senior staff, complaining that I had--that I had--they pointed
So this was a long running theme. It was not about one visit. It was about a longstanding U.S. policy priority, which evolved over a period of time, and at which multiple U.S. principals took a cut at the problem. But no principal was more effective in doing so than Vice President Biden.

MR. DOWNEY: Okay. We're going to move forward in the timeline here to January of 2016, Ambassador, and in January of 2016, the Ukrainian delegation visited the United States, which included a number of senior-level prosecutors. Do you have any recollection of that delegation going over in January 2016?

AMBASSADOR PYATT: I had no recollection of it until you guys sent me the documents, but again, I want you guys to understand what I was doing in Ukraine. I was fighting a war against Vladimir Putin. We were trying to save the country. Our anticorruption effort was one strand of a multifaceted effort.

I was fortunate we had a fantastic level of congressional support. I had close to 100 congressional visitors over two and a half years. So there was a lot of stuff going on, and as I remember—I'm looking for the documents now, but as I remember these particular visitors, they weren't terribly senior. And they would be the sort of
Ukrainians that were traveling back and forth to Washington, D.C., pretty much every week. So it would not be unusual at all that my staff wouldn't be bothering me with this, and the machine would just be grinding on.

MR. DOWNEY: Okay. So on January 19th, 2016, this Ukrainian delegation visited the White House and met with members of the National Security Council.

We're going to have this as Exhibit 2, Will, which is Tab 7. This is a National Archives document, Bates numbered 1823.

AMBASSADOR PYATT: Can you flash it up? It's a lot easier for me to find it, what I'm sort of looking for. Can you scroll it up? It's empty.

Okay. Is this the one you guys sent yesterday?

MR. DOWNEY: I believe so. Yes, sir.

AMBASSADOR PYATT: Okay. I don't have a secretary to help me here or anything. So let me just go through my stuff here. I'm sure—I know I've got it.

Yeah, okay. It's a Liz Zentos email. Got it. You can take it away.

MR. DOWNEY: So on January 21st, 2016, two days after the Ukrainian delegation met with members of the National Security Council, you sent to Elisabeth Zentos, Eric
Ciaramello, and Anna Makanju, an excerpt of an article that stated the U.S. State Department has made it clear to the Ukrainian authorities that it links the provision of a $1 billion loan guarantee to Ukraine to the dismissal of Prosecutor General Viktor Shokin.

The article stated that this position became known during the Ukrainian delegation's meetings with U.S. officials.

AMBASSADOR PYATT: Right.

MR. DOWNEY: Ambassador Pyatt, your email to Ms. Zentos, Mr. Ciaramello, and Ms. Makanju simply said buckle in.

AMBASSADOR PYATT: Right.

MR. DOWNEY: What did you mean by buckle in?

AMBASSADOR PYATT: So this was--this was published in Zerkalo Nedeli, one of the most prominent Greek--or excuse me--Ukrainian newspapers. I knew that would happen sometime today--prominent Ukrainian newspaper. So this would have been--I'm surmising, based on the way I characterized it, this was likely the first time that there was public reporting in Ukraine of the condition that had been established. So that was January 21st, and my reference to buckle in would have been that there was going to be political controversy around this now since heretofore we had managed these issues through private diplomacy, not
through—not through public declarations.

MR. DOWNEY: So after this article was published, Mr. Ambassador, did you receive communications with Ukrainian officials about whether this was true or not, whether this condition was the actual official position of the United States government?

AMBASSADOR PYATT: I don't recall, but I certainly wouldn't have been surprised. I mean, I would have told them—they knew what the condition was. We had communicated it with them, and so I would also emphasize these individuals—I talked about old Ukraine and new Ukraine. Vitaly Kasko and David Sakvarelidze were the personification of new Ukraine. These were young deputy prosecutors general who had worked very closely with my regional legal advisor, Jeff Cole, who was superb, a superb DOJ professional, and other advisors. They were the one—they were the good guys who were trying to clean up the prosecutor general's office. So it may have been the case that they had not—that Kasko and Sakvarelidze were not aware that we had communicated this condition because Poroshenko and Shokin would have had no interest in telling reformers inside the government that the Americans were on the side of the reformers, which we were.

But certainly, if the government had come to me, my answer to them, the President's chief of staff, who would
have been the most likely one to bring my cell phone—I would have said, "You knew this was coming, and you know why we've gotten to where we are." So that was the--that's the context for that.

And then you see here in Eric Ciaramello's email of the 21st, he notes to--he notes the fact that there was an IPC dealing with these issues, which is consistent with what I told you about this interagency process, and that that IPC had agreed on the need to come up with some interagency press guidance on the U.S. policy position.

MR. DOWNEY: So on Bates 1822 of this exhibit, Mr. Ciaramello responded to you, Mr. Ambassador, saying, "Yikes. I don't recall this coming up in our meeting with them on Tuesday, although we did discuss the fact that the PGO IG condition has not yet been met."

AMBASSADOR PYATT: Right.

MR. DOWNEY: How did you interpret Mr. Ciaramello's comment of "Yikes"?

AMBASSADOR PYATT: So I can't interpret it. You would have to ask Eric that question.

What I would say is you see here the clear documentation of what I explained earlier, that we had a condition associated with reforming the prosecutor general's office. I believe you have that document also. You guys sent it to me this afternoon. So that was a widely
coordinated interagency, U.S. government position.

I think Eric--again, I don't want to speculate because you're asking me to speculate on his state of mind, and I'm not in a position to do that. I've told you what I had in mind when I said buckle in, but I think you have to ask Eric what he meant by "Yikes."

Sorry to go lawyer on you, but that's--I think that's the truthful answer.

MR. DONNEY: So do you know, Mr. Ambassador, from these January 2016 meetings of this Ukrainian delegation had to Washington if the condition of the loan guarantee for Shokin's removal came up in any of their meetings?

So they met with NSC. They met with State Department officials. They met with the FBI.

AMBASSADOR PYATT: I have no idea.

MR. DONNEY: Justice officials.

AMBASSADOR PYATT: I have no idea, but it obviously did because they then went to their friends--Zerkalo Nedeli was a reformist newspaper. So they went to their friends in Zerkalo Nedeli and said, "Hey, guys. I'm in Washington. Everybody said the Americans are not going to release the loan guarantee until Shokin's dismissed." So it obviously came up in those meetings.

MR. DONNEY: So you're saying that potentially members of this Ukrainian delegation spoke to this Ukrainian news
outlet?

AMBASSADOR PYATT: I'm certain of that. I mean, that's--everything I know about how the Ukrainian press works suggests to me that one of these guys got on their phone and called Kyiv and said, "We've just finished a bunch of meetings at the State Department, and guess what?"

MR. DOWNEY: In January 2016 when the Ukrainian article came out, was it a problem that this information about the loan guarantee being conditioned to Shokin's removal leaked?

AMBASSADOR PYATT: You know, I--let me answer that this way. As Ambassador, you're not paid to be popular. You're paid to advance the interest of the United States of America.

I have discovered through trial and error over many years now that I get more done by speaking frankly. I think I have a reputation as a straight shooter, and if you talk to Lydia, she'll tell you that's also my reputation with Congress.

You usually--when you start down a road on a difficult issue like this--and I've dealt with lots of difficult issues in my ambassadorial role. Delivering messages--you know, you get paid to be ambassador to deliver the messages people don't want to hear. The messages that people want to hear, they'll save that for the Cabinet principal, but--so I've delivered lots of unpopular messages in my time.
And when you do that, you always recognize there's a risk that somebody is going to leak it because they don't like it, and they want to create political pressure or--in this case, again, it's really important to understand where Kasko and Sakvarelidze were coming from. They were the good guys. So they would have pumped this. They would have--they would have put this out back in Ukraine to put pressure on Shokin and to demonstrate that the Americans were really serious about reform to the prosecutor general's office.

So you always know this is going to happen. You never look forward to it, and it can make your job more difficult. But as I said, that's what I get paid the modest bucks for.

MR. DOWNEY: So was this information in January 2016 that you believe leaked from this delegation--wasn't that information classified at the time?

AMBASSADOR PYATT: I can't speak to that issue. You know, what somebody from Washington would have said, what exactly the talking points were, you know, the most--I'm overseas. So Lot of my--most of my sensitive diplomatic communications come in classified channels, but oftentimes a cable that I get, an instruction that I get tomorrow will be classified confidential, and it will tell me go tell the Greek government this. So you're asking me, you know, is that a leakage of information when I tell the Greek government that. No, it's not. I'm doing my job. So I
1 would put this in that same category.

2 MR. DOWNEY: Understood.

3 I think our hour is up, Mr. Ambassador. We thank you
4 for your time.

5 I don't know if you want to take a five-minute break.

6 AMBASSADOR PYATT: I've got 163 unread emails or
7 something here. So I just keep going so I can get to the
8 rest of my job later on.

9 MR. SCHRAM: All right. Brian, you're turning over the
10 microphone? All right.

11 Ambassador Pyatt, you said in the last hour that you're
12 a great believer in the historical record, and this
13 interview and this committee's investigation will become
14 part of the historical record. What should the historical
15 record say about the Vice President's work in Ukraine?
16 AMBASSADOR PYATT: So I think the historic record
17 should say that the American people should be very proud of
18 the role that the United States played in helping to support
19 the choices of the Ukrainian people and helping to reflect
20 the very best of America's tradition of a bipartisan foreign
21 policy, which is sought to support all of the post-Soviet
22 states in defining their own future.

23 Now, that was--if you go back and look at my
24 confirmation statement for that, for the Ukrainian job--so
25 that would have been more than seven years ago now, well
more than seven years ago—I talked about that, and at that point, the issue was the desire of the Ukrainian people to move closer to Europe but be part of the European Union and part of the customs agreement that they were negotiating in those days.

So I think all of us as Americans should be very proud of the role that the United States played. We should be very proud of the role that a bipartisan coalition represented in that regard.

I think—you know, when I look back on my three years in Ukraine, I already described one emotional moment. Another one that sticks with me very, very warmly was the day of President Poroshenko's inauguration as president, and that delegation was headed by Vice President Biden. But it also included Senator McCain, Senator Murphy, and Senator Johnson.

And I had gotten to know Senator McCain a little bit at that point through is visits and through my consultations with him, and I had gotten to know Senator Murphy and Senator Johnson pretty well as well.

And we were walking down the busiest street in Kyiv. There were huge crowds. There was a street that the President was going to parade down after the inauguration, and we were walking down this street because it was closed off to traffic. And we were going back to our motorcade,
and people recognized Senator McCain. And they started--
they all started cheering "America. USA, USA."

And I can't remember if it was Senator Murphy or
Senator Johnson who said it, but there's a picture I can
probably find of the four of us doing this. And at one
point, one of them turned to the other and said, "You know,
they're not cheering for us. They're cheering for John."

And for me, that moment crystallizes the way our policy
was meant to work and the way it did work in practice.

I very proud--and again, Lydia will corroborate this.
I worked very hard over seven years on my relations with
Congress and particularly with the members of the Senate
Foreign Relations Committee, not as Republicans or
Democrats, but as patriotic Americans who want to see our
nation's interests advanced. And Ukraine was a really good
example of that at a moment when no other country could do
so.

And what was really striking to me was after the
invasion of Crimea, after Putin turned Ukraine into a hard-
power problem, there was nobody else in the world, no other
country that had the military power, the intelligence
capacity, the ability to mobilize the world, the
international community, to help the Ukrainians make their
own choices. And I think history will record Vice President
Biden very generously on this issue, precisely because he
played such a leading role in pulling our efforts together. But I can also tell you the history will record Senator McCain very well in that regard, Senator Menendez, Chairman Corker, Senator Portman who was--Senator Portman was probably one of the very first Members of Congress to really grasp the anticorruption issues that I've spent the past hour and a half talking about, and I counted him as a huge ally and partner in the effort to tackle these things. So you asked me how will history remember Joe Biden on these issues. I think it's really more a question of how history will remember the United States.

MR. SCHRAM: And how will history remember Russia's efforts to sow disinformation about the United States' role in Ukraine at this time?

AMBASSADOR PYATT: So are you asking me about my time or the past four years while I've been in Greece?

MR. SCHRAM: Your time.

AMBASSADOR PYATT: So I think, you know, Russia--the Russian invasion of Ukraine and then the Russian effort to manipulate the Ukrainian politics, to manipulate the Ukrainian media was really a preview of what we have come to see and what we've come to call "Russian malign influence." I remember in December of 2016 when the intelligence community first published their report on Russian interference in the American elections. None of that came
as a surprise to me because I had seen exactly the same
thing in Russia's attempt to influence Ukraine's
presidential elections.

There was a boxed—a bolloxed, botched effort by Russia
to hack the Central Election Commission, to fiddle with the
election numbers. There was fake media. There was fake
social media, fake postings on social media sites. All of
the tools which the intelligence community has now
documented, Russia has applied against our democracy, it
sought to apply against Ukraine's democracy first.

And certainly, as the victim of Russian hacking of
American officials' telephone calls, long before it became
the new normal, I'm particularly sensitive to this. I'm no
longer surprised by it.

But I think history will look back on what happened in
Ukraine during my tenure as the most acute manifestation of
the problem our country faces of Russian malign influence,
of Putin's intent to avenge what he views as the unjust
dismantlement of the Soviet Union, his use of cyber-attacks
on the Russian—excuse me—on the Ukrainian energy
infrastructure when I was in Ukraine or shadow cyber-attacks
that the GRU and Russia has conducted against American
institutions, the use of fake information, the effort to sow
dissension.

There were specific instances when I was in Ukraine of
Russian outlets planting fake news intended to undermine me, to undermine the principals—the principal voices of American foreign policy. It is a reminder that Vladimir Putin is playing for keeps, that this guy is a stone-cold killer, and that he is conducting a hybrid war against the West, which covers a full spectrum of activities. And at one end of that spectrum is sending Russian military forces into Crimea and Eastern Ukraine, and at the other end of the spectrum is the activity which the Treasury Department has documented continues to this day of trying to inject themselves into our democracy. And we clearly have not changed his risk reward calculus or his behavior thus far.

MR. SCHRAM: Is it one of the ways that Vladimir Putin injects himself into our democracy, by promoting the narrative that the Vice President's actions in Ukraine were in some way corrupt?

AMBASSADOR PYATT: So I think on this we're sort of veering towards classified, and I would ask my State Department colleagues to help out. I would simply refer everybody back to the Treasury Department statement of September 10, on Andrii Derkach, and the documentation that provides in an unclassified setting, the Russian covert influence campaign, and then the statement that Secretary Pompeo made this same day, amplifying the fact that this was a Russian-directed covert influence campaign centered on
manipulating the American political process to advance Russia's maligned interests.

MR. THOMAS: This is Ken Thomas. Thank you, Ambassador. I would just remind everyone that we do look to the Ambassador with his experience on classified information to be the first canary in the coal mine. So, Ambassador, I will—if you feel anything is touching upon classified then you should defer, and if there's any question about that they can come to me.

AMBASSADOR PYATT: Okay. Thanks, Ken.

MR. SCHRAM: Ambassador Pyatt, you refer to the statement of the Department of Treasury on September 10, "Treasury sanctions Russia-linked election interference actors." And with respect to Mr. Derkach, the statement says, "From at least late 2019 through mid 2020, Derkach waged a covert influence campaign centered on cultivating false and unsubstantiated narratives concerning U.S. officials in the upcoming 2020 presidential election, spurring corruption investigations in both Ukraine and the United States designed to culminate prior to election day. Derkach's unsubstantiated narratives were pushed in the Western media through coverage of press conferences and other news events, including interviews and statements."

That's what you're referring to?

AMBASSADOR PYATT: Yes.
MR. SCHRAM: Ambassador Pyatt, in Chairman Johnson's--

AMBASSADOR PYATT: Just to continue on that, I would also—I would emphasize the further nuance provided by Secretary of State Pompeo's statement on the same day.

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

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

AMBASSADOR PYATT: No.

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

AMBASSADOR PYATT: Yes.

MR. SCHRAM: Did a potential conflict of interest related to Hunter Biden influence the Obama administration's policy decisions with respect to Ukraine and Burisma?

AMBASSADOR PYATT: Never, to my knowledge.

MR. SCHRAM: Did Vice President Biden alter U.S. Government foreign policy concerning Ukraine to assist
1 Biden--pardon me, to assist Burisma or to assist his son?
2 AMBASSADOR PYATT: Never, to my knowledge.
3 MR. SCHRAM: Did you witness any efforts by any U.S.
4 official to shield Burisma from scrutiny?
5 AMBASSADOR PYATT: None at all.
6 MR. SCHRAM: Was the U.S. Government position
7 advocating for the removal of Prosecutor General Shokin part
8 of an effort to stop an investigation into Burisma?
9 AMBASSADOR PYATT: No. It had no relationship.
10 MR. SCHRAM: Did you have a view at the time about
11 whether or not removing Prosecutor General Shokin would make
12 more or less likely the success of corruption investigations
13 against Burisma?
14 AMBASSADOR PYATT: We believed--let me answer that two
15 ways. First of all, I think--I hope it's been evident from
16 my past hour and a half of comments that the anticorruption
17 agenda in Ukraine was much broader than just this one
18 individual, Zlochevsky. It was a matter of systemic
19 corruption. We certainly believed that dealing with that
20 systemic corruption, including the deeply corrupt
21 relationship between Ukrainian oligarchs, the political
22 system, the media, the presidency, was not going to be
23 broken under the approach that Prosecutor General Shokin was
24 pursuing.
25 MR. SCHRAM: And that was the view of the U.S.
AMBASSADOR PYATT: That was the policy of the U.S. Government.

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

AMBASSADOR PYATT: No. As I said, it was formulated by the interagency process in all of its glory.

MR. SCHRAM: Let's expand on that for a moment. In the previous hour you talked about that decision coming from the interagency process, and that's the spear and you're the tip of the spear, to implement it in country. Am I paraphrasing you accurately?

AMBASSADOR PYATT: Yes.

MR. SCHRAM: So that is with respect to the decision, the policy decision to condition aid to Ukraine on anticorruption reforms, including the removal of Prosecutor General Shokin. Do you know where the idea came from? I'm trying to separate the idea from the decision.

AMBASSADOR PYATT: No, I understand what you're getting at. I actually don't. You know, as I said, I've been in this business for 31 years. There are a lot of major policy initiatives that I'm very proud of. I can't, off the top of my head, think of a single one where I can say yeah, that was my idea--I was the Einstein, who thought of it, and then
I just brought along, you know, another 10,000 people across the U.S. Government.

So I actually don't remember—don't recall who the—you know, where the idea would have first surfaced. I can surmise, contextually, that probably the first place we would have heard an idea like that is from our civil society partners in Ukraine. You know, again, I gave speeches about this, that a big part of what we were trying to do when we were working on these issues was to give the Ukrainian people the kind of government they had earned, through 10,000 deaths, through fighting and dying on the Maidan and Eastern Ukraine.

I remember as we rolled out this condition, and the broad condition of deep reform in the Prosecutor General's Office, I used to make the point to President Poroshenko and others that he didn't need to do this to satisfy me or to satisfy Vice President Biden or to satisfy the U.S. Government's loan guarantee conditions. He needed to do this to get himself reelected, to live up to the expectations and the trust that the Ukrainian people had placed in him when he was elected President of this country.

In many, you know, it's after my time, but the election, the massive defeat of President Poroshenko and the election of President Zelensky, an outsider, a young outsider, with no Soviet history to his biography, was a
perfect manifestation of the point that I was making in that space.

So this was--and a lot of the information that our Embassy was reporting on these issues, some of it, as I said, came from people like Jeff Cole and our Department of Justice advisors, who were working with David Sakvarelidze and Vitaly Kasko and other reforms in the Prosecutor's Office. But a lot of it also came from Ukrainian civil society groups like AntAC and the anticorruption groups that were supported by USAID but with sharp political officers in the Embassy staying in close touch with them.

So contextually--and again, maybe somebody will eventually write a history on this--you know, I think it's entirely possible that this idea first began to emerge from Ukrainian civil society groups, or the partners of Ukrainian civil society groups in the United States, including members of congressional staff. And, you know, you've got to be pretty brave to be an anticorruption reformer in a country like Ukraine, and most of them were pretty smart about their relations with key staff of the Foreign Affairs Committee and the Foreign Relations Committee and elsewhere in Congress as well.

MR. SCHRAM: As you described the interagency process, you used the word "instruction." You took this decision as an instruction on policy with which--of which it was your
responsibility to implement.

AMBASSADOR PYATT: Right.

MR. SCHRAM: So to be clear, who does the "instruction" come from?

AMBASSADOR PYATT: Oftentimes it will come in a telegram, and I don't know, in this case. I mean, typically, the way these things would work is there would be an interagency discussion. The White House, the National Security Council would provide a summary of conclusions. The summary of conclusions would have numbered conclusions, and one of those conclusions would be the Embassy needs to press for deeper reform of the Prosecutor General's Office. And it would say "action," and the action would be USAID or Department of Justice or U.S. Department of State. And then that action gets translated either as a front channel telegram, the kind of thing I get every single day--I got one yesterday and it has Mike Pompeo's name at the bottom of it. I'm confident Secretary Pompeo never saw it. But that's the institutional instruction in the State Department--or an email from the Assistant Secretary or the Bureau, if I'm talking to the front office, in this case.

MR. SCHRAM: So this was not an instruction that came from the Vice President outside of any regular channel.

AMBASSADOR PYATT: I never saw Vice President Biden operate in any way outside of the normal policy process.
MR. SCHRAM: And with respect to this policy, did you agree with it?

AMBASSADOR PYATT: Absolutely. That's why I gave speeches about it.

MR. SCHRAM: So it's fair to say, to summarize, that it was a whole-of-government policy to condition foreign aid in part on the removal of Prosecutor General Shokin.

AMBASSADOR PYATT: Yes. And I want to spend a lot of time explaining this, because I think it's important to understand that this was an evolution. So if you go back, for instance, to my Odessa speech in the fall of 2015, where I talk about these issues, I used the phrase "reform to the Office of the Prosecutor General." I didn't use the phrase, "Get rid of Shokin," because we were still hopeful, at that point, that systemic reform could be accomplished without the abrupt step of changing the Prosecutor General, with all the challenges that that would present to Poroshenko, and finding somebody who would be an appropriate successor, et cetera, and working that conformation process within the delicately balanced state of the parliamentary government in Ukraine.

So the--

MR. SCHRAM: So let's--

AMBASSADOR PYATT: --later in the year towards the conclusion that Shokin had to go.
MR. SCHRAM: Let's focus, then, on the events around
the Odessa speech that you've just raised. That speech, as
I understand it, was on September 25th at the Odessa
Financial Forum, and as you said you criticized the
Prosecutor's Office. At that time, who was the Prosecutor
General?

AMBASSADOR PYATT: I don't remember. You'll have to
check. It's probably Shokin but you'll have to check.

MR. SCHRAM: Prior to Shokin, who was the Prosecutor
General?

AMBASSADOR PYATT: I'm too old to remember that.

MR. SCHRAM: Okay.

AMBASSADOR PYATT: I'm sorry to be glib. I honestly
don't remember. I mean, you know, Greece is a country of 11
million people so I've learned a lot of new names over the
past four years. The only way you can do that is by doing a
memory dump on the old ones.

MR. SCHRAM: Fair enough. Do you remember what led you
to have concerns about Zlochevsky and corruption?

AMBASSADOR PYATT: Yeah. So let me explain sort of how
that all came about. So as I described in the earlier round
of questioning, this was part of a gradual evolution of the
U.S. Government concern about a set of issues that had been
one of the three pillars of our policy going back to the
first days of the new government.
I was invited to Odessa Financial Forum to give a speech, and when I was invited I sat down with my guys and I said, "You know, I think it's time for me to say something really direct about corruption." The reason I chose to do that in Odessa was three-fold. One, Odessa, in those days, had an aggressively reformist governor, Misha Saakashvili, who came from Georgia and who had a reputation for shaking things up. Two, Odessa had been historically one of the most corrupt regions of Ukraine, and its, you know, typical port, Casablanca, mafias, casinos, all of the usual ingredients of shady business, shipping. So Odessa was a location that I knew would resonate symbolically. And three was the sense that it had come time to take these issues out of our private diplomacy and raise them up more publicly. And I knew that if I gave this speech in Odessa it would do that.

So I asked my team to put together the remarks. It was, like every other speech I gave, a team effort, including the political section, the public affairs section, the INL section. I was really lucky to have a really strong INL office, which was generously funded by the Assistant Secretary in those days. And the RLA as well.

I remember when I got one of the drafts of it I said, "You know, it needs a specific example or two," and so I asked my guys to come up with recommendations of specific
examples. The two that I think we were throwing around, one was a case about the diamond prosecutors, and I won't bore you with the details but the diamond prosecutors got known as the "diamond prosecutors." They were corrupt prosecutors also. The Ukrainian Intelligence Agency raided their office, and when they cracked open their office safe they found bags of loose diamonds, so that's how the diamond prosecutors got their name.

And then you had the case of Zlochevsky, which was a particularly egregious case for my Department of Justice colleagues, because they worked very hard on it, along with the British government, on a very complex asset forfeiture, asset seizure case, which was intended to recoup, for the Ukrainian people, the money that was stolen from them. We knew that when Yanukovych fled the country he took literally hundreds of millions of dollars of Ukrainian state assets with him. It was diamonds, bearer bonds. I remember there was one residence belong to one of his Cabinet members that the police raided in downtown Kyiv after these guys all left, and they all had like gym bags. On the security cameras at the airport you saw footage of the gym bags that they had, and there was footage from the security cameras at Yanukovych's residence of dolly carts rolling out to the helicopters with what looked like stacked gold bars. So these guys took a lot with them.
This one particular Cabinet member, at his residence, he left on the kitchen/dining room table bags—bundles of hundred dollar bills, bags of loose diamonds, a collection of Rolexes. And I remember saying to my guys, "If that's what they left behind, when they were running out, imagine what they had in their carry-on bag?"

So this was wholesale looting of the country, and this case against the former Environment Minister Zlochevsky was the first attempt at trying to recoup some of those assets. We had a whole FBI task force. The FBI had sent agents out to Ukraine, who were looking over documents from Yanukovych's residence, who were trying to help the Ukrainians build the evidentiary chain to trace back, do the forensic accounting on some of this stuff.

But this was a really important case and it fell apart when the Prosecutor's Office, over a Christmas holiday period, sent a letter to the court in UK saying, "Never mind. We're not interested anymore." So this was a particularly egregious one for my Department of Justice colleagues. So that's how that ended up being in the speech.

MR. SCHRAM: After that happened, after the Prosecutor said, "Never mind. We're not interested anymore," was it the U.S. Government's hope that Prosecutor General Shokin would cooperate with UK officials on the Zlochevsky matter?
AMBASSADOR PYATT: And many other cases where he was--where he and his institution--and again, it was an institutional problem, where he and his institution were systematically failing to go after individuals who were credibly accused of corrupt behavior.

MR. SCHRAM: Did Shokin reopen the case against Zlochevsky?

AMBASSADOR PYATT: I don't remember. I can tell you, Shokin was widely viewed as--as I said, by his professional peers--I'm not a lawyer, but Shokin was widely viewed by his professional peers from the United States as ineffective in his role. And, you know, again, I had any number of meetings with him, which would be documented in Embassy Kyiv classified recording cables, where I walked through with him the specific changes that we sought.

One of those, for instance, was the creation of an independent inspector general inside the Prosecutor General's Office. You know, and I'm an optimist. I wouldn't be an American diplomat if I wasn't an optimist. And so every time we'd get one of these small changes we would always hope, okay, maybe this is really the start of a new phase. But inevitably we were always disappointed.

MR. SCHRAM: Why were you disappointed?

AMBASSADOR PYATT: Because of the failure to deal with the problem of corruption at the senior-most levels of the
Ukrainian Government. You know, I think it's important--
it's important to recognize, as I said in my earlier
remarks, this was a legacy problem. It was a legacy of the
Soviet Union. The Soviet system was built on a lie, and it
inculcated a political culture in which corruption was the
grease that made the political system work, and that ranged
from petty corruption--you know, everyday Ukrainian citizens
who had to pay money under the table to get medical
treatment or who had to pay money under the table so that
their teacher would show up to work at their children's
school--and the big corruption that people like Zlochevsky
were involved in that involved stealing hundreds of millions
of dollars from Ukraine and from the Ukrainian people.

MR. SCHRAM: Was it your hope that your speech would
get their attention and advance the case of reform in the
prosecutor general's office?

AMBASSADOR PYATT: Absolutely. I mean, you know, as
Ambassador, everything I do I try to do strategically. I
always ask--will ask my team, you know, "What's the headline
that I want to come out of this speech? What am I trying to
do here?" And in that case, what I was trying to do was to
induce change in the behavior of the prosecutor general's
office.

MR. SCHRAM: And why did you--you talked about why you
mentioned Zlochevsky individually. Was there a reason you
didn't mention the company Burisma?

AMBASSADOR PYATT: I'm not even sure if I knew at that point what Zlochevsky's relationship to Burisma was. I'm sure I had people in my embassy who knew that, but I don't actually recall when that was brought to my attention. It was certainly brought to my attention by later that fall as the issues around Burisma began to surface. But I was focused on—I think when you read the speech, you'll see what I was focused on was not contemporary Ukrainian affairs but the corrupt activities that Zlochevsky had been involved with as Environment Minister.

MR. SCHRAM: But it's fair to say in September you still had hope for Shokin?

AMBASSADOR PYATT: Absolutely. In retrospect, clearly misplaced hope, and, you know, this was a conversation that I would have with President Poroshenko and the others in the government saying to me but also saying to other senior officials, just give the guy another chance, you know, he's really going to change the system.

MR. SCHRAM: And how did you lose faith with respect to Shokin's ability to change?

AMBASSADOR PYATT: It's less me losing faith than the U.S. Government, and, again, the two or the three critical inputs in that U.S. Government judgment were what we were hearing from Ukrainian civil society, what we were hearing
from the U.S. Department of Justice experts—and, again, I'm not a lawyer, so I'm not competent to judge whether the delay in bringing a case is a matter of incompetence, ineffectiveness, or if it's just the way things have to work because you have to get the documents together. So the judgment of my legal advisers and the Department of Justice experts was critically important. And then, finally, what we were seeing from the intelligence community.

Chairman Graham. When you or members of your staff get information in-country from civil society, how is that information communicated to Washington? And how does it become part of the policy process?

AMBASSADOR PYATT: You know, if it's my embassy, it eventually gets written into a State Department cable, which goes to the wide audience in Washington, D.C. There's a lot more that gets done by email these days in our system, which is natural and understandable. But as I said, I actually appreciate the discipline of a cable because it forces people to think through cause and effect a little more carefully than is the case in an email that you're pounding out on an iPhone while you're driving to work or something.

MR. SCHRAM: Do you think that if we had access to contemporaneous cables it would show these concerns being reflected?

AMBASSADOR PYATT: I am absolutely certain it would
1 demonstrate those concerns.

2 MR. SCHRAM: Turning to the Vice President's trip to
3 Ukraine in December 2015, at the time of Vice President
4 Biden's visit, had Prosecutor General Shokin made any real
5 progress toward investigating corruption or reforming the
6 prosecutor general's office?

7 AMBASSADOR PYATT: So as I said, there were little baby
8 steps from time to time. I think I mentioned the
9 establishment of the independent inspector general within
10 the prosecutor general's office. That was something that we
11 had pushed for. In one of those meetings with Shokin, I
12 know that I handed over a tick list that was drafted for me
13 by the combination of the political section, the economic
14 section, the INL team, and the Department of Justice team
15 with specific suggestions for reform. I think that also may
16 be in one of the documents that you guys sent this
17 afternoon. I'd have to relook at it again. I only got it 5
18 minutes before we started here, so I only glanced at it
19 once. But I think the draft conditions precedent have some
20 of that language as well.

21 MR. SCHRAM: Turning again to Exhibit 1, what the
22 majority entered as Exhibit 1, and to the page that begins
23 with "Goals and Objectives." Do you have that in front of
24 you?

25 AMBASSADOR PYATT: Yeah, and I apologize, I actually
got--the numbers on mine are totally different, and I put
that back in my stack of papers here, so it's going to take
me a minute.

MR. SCHRAM: No problem. I won't refer to the numbers.
At the top it says "Sensitive but unclassified, November 22,
2015."

[Pause.]

AMBASSADOR PYATT: I know it's here because I haven't
left my chair, so I couldn't have put it too far--

MR. SCHRAM: Ambassador Pyatt, I'm just going to ask
you about one sentence in that memo. We can put it up for
you if that works.

AMBASSADOR PYATT: Yeah, sure.

MR. SCHRAM: Just a moment.

AMBASSADOR PYATT: Here it is. I found it.

MR. SCHRAM: Okay, great.

AMBASSADOR PYATT: Which page?

MR. SCHRAM: The Bates number ends in 8-5, and at the
top it says "Vice President Biden's meeting with Ukrainian
President Petro Poroshenko."

AMBASSADOR PYATT: Yes, I've got it in front of me.

MR. SCHRAM: Okay. That's great. So the second
section is labeled "Background," and about a third of the
way down, the first paragraph, drawing your attention to the
sentence that starts, "There is wide agreement."
AMBASSADOR PYATT: Sorry? I lost you there. "There is wide agreement that anticorruption must be at the top of this list." Yes, got it.

MR. SCHRAM: That's right. And "that reforms must include an overhaul of the prosecutor general's office, including the removal of Prosecutor General Shokin"--

AMBASSADOR PYATT: Right.

MR. SCHRAM: --"who is widely regarded as an obstacle to fighting corruption."

AMBASSADOR PYATT: Right.

MR. SCHRAM: Do you know what the "wide agreement" refers to?

AMBASSADOR PYATT: What I've spent the past 2 hours talking about, the interagency community's agreement. The "There is wide agreement" is a reflection of what I've described, which is the view of the interagency community on this.

MR. SCHRAM: And what about our international partners? Do you know if they had a view on this at the time?

AMBASSADOR PYATT: Certainly, as I mentioned in the beginning, I worked particularly closely with my EU ambassadorial counterpart, Jan Tombinski; with the French Ambassador, with the German Ambassador, or the British Ambassador. Jan in particular, he was an extremely skilled diplomat, a good colleague, and the most important thing to
know about him is that he was Polish. So Poland, like Ukraine, had lived through this process of de-Sovietization, and they had a very severe process of institutional reform, which is what positioned them to become what they are today, a NATO ally, an economically prosperous member of the European Union. So Jan was particularly focused, much more so than I could be as a privileged American, on the task for reforming Ukrainian society that had to be accomplished. If anything, I think his views on the removal of Shokin were even stronger than mine, and I know he communicated those to the President, to the prosecutor general, and the Ukrainian Government. And I think we actually did so together on a couple of occasions with joint presentations.

MR. SCHRAM: You've spoken movingly about the importance of congressional support for our policy and bipartisan congressional support. How was the policy—specifically with respect to anticorruption reform, how were those policies communicated to Congress?

AMBASSADOR PYATT: So I can talk about what I did in Ukraine. I can assure you that every congressional delegation that came to Ukraine, staff and members—and there were a lot of them, including, I should add, our current Acting Assistant Secretary for Legislative Affairs. But every one of those delegations we would have discussed the anticorruption agenda with, because as you've heard me
describe, it was one of the three pillars on which the
policy approach that I was presenting rested.
I can't help you in terms of how these things were
communicated in Washington. I can tell you I made it a
habit when I was Ambassador to go up on the Hill, and I
still do. Every time I'm in Washington, I offer myself up
to the Foreign Relations Committee. I think Lydia will
attest that Senator Johnson and I--I probably had more
meetings with Senator Johnson than just about any other
member of the Foreign Relations Committee on the Republican
side. And I'm very grateful for the support he's provided
and the interest that he's shown in my work as Ambassador.
And we certainly would have talked about these issues.
MR. SCHRAM: And when you say "these issues," what are
you referring to?
AMBASSADOR PYATT: The agenda of corruption, of
anticorruption. And as I said, you know, the broad agenda
as described in this briefing memo and many other places of
helping the Ukrainian people to build the kind of society
that they deserve.
MR. SCHRAM: How specific would you get with respect to
our policy, our anticorruption policy?
AMBASSADOR PYATT: Yeah, I think I have to fall back on
the same I'm getting all the best 5 years ago answer. I
honestly--I just don't remember, and, you know, oftentimes,
again, as Lydia will attest, you know, when I have the privilege of sitting down with a busy member like Senator Portman or Senator Johnson, you know, it's oftentimes 10 minutes before a vote, there's somebody else in the waiting room, so I tend to be--when I am on the Washington side, I tend to be pretty tactical and 35,000-foot in my presentation. That's one of the great advantages of having congressional delegations travel overseas because there is no better way to help Congress understand what we're trying to do out here with the taxpayers' money and the important role the Congress plays in advancing America's interests abroad.

MR. SCHRAM: Was it your understanding that Congress supported our anticorruption agenda in Ukraine?

AMBASSADOR PYATT: A hundred percent. That was reflected--and as I said, there is nobody who was more passionate on these issues than Senator McCain. Senator McCain and I actually traveled to Odessa together for the same reason that I gave that speech in Odessa. I count it as, you know, one of the real treasured memories of my time in Ukraine, the work that I was able to do with John McCain and the way he represented the United States of America. I was very grateful for the letter that was signed by a number of congressional leaders to President Poroshenko reinforcing all the messaging that I had been conveying on
anticorruption issues. I don't remember who wrote that letter. I'm going to guess it's Tyler Brace, who is now a colleague in the State Department's European Affairs Bureau who works for Senator Portman, and as I said, Tyler was a really--and Senator Portman was a particularly important partner and supporter on all of these issues. But all the members who signed that letter--Senator Durbin, Senator Shaheen, Senator Portman, Senator Johnson, Senator Kirk, Senator Murphy, Senator Blumenthal, Senator Brown--these are all members who have taken the time to come to Ukraine to understand what we were trying to do there and obviously put their names on a letter to the President, making clear that what Poroshenko was hearing in those days from me, from Vice President Biden, from Secretary Kerry, from Assistant Secretary Nuland was not just an executive branch policy. It was the policy of the whole U.S. Government, including the legislative branch and, in particular, the Senate.

MR. SCHRAM: And at that time, that policy included conditioning aid on the removal of Prosecutor General Shokin?

AMBASSADOR PYATT: Yeah. We just talked about the timeline, and it was public knowledge, again, if I'm remembering that newspaper article that you guys--January 21st, yeah. So all of these issues with the visit to Washington of Vitaly Kasko and Sakvarelidze and the coverage
in the Ukrainian press, which I'm sure there would have been
a great deal of after this story, was all public knowledge
before this letter came out.

MR. SCHRAM: Marking as Exhibit A, I believe this is
the letter that you've been referring to, February 12th,
from the signatories you mentioned to President Poroshenko.

[Pyatt Exhibit A was marked
for identification.]

MR. SCHRAM: We'll just put it up so you can confirm
this is the letter that you've been referring to.

AMBASSADOR PYATT: Exactly.

MR. SCHRAM: And I would draw your attention to the
fourth paragraph and the sentence that starts, "We similarly
urge you to press ahead..." Do you see that line?

AMBASSADOR PYATT: Yes.

MR. SCHRAM: "We similarly urge you to press ahead with
urgent reforms to the Prosecutor General's office and
judiciary."

AMBASSADOR PYATT: Correct.

MR. SCHRAM: So you raised this letter on your own, and
if I am understanding you correctly, you were aware of it at
the time. You were talking about your contemporaneous
understanding of support from Congress.

AMBASSADOR PYATT: Absolutely. I was delighted at the
letter, and I don't remember specifically what I did with
it, but I'm quite confident that I would have gotten a letter like this, and I would have emailed the .pdf to the President's Chief of Staff and said something like, "You will find this of interest. It reinforces everything we've been talking about for the past few weeks."

MR. SCHRAM: So this letter helped you make the case with President Poroshenko that Prosecutor General Shokin needed to be removed?

AMBASSADOR PYATT: Yes. As part of a broad process of urgent reforms to the prosecutor general's office and judiciary.

MR. SCHRAM: I'll stop there.

MR. DOWNEY: Hi, Ambassador Pyatt. Would you like to take a 5-minute break?

AMBASSADOR PYATT: No. Let's keep going. I'm at 189 now, so I've got a long night ahead of me, so let's finish up here, and then I'll go back to doing what I'm paid to do.

MR. DOWNEY: Understood.

MS. JEFFRESS: Could I ask, Brian--and I know you do have more questions, but given Ambassador Pyatt's responsibilities, could we limit the interview to maybe another half-hour for each side and then call it a night so he can get back to work?

MR. DOWNEY: Yeah, I think that generally is okay. While I'm going, I'll let some of my colleagues discuss
that, but I think that should be okay.

MS. JEFFRESS: That would be terrific. Thanks so much.

AMBASSADOR PYATT: All right. Thank you.

MR. DOWNEY: No problem. Ambassador Pyatt, when did you become aware that Hunter Biden was on Burisma's board of directors?

AMBASSADOR PYATT: I don't recall. I think it probably would have been--it was certainly not something that was prominent on my radar scope. It likely would have been around the time that the U.S. press began reporting on this issue, which was the late part of 2015 before Vice President Biden's big visit. And, again, it just reflects the fact, which I've tried to explain over the past 2 hours, that Burisma-Hunter Biden had zero impact on my work. I never met with them. Their positions and interests had no impact on work that I did as America's Ambassador. So it just wasn't something that was on my radar scope. But I certainly became aware of it when the New York Times and others started to write about it.

MR. DOWNEY: So in the winter of 2015 you became aware?

AMBASSADOR PYATT: Yes. Late 2015.

MR. DOWNEY: During your time as Ambassador in Ukraine, did any members of your team raise concerns about Hunter Biden being on Burisma's board?

AMBASSADOR PYATT: I don't recall. You know, one of
the things about being Ambassador is you don't do a lot of water cooler talk. You know, the Navy calls it "the loneliness of command," and it's very much like running an aircraft carrier or something. You know, everybody tells you everything is going great until it runs into an iceberg. So, no, I didn't--so I did not, and I think anybody who's worked with me in the State Department will tell you that I have the reputation as anything but a gossip or a rumormonger. So I don't recall any conversations on this issue. They could have happened, but it would have been out of character for me.

MR. DOWNEY: During your time as Ambassador, after you became aware that Hunter Biden on Burisma's board in the winter of 2015, did any Ukrainian officials raise the topic with you, why the Vice President's son was on this corrupt company's board?

AMBASSADOR PYATT: Again, I don't recall a single instance, and I think given the genesis of our anticorruption policy and the broad focus of our calls for reform of the Ukrainian system, to include fiduciary and the Prosecutor General's Office and the police, it doesn't surprise me that that wouldn't come up, because it was just—it was not a thing in Ukraine. You know, I don't remember. Even, you know, this New York Times story, which you guys dug up and sent out to me, that was just--the day-to-day
concerns of Ukrainians, especially in those days, was not what Hunter Biden was doing. It was whether Vladimir Putin was going to send more troops in, whether their economy was going to survive, whether the political coalition around Prime Minister Yatsenyuk was going to stay intact, and whether they would have the better future that they so desperately hoped for.

MR. DOWNEY: So you've explained all the measures and anticorruption programs that our government was trying to instill in Ukraine. Did you find it awkward that the Vice President's son would serve on the board of a corrupt Ukrainian gas company?

AMBASSADOR PYATT: You know, you're sort of asking me a personal opinion on these things. As Ambassador you really don't get to have personal opinions. So for the past seven years, everything I say, everything I do, where I go out to dinner, you know, everything is scrutinized and everything I do reflects the United States of America.

I'm in Athens. You know, the ancient Greeks used to say the most important title is citizen, and eventually I will go back to being a citizen again. But for now my title is Ambassador, so I don't get to have personal opinions.

MR. DOWNEY: So during--

AMBASSADOR PYATT: And to further answer your question, there was no time at which Hunter Biden's employment by
MR. DOWNEY: During the Vice President's trip to Ukraine in 2015, you mentioned that these articles in The New York Times and other publications were coming out regarding Hunter Biden being on Burisma's board. During that trip, did you discuss with the Vice President the fact that his son served on a corrupt Ukrainian gas company's board?

AMBASSADOR PYATT: It wouldn't have crossed my mind, for the reason I earlier stated, that it had no impact on my work or my life in Ukraine.

MR. DOWNEY: So you never gave thought of raising a concern to the Vice President about this board position his son had?

AMBASSADOR PYATT: No. He's the Vice President of the United States and it would have been wildly out of place for me to raise something like that, especially insofar as it had zero impact on the work that I was doing.

MR. DOWNEY: Did you ever--did you or any member of your team in Kyiv believe that Hunter Biden's position on Burisma's board was a conflict of interest?

AMBASSADOR PYATT: Again, you know, you'll have to ask other members of the Embassy in terms of what their perspectives were. It had no impact on the work that I did.
Conflict of interest sounds like a lawyer's term, so I'm not competent to make that judgment. You know, as a public official I do my OGE forms every day, every year, and I have a clear sense of what my obligations are in terms of conflict of interest, but I simply can't speak to a private citizen like Hunter Biden.

MR. DOWNEY: So you never raised any concerns about Hunter Biden's board membership on Burisma to Vice President Biden?

AMBASSADOR PYATT: I had no reason to raise any concerns about Hunter Biden to Vice President Biden, because it had no impact on my work. As far as I can discern, it had no impact on the vigorous approach Vice President Biden took to implementing and supporting our anticorruption policy, and it just wasn't part of the world that I was responsible for out in Ukraine.

MR. DOWNEY: During your time as Ambassador in Ukraine was there Russians or Russian-aligned oligarchs that were pushing the fact that Hunter was on Burisma's board as, you know, the opposite of what the U.S. policy was regarding anticorruption?

AMBASSADOR PYATT: There was one incidence that was consistent with that, and I was reminded of it in the documents that you guys sent me, that Russia's levers of malignant influence in Ukraine are so extensive and
widespread they hardly needed Hunter Biden in order to undermine the country. You know, the Russians had deeply penetrated--after the collapse of the Soviet Union they deeply penetrated Ukrainian intelligence, the Ukrainian military. The whole energy sector was controlled by Russian interests, because what we're talking about in this instance was Russian gas from Russia flowing through Ukraine to wealthy Russian customers by Germany. That's why the whole U.S. Government, to include the Senate, has been so emphatic in working to block the Nord Stream 2 pipeline, and it's exactly the right policy, is you've got to strangle this stuff off.

So Russia has so many levers of malign influence in Ukraine. There was, as I said there was one instance of a media outlet, which we judged to be heavily influenced, if not a direct tool of the Russian intelligence services, which lifted this issue up as part of an apparent effort to embarrass Vice President Biden. But it didn't get much traction, and as I said, this was not an issue that was widely talked about or widely reported at the time when I was in Ukraine. My guess is there's probably more attention in Ukraine today to all of this stuff than there was at the time when I was there, but you'd have to ask our current team.

MR. DOWNEY: So you mentioned your September 2015
speech in Odessa where you specifically raised Zlochevsky.

Is Zlochevsky an oligarch that's aligned with Russians?

AMBASSADOR PYATT: Again, I think you're sort of--
you're straining both my recollection and also my expertise
on oligarchs in Ukraine. Most Ukrainian oligarchs,
including the really big ones, you know, people like Rinat
Akhmetov, people like the head of PrivatBank, whose name is
escaping me for a minute--

MR. DOWNEY: Kolomoyskiy?

AMBASSADOR PYATT: Yeah—who, of course, has recently
been indicted by the United States Department of Justice
because of corrupt activities in the United States. You
know, all of these guys are shady, to one degree or another.
Zlochevsky, you know, was a minnow compared to a guy like
Kolomoyskiy or Akhmetov. So, you know, you asked me is he
corrupt. I don't know. You know, certainly the judgment of
my Department of Justice experts—and his tenure as an
Environment Minister, was before my arrival. So certainly
the judgment of my Department of Justice experts who pursued
the asset forfeiture case with the UK against him was that
he was deeply corrupt, in terms of his work as Environment
Minister.

MR. DOWNEY: Understood. I think this will be Exhibit
3, and it will be Tab 4, Will, and it's a December 6, 2015,
email that you wrote, Mr. Ambassador. So this is right
before Vice President Biden's trip to Ukraine in December of 2015.

[Pyatt Exhibit No. 3 was marked for identification.]

AMBASSADOR PYATT: Yep. Yeah, this is the Russian origin story that we just talked about.

MR. DOWNEY: Understood. So on December 6, 2015, you wrote an emailing saying, "I assume all of you have the DOJ background on Zlochevsky, the short unclassed version in non-lawyer language, is that the U.S. and UK were cooperating on a case to seize his corrupt assets overseas which had passed through the United States. The case fell apart when individuals in the PGO acted to thwart the U.S. case."

AMBASSADOR PYATT: Right. That's what I described earlier.

MR. DOWNEY: So what was the DOJ background on Zlochevsky? Do they have a report drafted on him? What was that about?

AMBASSADOR PYATT: I think you'll have to ask the Department of Justice. You know, again, I'm neither a lawyer nor a Department of Justice official. I relied on the advice that was provided by my DOJ team. But I'm sure they will be happy to answer that question.

MR. DOWNEY: So there might be more information in the
AMBASSADOR PYATT: I'm certain that the Department of Justice has more information about Zlochevsky because they were pursuing an international legal assistance case on the United Kingdom.

MR. DOWNEY: Do you know what section of DOJ was trying to perfect that case?

AMBASSADOR PYATT: I have no idea. I would probably start with Bruce Swartz, who is the most competent official I've found in the Department of Justice on almost anything that involves this part of the world, Assistant Attorney General who is a superb civil servant. He knows his ground as well as anybody in the U.S. Government.

MR. DOWNEY: So you sent this email to State officials and senior officials and Vice President Biden's office, including Kate Bedingfield, Michael Carpenter, and Colin Kahl.

AMBASSADOR PYATT: Right.

MR. DOWNEY: Why did you assume members of Vice President Biden's office had the DOJ background on Zlochevsky?

AMBASSADOR PYATT: Because that's the way the interagency process works. Mike Carpenter, who is the person further down on this string, was the Vice President's expert on all of these Ukraine issues, and he was somebody
who was involved in all of our meetings and all of our
discussions, and so was Colin Kahl. So I knew that Mike
would have access to the additional classified information.

MR. DOWNEY: So at that time Hunter Biden had joined
Burisma's board in May of 2014, and this email from December
of 2015. So Vice President Biden's staff, at that time,
knew that DOJ had a case against the owner of Burisma.

AMBASSADOR PYATT: I think you'll have to ask them
that.

MR. DOWNEY: Um--

AMBASSADOR PYATT: And again, as I said, I am--as I
told you earlier, I can't remember, at the time I gave the
Odessa speech I can't even remember if I was aware that
Zlochevsky--the speech was about Loches's role as
Environment Minister. It was not about Burisma. And I
don't recall at what time I became aware of the linkage
there.

MR. DOWNEY: Understood. Can we go back and talk
about--

AMBASSADOR PYATT: Again this whole--this email chain,
if you read further down, the whole article, which we
believed at the time was from a Russian-influenced source,
was about Hunter Biden and it was about Burisma and
allegations of corruption. So again, that's--you know,
there you have it, in terms of what the Russians were trying
to put out and what they were trying to propagate. But I want to emphasize what I said earlier, that this was not a prominent issue in Ukraine at the time.

MR. DOWNEY: So I want to kind of explore the gentleman who served as Prosecutor General before Shokin. That was Yarema.

AMBASSADOR PYATT: Yes.

MR. DOWNEY: And you had mentioned that the case that the U.S. and the UK were trying to perfect against Zlochevsky had fallen apart in December of 2014.

AMBASSADOR PYATT: Right.

MR. DOWNEY: Are you aware of allegations that Zlochevsky bribed members of Yarema's team?

AMBASSADOR PYATT: Now that you mention it I remember that that was part of the charge sheet that was made against Zlochevsky, but again, you know, it was a while ago. You've obviously looked at the history more closely than I have.

MR. DOWNEY: Your DCM, George Kent, was--who was spoke to, sir, spoke at length about the alleged bribe and the dollar amount of $7 million to Yarema's team, and the case falling apart as well. So do you know anything more about whether those allegations were given to U.S. authorities?

What do you know about the alleged bribe?

AMBASSADOR PYATT: I know much less than George, because at that time he was the European Bureau's senior
advisor on anticorruption issues, so he followed this stuff intimately. He also followed it from Washington. And one of the other things that you learn as Ambassador is the United States is blessed with a hugely competent intelligence community that gathers a vast array of information. As Ambassador, even as Ambassador, you don't see all of that information because some of it is highly compartmented and is handled just in Washington channels. So there would have been things that George would have seen, working on these issues from Washington, that I would only see if I was visiting Washington and INR asked me to come into a SCIF and sign a piece of paper and get briefed into some compartment. So that's just how the U.S. Government process works.

MR. DOWNEY: So Mr. Kent, Jeff Cole, that you've mentioned during our time with you, from what we understand they seem to be pretty up-to-date and knowledgeable about this alleged bribe that Zlochevsky gave to Yarema's prosecutors or his team. I think you said that Jeff Cole was a good resident legal advisor.

AMBASSADOR PYATT: I was lucky to have him on the team.

MR. DOWNEY: Do you known if Mr. Kent and Mr. Cole continued to pursue those allegations, to make sure that U.S. officials, when they could, investigate that or be part of the team to investigate whether that bribe occurred?
AMBASSADOR PYATT: Yeah, I mean, you're getting to a level of detail--

MR. SCHRAM: I didn't bring up Blue Star.

AMBASSADOR PYATT: --that was below my level of attention as Ambassador. The other thing you find out as Ambassador is, you know, the U.S. government is a big enterprise and you've got to trust your people. I was really fortunate when I was in Ukraine that I had a really strong team. But if I sort of got down into the weeds on everything they dealt with I wouldn't have been able to deal with the other two pillars of our efforts that I've spent some time talking about tonight.

MR. DOWNEY: And just for the record, Zack, I think your mic was on again.

AMBASSADOR PYATT: I'm happy to talk about Blue Star when we get there, as long as we can do it in the next 40 minutes or so.

MR. DOWNEY: Well, let's do it since Zack didn't think we were going to get to it. Did you meet with Blue Star in December of 2015?

AMBASSADOR PYATT: Yes, I did.

MR. DOWNEY: And who--did you request a meeting with them or did Blue Star?

AMBASSADOR PYATT: No, they did. You know, they came to me as an American business group, wanting to introduce
themselves and explain what they were doing in Ukraine. 
I've maintained an open-door policy with American business 
people there and here. It's served me well and it's helped 
me to advance America's commercial interests.

MR. DOWNEY: So we understand this meeting was at the 
U.S. Embassy in Ukraine on December 16, 2015.

AMBASSADOR PYATT: Yes. That sounds about right.

MR. DOWNEY: Can you tell us what Blue Star officials 
wanted to discuss with you?

AMBASSADOR PYATT: I actually don't know. I can't 
remember. But what I'll share with you is that about a year 
ago, when the impeachment process was getting going, I was 
approached by a prominent U.S. reporter who was working on 
this story, and he came to me for comment, because he was 
seeking to report on the Blue Star issue. He told me, the 
journalist, in the question told me that he had spoken to 
Blue Star and that they had come to see me, and that they 
had made their pitch on Burisma and how the company's role 
had been misunderstood, and that they found me totally 
inflexible and unresponsive to their pitch, which sounds 
like me.

So beyond that, though, I don't remember the specifics 
of the meeting. I don't remember the specific points that 
they were making to me. I expect I would have been joined--
I'm certain I would have been joined by some other Embassy
officials, but I just don't recall the specifics of the conversation. It would have been, you know, one of, you know, many, many meetings that I would have had that week in the fire hose issues that I was dealing with as Ambassador at that time.

MR. DOWNEY: What did Blue Star believe you were inflexible on?

AMBASSADOR PYATT: The nature of the allegations against Zlochevsky. I think you will know the timing and the tick-tock better than I will because you've got it in front of you, but I think this was after my Odessa speech. So they probably felt aggrieved by the way I characterized Mr. Zlochevsky. I don't know if they were working for him at the time, but it wouldn't surprise me that they would have raised concerns because I was very blunt, as you know.

MR. DOWNEY: At this December 16, 2015, meeting between you and Blue Star officials, did Blue Star officials discuss Burisma?

AMBASSADOR PYATT: Again, I don't remember. The reporter that I alluded to tells me, or told me, in an email, that he had been told that they had raised Burisma with me.

MR. DOWNEY: Did Blue Star officials with the U.S. at this December 16th, 2015, meeting raise Hunter Biden's name?

AMBASSADOR PYATT: I would be very surprised. My
reputation precedes me in that regard.

MR. DOWNEY: Did you have any other further meetings with Blue Star officials when you served as Ambassador to Ukraine up until the summer of 2016?

AMBASSADOR PYATT: Not that I can recall. They came to see me once here in Greece working on behalf of another client, Caesars International, in conjunction with a billion-dollar integrated resort tender that the Greek government is proceeding with.

At the time, we had three American bidders or interested parties. One was Caesars. One was a company called Mohegan. The other was Hard Rock. And I was very, very careful in that instance as well to meet with any of the American companies interested so that I couldn't be accused of favoring one over the other.

MR. DOWNEY: During this December 16th, 2015, meeting with Blue Star officials, when you speak, sir, are you speaking for the U.S. government policy--

AMBASSADOR PYATT: Everything I've said--

MR. DOWNEY: --and the views of the U.S. government?--

AMBASSADOR PYATT: --is the police of the U.S. government. That's the dilemma of being Ambassador, for better or worse. You don't get a day off.

MR. DOWNEY: So your speech in Odessa is the same?

It's what the U.S. policy and views are?
AMBASSADOR PYATT: Of course, just like the speech that I gave yesterday with a delegation from EXIM and the Development Finance Corporation. Everything I say publicly is the policy of the United States government.

MR. DOWNEY: And that seemed to be clear to Blue Star since they saw you as inflexible. No? Is that a yes?

AMBASSADOR PYATT: Yeah. So I'm--I didn't hear a question. Sorry.

MR. DOWNEY: So when you spoke with them in December of 2015, you said that it seemed they thought you were inflexible regarding Burisma and Zlochevsky–

AMBASSADOR PYATT: Yes.

MR. DOWNEY: --and your comments about them.

AMBASSADOR PYATT: Yes. Although again, I want to emphasize I do not recall the conversation. So the only--the only recollection I'm offering is that which was conveyed to me by a reporter from a major American media outlet, which then went into the State Department public affairs machine and I don't think we ever responded to.

MR. DOWNEY: Are you aware of Blue Star officials, after they met you in December of 2015, meeting with other bureaus and State Department officials here in Washington?

AMBASSADOR PYATT: I know from the documents that you sent that they also met with Under Secretary Novelli, our Under Secretary for Economic Affairs in the State
Department. As I recall, that meeting was focused on the pitch for more resources, additional U.S. government funding for Ukraine.

MR. DOWNEY: So during that time period after you met with them in December of 2015, were you surprised at how aggressive Blue Star officials were with meetings with Ukrainians, meetings with other State Department officials?

AMBASSADOR PYATT: I met with Paul Manafort when he was working for President Yanukovych. So I'm not surprised by lobbying people working hard for their clients.

MR. DOWNEY: Understood.

Just one second, sir.

[Pause.]

MR. DOWNEY: So I'm going back to the December 2015 meeting you had with Blue Star officials. Would you have represented to Blue Star that your representation was the views of the United States government?

AMBASSADOR PYATT: Absolutely.

MR. DOWNEY: Understood.

I'm looking around because I'm trying to figure out how much time we may or may not have. I guess--I've been told we have one minute.

With this final minute, I'll ask you this, sir. After Shokin was removed by the Rada, he was voted out, as you know. That's their process. There was an interim and then
1 Lutsenko becomes the prosecutor general.
2 AMBASSADOR PYATT: Right.
3 MR. DOWNEY: And I know you left Kyiv to go to Athens.
4 Your nomination occurs in the summer of 2016. What was your
5 hope, and what was your view of Lutsenko when he took over
6 the prosecutor general's office in 2016?
7 AMBASSADOR PYATT: Yeah. I was actually among those
8 who thought that Lutsenko would be able to deal better with
9 the problem for the prosecutor general's office. He is
10 somebody who himself had been a victim of selective
11 prosecution. Members of Congress, Senator Durbin, I think
12 Senator McCain, and others worked very hard to achieve his
13 release from jail in a politically--what the State
14 Department considered to be a politically motivated
15 prosecution.
16 And I remember when I was taking the reins in Kyiv, my
17 predecessor, John Tefft, describing to me how emotional it
18 was when he went to meet--went to meet Yuriy Lutsenko when
19 he was released from prison during--before my arrival.
20 And then during the Revolution of Dignity, during the
21 demonstrations of the Maidan, Lutsenko had played a
22 prominent role among those calling for Yanukovych's removal
23 and among those calling for reform. He then was an active
24 player in Ukrainian politics.
25 So I had gotten to know him as a political figure and
as somebody who professed to be strongly committed to building the kind of modern European state that we talked about. So I was among those who was hopeful when he was named.

I mentioned earlier I think that—and you exactly described the politically sensitive process of parliamentary approval that the new prosecutor general had to receive, and I remember some back-and-forth with Washington at the time about how Lutsenko's history and his past would work both in favor and against his parliamentary approval.

But I certainly was among those who was hopeful that he would turn a new page in terms of how the prosecutor general's office operated. I think that view was shared by a lot of my colleagues in the interagency community, and as you noted, I departed in August. So I wasn't around for what happened afterwards.

MR. DOWNEY: So before you departed in August, sir, was Burisma's owner, Zlochevsky, ever held accountable for Athens?

AMBASSADOR PYATT: I don't—you know, he—Zlochevsky certainly was not that I recall.

I think I've made available to you—and if not, the State Department, I'm sure would be happy to. I'm quite proud of my last interview in Kyiv. It was given to the Kyiv Post around July, but I was asked--
MR. DOWNEY: We've read it, yeah.

AMBASSADOR PYATT: I think it's a very good distillation of what I tried to do over my three years, and let me add. I know you guys have had to listen to a lot of my ambassadorial war stories, but if I can just give you one more philosophical point.

You know, I've had an extraordinary privilege over seven years now to represent the people and government of the United States of America. The most humbling experience that I've had in both countries is when random citizens--and it's happened in both Ukraine and here in Greece. People I've never seen before come up to me on the street and say, "Ambassador, you don't know me, but I just want to say thank you for what America is doing to help my country."

But you have to--you know, you always have to remember, and this is my--sometimes my political appointed colleagues aren't as good about remembering this because I come out of a system where I worked 25 years before I held up my hand and swore the oath of office.

But you always have to remember it's the office, it's not you, and it's temporary. And so when you're in that role, I always say it's like paddling those--remember the cartoons with the canoe above a waterfall? And you're sort of handed the paddle, and you just row as hard as you can. And you pull as hard as you can, and you hope that you move
the canoe forward a little bit. And then at some point, you tag out, and somebody else comes in and picks up the paddle and keeps rowing.

And I think on these issues of anticorruption in particular, I'm hugely proud. First of all, I'm proud that the canoe didn't go over the waterfall. I'm proud of the fact that we clearly moved the issues forward. The situation was better when I left Ukraine than it was when I arrived, both in terms of the forwarding of Vladimir Putin's agenda, but also the beginnings of the process of reform.

And you'll see in that interview, I talked a lot about how with that three-year time perspective, I was optimistic that Ukraine had reached a point of no turning back. The process of reform had proceeded far enough that there would never be another Yanukovych, just institutionally corrupted, depended on Russia dictator.

I still think that's the case, and as I said, I wouldn't have been able to say that without very strong support from Senator Johnson and, as I said, Senator McCain, Senator Menendez, Senator Durbin, Senator Portman. I'm going to leave out a few people, and I'll feel bad about it when I read the transcript.

But all of that was done in the spirit of a bipartisan U.S. policy, and it pains me greatly to see how this bipartisan issue, which is so important to the interest of
the United States and Europe, has become such an issue of political discord.

MR. DOWNEY: Well, we thank you for your continued service, Mr. Ambassador.

It's 1:37, and the Majority's time has ended, and we'll turn it over to the Minority.

Thank you, sir.

AMBASSADOR PYATT: Thanks.

MR. SCHRAM: Ambassador Pyatt, in your frequent travels with the members of the congressional Ukrainian caucus, did any of them ever bring up Hunter Biden's position on the board of Burisma?

AMBASSADOR PYATT: Not that I recall. I had a phone call with--during my time as Ambassador, there was no instance that I can recall. I had a phone call with Senator Graham about a year ago. It was relatively brief. It was when I was in Washington, and he asked me exactly that issue. And I was very gratified. I gave him the answer, which you would expect me to give, basically the three-minute version of what we've spent the past two and a half hours on, and Senator Graham's answer to me was along the lines of "Thank you very much, Ambassador. You know how much we all respect your work." It's important for me to hear that from you.

MR. SCHRAM: So Chairman Johnson never mentioned it to
you in 2014, '15, or '16?

AMBASSADOR PYATT: Not that I can recall, but again, Senator Johnson will know better.

MR. SCHRAM: With respect to your meeting with Blue Star, we've discussed with the Majority, and apologies for the hot mic incident. Thank you, Brian, for your grace in handling it. Was Hunter Biden's name used by Blue Star or any representative from Burisma in order to secure a meeting with you?

AMBASSADOR PYATT: No.

MR. SCHRAM: Did you provide special treatment to Blue Star Strategies?

AMBASSADOR PYATT: Absolutely not.

MR. SCHRAM: At the time of you--

AMBASSADOR PYATT: I don't even think I gave them a cup of coffee.

MR. SCHRAM: I could use a cup of coffee.

At the time of your meeting in December 2015, what was the State Department's perception of Burisma, briefly?

AMBASSADOR PYATT: Again, I just--I can't answer that question well be cause it just was not on my radar scope. It was not something that I was talking about with Washington policy officials.

We dealt with it in the context of the press guidance, which had to be developed around Vice President Biden's
visit to Kyiv.

Energy companies generally in Ukraine for the reasons I described earlier, there are a lot of--there are a lot of "watch out fors" around anybody who is in the energy business in Ukraine because the penetration--the relations with Russia are so deep because the history of corruption is so longstanding. And again, Zlochevsky is an example of that.

But I've also worked with very well-known American energy companies like ExxonMobil and Chevron, and I trusted that they had corporate compliance policies. And if you talk to an executive from ExxonMobil and Chevron, they would tell you exactly the same thing about the energy business in the post-Soviet world.

And remember I was involved with these issues in Ukraine as Ambassador but also as PDAS in SCA where I was responsible for the countries of Central Asia. So that includes oil export in Turkmenistan and Kazakhstan. So this was pretty familiar ground to me, and you just learned to tread very carefully and follow all of the rules that the U.S. government system has put in place so that our behavior as senior government officials is transparent and above reproach.

MR. SCHRAM: And that was the case in this instance, too?
AMBASSADOR PYATT: Yes.

MR. SCHRAM: Your behavior and the behavior of other senior department officials was beyond reproach?

AMBASSADOR PYATT: Yes.

MR. SCHRAM: Did your perception of Burisma change as a result of one meeting with Blue Star?

AMBASSADOR PYATT: No.

MR. SCHRAM: Did the State Department's views on Burisma change after meetings with Blue Star?

AMBASSADOR PYATT: No.

MR. SCHRAM: Based on what you know and observed, did U.S. policy change in any manner to favor Burisma as a result of Blue Star's representation?

AMBASSADOR PYATT: No.

MR. SCHRAM: Did Hunter Biden's role at Burisma become a means to influence matters at the State Department in any way?

AMBASSADOR PYATT: In no way at all.

MR. SCHRAM: Do you believe that your interaction with Blue Star executives influenced matters at the State Department to change Ukraine policy?

AMBASSADOR PYATT: Not in the slightest way.

MR. SCHRAM: Do you believe Blue Star's interaction with any State Department officials influenced matters at the State Department to change Ukraine policy?
AMBASSADOR PYATT: Not that I'm aware of because policy was consistent throughout the time that I was dealing with it. It only became harder. It didn't become softer.

MR. SCHRAM: Turning briefly to the loan conditions, you mentioned during the first hour that there was an interagency process. We've spoken about that at length. And conditions were set for Ukraine to receive a third loan guarantee.

I'm marking at Exhibit B--this is a document. At the top of the first page, the number is 017179. It's an email exchange. The first page is dated January 15th, 2016.

AMBASSADOR PYATT: Yeah. That's the one you guys just sent me. Let me see where I put this. I literally printed them out just before--

MR. SCHRAM: I will ask you about--

AMBASSADOR PYATT: Yeah, I've got it.

MR. SCHRAM: You've got it. Okay.

AMBASSADOR PYATT: I think so. Yeah, "Have a good weekend." Yeah, I've got it.

MR. SCHRAM: So turning to the page that shows the proposed conditions of--proposed conditions precedent.

AMBASSADOR PYATT: Right. Yeah. You guys can take the document down now. I've got it in front of me.
MR. SCHRAM: So there were other conditions beyond reform of the prosecutor general's office, correct?

AMBASSADOR PYATT: Yeah. I talked about that in our first hour, but yeah, it was designed to deal with issues like privatization and energy sector reform as well.

MR. SCHRAM: Were those conditions met before providing the third loan guarantee?

AMBASSADOR PYATT: I assume all of the conditions were met before providing the third loan guarantee. I'll have to--I haven't looked at this stuff for a number of years now, but I seem to recall that all of them would have been met.

I would also note an editorial comment and a process comment. One, for me, the most interesting thing about this document is the email distro, which I think illustrates the point I made quite a bit earlier about the vast U.S. government machine that developed these conditions and the number of different dot-gov email addresses that are there, I think, gives you a good sense of how broad the interagency team that reached these conclusions and these conditions was.

And then the other process point I would emphasize is I know from talking to my USAID colleagues that these loan guarantees' conditions are formerly briefed to Congress. So there would have been a congressional notification process,
and there are questions which Congress and especially appropriations staff asks as part of that process. I assume there would be a record about that, that would refine that.

And then when it comes to the time of disbursement, there would have to be some kind of a certification action memo that would check off all the boxes.

So we're talking about a lot of U.S. taxpayer money. So it's not something that anybody gets to decide in their back pocket.

MR. SCHRAM: Prosecutor General Shokin was dismissed by the Rada in March of 2016. Do you recall when the loan guarantee was provided?

AMBASSADOR PYATT: No. But I'm sure—I know that there is an Embassy Kyiv press release that has a picture of me and the then prime minister. It was a new prime minister at that point, Prime Minster Groysman and the mission director, and I vividly remember the room we were in and trying to fit the whole cabinet into a single photograph in the room. So I'm sure that's an easy fact to determine. Just google "Embassy Kyiv Pyatt loan guarantee." It should pop right up.

MR. SCHRAM: We'll try that. Our understanding is it was in September 2016. Is that consistent with what you've just described?

AMBASSADOR PYATT: No, because that would have been
after my departure, but maybe I'm remembering the second loan guarantee in that case. But, anyway, the--yeah.

MR. SCHRAM: But it was well after the dismissal of Prosecutor General Shokin and depended in part on the other conditions that you've outlined, correct?

AMBASSADOR PYATT: That's correct.

MR. SCHRAM: The Majority referred to Exhibit 2, the email exchange dated December 5th and 6th, 2016. You were one of the recipients of the email on December 5th regarding the article, the Ukrainian--quote, Ukrainian scam of the Biden family"

AMBASSADOR PYATT: Right. That's the Russian malign influence example that I talked about.

MR. SCHRAM: Right. Was there any merit to the allegations in the article that the Biden family would begin a, quote, large-scale privatization of Ukraine?

AMBASSADOR PYATT: Of course not. This was manufactured fake information that Russia put out in order to undermine U.S. policy.

MR. SCHRAM: Or a, quote, seizure of state enterprises?

AMBASSADOR PYATT: Again, completely manufactured and very typical of the lines of misinformation that Russia propagated in Ukraine.

Again, remember you have a whole generation of Soviet Ukrainians, and so this issue of state enterprises and
selling off of state enterprises was a very potent--a very
potent button to press, especially for older Ukrainians who
were nostalgic for what they viewed as the more predictable
and safer life that they had in Soviet times.

MR. SCHRAM: And the argument that Hunter Biden's
position on the board of Burisma corrupted U.S.
anticorruption efforts in Ukraine, do you include that as
part of the Russian disinformation narrative?

AMBASSADOR PYATT: Yes, of course. And it's of a
pattern with lots of other Russian disinformation.

Even here in Greece, the embassy has active programs to
help expose Russian disinformation and fake media exactly
like this, which talks about the ecumenical patriarch, the
Russian church, the Greek Orthodox church. This is a
toolkit which Russia is using across Europe to undermine
security and advance their perceived interests.

MR. SCHRAM: Briefly, what are effective ways to
confront Russian disinformation?

AMBASSADOR PYATT: So I have talked about my work with
Senator Portman earlier. I am very grateful for the work
that Senator Portman, in particular, has led along with
Senator Murphy to authorize and fund the Global Engagement
Center. Lea Gabrielle at the State Department is a good
colleague and a big part of her work, and I'm very proud of
the fact that here in Greece, we've been able to partner
with Lea Gabrielle and the GEC in order to develop public
programs to educate citizens and media to be more discerning
consumers of Russian misinformation.
I wish we had had a tool like that at the time that
this stuff was happening in Ukraine because we could have
used it, and again, this is--I talked at the very beginning
about the challenge of Russia's hybrid warfare tactics and
how we as a government are learning how to be more robust in
the way that we push back on that. And this is, I think, an
important element of it.

MR. SCHRAM: You testified that Russia hardly needed
Hunter Biden to work towards undermining Ukraine?

AMBASSADOR PYATT: Yeah. A better choice of words was
Russia did not need, but yes, I said "hardly needed."
Correct.

MR. SCHRAM: So in your view, Russia didn't need Hunter
Biden in their work to undermine Ukraine, but they're
clearly using Hunter Biden now in an effort to undermine our
election currently. Knowing what you know about Russian
malign influence and the credibility of actors like Andrii
Derkach, Andrii Telizhenko, and others, how should we
evaluate narratives promoted by Ukrainian proxies of Russia
with respect to the corruption of the Vice President's
policy, promotion of U.S. policy in Ukraine as a result of
Hunter Biden being on the board of Burisma?
AMBASSADOR PYATT: So I'm going to be very careful on this one, again, because of the classified content of some of it. And, of course, I ceased to be responsible for Ukrainian policy in August of 2016, and I've made it a pretty strict policy that we've got one Ambassador at a time. Or right now we don't have an Ambassador, but I hope that will change soon. General Wald (phonetic) is a fantastic nominee.

I think the Treasury statement and the State Department statement of September 12th don't leave much doubt in terms of the ways in which Russia is using Mr. Derkach. He tried to influence malignly our democracy, our election process. I know that Secretary Pompeo has been very clear in his public statements about the fact that Russia needs to stop, and I think beyond that, in terms of the specific mechanisms that Russia has used, some of which I have been briefed on at a high level of classification, I think that goes beyond what we can do in this unclassified setting.

MR. SCHRAM: Understood. Again, the Treasury's statement refers to false and unsubstantiated narratives concerning U.S. officials in the upcoming 2020 Presidential election. Is the narrative that Vice President Biden's actions in the Ukraine were corrupt, is that a false narrative?

AMBASSADOR PYATT: Yes, it is. And I think you only
need to look at what Secretary Pompeo said about Derkach, what Treasury said about Derkach, and their contemporaneous release of privileged telephone conversations between the Vice President and President Poroshenko by Derkach to understand what's referred to there.

MR. SCHRAM: Ambassador Pyatt, we are very appreciative of your time. I want to note for the record that you offered to conduct this via written interrogatories, and I'll mark as Exhibit C a letter to Chairman Johnson from Acting Assistant Secretary for Leg. Affairs Ryan Kaldahl, which notes that you'd like to answer our questions without compromising your ability to perform critical duties during this fragile time in the Eastern Mediterranean.

[Pyatt Exhibit C was marked for identification.]

MR. SCHRAM: The Chairmen elected not to accept handling this via interrogatory, which has led to your testimony today. I won't take any more of your time. We're very grateful for your service, and I wish you luck in your current duties.

AMBASSADOR PYATT: Thank you. I need it.

MR. DOWNEY: All right. Ambassador Pyatt, Chairman Johnson and Chairman Grassley also thank you for your service. And as we mention to all witnesses at the end, as soon as we have a transcript available, we will provide it
1 to your counsel for you and them to review. I think that
2 this conversation that we had today was fruitful, and it's
3 good to see you. And if no one else has any comments, we
4 can go off the record.

5 MR. FOLIO: Brian, this is Joe. Just one last comment,
6 Ambassador Pyatt, with regard to the letter that Mr. Schram
7 referred to. The letter offered two options: written
8 responses or this interview. And I think Chairman Johnson
9 chose this interview because, frankly, it's a more efficient
10 way, more dynamic environment to answer our questions. We
11 recognize that it's time away from your work. We appreciate
12 you being very generous with your time, and having gone this
13 route, I don't see much, if any, need for follow-up.
14
15 Again, we appreciate it. Thank you very much for your
16 service, and nothing else from us.

17 AMBASSADOR PYATT: Great. Thank you. And I would just
18 ask, in addition to my counsel, I would ask that the State
19 Department be given the opportunity to review the transcript
20 as well, both to make sure that I didn't glance too close to
21 any of the issues of classification, but also because
22 uniquely I'm the one person who's speaking as a sitting
23 Ambassador to Ukraine and as somebody--a Presidential
24 appointee now of two Presidents. So I want to make very
25 sure that everything that I'm saying is fully convergent
26 with U.S. policy. I presented this speaking as a sitting
Ambassador, and in that sense I'm offering not personal views but the views of the U.S. Department of State, so they should be given the opportunity to review and correct anything that I've gotten wrong.

MR. FOLIO: We'll make sure that happens.

MR. DOWNEY: All right. It's 1:57, and we're off the record.

AMBASSADOR PYATT: Thanks, everybody.

[Whereupon, at 1:58 p.m., the interview was concluded.]
Please clear on these. The latest versions are attached.

Best,

SBU
This email is UNCLASSIFIED.

Colleagues,

Attached are the updated P2 and Yats VPOTUS BCLs that include the edits I have received thus far. Please clear ASAP. This needs to go up shortly.

Best,

SBU
This email is UNCLASSIFIED.
Cc: EUR Ukraine Clearances
Subject: OOB Monday, 11/23 Clearance - VPOTUS Yats & VPOTUS Poroshenko BCLs
Importance: High

Colleagues,

Please clear on the attached BCLs for the VPOTUS Kiev trip by OOB tomorrow. A/S Nuland needs to see these tomorrow before she leaves on travel.

Both papers are extremely similar. Thanks for your help and please let me know if you have questions.

Best,

Ukraine Desk
Tel: (202) 647-4117
UNCLASS.
SIPR:

SBU
This email is UNCLASSIFIED.
Vice President Biden’s Meeting with
Ukrainian President Petro Poroshenko
December 7-8 (TBC)

GOALS AND OBJECTIVES

(SBU) Your visit to Kyiv comes as infighting among the parties in Ukraine’s governing coalition is growing and stalling progress on the government’s agenda, popular disaffection with the government is mounting over difficult economic reforms and conditions, and public doubts are worsening over political leaders’ (particularly President Poroshenko and PM Yatsenyuk) commitment to breaking with old-style politics and rooting out corruption. Your meeting with Poroshenko will be an opportunity to press for reenergizing the reform agenda, particularly critical progress on anti-corruption, offer new U.S. support, and encourage Ukraine to continue its efforts at Minsk implementation, particularly on securing an agreement on local elections in the Donbas. Your last call with Poroshenko was November 5 and your last meeting was in New York on September 28.

BACKGROUND

1. (SBU) Unity and Reforms: With local elections in the rear-view mirror and an economy that while still in difficulty, seems to have moved back from the precipice, the time is ripe for President Poroshenko to reanimate his reform agenda. You should recommend that he give a state of the nation speech to the Rada in which he reenergizes that effort and rolls out new proposed reforms. There is wide agreement that anti-corruption must be at the top of this list, and that reforms must include an overhaul of the Prosecutor General’s Office including removal of Prosecutor General Shokin, who is widely regarded as an obstacle to fighting corruption, if not a source of the problem. Reform priorities should also include the judiciary and standing up the new national investigative bureau (akin to the FBI). You will want to press Poroshenko to eschew radical plans and agree with Yatsenyuk on a 2016 budget and tax plan that are consistent with the IMF-recommended program. Poroshenko has prioritized privatization, and you should encourage the government to set up a mega-holding company for 10-20 state-owned enterprises, which will help cut off traditional sources of corruption.
2. **(SBU) U.S. Assistance:** Poroshenko and Yatsenyuk will be looking for tangible signs of U.S. support to assist the Ukrainian people during these difficult times, facilitate further reforms, and help with efforts to defend against Russian aggression. You will sign our third billion-dollar loan guarantee and publicly announce FY 15 U.S. assistance for the first time: $189,035,756 -- which does not include security assistance (previously announced separately). Our support will go to top non-security priorities including: assistance to fight corruption, strengthening the rule of law, supporting civil society, restoring economic stability, carrying out democratic and constitutional reforms, advancing energy security, and supporting OSCE monitoring in eastern Ukraine. The Ukrainian Government has asked for more security assistance and continues to probe occasionally about the possibility of lethal assistance, including beefing up air defenses. Following the successful U.S. National Guard train and equip program which ended on Nov 8, multinational training of Ukrainian conventional and Special Forces began on November 23. The UK, Canada, Lithuania, and Estonia are also participating in training.

3. **(SBU) Minsk Implementation:** You should relay to Poroshenko that the President Obama told President Putin at the G-20 summit that we insist on full implementation of the Minsk agreements. The President agreed with Quint leaders that the EU should renew its sanctions on Russia for six months to be followed by another six month extension if Russia and the separatists do not honor their Minsk commitments. In the past few weeks, combined Russian-separatist forces have ratcheted up attacks on Ukrainian positions, with reports of new weapons and personnel entering separatist territory from Russia. Russia and the separatists also continue to deny OSCE monitors access and to block the delivery of humanitarian supplies by UN agencies and NGOs. Recent meetings of the Normandy format and Trilateral Contact Group and its working groups have resulted in limited progress on some issues like demining, but none on the next key step of agreeing on Donbas election modalities. This is due to Russia and the separatists’ refusal to engage on the election proposal put forward by Ukraine in the political working group, which the government is working to sell to political parties in the Rada simultaneously -- a big challenge. You should encourage Ukraine to put its best foot forward despite these difficulties and offer our help.
TALKING POINTS

1. (SBU) **Unity and Reforms:**
   - Now that the local elections are over, you and Prime Minister Yatsenyuk need to continue to show unity and reenergize reforms.
   - You should do so in a major state-of-the-nation speech to the Rada in which you list the new reforms you plan to pass soon.
   - Anti-corruption efforts have to be at the top of your agenda. That will mean standing up the National Investigative Bureau.
   - It will also require changing the Prosecutor General who is damaging your credibility and obstructing the fight against corruption.
   - I urge you to work with the Prime Minister to present a 2016 budget and tax plan that is in line with the IMF program.
   - I commend your efforts on reform of the judiciary and hope that effort will continue to move ahead quickly.
   - We agree that privatization will be critical, but it must be transparent and well-managed and we think that requires a holding entity that can prevent corruption until state-owned enterprises are fully private.

2. (SBU) **U.S. Support:**
   - We will continue to stand behind you and your reform efforts.
   - I will sign a billion-dollar loan guarantee with you today and announce additional, new assistance for Ukraine of nearly $190 million.
   - This assistance will go to reform priorities such as: fighting corruption, strengthening the rule of law, restoring economic stability, advancing energy security, carrying out democratic and constitutional reforms, and supporting OSCE monitoring in eastern Ukraine.
   - This new announcement does not include security assistance, which we will continue to work separately with you and through the Multinational Joint Commission. I’m pleased the next phase of multinational training of Ukraine’s conventional Special Forces started Nov 23.
   - We need Ukraine to commit the personnel and resources to make this training effort and the Multinational Joint Commission successful.
   - In addition to training, we urge you to commit to institutional reform to build long-term sustainable defense capacity. We stand ready to assist.
   - We recognize Ukraine’s right to self-defense. We have not ruled out providing lethal assistance, but are focused on supporting
international efforts to find a diplomatic solution via the Minsk agreements.

3. (SBU) Minsk Implementation:
   - At the G-20, President Obama told Putin that we insist on full implementation of Minsk.
   - The President agreed with EU leaders that they will renew sanctions for six months, to be followed by another six months if needed.
   - I applaud your efforts to implement Minsk, including your proposal on elections, even when the ceasefire appears under threat. We are concerned about that and have told Russia the violence must cease.
   - You must forge ahead despite these challenges, especially in your work on Donbas local elections. I am glad you are working in parallel to build support among parties in the Rada, which we know is hard.
   - We will continue to help you however we can.
   - We are pressing the Normandy powers and working with others to resolve the continuing access problems for OSCE observers, UN agencies, and humanitarian organizations.

PARTICIPANTS

United States
Vice President Joseph Biden
Ambassador Geoff Pyatt

Ukraine
President Petro Poroshenko
TBC

Attachment:
Biographic Information
Vice President Biden’s Meeting with Ukrainian PM Arseniy Yatsenyuk
December 7-8 (TBC)

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BACKGROUND

1. (SBU) Unity and Reforms: With local elections in the rear-view mirror and an economy that while still in difficulty, seems to have moved back from the precipice, the time is ripe to encourage immediate progress on reforms. You should recommend that Yatsenyuk work closely and collaboratively with Poroshenko on pushing forward reforms and note that showing unity with Poroshenko publically is necessary to instill public confidence in the government. There is wide agreement that anti-corruption must be at the top of the reform priority list, and that reforms must include an overhaul of the Prosecutor General’s Office, including removal of Prosecutor General Shokin. Reform priorities should also include the judiciary and standing up the new national investigative bureau (akin to the FBI). You will want to agree with Yatsenyuk’s vision for a 2016 budget and tax plan that are consistent with the IMF-recommended programs.

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**PARTICIPANTS**

United States
Vice President Joseph Biden
Ambassador Geoff Pyatt

Ukraine
President Petro Poroshenko
TBC

Attachment:
Biographic Information
BEGINNING OF NEW RECORD
From: Zentos, Elisabeth  <elisabeth_f_zentos@nsc.eop.gov>
Sent: Thursday, January 21, 2016 10:46 AM
To: Montgomery, Molly C; Ellsworth, Michael P
Subject: FW: DT: US loan guarantee conditional on Shokin's dismissal

Yes, just talked to the Desk about this.

Recommended that you or Post email Rory informing him of this view. Will be much more influential coming from you (or at least from someone at Post).

From: Pyatt, Geoffrey R [mailto:PyattGR@state.gov]
Sent: Thursday, January 21, 2016 10:31 AM
To: Ciaramella, Eric  <Eric_A_Ciaramella@nsc.eop.gov>; Zentos, Elisabeth  <Elisabeth_F_Zentos@nsc.eop.gov>; Makanju, Anna  
Subject: RE: DT: US loan guarantee conditional on Shokin's dismissal

We also need to readdress all the LG anti-corruption conditions, since some of what we had been asking for is now OBE, and at this stage there’s only one that really matters.

From: Ciaramella, Eric [mailto:Eric_A_Ciaramella@nsc.eop.gov]
Sent: Thursday, January 21, 2016 5:23 PM
To: Pyatt, Geoffrey R; Zentos, Elisabeth (nsc.eop); Makanju, Anna
Subject: RE: DT: US loan guarantee conditional on Shokin's dismissal

Yikes. I don’t recall this coming up in our meeting with them on Tuesday, although we did discuss the fact that the PGO IG condition has not yet been met. (I’ve been meaning to write to you about our meeting—we were super impressed with the group, and we had a two-hour discussion of their priorities and the obstacles they face.)

In yesterday’s IPC we agreed to come up with some interagency press guidance/TPs for UA officials on the Shokin/LG issue. So, we will circle back with EUR and our/their press folks to expedite that effort.

From: Pyatt, Geoffrey R [http://redirect.state.sbu/?url=mailto:PyattGR@state.gov]
Sent: Thursday, January 21, 2016 10:03 AM
According to Dzerkalo Tyzhnya news website, “the U.S. State Department has made it clear to the Ukrainian authorities that it links the provision of a one billion dollar loan guarantee to Ukraine to the dismissal of Prosecutor General Viktor Shokin. This became known during the visit by Deputy PGs Vitaliy Kasko, David Sakvarelidze, and Anti-Corruption Prosecutor Nazar Kholodnytsky to the U.S. The Ukrainian officials are holding a number of professional and political meetings during their working visit to the U.S.”


This email is UNCLASSIFIED.
From: Bedingfield, Kate J. EOP/OVP
Sent: Sun, 6 Dec 2015 16:23:56 +0000
To: Pyatt, Geoffrey R; Carpenter, Michael R. EOP/OVP; Kahl, Colin H. EOP/OVP; Hochstein, Amos J; Nuland, Victoria J
Subject: RE: Podrobnosti.biz : The Ukrainian scam of the Biden family (information on the website included)

Thx

-----Original Message-----
From: Pyatt, Geoffrey R [http://redirect.state.sbu/?url=mailto:]
Sent: Sunday, December 6, 2015 11:13 AM
To: Bedingfield, Kate J. EOP/OVP; Carpenter, Michael R. EOP/OVP; Kahl, Colin H. EOP/OVP; Hochstein, Amos J; Nuland, Victoria J
Subject: Re: Podrobnosti.biz : The Ukrainian scam of the Biden family (information on the website included)

I'd adjust the last sentence to change our desired end state. Something like "...begin rooting out the cancer of corruption that has done so much over the years to hold back economic growth and sap the confidence of Ukrainians in those who govern them."

I assume all have the DoJ background on Zlochevsky. The short unclas version (in non lawyer language) is that US and UK were cooperating on a case to seize his corrupt assets overseas (which had passed through the US). The case fell apart when individuals in the PGO acted to thwart the UK case.

Sent from my BlackBerry 10 smartphone.

From: Bedingfield, Kate J. EOP/OVP
Sent: Sunday, December 6, 2015 6:04 PM
To: Carpenter, Michael; Pyatt, Geoffrey R; Kahl, Colin H. EOP/OVP; Hochstein, Amos J
Subject: RE: Podrobnosti.biz : The Ukrainian scam of the Biden family (information on the website included)

Proposed TPs for the VP if he gets asked after the stories break in the next few days. Especially interested in your feedback on how to answer the third Q if he gets asked. He is not currently slated to take any questions from reporters on the record on the trip, but he will talk to our traveling press at length off the record and will need to be prepared to answer these kinds of questions.

TALKING POINTS

· My son is a private citizen and I'm not going to get into discussing his personal business, it has no impact on my work.

· What I will say, though, is that no one has been tougher in pushing Ukrainian leaders to root out corruption than I have. It has been a primary focus of my discussions, both publicly and privately, for years. And I think you can see from the substance of this trip it remains a major priority for me and for the US government.
Important strides have been made – the appointment of a Special Anti-Corruption Prosecutor and the establishment of an independent Inspector General to prosecute corrupt prosecutors are two good ones. But much more needs to be done and we will continue to encourage everyone involved to commit to meaningful reforms.

Q: Have you asked Hunter to step down from the board? Has he discussed that with you?

A: I'm not going to discuss private conversations with my family. Hunter is a private citizen and does independent work.

Q: Do the optics of this situation undermine your credibility when you're pushing the Ukrainians to clean up their own house?

A: No. I have long pushed and will continue to push for the Ukrainian government to root out corrupt practices. My record on this speaks for itself. I have called on Ukrainian leadership to root out corruption, encouraged civil society reformers to remain focused on this and push the government themselves, and I welcome the news that the government will appoint a Special Anti-Corruption Prosecutor. Important steps have been taken, but there is so much left to be done. Corrupt officials must be brought to justice and reformers must work together to ensure this happens.

Q: Do you think Zlochevsky is corrupt?

A: I'm not going to get into naming names or accusing individuals. We have been working consistently to push the Ukrainian leadership to make meaningful changes in the Prosecutor General's office and across the government to help ensure that the Ukrainian people are represented fairly and fully.

-----Original Message-----
From: Carpenter, Michael
[mailto:<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:]]
Sent: Sunday, December 6, 2015 6:23 AM
To: 'PyattGR'; Kahl, Colin H. EOP/OVP; Bedingfield, Kate J. EOP/OVP
Subject: Re: Podrobnosti.biz : The Ukrainian scam of the Biden family (information on the website included)
Ugh.

+ Kate, CK

From: Pyatt, Geoffrey R
[mailto:<mailto:>
<>

Sent: Sunday, December 06, 2015 01:45 AM
To: Carpenter, Michael
Subject: FW: Podrobnosti.biz : The Ukrainian scam of the Biden family (information on the website included)

A really nasty Russian outlet on the same issue

This email is UNCLASSIFIED.

From: lbi@lbicompany.com.ua
[mailto:lbi@lbicompany.com.ua>

Sent: Saturday, December 05, 2015 7:05 PM
To: Kyiv, Media Alerts
Subject: Podrobnosti.biz : The Ukrainian scam of the Biden family (information on the website included)

this web site is very similar (stile, shrifts etc) to Ukrainian Podrobnosti that belongs to Inter TV Channel - the same name as its TV summary news block at 8pm
but we checked contacts and there is a Russian address there

Podrobnosti.biz

The Ukrainian scam of the Biden family

05.12.2015

Author: Eugene Prosvirin

The news that the son of the US Vice President Joe Biden was appointed to the board of directors of the Ukrainian gas company Burisma Holdings, for the first time appeared in media last spring.

The Internet marked this new appointment unequivocally - a massive stamping folklore entertainment began in social networks. The story had got a special piquancy - Joe Biden's visit to Kyiv in April, where he took a place of the president of Ukraine, not the guest at the negotiation table.

There were even such headlines: "Hunter Biden: a rape of Ukraine with a special cynicism."

The hatred among the public was coursed by the fact that Biden's tandem participates not only in Ukrainian politics, but in the Ukrainian business as well. However, neither Joe nor Hunter weren't ashamed of their imperial approach. On the contrary, they have demonstrated that this could be and should be.

Hunter demonstrated his true management potential in six months after the appointment. In mid-October 2014 it became clear that he failed out of the US Navy Reserve. Hunter failed an ordinary drug test - it was accused of cocaine use. A failed sailor, but a successful businessman due to family ties, said then that he was "deeply sorry" about the incident.

He still owns an investment-consulting company Rosemont Seneca Partners. Nobody took his place it the chair Board of the US World Food Programme, which, with other things, works directly with the UN World Food Programme. He still heads the Burisma Holdings, part of Kolomoisky's financial empire.
A tandem of the influential father and the enriched son opened not a small window but a real portal of capabilities for the Biden family in Ukraine. Analysts make an unnerving forecast: it is quite possible that the Biden family will begin a large-scale privatization in Ukraine, which in fact would be a banal raider seizure of state enterprises. The family has already watched their six at the politician field - it's time to do American business.

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With best regards,

LBI Team

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With best regards,

LBI Team
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,
Senator Rob Portman

Senator Richard J. Durbin

Senator Jeanne Shaheen

Senator Ron Johnson

Senator Chris Murphy

Senator Mark Kirk

Senator Richard Blumenthal

Senator Sherrod Brown
Rachel,

Here’s nearly the latest CP document. We’ve made some very minor tweaks since this version, which I will dig up and send to you tomorrow but wanted to get something to you tonight. Will also loop you into the Ukraine IPC agenda chain when I distribute the agenda tomorrow morning.

Have a good weekend!

Christina

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Rachel,

Thanks again for your time just now.

Is this the proper CP document, or is there a more recent version?

Also thanks in advance for looping me in on the IPC distro.

Rachel

SBU
This email is UNCLASSIFIED.
All,

As discussed at the IPC on 9/30, departments and agencies are asked to approve the attached list of conditions precedent for a potential third loan guarantee for Ukraine. If approved, we would share these as our opening proposal to the government of Ukraine in advance of consultations on the loan guarantee. The final language will be subject to negotiation between the United States and Ukraine and departments and agencies will have additional chances to make line edits.

Departments and agencies are asked to concur with the sub-IPC recommendation that the reform steps listed in the attached word document represent a satisfactory set of conditions precedent for our next Ukraine loan guarantee. Clearance is requested at the IPC level (or above as you judge necessary to achieve departmental sign-off).

Please send responses to awylie@nsc.eop.gov no later than COB October 29, copying me (csegal-knowles@nsc.eop.gov).

The attached PDF document contains background, prepared by departments and agencies, on each of the proposed conditions precedent.

Best,
Christina

From: Segal-Knowles, Christina
Sent: Thursday, October 01, 2015 8:33 AM
To: Wyile, Allison <Allison_G_Wylie@nsc.eop.gov>; 'ramin.toloui@treasury.gov' <ramin.toloui@treasury.gov>; 'Andres.Chong-Qui@treasury.gov' <Andres.Chong-Qui@treasury.gov>; 'Mary.Svenstrup@treasury.gov' <Mary.Svenstrup@treasury.gov>; Singh, Daleep <daleep.singh@treasury.gov>; 'Matthew.Malloy@treasury.gov' <Matthew.Malloy@treasury.gov>; 'Michael.Leonard2@treasury.gov' <Michael.Leonard2@treasury.gov>; 'Nuland, Victoria J' <nulandvj@state.gov> <nulandvj@state.gov>; 'Jeffrey, Jahn F' <JeffreyJahnF@state.gov>; 'EUG‐EE‐Ukraine Econ-DL' <EUR‐EE‐UkraineEcon‐DL@state.gov>; 'Romanowski, Alina L' <RomanowskiAL@state.gov>; 'Wynne, Janine M' <WynneJM@state.gov>; 'F‐EUR@state.gov' <F‐EUR@state.gov>; 'Kubiske, Lisa' <Kubiskel@state.gov>; 'Watson, Samuel R' <WatsonSR@state.gov>; 'dovean@state.gov' <dovean@state.gov>; 'dunniganRL@state.gov' <dunniganRL@state.gov>; 'hochstrasser, Franz J.' <HochstrasserFJ@state.gov>; 'hochsteinaj@state.gov'; 'pyatgr@state.gov' <pyatgr@state.gov>; 'Bond, Clifford G' <BondCG@state.gov>; 'Laitinen, William H' <LaitinenWH@state.gov>; 'JohnstonTL@state.gov' <JohnstonTL@state.gov>; Saad, Fouda <Fouda_P._Saad@omb.eop.gov>; Fairweather, Rob <Robert_S._Fairweather@omb.eop.gov>; Ryan, Erika <Erika_S_Hamalainen@omb.eop.gov>; 'Matthew Murray' <Matthew.Murray@trade.gov>; 'boris.chumak@trade.gov' <boris.chumak@trade.gov>; 'Daniel.Dodds@trade.gov' <Daniel.Dodds@trade.gov>; 'skip.jones@trade.gov' <skip.jones@trade.gov>; 'Mullaney, Dan' <Daniel_Mullaney@USTR.EOP.GOV>; Hafner, Betsy <Elizabeth_Hafner@USTR.EOP.GOV>; Lorenz, Andrew <Andrew_R._Lorenz@ustr.eop.gov>; 'Andrea.Lockwood@hq.doe.gov' <Andrea.Lockwood@hq.doe.gov>; 'Jonathan.Elkind@hq.doe.gov' <Jonathan.Elkind@hq.doe.gov>; 'Urbanas, Elizabeth (Contact)' <Elizabeth.Urbanas@Hq.Doe.Gov>; 'Paul.Tumminia@Hq.Doe.Gov' <Paul.Tumminia@Hq.Doe.Gov>; 'jokatz@usaid.gov' <jokatz@usaid.gov>; 'Gonzales, Laura (KYIV/DIR)' <lgonzales@usaid.gov>; 'Donald McPherson' <bmcpherson@usaid.gov>; 'Gallagher, Leo'
All, Apologies for the repeat email. I understand that some people are having trouble seeing the SOC pasted in the body of the email below. Please find it attached as well.

From: Segal-Knowles, Christina
Sent: Thursday, October 01, 2015 8:05 AM
To: Wylie, Allison <Allison_G_Wylie@nsc.eop.gov>; ramin.toloui@treasury.gov <ramin.toloui@treasury.gov>; 'Andres.Chong- Qui@treasury.gov' <Andres.Chong-Quip@treasury.gov>; 'Mary.Svenstrup@treasury.gov' <Mary.Svenstrup@treasury.gov>; 'Singh, Daleep' <daleep.singh@treasury.gov>; 'Matthew.Malloy@treasury.gov' <Matthew.Malloy@treasury.gov>; 'Michael.Leonard2@treasury.gov' <Michael.Leonard2@treasury.gov>; 'Nuland, Victoria J (nulandvj@state.gov)' <nulandvj@state.gov>; 'Jeffrey, Jahn F' <JeffreyJahnF@state.gov>; 'EUR-EU-Ukraine Econ-DL' <EUR-EU-UkraineEcon-DL@state.gov>; 'Romanowski, Alina L' <RomanowskiAL@state.gov>; 'Wynne, Janine M' <WynneJM@state.gov>; 'F-EUR@state.gov' <F-EUR@state.gov>; 'Kubiske, Lisa' <KubiskeL@state.gov>; 'Watson, Samuel R' <WatsonSR@state.gov>; 'dovean@state.gov' <dovean@state.gov>; 'dunniganRL@state.gov' <dunniganRL@state.gov>; 'Hochstrasser, Franz J.' <HochstrasserFJ@state.gov>; 'hochsteinaj@state.gov' <hochsteinaj@state.gov>; 'pyatgr@state.gov' <pyatgr@state.gov>; 'Bond, Clifford G' <BondCG@state.gov>; 'Laitinen, William H' <LaitinenWH@state.gov>; 'JohnstonTL@state.gov' <JohnstonTL@state.gov>; Saad, Fouad <Fouad_P_Saad@omb.eop.gov>; Fairweather, Rob <Robert_S_Fairweather@omb.eop.gov>; Ryan, Erika <Erika_S_Hamalainen@omb.eop.gov>; 'Matthew Murray' <MatthewMurray@trade.gov>; 'bozichumak@trade.gov' <boris.chumak@trade.gov>; 'Daniel.Dodds@trade.gov' <Daniel.Dodds@trade.gov>; 'skip.jones@trade.gov' <skip.jones@trade.gov>; 'Mullaney, Dan' <Daniel_Mullaney@ustr.eop.gov>; 'Hafner, Betsy' <Elizabeth_Hafner@ustr.eop.gov>; Lorenz, Andrew <Andrew_R_Lorenz@ustr.eop.gov>; 'Andrea.Lockwood@hq.doe.gov' <Andrea.Lockwood@hq.doe.gov>; 'Jonathan.Elkind@hq.doe.gov' <Jonathan.Elkind@hq.doe.gov>; 'Urbanas, Elizabeth (Contact)' <Elizabeth_Urbanas@hq.doe.gov>; 'Paul.Tumminia@Hq.Doe.Gov' <Paul.Tumminia@Hq.Doe.Gov>; 'jokatz@usaid.gov' <jokatz@usaid.gov>; 'Gonzales, Laura (KYIV/DIR) ' <gonzales@usaid.gov>; 'Donald McPherson' <bmcpherson@usaid.gov>; 'Gallagher, Leo' <GallagherL@state.gov>; 'Bruce.Swartz@usdoj.gov' <Bruce.Swartz@usdoj.gov>; 'Newcombe, Catherine' <Catherine.Newcombe@usdoj.gov>; #EUROPE <#EUROPE@dsr.eop.gov>; Carpenter, Michael <MCarpenter@ovp.eop.gov>; #LEGISLATIVE <#LEGISLATIVE@dsr.eop.gov>; #STRATPLAN <STRATPLAN@nsc.eop.gov>; Stroh, Mark <Mark_E_Stroh@nsc.eop.gov>; 'Topping, Jennifer' <ToppingJL@state.gov>
Cc: MacFarquhar, Rory <Rory_MacFarquhar@who.eop.gov>; Leahy, Michael <Michael_B_Leahy@nsc.eop.gov>; Haubrich, Edward <Edward_J_Haubrich@nsc.eop.gov>; Lortie, Josh <Joshua_M_Lortie@nsc.eop.gov>

Subject: RE: Ukraine Loan Guarantee IPC | Wednesday 9/30 at 8:30am, Situation Room

All, thank you for a productive meeting yesterday. Please find a SOC below.

It was agreed:

- The IPC concluded that (1) Ukraine has made sufficient progress on its reform agenda to justify a third guarantee and (2) Ukraine has an economic need for the guarantee and it is in our strategic interest to provide one. As such, the IPC recommends moving forward with a third loan guarantee for Ukraine in the near-term, noting State/F’s preference to issue the guarantee as late as possible to allow more clarity on the budget context and Embassy Kyiv and Treasury’s assessment that Ukraine needs the guarantee by end-2015.

- The IPC notionally approves the following proposed conditions precedent, with the caveats listed below:

  - [Details of the conditions and caveats]
Macroeconomic Stability
Social Safety Net
Anti-Corruption (e-procurement) – but with revised CP language that is more specific.
Rule of Law (prosecutor general’s office) – but with a preference to revise the CP to better ensure that the decision to set up an independent inspector general cannot be easily overturned and that the independent inspector general is subject to appropriate oversight and accountability.

- USAID, working with State, will revise the Anti-Corruption/e-procurement CP to make it more specific (USAID and State by October 6)
- State (including via consultation with State/INL) and DOJ will explore options to further strengthen the PGO CP and submit a revised proposal (State and DOJ by October 6)
- The IPC recommends dropping from consideration the conditions related to Naftogaz receivables, privatization, and the deposit guarantee fund.
- The IPC will be open to reconsidering the condition on the independent energy regulator if there is new information that suggests that the condition is achievable and that including this condition in our loan guarantee agreement will make a material difference in advancing this reform.
- Departments and agencies will continue to search for conditions precedent that would represent a significant but achievable step forward on key reforms (all by October 6). In particular:
  - Treasury will complete draft one-pagers on potential financial disclosure and large taxpayer unit CPs, drawing on information from their ongoing consultation with the IMF and World Bank (Treasury by October 6)
  - USAID, with input from Post and DOE, will update the one-pager on the electricity market law to better reflect the current state of play and any political risks (USAID, State, DOE by October 6)
  - State, working with USAID, will revise the draft CP on e-Governance to make it more concrete. (State and USAID by October 6)
- NSC will host a sub-IPC to discuss new and revised conditions precedent. Please note that this sub-IPC has been scheduled for Wednesday, October 7 at 9:00 am in the White House Situation Room. We will send a separate invitation later this morning.
Third U.S. Loan Guarantee: Proposed Conditions Precedent

1. **IMF PROGRAM:** Ukraine shall fulfill all IMF prior actions of economic reforms and macroeconomic policies necessary to obtain IMF Board approval of the second review of the Extended Fund Facility (EFF) Arrangement. Ukraine shall provide to USAID written verification of its intent to remain in compliance with the EFF Arrangement.

2. **SOCIAL SAFETY NET:** Ukraine shall affirm in writing that proceeds from the U.S. loan guarantee will contribute to social spending to help protect the most vulnerable Ukrainians from the impact of necessary economic adjustments, including continued reductions in untargeted energy subsidies. Ukraine also shall affirm its commitment to continue implementing income testing in the energy privileges (EP) program, in accordance with Law 76-VIII/2014, to improve the targeting of social-assistance benefits. Ukraine shall affirm its intent to provide to USAID, through [specify ministry or office], quarterly reports for one (1) year beginning on [date] on the number of beneficiaries in Housing Utility Subsidy (HUS) and EP programs; the total value of fiscal transfers for HUS and EP; and the number of applications received for HUS and EP.

3. **PUBLIC PROCUREMENT:** Ukraine shall submit to Parliament a new law formalizing the use of electronic procurement for government acquisition of goods and services to increase transparency and efficiency in government procurement.

4. **PROSECUTOR GENERAL’S OFFICE:** Ukraine shall provide to USAID a copy of the comprehensive regulation, adopted by the Prosecutor General, which ensures the independent operations of the Office of Inspector General (IG) of the Prosecutor General’s Office (PGO). The regulation shall clearly define the PGO IG’s jurisdiction, powers, and authority, to enable it to perform its functions in a manner that is effective and credible, and that increases the accountability of the PGO to the public. The regulation shall be endorsed by the U.S. Department of Justice.

5. **NAFTOHAZ CORPORATE REFORM:** Ukraine shall take the following actions towards improving corporate governance at Naftohaz in line with the Corporate Governance Action Plan (CGAP) agreed to with the European Bank for Reconstruction and Development: the Cabinet of Ministers shall: 1) approve the restated Charter of Naftohaz, as specified in Action 1.2 and Action 1.3.1 in the CGAP; 2) approve and make public the Nomination Policy for the Supervisory Board of Naftohaz and the criteria for the Supervisory Board Members; 3) authorize the committee created by the Ministry of Economic Development and Trade to be used as a nominating committee for the candidates for the Supervisory Board of
Naftohaz; and 4) publish on the Internet the job descriptions for Supervisory Board Members, as specified in Action 1.3.6 and Action 1.3.7 in the CGAP.

6. **TAX ADMINISTRATION REFORM:** Ukraine shall provide evidence that Ukraine’s State Fiscal Service has transferred the files of all taxpayers meeting large-taxpayer criteria to the Large Taxpayer Office (LTO) and has assigned staff to each new large-taxpayer file. Ukraine shall also affirm in writing its commitment to provide adequate resources to the LTO and satisfy the IMF structural benchmark.

7. **ASSET DISCLOSURE:** Ukraine shall affirm in writing that it has developed an IT system to manage asset disclosures of high-level officials and shall provide evidence that it has begun posting asset disclosures of high-level government officials electronically and publicly.
Dear Mr. Chairman:

Thank you for your April 30 letter which requested interviews with Department employees, including United States Ambassador to Greece Geoffrey Pyatt. As you know, Ambassador Pyatt is currently serving in Athens and undertaking critical diplomatic efforts to prevent armed conflict between Greece and Turkey.

The Department is prepared to suggest two options to be responsive to the Committee’s inquiries, consistent with Ambassador Pyatt’s current responsibilities. To expedite you receiving answers to your questions, the Department can facilitate Ambassador Pyatt providing written responses to your unclassified and/or classified questions in an appropriate manner no later than September 9. This format will allow him to review and answer your questions more fully regarding his work as U.S. Ambassador to Ukraine from July 2013 through August 2016. It also will ensure he is able to address your questions without compromising his ability to perform his critical duties during a fragile time in the Eastern Mediterranean. The Department also understands he recently engaged private counsel, which would make a transcribed interview in the very near future difficult, consistent with his right to counsel. In light of these considerations, Ambassador Pyatt would strongly prefer a question and answer format. He is, however, also willing to participate in a voluntary transcribed interview on or about September 15, 2020, subject to discussions on scope and timing, and the operational demands of his work in Athens.

We hope one of these options is acceptable to you. Please let us know if this format is acceptable to you.

Sincerely,

[Signature]

Ryan M. Kaldahl
Acting Assistant Secretary
Bureau of Legislative Affairs
Cc: The Honorable
    Gary Peters, Ranking Member
    Committee on Homeland Security and Governmental Affairs