



United States Senate Committee on

Homeland Security & Governmental Affairs

U.S. Senator Gary Peters | Ranking Member

Election Interference: Majority Investigation Amplifies Russian Attack on 2020 Election.

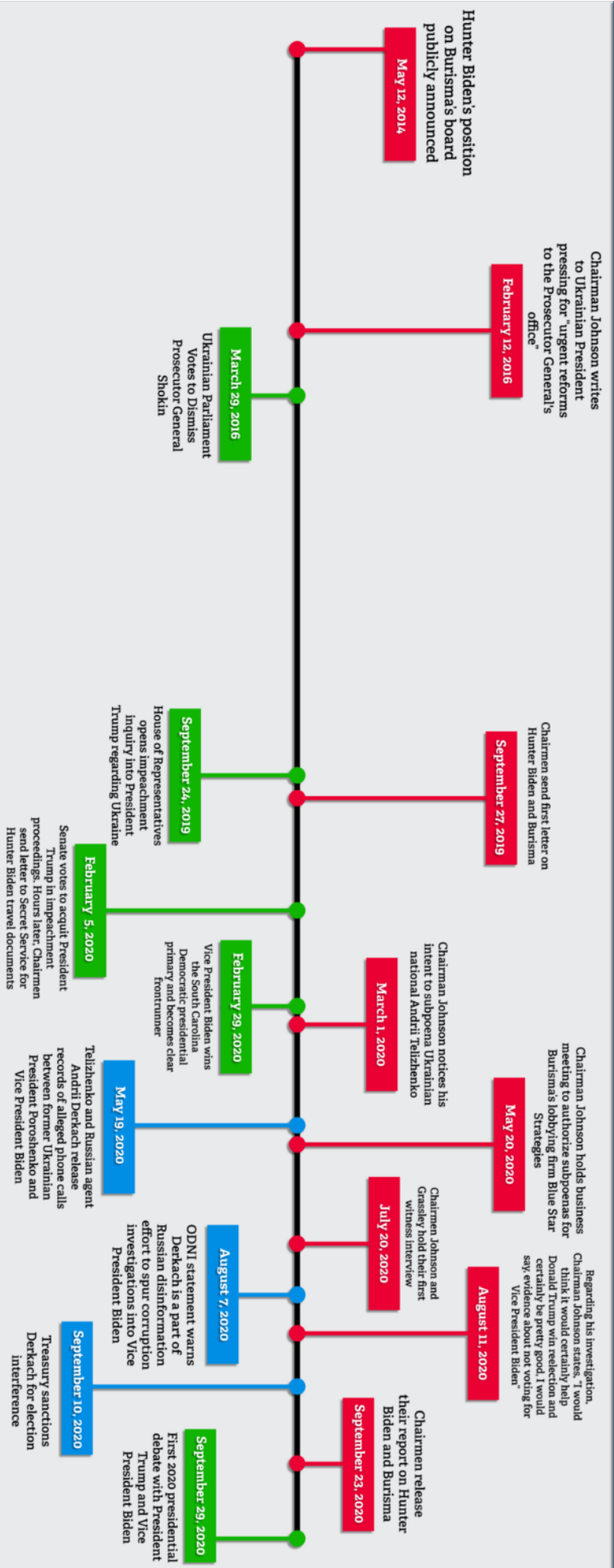
A HSGAC and Senate Finance Committee Minority Staff Report

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Timeline of Chairmen Johnson & Grassley's Investigation



EXECUTIVE SUMMARY

The Majority staff report released by Senate Homeland Security and Governmental Affairs Committee and Senate Finance Committee Chairmen Ron Johnson and Charles Grassley amplifies discredited allegations that are part of a known Russian campaign to interfere in the 2020 election.

Existence of this campaign has been confirmed by Trump Administration officials. In August 2020, the Office of the Director of National Intelligence publicly warned that Russia is engaged in efforts, including through the use of pro-Russia Ukrainians – particularly known Russian agent Andrii Derkach – to spread claims about corruption to spur investigations into Vice President Biden. In September 2020, the Department of the Treasury sanctioned Mr. Derkach for his role in the Kremlin-directed efforts to promote the same false claims that the Majority report has alleged. The Majority’s investigation is one outcome of Mr. Derkach’s election interference efforts.

Chairman Johnson repeatedly impugned Vice President Biden in public on the basis of secret evidence he claimed to have obtained. Contrary to his public insinuations, the Chairmen’s investigation found no evidence that the former Vice President did anything wrong in his efforts to carry out official U.S. foreign policy in Ukraine. This premise was advanced by the Chairmen with the explicit intention of tarnishing Vice President Biden’s reputation and his candidacy for President of the United States, even though it required the Chairmen to discount the testimony of Trump appointees and career Foreign Service officers in favor of Russian-backed conspiracy theories.

Every witness interviewed for this investigation testified that Vice President Biden did not alter United States foreign policy to benefit his son Hunter Biden, and that Hunter Biden’s presence on the board of the Ukrainian gas company Burisma had no effect on U.S. foreign policy. Every witness stated that Hunter Biden and his associates had no role in the formulation of U.S. policy, that Hunter Biden’s role did not influence U.S. foreign policy decisions, and that Vice President Biden carried out U.S. foreign policy in the interest of the United States. The investigation’s evidence, set forth in this Minority report, confirms there was no corruption, wrongdoing, or impropriety on the part of Vice President Biden.

The U.S. policy to condition a loan guarantee in part on the removal of Ukraine’s Prosecutor General Viktor Shokin was an anti-corruption measure that received strong, bipartisan support at the time, including from Chairman Johnson. Chairmen Johnson and Grassley did not raise any concerns related to Hunter Biden’s position on the board of Burisma until Vice President Biden became a top tier presidential candidate. Once Vice President Biden became the presumptive Democratic nominee, the Majority escalated their politically motivated investigation in an effort to damage his prospects as a challenger to President Trump in the 2020 presidential election.

The Chairmen relied on suspect sources – including known purveyors of Russian disinformation narratives – as the basis for their initial inquiries: primarily Ukrainian national Andrii Telizhenko and discredited American journalist John Solomon. Mr. Telizhenko – who is cited 42 times in the Chairmen’s letters – has extensive ties to Mr. Derkach. Mr. Telizhenko and Mr. Derkach

each released leaks of alleged phone calls between former Vice President Biden and former Ukrainian President Poroshenko on May 19, 2020, apparently timed to influence a Committee vote the next day. On May 20, Chairman Johnson convened a Homeland Security and Governmental Affairs Committee vote to authorize subpoenas related to Mr. Telizhenko. Mr. Telizhenko has also aided Mr. Derkach's claims by translating them from Russian to make his disinformation accessible to an American audience.

The Chairmen have uncovered absolutely no evidence of wrongdoing by Vice President Biden. Instead, this effort has been a partisan and unnecessary distraction from important business before both Committees as the country faces a once in a century pandemic. Since this investigation began, 200,000 Americans have perished due to COVID-19. 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. At a time when the Committees should be focusing on the health, safety and economic well-being of Americans, the continued pursuit of this partisan investigation is a gross misuse of Committee time and resources.

Key Findings:

At the request of Ranking Members Peters and Wyden, this report sets forth for the public excerpts of over 36,000 pages of documents and all 10 interviews conducted by Committee staff. This report makes the following key findings:

The Chairmen's Investigation Is the Outcome of a Russian Disinformation Campaign:

The Russian government has encouraged a disinformation campaign against former Vice President Biden. This campaign was already underway in 2015 in response to his anti-corruption efforts in Ukraine, and it gained renewed fervor because of his candidacy in the 2020 presidential election. The Chairmen's investigation is the result of Russian attempts to influence the 2020 presidential election and benefit President Trump's reelection by denigrating Vice President Biden and manipulating U.S. political institutions to aid in efforts to weaken U.S. democracy and national security.

No Evidence of Wrongdoing by Vice President Biden:

The Chairmen's investigation, which includes more than 50 hours of transcribed interviews of 10 witnesses and the review of thousands of pages of documents from federal agencies, does not support the premise that Hunter Biden's position on the board of Burisma created a conflict of interest that impacted United States foreign policy. Instead, the investigation has uncovered ample evidence to the contrary, which shows that Hunter Biden's position on the board of Burisma had no effect whatsoever on United States foreign policy.

The Chairmen's Claims Mirror Claims of U.S.-Sanctioned Kremlin Agent – Andrii Derkach and Associate Andrii Telizhenko:

The U.S. Treasury Department recently sanctioned "active Russian agent" Andrii Derkach, thereby exposing Russian-directed "malign influence campaigns and protecting

our upcoming elections from foreign interference.” The principal sources cited by the Chairmen, including Ukrainian national Andrii Telizhenko, have extensively promoted Derkach’s claims and are closely tied to Derkach collaborator and President Trump’s personal attorney Rudy Giuliani.

Chairman Johnson Repeatedly Stated the Investigation’s Purpose is to Influence the 2020 Presidential Election:

Chairman Johnson continues to explicitly, publicly state the purpose of this investigation is to “help Donald Trump win reelection” and provide “evidence about not voting for Vice President Biden.” The Office of the Director of National Intelligence recently assessed Russia’s election interference goals as one and the same – “to undermine former Vice President Biden’s candidacy” and “to boost President Trump’s candidacy.”

No Evidence U.S.-Ukraine Policy Altered to Assist Hunter Biden:

State Department communications and detailed, lengthy interviews with former and current officials clearly demonstrate that U.S. policy during the Obama Administration was not influenced in any manner to assist Burisma or Hunter Biden. Vice President Biden did not alter U.S. policies toward Ukraine in any way to benefit Burisma or his son. The evidence unanimously shows that the normal interagency policy process was driven solely by the national interest.

No Evidence Vice President Biden Tried to Halt a Corruption Investigation:

Vice President Joe Biden’s public condemnation of Ukraine’s Prosecutor General Viktor Shokin was a U.S. foreign policy priority and was not, as the Majority alleges, an attempt to halt a corruption investigation into Burisma. State Department officials interviewed in this investigation explained that Shokin did not pursue corruption investigations against Burisma’s owner, effectively shielding the owner from prosecution, and that removing Shokin made an investigation into Burisma more, not less, likely. The Senate Ukraine Caucus, including Chairman Johnson himself, supported the United States policy advocating for the removal of Prosecutor General Shokin.

No Evidence Any Official U.S. Government Action Favored Burisma:

There is no evidence that any action of the U.S. government or any U.S. official was taken to benefit Burisma or Hunter Biden. On the contrary, emails obtained by the Committees indicate persistent, negative views among key officials and numerous complaints against the outreach of Burisma’s consulting firm Blue Star Strategies.

I. THE GOP INVESTIGATION ADVANCED RUSSIA'S ELECTION INTERFERENCE EFFORTS IN SUPPORT OF PRESIDENT TRUMP

The Chairmen's investigation is based on conspiracy theories with roots in Russian disinformation efforts – that Ukraine and not Russia interfered in the 2016 U.S. presidential election, and that Hunter Biden's connection with Ukrainian energy company Burisma influenced former Vice President Biden's actions and U.S. foreign policy. These types of theories were used by Russian intelligence to obscure their interference in the 2016 election, as well as by Republicans to defend President Trump during impeachment proceedings, despite having no basis in fact.

Russian efforts to interfere in our elections continue to this day and include efforts to undermine former Vice President Biden's candidacy. Chairmen Johnson and Grassley's own investigation has revealed Russian attempts to discredit Vice President Biden through the Hunter Biden conspiracy theory, dating back to at least 2015.¹ Former State Department Special Envoy and Coordinator for International Energy Affairs Amos Hochstein recalled in transcribed interviews before the Committees that in November 2015 Hunter Biden's "membership on the board of Burisma had come up in the Russian propaganda machine."² Mr. Hochstein further explained in his testimony, that Russian outlets began arguing Hunter Biden had a "conflict of interest" in order to "create some kind of rift" and "undermine the U.S. efforts" in Ukraine:

A: [W]e, the government, had seen increased traffic in Russian language in pro-Moscow outlets that were trying to create some kind of rift between the U.S. and Ukraine or to undermine the U.S. efforts, and that they were using Hunter Biden's name in those articles to sow that doubt. With the Vice President traveling, we were starting to organize towards traveling, I wanted to make my boss aware of what was happening on the ground, so that he knows what the Russian effort was.

Q: Was anything raised in those articles untrue?

A: Yes.

Q: What was untrue?

A: The articles argued that the presence of Hunter Biden was a conflict of interest. They were trying to say that our government's efforts were hypocritical. It followed a common

¹ For example, State Department emails show a series of conversations in December 2015 involving State Department officials and discussing a negative article from Prodrobnosti.biz titled, "The Ukrainian scam of the Biden Family" discussing Vice President Joe Biden and his son Hunter.¹ A State Department official stated they were "absolutely sure" the article "originated from a Russian website" and not the Ukrainian TV channel it was sourced to."¹ Additional emails noted that officials spoke with the head programming at the Ukrainian TV channel who confirmed the article was not genuine,¹ that Podrobnosti.biz was a "junk website" registered in Crimea, and the intent of the article included an attempt to "pour mud over VP and piss him off before this important visit." Alan Purcell email to Geoffrey Pyatt – Subject Podrobnosti article December 6, 2015 (State Department Production #0004714); Alan Purcell email to Geoffrey Pyatt – Subject Podrobnosti article December 6, 2015 (State Department Production #0004714).

² HSGAC-SFC Interview of Amos Hochstein (Sep. 17, 2020) pp. 37-38.

line of Russian propaganda, not just in Ukraine but that everything the United States does is hypocritical.³

Mr. Hochstein also testified that in 2015, Hunter Biden also reached out for his views on Burisma and its owner, Mykola Zlochevsky. In response, Mr. Hochstein “shared with him that the Russians were using his name in order to sow disinformation – attempt to sow disinformation among Ukrainians.”⁴

Then-Ambassador to Ukraine Geoffrey Pyatt also stated in his interview with the Committees that the theory Hunter Biden’s position at Burisma undermined anti-corruption efforts in Ukraine was Russian disinformation:

Q: And the argument that Hunter Biden’s position on the board of Burisma corrupted U.S. anti-corruption efforts in Ukraine, do you include that as part of the Russian disinformation narrative?

A: Yes, of course. And it’s of a pattern with lots of other Russian disinformation. ... This is a toolkit which Russia is using across Europe to undermine security and advance their perceived interests.⁵

Ambassador Pyatt also agreed the allegation that Vice President Biden committed corrupt acts in Ukraine was a “false narrative,” and linked this narrative directly to the release of tapes by Andrii Derkach:

Q: Is the narrative that Vice President Biden’s actions in the Ukraine were corrupt, is that a false narrative?

A: 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.⁶

Russian-backed propaganda – now confirmed by Trump Administration officials – is central to the Chairmen’s claims. By publicly pursuing investigations based on these widely discredited claims, Chairmen Johnson and Grassley are using Senate Committee and taxpayer resources to reinforce the same conspiracy theories and false narratives promoted by Russian President Vladimir Putin and the Kremlin.

A. Putin and the Kremlin Support the GOP’s Ukraine Conspiracy Theories

Although Chairman Johnson repeatedly voiced support for U.S. policy in Ukraine as a member of the Senate Ukraine Caucus, his public positions changed after President Trump and his allies

³ *Id.* p. 58.

⁴ *Id.* p. 49.

⁵ HSGAC-SFC Interview of Geoffrey Pyatt (Sep. 22, 2020) p. 115.

⁶ *Id.* pp. 117-118.

began pushing unfounded allegations that it was the government of Ukraine, not Russia, who interfered in the 2016 U.S. presidential election.⁷ On July 20, 2017, Chairman Grassley wrote a letter to the Department of Justice (DOJ) asserting that “Ukrainian government officials tried to help Hillary Clinton and undermine Trump.”⁸ In support of this assertion, Chairman Grassley referenced a 2016 *Financial Times* story that the bipartisan Senate Select Committee on Intelligence concluded was almost certainly arranged by a Russian intelligence asset with close ties to Paul Manafort.⁹

On September 27, 2019, Chairmen Johnson and Grassley wrote another letter to Attorney General Barr alleging Ukrainian election interference, stating:

Ukrainian efforts, abetted by a U.S. political party, to interfere in the 2016 election should not be ignored. Such allegations of corruption deserve due scrutiny.”¹⁰

On November 20, 2019, President Putin told a forum in Moscow he was pleased with the “political battles” in Washington: “Thank God no one is accusing us of interfering in the U.S. elections anymore, now they’re accusing Ukraine.”¹¹ Russia had already been disseminating unfounded allegations of Ukrainian election interference for several years. On February 2, 2017, Putin stated during a news conference:

[A]s we all know, during the presidential campaign in the United States, the Ukrainian government adopted a unilateral position in favour of one candidate. More than that, certain oligarchs, certainly with the approval of the political leadership, funded this candidate, or female candidate, to be more precise.¹²

The U.S. Intelligence Community, the Senate Select Committee on Intelligence,¹³ and Special Counsel Robert Mueller¹⁴ have all concluded Russia interfered in the 2016 presidential election in support of President Trump’s candidacy, while finding no credible evidence of Ukrainian election interference. The January 2017 Intelligence Community Assessment found, “Putin and

⁷ Just Security, Manafort’s Reward: Sen. Ron Johnson and the Ukraine Conspiracy Investigation: Part II (Aug. 24, 2020) <https://www.justsecurity.org/72148/manafort-s-reward-sen-ron-johnson-and-the-ukraine-conspiracy-investigation-part-ii>.

⁸ Letter from Chairman Grassley to Deputy Attorney General Rod J. Rosenstein (July 20, 2017) [https://www.judiciary.senate.gov/imo/media/doc/2017-07-20%20CEG%20to%20DOJ%20\(Ukraine%20DNC%20FARA\).pdf](https://www.judiciary.senate.gov/imo/media/doc/2017-07-20%20CEG%20to%20DOJ%20(Ukraine%20DNC%20FARA).pdf).

⁹ Senate Select Committee on Intelligence, Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 5: Counterintelligence Threats and Vulnerabilities (hereinafter “SSCI Russian Interference Report Vol. 5”) p. 108 https://www.intelligence.senate.gov/sites/default/files/documents/report_volume5.pdf.

¹⁰ Letter from the Republican Chairmen to Attorney General William Barr (Sep. 27, 2019) <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-renew-inquiry-doj-actions-reported-election-meddling>.

¹¹ Associated Press, ‘Thank God’: Putin thrilled U.S. ‘political battles’ over Ukraine taking focus off Russia, (Nov. 20, 2019) <https://www.nbcnews.com/politics/politics-news/thank-god-putin-thrilled-u-s-political-battles-over-ukraine-n1087126>.

¹² Official Internet Resources of the President of Russia, Joint news conference with Hungarian Prime Minister Viktor Orban, (Feb. 2, 2017) <http://en.kremlin.ru/events/president/news/53806>.

¹³ SSCI Russian Interference Report Vol. 5.

¹⁴ Special Counsel Robert S. Mueller, Report on the Investigation into Russian Interference in the 2016 Presidential Election (Mar. 2019) <https://www.justice.gov/storage/report.pdf>.

the Russian Government aspired to help President-elect Trump’s election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him.”¹⁵ The assessment also warned Russia’s aggressive interference efforts should be considered the “new normal” since Russian intelligence considered 2016 “at least a qualified success because of their perceived ability to impact public discussion.”¹⁶

The Senate Select Committee on Intelligence also thoroughly investigated allegations of Ukrainian election interference but found no evidence of a top-down campaign akin to the Kremlin’s efforts in 2016.¹⁷ The Committee’s bipartisan report concluded “during the course of the investigation, the Committee identified no reliable evidence that the Ukrainian government interfered in the 2016 U.S. election.”¹⁸

U.S. intelligence and national security officials have repeatedly pushed back on the conspiracy theory that Ukraine interfered in the 2016 presidential election and warned the narrative promotes Russian interests and disinformation. Dr. Fiona Hill served as the Trump Administration’s top Russia advisor on the National Security Council.¹⁹ Testifying before the House Permanent Select Committee on Intelligence, Dr. Hill explained the “result of all of these narratives” is “exactly what the Russian government was hoping for.”²⁰

Dr. Hill also directly implored Republican lawmakers at the impeachment hearing to stop spreading the “fictional narrative” of Ukraine conspiracy theories championed by Russia:

Some of you on this committee appear to believe that Russia and its security services did not conduct a campaign against our country and that perhaps, somehow, for some reason, Ukraine did ... This is a fictional narrative that has been perpetrated and propagated by the Russian security services.²¹

On December 9, 2019, FBI Director Christopher Wray also stated during an interview that we “have no information that indicates that Ukraine interfered with the 2016 presidential election” and that it’s “important for the American people to be thoughtful consumers of information and to think about the sources of it and to think about the support and predication for what they hear.”²² He added, “as far as the [2020] election itself goes, we think Russia represents the most significant threat.”²³

¹⁵ ODNI, Background to “Assessing Russian Activities and Intentions in Recent US Elections”: The Analytic Process and Cyber Incident Attribution (Jan. 2017) https://www.dni.gov/files/documents/ICA_2017_01.pdf.

¹⁶ *Id.*

¹⁷ Politico, Senate panel look into Ukraine interference comes up short (Dec. 2, 2019) <https://www.politico.com/news/2019/12/02/senate-panel-ukraine-election-interference-074796>.

¹⁸ SSCI Russian Interference Report Vol. 5 p. 108.

¹⁹ House Permanent Select Committee on Intelligence, *Hearing on Impeachment Inquiry: Dr. Hill* (Nov. 21, 2019).

²⁰ *Id.*

²¹ *Id.*

²² ABC News, FBI director pushes back on debunked conspiracy theory about 2016 election interference (Dec. 9, 2019) <https://abcnews.go.com/Politics/fbi-director-pushes-back-debunked-conspiracy-theory-2016/story?id=67609244>.

²³ *Id.*

As discussed in detail below, Russia is already engaged in an active effort to interfere in the 2020 U.S. Presidential election – promoting the same false allegations pertaining to Vice President Biden and his son that have been amplified by the Chairmen for the past several months.

B. GOP Allegations Originate From Sources Closely Tied to Kremlin and Promoting Russian Interests

Chairmen Johnson and Grassley’s allegations against former Vice President Biden rely primarily on sources promoting Russian interests. They have amplified information from sources with direct links to the Kremlin and who are working directly with President Trump’s close allies.

On November 6, 2019, the Chairmen sent a letter to Secretary Pompeo for documents to “better understand what actions, if any, the Obama Administration took to ensure that policy decisions relating to Ukraine and Burisma were not improperly influenced by the employment and financial interests of family members.”²⁴ On December 3, the Chairmen also sent a letter to Blue Star Strategies to investigate “actual or apparent conflicts of interest because of Hunter Biden’s role” and “whether Hunter Biden or his associates had any role” in formulating the Obama Administration’s Ukraine policies.²⁵ These allegations are based on the same corruption allegations against Vice President Biden that are promoted by foreign nationals linked to Russian disinformation efforts.

In promoting these allegations, the Chairmen have provided a successful platform for the foreign disinformation campaign of known Russian agent Andrii Derkach and two related sources: (1) Andrii Telizhenko, a former low-ranking Ukrainian embassy official against whom the Federal Bureau of Investigation (FBI) raised national security concerns, and (2) John Solomon, the author of a series of opinion columns in *The Hill* that prompted an internal investigation for distortions.

1. GOP Investigation is Outcome of Derkach’s Election Interference Efforts

The Russian-backed propaganda of Ukrainian lawmaker Andrii Derkach is central to the Chairmen’s claims. Andrii Derkach is a pro-Russian member of Ukraine’s parliament who has been identified by the U.S. government as an active Russian agent.²⁶ Mr. Derkach attended the Dzerzhinsky Higher School of the KGB in Moscow and his father served as a KGB officer for

²⁴ Letter from the Republican Chairmen to Secretary of State Michael Pompeo (Nov. 6, 2019) <https://www.grassley.senate.gov/news/news-releases/johnson-grassley-call-state-department-release-documents-hunter-biden-and-burisma>.

²⁵ Letter from the Republican Chairmen to Blue Star Strategies CEO Karen Tramontano (Dec. 3, 2019) <https://www.grassley.senate.gov/news/news-releases/johnson-grassley-seek-information-regarding-blue-star-strategies-work-burisma>.

²⁶ United States Department of the Treasury, *Treasury Sanctions Russia-Linked Election Interference Actors* [Press Release] (Sep. 10, 2020) <https://home.treasury.gov/news/press-releases/sm1118>.

decades before becoming head of independent Ukraine’s intelligence service in the late 1990s.²⁷ Mr. Derkach, like the Chairmen, has falsely alleged that Vice President Biden pressured then-Ukrainian President Petro Poroshenko to remove then-Prosecutor General Viktor Shokin in order to protect Hunter Biden.

In an August 7, 2020 statement, William Evanina, Director of the National Counterintelligence and Security Center in the Office of the Director of National Intelligence (ODNI), specifically cited the actions of “pro-Russia Ukrainian parliamentarian Andrii Derkach” as an example of Russian election interference efforts, stating that Mr. Derkach is “spreading claims about corruption – including through publicizing leaked phone calls – to undermine former Vice President Biden’s candidacy and the Democratic Party.”²⁸

This month, the Department of Treasury imposed sanctions on Mr. Derkach for promoting the same unfounded claims against Vice President Biden as the Majority report, noting Mr. Derkach was an “active Russian agent for over a decade.”²⁹ The Treasury Department also explained Mr. Derkach’s “false and unsubstantiated narratives” have spurred corruption investigations in “the United States designed to culminate prior to election day” – including targeting “members of the U.S. government”:

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 Western media through coverage of press conferences and other news events, including interviews and statements.

Between May and July 2020, Derkach released edited audio tapes and other unsupported information with the intent to discredit U.S. officials, and he levied unsubstantiated allegations against U.S. and international political figures. Derkach almost certainly targeted the U.S. voting populace, prominent U.S. persons, and members of the U.S. government, based on his reliance on U.S. platforms, English-language documents and videos, and pro-Russian lobbyists in the United States used to propagate his claims.³⁰

That same day, Secretary of State Michael Pompeo released his own statement on the sanctions, highlighting the fact that Mr. Derkach’s efforts were directed by the Kremlin:

Treasury designated Andrii Derkach pursuant to Executive Order (E.O.) 13848, for his efforts to influence the 2020 U.S. presidential election. Derkach maintains close ties to

²⁷ Washington Post, Ukrainian lawmaker releases leaked phone calls of Biden and Poroshenko (May 19, 2020) https://www.washingtonpost.com/national-security/ukrainian-lawmaker-releases-leaked-phone-calls-of-biden-and-poroshenko/2020/05/19/cc1e6030-9a26-11ea-b60c-3be060a4f8e1_story.html.

²⁸ ODNI News Release No. 29-20, Statement by NCSC Director William Evanina: Election Threat Update for the American Public (Aug. 7, 2020) <https://www.dni.gov/index.php/newsroom/press-releases/item/2139-statement-by-ncsc-director-william-evanina-election-threat-update-for-the-american-public>.

²⁹ United States Department of the Treasury, *Treasury Sanctions Russia-Linked Election Interference Actors* [Press Release] (Sep.10, 2020) <https://home.treasury.gov/news/press-releases/sm1118>.

³⁰ *Id.*

Russian intelligence and sought to influence the views of American voters through a Russian-directed covert influence campaign centered on manipulating the American political process to advance Russia's malign interests in Ukraine. This operation was designed to culminate prior to Election Day.³¹

Former Special Envoy for International Energy Affairs Amos Hochstein worked closely with Vice President Biden to combat anti-corruption issues in Ukraine. In a transcribed interview before the Committees, he explained that he was “very familiar” with the allegations from the Chairmen’s investigation since he was aware of “pro-Russian forces” such as Mr. Derkach and efforts “to take fringe allegations and put them into the mainstream”:

Q: What was your reaction when you first learned about the purpose of the Chairmen's investigation?

A: Well, beyond surprise. Look, I think there had been a lot of propaganda over the previous year about so-called wrongdoings that were all made up. I was aware that Russia was trying to influence the U.S. elections. I was aware that those same efforts were working in concert with people that were close to the White House to besmirch the reputation and record of the Vice President in any way that they could. So I guess I felt regret that I was getting pulled into an investigation that I thought was, at that time seemed very familiar and resonated with everything that had been going on, and efforts of Russia and pro-Russian forces to take fringe allegations and put them into the mainstream.

Q: What do you mean when you say it was “familiar”?

A: Well, when I was in the Obama Administration I worked a lot on anti-corruption issues in Ukraine and elsewhere, and when I left the Administration I continued to do some work on that. And so I was aware of the things like with Mr. Derkach and Ukraine was doing and some other oligarchs.³²

Mr. Hochstein highlighted his concerns about “the laundering of information” from someone like Mr. Derkach, who comes from “a KGB family” and “who has no credibility in Ukraine.” He explained how Mr. Derkach’s discredited theories in Ukraine have now made their way “into the mainstream discussions of U.S. policy”:

A: And the pattern that concerns me is that it's the laundering of information when someone who has no credibility in Ukraine, let alone anywhere else, well known to be – and I had known of Mr. Derkach for a long time. I've never had the pleasure of meeting him, but he is a – comes from a long – from a KGB family and a pro-Russian Ukrainian lawmaker. The pattern that concerns me is that I don't really care what he says in Ukraine. It doesn't bother me. Nobody believes him in Ukraine.

³¹ United States Department of State, *United States Sanctions Russian Actors and Proxies for Efforts To Interfere in Elections* [Press Release] (Sep. 10, 2020) <https://www.state.gov/united-states-sanctions-russian-actors-and-proxies-for-efforts-to-interfere-in-elections/>.

³² HSGAC-SFC Interview of Amos Hochstein (Sep. 17, 2020) p. 61.

What bothers me is that it seems that more people in the United States believe him than people who know him in Ukraine believe him. There, he's discredited, and here, his information, sometimes in a direct leap and sometimes through a stop on the way, gets into the mainstream discussions of U.S. policy. That concerns me, and I think he is following the – I believe that he has always followed the proceedings in the United States and tried to influence that.³³

Mr. Hochstein added he was “disappointed and sad” to see the same Russian propaganda allegations that “usually came from noncredible sources” instead come from the United States Senate:

A: [S]o that's what I mean when I say “familiar.” I had heard these allegations before, except that they usually came from noncredible sources. I was rather disappointed and sad to see that it was coming from more mainstream, as in the United States Senate, which I hold in great regard and great esteem.³⁴

During his press conferences, Mr. Derkach has favorably identified Chairmen Johnson and Grassley as part of a group of those uncovering an international conspiracy of corruption spearheaded by Vice President Biden and George Soros.³⁵ He identifies the Chairmen in his conspiratorial disinformation flowchart “DemoCorruption” as “Accusers of international corruption in the USA” while identifying himself and Andrii Telizhenko as “Accusers of international corruption in Ukraine.” Mr. Derkach has further claimed to have provided information to the Chairmen’s Committees.³⁶ The Chairmen deny receiving information directly from Mr. Derkach.

2. Star Witness Telizhenko Has Close Ties to Derkach and Causes National Security Concerns

Andrii Telizhenko is a conservative political consultant and former employee of Blue Star Strategies (“Blue Star”), the Ukrainian Prosecutor General’s office, and the Ukrainian embassy.³⁷ He became the Majority’s central and only witness promoting the unsubstantiated claims that Ukraine interfered in the 2016 U.S. election and that former Vice President Biden or his son unduly influenced U.S. foreign policy toward Ukraine.³⁸ Claims made by Mr. Telizhenko, either directly to the Chairmen or to the press, were cited in letters by the Chairmen 42 times during the course of this investigation.³⁹ Notably, this investigation has uncovered no proof of his

³³ *Id.* pp. 75-77.

³⁴ *Id.* p. 61.

³⁵ Washington Post, Senate Republicans advance Ukraine probe aimed at Biden despite foreign interference concerns (Aug. 5, 2020) https://www.washingtonpost.com/national-security/senate-republicans-advance-ukraine-probe-aimed-at-biden-despite-foreign-interference-concerns/2020/08/05/6eb3718e-d503-11ea-b9b2-1ea733b97910_story.html.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Letter from Republican Chairmen to the National Archives and Records Administration (Nov. 21, 2019), <https://www.grassley.senate.gov/sites/default/files/documents/2019-11-21%20RHJ%20CEG%20to%20NARA%20-%20White%20House%20Meeting%20Records.pdf>.

³⁹ Letter from Republican Chairmen to Attorney General Barr (Sep. 27, 2019) <https://www.grassley.senate.gov/sites/default/files/2019-09-27%20CEG%20RHJ%20to%20DOJ%20%28Ukraine>.

allegations. Mr. Telizhenko traffics in the same debunked conspiracy theories as Andrii Derkach, including those pertaining to Vice President Biden.

Mr. Telizhenko has engaged in the same methods as Mr. Derkach to interfere in the 2020 U.S. presidential election. In an August 2020 statement, the ODNI cited Andrii Derkach's release of "leaked phone calls" between Vice President Biden and Ukrainian President Poroshenko as an example of Russian election interference efforts. Both Mr. Derkach and Mr. Telizhenko released leaked records of alleged phone calls between former Vice President Biden and former Ukrainian President Poroshenko on the *same day* – specifically, the day before Chairman Johnson's scheduled vote to subpoena records related to Mr. Telizhenko.⁴⁰

Mr. Telizhenko has actively amplified Mr. Derkach's claims in Ukrainian and American media. He has appeared on several Ukrainian television programs to discuss the leaked phone calls released by Mr. Derkach.⁴¹ Furthermore, Mr. Telizhenko provided an English-language voiceover translation for Mr. Derkach's claims in an interview with Rudy Giuliani.⁴² In the Treasury Department's September 10, 2020 statement regarding Mr. Derkach's election interference efforts, the Department refers specifically to Mr. Derkach's use of "English-language documents and videos" – by translating Mr. Derkach's claims, Mr. Telizhenko has helped produce Russian disinformation for an American audience.⁴³

Both Mr. Derkach and Mr. Telizhenko have appeared in the same media outlets promoting the same debunked conspiracy theories pertaining to Vice President Biden. For instance, as discussed below, both Mr. Derkach and Mr. Telizhenko appeared in a documentary series on One America News (OAN), a network with ties to Russian state-owned media.⁴⁴ Unsurprisingly,

[%20DNC%29.pdf](#); Letter from Republican Chairmen to the National Archives and Records Administration (Nov. 21, 2019) <https://www.grassley.senate.gov/sites/default/files/documents/2019-11-21%20RHJ%20CEG%20to%20NARA%20-%20White%20House%20Meeting%20Records.pdf>; Letter from Chairman Johnson to Ranking Member Peters (Feb. 24, 2020) <https://www.hsgac.senate.gov/imo/media/doc/2020-02-24%20RHJ%20to%20GCP%20re%20Andrii%20Telizhenko%20subpoena.pdf>; Letter from Chairman Johnson to HSGAC Committee Members (Mar. 1, 2020) <https://www.hsgac.senate.gov/imo/media/doc/2020-03-01%20RHJ%20Letter%20to%20HSGAC%20members.pdf>; Letter from Chairmen Johnson and Grassley to Ranking Members Peters and Wyden (July 28, 2020) <https://www.grassley.senate.gov/sites/default/files/2020-07-28%20RHJ-CEG%20Letter%20to%20Peters-Wyden%20%28Defensive%20Briefing%29.pdf>.

⁴⁰ Washington Post, Ukrainian lawmaker releases leaked phone calls of Biden and Poroshenko (May 19, 2020) https://www.washingtonpost.com/national-security/ukrainian-lawmaker-releases-leaked-phone-calls-of-biden-and-poroshenko/2020/05/19/cc1e6030-9a26-11ea-b60c-3be060a4f8e1_story.html; [Свободный](#), Interview of Andrii Telizhenko (May 19, 2020) (in Russian and Ukrainian).

⁴¹ E.g., Pravo na Vladu Interview of Andrii Telizhenko (May 21, 2020) <https://www.youtube.com/watch?v=tlqy5tvjkX8>; Chornomors'ka Teleradiokompaniya Interview of Andrii Telizhenko (June 10, 2020) <https://www.youtube.com/watch?v=1FsRAAsKHqU>; NewsOne Interview of Andrii Telizhenko (June 24, 2020) <https://www.youtube.com/watch?v=tlqy5tvjkX8>.

⁴² Daily Beast, Rudy Giuliani and His Ukraine Ally Sprint Away from Their 'Russian Agent' Pal (Sep. 11, 2020) <https://www.thedailybeast.com/rudy-and-his-ukraine-ally-sprint-away-from-their-russian-agent-pal>.

⁴³ United States Department of the Treasury, *Treasury Sanctions Russia-Linked Election Interference Actors* [Press Release] (Sep. 10, 2020) (<https://home.treasury.gov/news/press-releases/sm1118>).

⁴⁴ OAN, OAN Investigates: Ukrainian Witnesses Destroy Schiff's Case (Dec. 16, 2019); Daily Beast, Trump's New Favorite Channel Employs Kremlin-Paid Journalist (July 22, 2019) <https://www.thedailybeast.com/oan-trumps-new-favorite-channel-employs-kremlin-paid-journalist>.

Mr. Derkach has identified not only Chairmen Johnson and Grassley but also Mr. Telizhenko as a fellow accuser of the “DemoCorruption” allegedly spearheaded by Vice President Biden.

During the Committees’ transcribed interview of George Kent, the State Department’s Deputy Assistant Secretary for European and Eurasian Affairs, he identified Mr. Telizhenko as “a liar.”⁴⁵ Mr. Telizhenko’s former employers at Blue Star also described him as unreliable and not credible. Chief Executive Officer Karen Tramontano said, “the information he provided was, you know, conspiratorial in nature and unfounded” and Chief Operating Officer Sally Painter noted “he makes things up and has another agenda.”⁴⁶

Mr. Telizhenko has links with additional corrupt and pro-Russia foreign nationals. Mr. Telizhenko reportedly worked for at least two unseemly Ukrainians. One was a politician who was stripped of his Ukrainian citizenship and investigated by Ukrainian authorities for treason after he was accused of “conspiring with Russia to commit ‘subversive acts against Ukraine,’” by advancing a pro-Russian proposal to legitimize Russia’s occupation of the Crimean peninsula.⁴⁷ The other was an oligarch who had reportedly been a potential business partner to Donald Trump in a Moscow tower project.⁴⁸ Mr. Telizhenko has also been accused of corruption. An editor for a Ukrainian magazine also recently accused Mr. Telizhenko of offering him a cash bribe to lobby Republican elected officials on behalf of pro-Russian media outlets in Ukraine.⁴⁹

⁴⁵ HSGAC-SFC Interview of George Kent (July 24, 2020) p. 85.

⁴⁶ HSGAC-SFC Interview of Karen Tramontano (Aug. 28, 2020) p. 63; HSGAC- SFC Interview of Sally Painter (Aug. 31, 2020) pp. 61-63.

⁴⁷ New York Times, Ukraine Lawmaker Who Worked With Trump Associates Faces Treason Inquiry (Feb. 21, 2017) <https://www.nytimes.com/2017/02/21/world/europe/andrii-artemenko-ukraine-russia.html>; Interfax-Ukraine, Radical Party Leader: Poroshenko decrees to denaturalize MP Artemenko who proposed holding referendum on Crimea (May 1, 2017) <https://en.interfax.com.ua/news/general/419023.html>.

⁴⁸ Kyiv Post, The strange and meteoric rise of Giuliani’s favorite Ukrainian ‘whistleblower’ (Dec. 5, 2019) <https://www.kyivpost.com/ukraine-politics/the-strange-and-meteoric-rise-of-giulianis-favorite-ukrainian-whistleblower.html>.

⁴⁹ CNN, A Giuliani ally offered cash to lobby US senators on behalf of pro-Russian TV stations (Mar. 14, 2020) <https://www.cnn.com/2020/03/14/europe/andrii-telizhenko-ukraine-biden-giuliani-intl/index.html>.



Figure 1. Photo of Andrii Telizhenko and Chairman Johnson in his Senate office (posted by Telizhenko in July 2019)

In July 2019, Chairman Johnson and his staff spent over five hours meeting with Mr. Telizhenko to discuss an “unsubstantiated claim that the Democratic National Committee worked with the Ukrainian government in 2016 to gather incriminating information about Paul Manafort.”⁵⁰ Mr. Telizhenko’s actions have since raised additional security concerns with U.S. officials. He was cited by the bipartisan Senate Select Committee on Intelligence report in a discussion of efforts by Paul Manafort and a Russian intelligence asset to spread disinformation on Ukraine – two months prior to meeting with Chairman Johnson – although specific details remain classified: “For example, in late May 2019, Telizhenko claimed that the “black ledger” naming Manafort was a forgery solicited by the Obama administration.”⁵¹

Subsequent to this meeting with Mr. Telizhenko, on September 27, 2019 the Chairmen wrote to Attorney General Barr to “follow up” on Chairman Grassley’s letter from over two years prior on “brazen efforts by the Democratic National Committee and Hillary Clinton

campaign to use the government of Ukraine” to undermine the Trump campaign.⁵² The letter cited unsubstantiated claims by Mr. Telizhenko, and cast doubts on Ukrainian anti-corruption parliamentarian Serhiy Leshchenko and the “black ledger,” a document which detailed \$12.7 million in alleged secret payments from the Party of Regions to Manafort.⁵³ The Senate Select

⁵⁰ Washington Post, Sen. Johnson, ally of Trump and Ukraine, surfaces in crucial episodes in the saga (Oct. 28, 2019) https://www.washingtonpost.com/politics/sen-johnson-ally-of-trump-and-ukraine-surfaces-in-crucial-episodes-in-the-saga/2019/10/28/40b9e44c-f684-11e9-8cf0-4cc99f74d127_story.html.

⁵¹ SSCI Russian Interference Report Vol. 5, p. 132.

⁵² Letter from the Republican Chairmen to Attorney William Barr (Sep. 27, 2019) <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-renew-inquiry-doj-actions-reported-election-meddling>.

⁵³ As summarized in Just Security, the essential veracity of the black ledger has held up over time. “Bank records described in an FBI search warrant, and reviewed by the Associated Press, confirmed that at least \$1.2 million in payments listed in the records next to Manafort’s name were actually deposited in one of his firm’s bank accounts in Virginia.... Andrew Kramer, the New York Times foreign correspondent who first revealed the secret payments to Manafort, also reported at the time that others in Ukraine who were named in the ledger had confirmed that the records were genuine. As a BBC fact check on the ledger explained, ‘More than three years since it emerged, no one has managed to cast serious doubt on its contents.’ The Washington Post’s fact checker Glenn Kessler noted, ‘While some Republicans have suggested that the ledger was fake, Manafort’s defense lawyers did not make that argument.’” Just Security, Manafort’s Reward: Sen. Ron Johnson and the Ukraine Conspiracy Investigation: Part II (Aug. 24, 2020) <https://www.justsecurity.org/72148/manafort-reward-sen-ron-johnson-and-the-ukraine-conspiracy-investigation-part-ii>.

Committee on Intelligence report identified derogatory claims about Mr. Leshchenko and the “black ledger” to be part of Russian influence operations to undermine investigations into Russian interference.⁵⁴

On February 29, 2020, former Vice President Joe Biden decisively won the Democratic South Carolina primary, giving his campaign a decisive boost.⁵⁵ The very next day, Chairman Johnson announced his intent to subpoena Mr. Telizhenko for documents and testimony, stating: “I am convinced obtaining Mr. Telizhenko’s Blue Star documents and information is an important part of this investigation.”⁵⁶ In a letter of disapproval, Ranking Member Peters expressed his concern “that the United States Senate and this Committee could be used to further disinformation efforts by Russian or other actors,” and asked “for the Committee to receive defensive briefings – specifically regarding Mr. Telizhenko – from relevant intelligence community and law enforcement officials.”⁵⁷

On March 10, the FBI provided a classified briefing to staff on issues connected to the Telizhenko subpoena. The next day – an hour before the scheduled Committee vote – Chairman Johnson abruptly “postpone[ed]” the vote to subpoena Mr. Telizhenko out of “an abundance of caution.”⁵⁸ Chairman Johnson acknowledged there was a “discrepancy” between the classified briefing and a previous unclassified briefing about Mr. Telizhenko.⁵⁹

The Telizhenko subpoena vote was never rescheduled and Chairman Johnson instead sought subpoenas for documents from Blue Star Strategies and testimony from its co-founders. However, according to Mr. Telizhenko he has remained in contact with Chairman Johnson’s staff in recent months answering questions over email and by phone.⁶⁰

3. GOP Chairmen Repeatedly Cite Discredited Reporter’s Opinion Columns as Findings of Fact

Chairmen Johnson and Grassley’s joint investigation letters rely heavily on opinion columns written by former *The Hill* writer John Solomon as factual evidence in support of their allegations. Mr. Solomon previously wrote “investigative” pieces, but *The Hill* began explicitly labeling him an “opinion contributor” in May 2018 after complaints from Mr. Solomon’s

⁵⁴ SSCI Russian Interference Report Vol. 5, p. 106.

⁵⁵ USA Today, ‘You brought me back’: Joe Biden rallies supporters after convincing South Carolina primary win (Feb. 29, 2020) <https://www.usatoday.com/story/news/politics/elections/2020/02/29/south-carolina-primary-joe-biden-looks-chip-away-bernie-sanders-delegate-lead/4889526002/>.

⁵⁶ Letter from Chairman Johnson to HSGAC Committee Members (Mar. 1, 2020) <https://www.hsgac.senate.gov/imo/media/doc/2020-03-01%20RHJ%20Letter%20to%20HSGAC%20members.pdf>.

⁵⁷ Letter from Ranking Member Peters to Chairman Johnson (Feb. 27, 2020) https://www.hsgac.senate.gov/imo/media/doc/200227_Letter_Peters.pdf.

⁵⁸ Letter from Senate Homeland Security and Governmental Affairs Committee Chairman Ron Johnson, to Committee Members (March 11, 2020).

⁵⁹ *Id.*

⁶⁰ Wall Street Journal, Senate Republicans’ Probe of Joe and Hunter Biden Nears Completion (Sep. 21, 2020) <https://www.wsj.com/articles/senate-republicans-probe-of-joe-and-hunter-biden-nears-completion-11600720533>.

colleagues that his articles lacked context and rigor.⁶¹ As early as 2007, media critics have also questioned his work, noting a “history of bending the truth to his storyline” and “massaging facts to conjure phantom scandals.”⁶²

For example, on September 27, 2019, Chairmen Johnson and Grassley sent a letter relying entirely on Mr. Solomon’s opinion piece from the day prior regarding information they claimed “raises new questions” about Vice President Biden and Burisma.⁶³ The letter recited the claims in Mr. Solomon’s opinion piece in detail, but presented as a credible news report with findings of fact:

A recent report described a note purporting to memorialize a meeting in Kiev between the Ukrainian Acting Prosecutor General, Yuriy Sevruk, and Burisma’s American legal team. Yuriy Sevruk was the temporary replacement for the Prosecutor General that Vice President Biden demanded be fired, Victor Shokin. ... The article also reports that Ukrainian prosecutors have unsuccessfully been trying to get information to Justice Department officials since the summer of 2018, possibly including “[h]undreds of pages of never-released memos and documents... [that] conflict with Biden’s narrative” that his actions in Ukraine had nothing to do with his son’s connections to Burisma.⁶⁴

During his interview with the Committees, former Special Envoy for International Energy Affairs Amos Hochstein was asked about one of the Chairmen’s letters citing Mr. Solomon’s articles, and identifies Mr. Solomon as printing “information that comes from Russian forces” from “under his byline”:

Q: I’m just going to ask you about the block quote that’s on page 2 of this document. It quotes Andrii Telizhenko from an article by John Solomon. Mr. Hochstein, who is John Solomon?

A: I think he is a – he is a – he’s someone who publishes right-wing reports on different U.S. websites, usually – the ones that – I don’t read a lot of them, but the ones that I’ve seen have been filled with information that comes from Russian forces.

Q: And why do you say that?

⁶¹ Washington Post, The Hill’s John Solomon moves to new spot as ‘opinion contributor,’ (May 14, 2018) <https://www.washingtonpost.com/blogs/erik-wemple/wp/2018/05/14/the-hills-john-solomon-moves-to-new-spot-as-opinion-contributor/>.

⁶² Columbia Journalism Review, Something fishy? John Solomon had grand plans for the digital future of the Center for Public Integrity. But there was always a catch... (July/Aug. 2012) https://archives.cjr.org/feature/something_fishy.php.

⁶³ Letter from Republican Chairmen to Attorney General Barr (Sep. 27, 2019) <https://www.grassley.senate.gov/sites/default/files/2019-09-27%20CEG%20RHJ%20to%20DOJ%20%28Ukraine%20DNC%29.pdf>.

⁶⁴ *Id.*

A: I said only the ones that I've read regarding Ukraine have been ones where I would see things and hear things in Kyiv or coming out of Russia, and I would see them printed under his byline.⁶⁵

In 2019, Mr. Solomon published a series of opinion articles making various claims pertaining to Ukraine. On November 18, 2019, *The Hill* announced they would review 14 articles written by Solomon – including all of those cited by the Chairmen – after extensive criticism from State Department officials. Mr. Solomon’s work was so flawed that *The Hill* re-evaluated its own policies and guidelines. *The Hill*’s news team found Mr. Solomon used deeply unreliable and biased sources, amplifying an inaccurate narrative about the Bidens: “Solomon failed to identify important details about key Ukrainian sources, including the fact that they had been indicted or were under investigation. In other cases, the sources were his own attorneys.”⁶⁶

One source cited by Mr. Solomon was Konstantyn Kulyk, a former Ukrainian prosecutor.⁶⁷ Mr. Kulyk has a long and well-known history of corruption and has appeared in several press conferences with Mr. Derkach, where the pair have spread Russian disinformation efforts intended to interfere in the 2020 U.S. presidential election.⁶⁸ Mr. Solomon’s Ukrainian sources also included two former Ukrainian Prosecutor Generals Yuriy Lutsenko and Viktor Shokin – who were principal sources behind the unfounded allegations of corruption against former Vice President Biden. *The Hill* noted, “Like Lutsenko, Shokin’s reliability as a sources is in question.”⁶⁹

The Hill also concluded that “the central idea Solomon advanced about Ukraine and Biden was flawed in many ways and ‘disputed by officials in both Kyiv and Washington.’”⁷⁰ The executive director of Ukraine’s nonprofit Anti-Corruption Action Centre specifically wrote a column to rebut one of Mr. Solomon’s articles that had falsely accused the anti-corruption organization of election interference efforts.⁷¹ WNYC referred to Mr. Solomon’s pieces as “a time-honored tradition of using American outlets to launder foreign propaganda” in “making accusations against a well-regarded anti-corruption activist.”⁷² State Department official Amos Hochstein also flatly asserted Mr. Solomon’s efforts – along with Andrii Derkach and Andrii Telizhenko –

⁶⁵ HSGAC-SFC Interview of Amos Hochstein (Sep. 17, 2020) p. 86.

⁶⁶ The Hill, *The Hill*’s review of John Solomon’s columns on Ukraine (Feb. 19, 2020)

<https://thehill.com/homenews/news/483600-the-hills-review-of-john-solomons-columns-on-ukraine>.

⁶⁷ See, e.g., John Solomon, *The Hill*, Ukrainian to US prosecutors: Why don't you want our evidence on Democrats? (Apr. 7, 2019) <https://thehill.com/opinion/white-house/437719-ukrainian-to-us-prosecutors-why-dont-you-want-our-evidence-on-democrats>.

⁶⁸ New York Times, *The Ukrainian Prosecutor Behind the Dossier Targeting Hunter Biden* (Oct. 15, 2019)

<https://www.nytimes.com/2019/10/15/world/europe/ukraine-prosecutor-biden-trump.html>; Washington Post, *Hunt for Biden tapes in Ukraine by Trump allies revives prospect of foreign interference* (July 1, 2020)

https://www.washingtonpost.com/national-security/for-months-trump-allies-hunted-for-tapes-of-biden-in-ukraine-now-theyre-turning-up/2020/06/30/3aeaba8-a67b-11ea-8681-7d471bf20207_story.html.

⁶⁹ *Id.*

⁷⁰ CNN, *The Hill criticizes John Solomon's Ukraine columns, implements new policies after lengthy review* (Feb. 19, 2020) <https://www.cnn.com/2020/02/19/media/the-hill-john-solomon-columns-investigation-results/index.html>.

⁷¹ The Hill, *Ukraine continues to fight corruption — don't believe the smear* (Apr. 2, 2019)

<https://thehill.com/opinion/international/436954-ukraine-continues-to-fight-corruption-dont-believe-the-smear>.

⁷² On the Media, *The Ukraine Connection* (Sep. 27, 2019)

<https://www.wnycstudios.org/podcasts/otm/segments/ukrainian-connection>.

were consistent with “Russian malign influence operations” in order to “undermine Vice President Biden’s candidacy and to ensure a Russian successful outcome in the U.S. election.”⁷³

4. Derkach Ally Giuliani Provided Biden Dirt to GOP Sources

Andrii Derkach has repeatedly met with President Trump’s personal attorney Rudy Giuliani and was a key source in Giuliani’s longstanding search for “Biden dirt” in Ukraine to damage former Vice President Joe Biden.⁷⁴ The Chairmen’s primary sources – Andrii Telizhenko and John Solomon – were also in regular contact with and directly fed information from Mr. Giuliani.



Figure 2 Photo of Rudy Giuliani with Andrii Derkach in Kyiv, Ukraine (posted by Derkach)

In December 2019, Mr. Giuliani met with Mr. Derkach in Ukraine, where Mr. Derkach said he handed Mr. Giuliani documents on allegations related to Burisma, where Hunter Biden had previously served as a board member.⁷⁵ Mr. Telizhenko reportedly traveled with Mr. Giuliani to Ukraine on the same trip.⁷⁶ Earlier this year, Mr. Giuliani told the *Washington Post* that he knew Mr. Derkach “quite well” and had “been very helpful to me.” When asked if Mr. Derkach had provided him with materials, Mr. Giuliani responded, “Oh, my God, yeah.”⁷⁷

⁷³ HSGAC-SFC Interview of Amos Hochstein (Sep. 17, 2020) pp. 88-89.

⁷⁴ NBC News, Rudy’s helpers: A guide to the controversial figures assisting Giuliani in Ukraine (Dec. 22, 2019) <https://www.nbcnews.com/politics/trump-impeachment-inquiry/rudy-s-helpers-guide-controversial-figures-assisting-giuliani-ukraine-n1105116>.

⁷⁵ Washington Post, Ukraine lawmaker seeking Biden probe meets with Giuliani in Kyiv (Dec. 5, 2019) https://www.washingtonpost.com/world/europe/ukraine-lawmaker-seeking-biden-probe-meets-with-giuliani-in-kyiv/2019/12/05/ead06eae-175b-11ea-80d6-d0ca7007273f_story.html.

⁷⁶ Wall Street Journal, Just Having Fun?: Giuliani Doubles Down on Ukraine Probes (Dec. 13, 2019) <https://www.wsj.com/articles/just-having-fun-giuliani-doubles-down-on-ukraine-probes-11576233001>; OANN documentary

⁷⁷ Washington Post, U.S. sanctions Ukrainian lawmaker tied to Giuliani as ‘active Russian agent’ (Sep. 10, 2020) (https://www.washingtonpost.com/national-security/election-interference-sanctions-ukraine/2020/09/10/ba537510-f382-11ea-9279-45d6bdf145f_story.html).

During his December 2019 trip, Mr. Giuliani interviewed Mr. Derkach for a documentary series on OAN, a network that regularly features pro-Trump stories, obtained leaked recordings of alleged calls between Vice President Biden and Ukrainian President Poroshenko, and has repeatedly interviewed Mr. Derkach and repeated his claims.⁷⁸ OAN also employs a journalist covering U.S. politics who is simultaneously paid by the Kremlin and writing for Sputnik – the Russian-owned news outlet that the U.S. intelligence community concluded assisted in Russia’s 2016 election interference operation.⁷⁹

Mr. Telizhenko has had repeated public and non-public contact with Rudy Giuliani, including multiple meetings over the past year in Mr. Giuliani’s personal office.⁸⁰ In 2016, the former mayor flew Mr. Telizhenko to New York and interviewed him for five hours about his allegations.⁸¹ In November 2019, Mr. Telizhenko discussed his close relationship with Giuliani: “We’re friends now. He respects our country.”⁸² Mr. Telizhenko also traveled with Mr. Giuliani in December 2019 to participate in the OAN documentary.

Mr. Giuliani indicated he was also a key source for John Solomon’s discredited Ukraine columns. In November 2019, he told the *New York Times*: “I really turned my stuff over to John Solomon.”⁸³ Mr. Giuliani also said he encouraged Mr. Solomon to highlight information on the Bidens: “I said, ‘John, let’s make this as prominent as possible’ ... ‘I’ll go on TV. You go on TV. You do columns.’”⁸⁴

Text messages provided by Mr. Giuliani associate Lev Parnas to Congress show Mr. Solomon in repeated contact with Mr. Giuliani. On May 7, 2019, Mr. Parnas texted, “We are at trump with Rudy and John Salomon [*sic*] and joe in private room.” An earlier text to Mr. Parnas also asks, “Any documents for us or are you going to keep working through Solomon?”⁸⁵

C. Republicans Admit Purpose of Investigation is to Attack Vice President Biden’s Candidacy for President

⁷⁸ NBC News, Rudy’s helpers: A guide to the controversial figures assisting Giuliani in Ukraine (Dec. 22, 2019) <https://www.nbcnews.com/politics/trump-impeachment-inquiry/rudy-s-helpers-guide-controversial-figures-assisting-giuliani-ukraine-n1105116>.

⁷⁹ Daily Beast, Trump’s New Favorite Channel Employs Kremlin-Paid Journalist (July 22, 2019) <https://www.thedailybeast.com/oan-trumps-new-favorite-channel-employs-kremlin-paid-journalist>.

⁸⁰ Daily Beast, Source for ‘Ukraine Collusion’ Allegations Met Devin Nunes (Nov. 5, 2019) <https://www.thedailybeast.com/andrii-telizhenko-source-for-ukraine-collusion-allegations-met-rep-devin-nunes>.

⁸¹ NBC News, Amid impeachment drive, the pro-Trump search for dirt on Ukraine and the Bidens goes on (Nov. 3, 2019) <https://www.nbcnews.com/politics/trump-impeachment-inquiry/amid-impeachment-circus-pro-trump-search-dirt-ukraine-bidens-2016-n1075811>.

⁸² *Id.*

⁸³ New York Times, The Man Trump Trusts for News on Ukraine (Nov. 12, 2019) <https://www.nytimes.com/2019/11/12/us/politics/john-solomon-ukraine-fox-news-the-hill.html>.

⁸⁴ New Yorker, The Ukrainian Prosecutor Behind Trump’s Impeachment (Dec. 16, 2019) <https://www.newyorker.com/magazine/2019/12/23/the-ukrainian-prosecutor-behind-trumps-impeachment>.

⁸⁵ Text messages of Lev Parnas produced to House Judiciary Committee https://judiciary.house.gov/uploadedfiles/document_production_lev_parnas_january_17_2020_whatsapp_excerpts_harvey_with_attachments.pdf.

Chairman Johnson and other Republicans have acknowledged that this investigation seeks to attack former Vice President Joe Biden's presidential candidacy and influence the 2020 presidential election in President Trump's favor. On March 3, 2020, Vice President Biden won overwhelmingly in the Democratic primaries' Super Tuesday elections and became the likely Democratic nominee.⁸⁶

The next day, President Trump announced in an interview with Sean Hannity that an investigation portraying the Bidens as corrupt would be a central focus of his presidential campaign. He stated: "That will be a major issue in the campaign. I will bring that up all the time."⁸⁷

That same day, Chairman Johnson explained his plans to release an investigative report on Hunter Biden and Ukraine that would answer questions of a "Democratic primary voter" on Biden:

These are questions that Joe Biden has not adequately answered ... [and] if I were a Democrat primary voter, I'd want these questions satisfactorily answered before I cast my final vote.⁸⁸

President Trump immediately retweeted Chairman Johnson's news: "NEW: Ron Johnson says he'll likely release an interim report within next 1-2 months on his cmte's Biden probe."⁸⁹

The Chairmen's investigation targeting Hunter Biden is a transparent attempt to influence the U.S. presidential election by attempting to damage Vice President Biden. Senator Mitt Romney agreed it was "apparent on its face" that the election year Hunter Biden probe was politically motivated.⁹⁰ Earlier this month, Senator Romney also stated: "It's not the legitimate role of government, for Congress, or for taxpayer expense to be used in an effort to damage political opponents."⁹¹

In August 2020, Chairman Johnson continued to explicitly state the intended purpose of his investigation: "I would think it would certainly help Donald Trump win reelection and certainly be pretty good, I would say, evidence about not voting for Vice President Biden."⁹² He also stated on public radio that his investigation "should completely disqualify Biden from president."⁹³ Just last week, Chairman Johnson also declared on local radio of Joe Biden: "What

⁸⁶ New York Times, Republicans, Egged On by Trump, Scrutinize Hunter Biden as His Father Surges (Mar. 5, 2020) <https://www.nytimes.com/2020/03/05/us/politics/biden-trump-burisma-investigation.html>.

⁸⁷ *Id.*

⁸⁸ Politico, Republicans lean into Biden probe as he surges in Democratic primary (Mar. 4, 2020) <https://www.politico.com/news/2020/03/04/joe-biden-probe-2020-election-120924>.

⁸⁹ Tweet by @realdonaldtrump (Mar. 4, 2020) <https://twitter.com/realdonaldtrump/status/1235371634757861376>

⁹⁰ Politico, Ron Johnson's investigations thrust freewheeling GOP senator into election-year spotlight (June 15, 2020) <https://www.politico.com/news/2020/06/15/ron-johnson-bideninvestigations-spotlight-314323>.

⁹¹ Associated Press, Romney says Biden probe 'not legitimate role of government' (Sep. 16, 2020) <https://apnews.com/flde4ee7909548a132796767779ee56d>.

⁹² Milwaukee Journal Sentinel, Ron Johnson says his Biden probe could aid Trump's reelection, dismisses ethics complaint filed by liberal groups (Aug. 14, 2020) <https://www.jsonline.com/story/news/politics/2020/08/14/ron-johnson-says-his-biden-probe-could-aid-trump-re-election/3374456001/>.

⁹³ *Id.*

our investigations are uncovering I think will reveal that this is not somebody we should be electing president of the United States.”⁹⁴

D. No GOP Interest In Hunter Biden Allegations Until Impeachment and 2020 Presidential Campaign

The faulty basis of the investigation, coupled with the timing of the investigation, make it clear that it is motivated primarily to impact the November 2020 election and epitomizes its partisan nature. The Chairmen’s investigation, which sat dormant for months, regained momentum after former Vice President Joe Biden became a presidential candidate, and has since become even more active and targeted since he became the Democratic presidential nominee.

On May 12, 2014, Burisma’s announcement that Hunter Biden was joining the company’s Board of Directors was widely reported in the U.S. media.⁹⁵ At that time, Chairman Johnson had the authority but chose not to investigate allegations of conflict of interest or possible corruption as the Chairman of the Foreign Relations Committee’s Subcommittee on Europe and Regional Security Cooperation. Between January 2013 and April 2019, the Foreign Relations Committee held at least 35 hearings where corruption in Ukraine was discussed and witnesses relevant to corruption in Ukraine were questioned.⁹⁶ Chairman Johnson never raised any concerns about Hunter Biden’s position on the board of Burisma at the 16 hearings about Ukraine that he attended after Hunter Biden’s employment by Burisma. In fact, at a June 2014 Foreign Relations Committee hearing on Ukraine, Johnson stated: “If we have to tie aid or help to make sure that anti-corruption laws are passed, I think we should do that.”⁹⁷

Speaking about his time as Ambassador to Ukraine, Geoffrey Pyatt told the Committees about his close relationship with Congress, and with Chairman Johnson in particular, during his time in Ukraine:

A: 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 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.

Q: And when you say "these issues," what are you referring to?

⁹⁴ WCLO Your Talk Show Interview with Senator Ron Johnson (Sep. 15, 2020) <https://www.wclo.com/episode/9-15-20-bill-smith-president-of-the-the-wisconsin-civil-justice-council-followed-by-senator-ron-johnson/>

⁹⁵ Washington Post, Hunter Biden’s new job at a Ukrainian gas company is a problem for U.S. soft power (May 14, 2014) <https://www.washingtonpost.com/news/worldviews/wp/2014/05/14/hunter-bidens-new-job-at-a-ukrainian-gas-company-is-a-problem-for-u-s-soft-power/>.

⁹⁶ Chairman Johnson was present at 20 of these 35 hearings and was not recorded as present at the remaining 15 hearings.

⁹⁷ Senate Foreign Relations Committee Hearing, Developments in Ukraine (June 5, 2014) S. Hrg. 113-525.

A: The agenda of anti-corruption. 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.⁹⁸

The lockstep timing of the Committees' investigative steps with political and electoral events also raises concerns. In 2017, Chairman Grassley first wrote to the Department of Justice seeking information related to allegations pertaining to the Democratic National Committee, Ukraine, and the 2016 election.⁹⁹ The Chairmen did not follow up on this letter until more than two years later on September 27, 2019 – just two days after the release of a phone call between President Trump and Ukrainian President Zelensky and one day after the release of a related Intelligence Community (IC) whistleblower complaint alleging wrongdoing by the President.¹⁰⁰

The Chairmen's first request pertaining to Hunter Biden occurred on November 6, 2019 – amidst active impeachment proceedings in the House of Representatives.¹⁰¹ The Chairmen proceeded to send letters during high-profile moments of the impeachment proceedings, including public hearing testimony and the day of the House Intelligence Committee's release of its impeachment report.¹⁰² Chairmen Johnson and Grassley also requested records about Hunter Biden from the Secret Service hours after the Senate's vote to acquit President Trump in the impeachment trial.¹⁰³

Moreover, despite statements that he intends to keep “information-gathering on these matters largely outside the public spotlight,” Chairman Johnson has issued six press releases outlining in detail their efforts to pursue this investigation, along with frequent media appearances and public statements by the Chairman.¹⁰⁴

⁹⁸ HSGAC-SFC Interview of Geoffrey Pyatt (Sep. 22, 2020) p. 80.

⁹⁹ Letter from Chairman Grassley to Deputy Attorney General Rod J. Rosenstein (July 20, 2017)

<https://www.grassley.senate.gov/sites/default/files/constituents/2017-07-20%20CEG%20to%20DOJ%20%28Ukraine%20DNC%20FARA%29.pdf>.

¹⁰⁰ Letter from the Republican Chairmen to Attorney William Barr (September 27, 2019)

<https://www.grassley.senate.gov/news/news-releases/grassley-johnson-renew-inquiry-doj-actions-reported-election-meddling>; NBS News, Timeline: Trump impeachment inquiry (Oct. 16, 2019)

<https://www.nbcnews.com/politics/trump-impeachment-inquiry/timeline-trump-impeachment-inquiry-n1066691>.

¹⁰¹ Letter from the Republican Chairmen to Secretary of State Michael Pompeo (November 6, 2019)

<https://www.grassley.senate.gov/news/news-releases/johnson-grassley-call-state-department-release-documents-hunter-biden-and-burisma>.

¹⁰² See, e.g., Letter from the Republican Chairmen to Director of the Financial Crimes Enforcement Network, Department of Treasury (Nov. 15, 2019) <https://graphics.reuters.com/UKRAINE-BURISMA/0100B32N28V/us-senate.pdf>; Letter from the Republican Chairmen to the Archivist of the United States (Nov. 21, 2019)

<https://www.hsgac.senate.gov/media/majority-media/johnson-grassley-request-records-from-2016-white-house-meetings-between-obama-administration-and-ukrainian-government-dnc-officials>; Letter from the Republican Chairmen to Karen Tramontano, Chief Executive Officer of Blue Star Strategies (Dec. 3, 2019)

<https://www.grassley.senate.gov/news/news-releases/johnson-grassley-seek-information-regarding-blue-star-strategies-work-burisma>.

¹⁰³ Letter from the Republican Chairmen to Director James Murray (Feb. 5, 2020)

<https://www.grassley.senate.gov/news/news-releases/grassley-johnson-seek-hunter-biden-travel-records-conflict-interest-probe>.

¹⁰⁴ Letter from Chairman Johnson to Members, S. Comm. on Homeland Security and Governmental Affairs (March 1, 2020) <https://www.hsgac.senate.gov/imo/media/doc/2020-03-01%20RHJ%20Letter%20to%20HSGAC%20members.pdf>.

II. OVERWHELMING EVIDENCE REVEALS NO GOVERNMENT IMPROPRIETY IN U.S.-UKRAINE POLICY

Chairman Johnson and Chairman Grassley’s investigation purportedly seeks to “better understand what actions, if any, the Obama Administration took to ensure that policy decisions relating to Ukraine and Burisma were not improperly influenced.”¹⁰⁵ The Majority staff investigation found no evidence of improper influence. Despite more than 36,000 pages of records and internal communications from the State Department, Treasury Department, and the National Archives and Records Administration, and 50 hours of interviews with ten witnesses, the Majority’s investigation found no evidence to support the Chairmen’s insinuations that Hunter Biden’s position on the board of Burisma unduly influenced any U.S. policy regarding Ukraine.

To the contrary, the overwhelming evidence before the Committees indicates a whole-of-government U.S.-Ukraine policy was reached through the normal interagency process involving numerous layers of career and political officials. Every relevant witness told the Committees that the actions taken by the U.S. Government regarding Ukraine were proper and that Hunter Biden’s role was not a factor in any policy decision.

The investigation found no evidence to support the Majority’s theory that former Vice President Biden supported removing Ukraine’s top prosecutor in order to stop a corruption investigation into Burisma. The investigation in fact documented the opposite to be true. Removing the scandal-ridden Prosecutor General Viktor Shokin was widely understood to be an anti-corruption reform measure and vocally supported, at the time, in the United States – including by Chairman Johnson – and across the Western geopolitical alliance.¹⁰⁶ Removing Mr. Shokin was intended to enable the Prosecutor General’s office to crack down on corruption in Ukraine, including at Burisma.¹⁰⁷

A. U.S. Policy in Ukraine Was Not Influenced By and Did Not Benefit Hunter Biden

The investigation uncovered no evidence demonstrating that Hunter Biden’s role at Burisma negatively affected the United States’ Ukraine policy. To the contrary, witnesses consistently testified that policy decisions were not made to benefit Hunter Biden.

1. Former Ambassador to Ukraine Geoffrey Pyatt Confirms Hunter Biden’s role “had zero impact” on his Ukraine Work

¹⁰⁵ Senate Homeland Security and Governmental Affairs Committee Chairman Ron Johnson and Senate Finance Committee Chairman Chuck Grassley Letter to Secretary of State Mike Pompeo (December 3, 2019).

¹⁰⁶ Vicki McKenna on WISN, The Whistleblower Report Is A Planned Political Hit On Our President (Oct. 3, 2019) <https://www.iheart.com/podcast/477-vicki-mckenna-on-wisn-28233399/episode/the-whistleblower-report-is-a-planned-50228625/>; Vox, 2 Republican senators refute Trump’s Ukraine-Biden conspiracy theory (Oct. 7, 2019) <https://www.vox.com/policy-and-politics/2019/10/7/20903398/trump-biden-ukraine-portman-johnson-impeachment>.

¹⁰⁷ USA Today, Explainer: Biden, allies pushed out Ukrainian prosecutor because he didn’t pursue corruption cases (Oct 3, 2019) <https://www.usatoday.com/story/news/politics/2019/10/03/what-really-happened-when-biden-forced-out-ukraines-top-prosecutor/3785620002/>.

Then-Ambassador to Ukraine Geoffrey Pyatt emphasized that Hunter Biden’s role on Burisma’s board “had zero impact on my work” and that “there was no time at which Hunter Biden’s employment in any way compromised my ability to do my job effectively.”¹⁰⁸ Ambassador Pyatt confirmed “the normal policy process” was followed, not a special instruction from Vice President Biden:

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

A: I never saw Vice President Biden operate in any way outside of the normal policy process.¹⁰⁹

Ambassador Pyatt explained that while Vice President Biden was “the leading voice” for the Administration’s Ukraine policy, he was “just one part of a large interagency policy”:

A: [T]he 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. ...

Q: 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?

A: 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. ... 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 policy¹¹⁰

Ambassador Pyatt also dismissed the claim that the policy to remove Prosecutor General Viktor Shokin was to assist Hunter Biden:

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

A: No. As I said, it was formulated by the interagency process in all of its glory.¹¹¹

2. Amos Hochstein, Former Special Envoy for International Energy Affairs, Knows “for a fact” Vice President Biden Allegations Untrue

¹⁰⁸ HSGAC-SFC Interview of Geoffrey Pyatt (Sep. 22, 2020) p. 85, 88.

¹⁰⁹ *Id.* p. 66.

¹¹⁰ *Id.* pp. 15-16.

¹¹¹ *Id.* p. 63.

During his interview, former State Department Special Envoy and Coordinator for International Energy Affairs Amos Hochstein repeatedly and unequivocally emphasized he knows “for a fact” that the allegations of Hunter Biden’s position on the board of Burisma affecting U.S. policy or presenting even a potential conflict of interest were untrue – due to his deep involvement with former Vice President Biden on anti-corruption matters in Ukraine:

Q: Did a potential conflict of interest related to Hunter Biden influence Obama Administration policy decisions with respect to Ukraine and Burisma Holdings?

A: Not at all.

Q: You sound very confident in that answer. Why?

A: I was involved in one part of the U.S. policy towards Ukraine. I accompanied Vice President Biden to Ukraine. I traveled to Ukraine independently. I was in close contact with other officials from the Department of Defense, Department of State, and the White House on the formulation of U.S. policy towards Ukraine in discussion with the Secretary of State. And never was the word “Burisma” raised. The presence of Hunter Biden on the board of Burisma never factored into it.¹¹²

A: I was working very closely with the Vice President on corruption matters in Ukraine. I was working in concert with other officials from the U.S. Government. We were never working in isolation or in a dark room. We were all discussing this on a regular basis and coordinating our efforts and strategies. So I know for a fact that these allegations are untrue.

When somebody says that the Vice President wanted to fire Shokin to support his son, I know it's not true. Now I know it because I was there. I was on that trip. I was in meetings before. I know who else was calling for the firing of Shokin. I know that it wasn't the Vice President's view alone. I know that it was called for by other international financial institutions, other governments. So the idea that firing, or calling for reforms in the Prosecutor General Office culminating in the removal of him was a coordinated, multi-stakeholder effort, and therefore the plausibility that that was somehow manipulated all for a tiny little company called Burisma that Hunter Biden was on the board of, for somebody like me that was there, I know that it's not true. ... I can tell you (1) I was there, (2) it was multilateral, (3) it was an interagency, (4) it had no material effect on Burisma itself or on Mr. Zlochevsky.¹¹³

Mr. Hochstein also explained how “the biggest fear in Ukraine then and now among the oligarchs and the corruption machine was Vice President Biden and the team around him that

¹¹² HSGAC-SFC Interview of Amos Hochstein (Sep. 17, 2020) p. 90.

¹¹³ *Id.* p. 101.

was pursuing this effort.”¹¹⁴ He added that the conflict of interest allegation stemmed from such “maligned influencers” who “feared the anti-corruption efforts” of Vice President Biden:

[T]here is no basis in fact to suggest any conflict of interest, not even a perception, successful perception. Just maligned influencers from outside Ukraine and corrupt oligarchs who feared the anti-corruption efforts by the Vice President and several of us working under his direction.¹¹⁵

3. During his Interview, George Kent Thoroughly Discredited the Allegations against Vice President Biden, Consistent with his Previous Sworn Testimony

Deputy Assistant Secretary of State George Kent testified that although he had concerns about Hunter Biden’s role “it was not an issue of programs and policies of the U.S. Government.”¹¹⁶ Mr. Kent stated Hunter Biden and his associates had no role in the formulation of U.S. policy, and any potential conflict of interest resulting from Hunter Biden’s role did not influence U.S. policy decisions. In his written opening statement, Mr. Kent discussed raising his concern of a potential “perception of a conflict of interest” but also emphasized no “U.S. official shield[ed] Burisma from scrutiny” as a result:

Later, I became aware that Hunter Biden was on the board of Burisma. Soon after that, in a briefing call with the national security staff in the Office of the Vice President, in February 2015, I raised my concern that Hunter Biden’s status as board member could create the perception of a conflict of interest. Let me be clear, however: I did not witness any efforts by any U.S. official to shield Burisma from scrutiny. In fact, I and other U.S. officials consistently advocated reconstituting a scuttled investigation of Zlochevsky, Burisma’s founder, as well as holding the corrupt prosecutors who closed the case to account.¹¹⁷

Mr. Kent also testified he was aware of no evidence to suggest that Vice President Biden altered U.S. foreign policy to benefit his son:

Q: Mr. Kent, was the foreign policy that Vice President Biden pursued in Ukraine intended to advance the interests of the United States of America?

A: It was.

Q: Are the narratives that suggest otherwise false?

A: As I’ve testified, I know of no facts to support those claims.

¹¹⁴ *Id.* p. 91.

¹¹⁵ *Id.* pp. 159-160.

¹¹⁶ HSGAC-SFC Interview of George Kent (July 24, 2020) p. 226.

¹¹⁷ HSGAC-SFC Interview of George Kent (July 24, 2020) (Opening Statement).

Q: Did a conflict of interest influence Obama Administration policy decisions with respect to Ukraine and Burisma Holdings?

A: In my view, no.

Q: Was the foreign policy pursued by Vice President Biden in Ukraine corrupt?

A: The foreign policy that Vice President Biden helped advance was to counter corruption.

Q: Did Vice President Biden alter United States Government foreign policy concerning Ukraine to assist his son?

A: I have no evidence to suggest that, no.

Q: As you have previously testified to, did you witness any efforts by any U.S. official to shield Burisma from scrutiny?

A: As I said in my opening statement and repeated, no.¹¹⁸

Mr. Kent also affirmed that removing Viktor Shokin was the official policy of the U.S. Government, not a decision made by Vice President Biden to benefit his son:

Q: So it was your view at the time that removing Shokin would advance the reform effort that the United States Government was pursuing.

A: That was the position of the United States Government.

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

A: No.¹¹⁹

Mr. Kent also agreed that Hunter Biden's position at Burisma did not influence the decisions made by U.S. officials at the Ukrainian embassy:

Q: [Y]ou testified in the last hour that Hunter Biden's role on the board had zero impact on the decision of the Embassy, and that Hunter Biden's role was irrelevant. And you know that because you were one of the decision-makers. Correct?

A: That's correct.

Q: And you advised the Embassy on the decisions with respect to America's policy in Ukraine. You executed the decisions with respect to America's foreign policy in the

¹¹⁸ *Id.* pp. 69-70.

¹¹⁹ *Id.* p. 72.

Ukraine. You advised the Ambassador, and you worked with the Vice President's Office as well on those decisions.

A: That's correct.

Q: And again, on that basis, you know, for a fact, that Hunter Biden's role on the board had zero impact on the decisions of the Embassy.

A: To the best of my experience and knowledge that is correct.¹²⁰

4. David Wade, Former Chief of Staff to Secretary of State John Kerry, also Categorically Rejected the Allegation that Hunter Biden's Position at Burisma Involved Corruption or Influenced U.S. Ukraine Policy

David Wade, former Chief of Staff to Secretary of State John Kerry testified to the Committees that Hunter Biden's role at Burisma had no influence on Obama Administration policy decisions. He further stated he "never heard the words 'Hunter Biden' in any discussion about Ukraine:"¹²¹

Q: Mr. Wade, from what you observed, did Hunter Biden's role on the board of Burisma influence the Obama Administration policy decisions with respect to Ukraine and Burisma holdings?

A: I never heard the words "Hunter Biden" in any discussion about Ukraine that I was ever privy to.

Q: From what you observed, was foreign policy pursued by the State Department in Ukraine corrupt in any way?

A: No.

Q: Based upon what you observed, did the State Department alter the United States Government's foreign policy concerning Ukraine to assist the Vice President's son?

A: No, not even a little bit.¹²²

5. Catherine Novelli former Under Secretary of State for Economic Growth, Energy, and the Environment, Testified that She Knew of no U.S. Government Actions Taken to Benefit Hunter Biden or Burisma

¹²⁰ *Id.* p. 132.

¹²¹ HSGAC-SFC Interview of State Department Chief of Staff David Wade (Aug. 3, 2020) p. 53.

¹²² *Id.*

Catherine Novelli, former Under Secretary of State for Economic Growth, Energy, and the Environment during the Obama Administration, testified that she knew of no U.S. Government actions taken with the intent to benefit Hunter Biden or Burisma:

Q: Did you take any actions related to U.S. policy in Ukraine intended to benefit Hunter Biden?

A: No.

Q: Are you aware of any U.S. official who took any action related to U.S. policy in Ukraine intended to benefit Hunter Biden?

A: I am – I have no awareness.

Q: Are you aware of any wrongdoing by the Obama Administration related to Hunter Biden's position on the board of Burisma?

A: I have no awareness.

Q: Ms. Novelli, was the foreign policy that Vice President Biden pursued in Ukraine intended to advance the interests of the United States of America?

A: Everybody who worked on Ukraine was trying to advance the interests of the United States of America, to my knowledge.

Q: To your knowledge, was the foreign policy pursued by the State Department in Ukraine corrupt?

A: Was the foreign policy pursued by the State Department corrupt?

Q: Correct.

A: Not to my knowledge.

Q: To your knowledge, was the foreign policy pursued by Vice President Biden in Ukraine corrupt?

A: Not to my knowledge.

Q: To your knowledge, did the State Department change foreign policy toward Ukraine in an effort to assist the Vice President's son?

A: Not to my knowledge.

Q: Did Vice President Biden change foreign policy towards Ukraine to assist his son?

A: I have no knowledge of that.¹²³

6. All Other Witnesses Categorically Denied that Hunter Biden's Presence on Burisma's Board Had Any Impact on U.S. Policy Toward Ukraine

Ambassador Nuland emphasized that Hunter Biden's position at Burisma "did not impact policy at all," that Vice President Biden was advancing U.S. interests, and that the policy pursued "would have been counter to Burisma's interests:"

Q: In your view, did a conflict of interest related to Hunter Biden's role on the board of Burisma impact your ability to pursue an anti-corruption agenda in Ukraine?

A: It did not impact policy at all. On the contrary, the policy that we were pursuing was, if anything, counter to Burisma's interests because it had been protected by Shokin.¹²⁴

A: I would simply say that I was proud to work with Vice President Biden on Ukraine policy and especially on trying to help the Ukrainian period root out corruption in their country. He was a warrior on these subjects, and I never saw any influence on policy as a result of Hunter Biden's board seat.

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

A: It was.

Q: Are narratives that suggest otherwise false?

A: I don't support narratives that suggest otherwise.

Q: Was the foreign policy pursued by Vice President Biden in Ukraine corrupt?

A: It was not, in my view. On the contrary.

Q: Did Vice President Biden alter United States Government foreign policy concerning Ukraine in order to assist Burisma or his son?

A: I never saw any evidence of that.

Q: Did you witness any efforts by any U.S. official to shield Burisma from scrutiny?

¹²³ HSGAC-SFC Interview of Catherine Novelli (Aug. 18, 2020) pp. 52–53.

¹²⁴ HSGAC-SFC Interview of Victoria Nuland (Sep. 3, 2020) p. 69.

A: No. On the contrary, the actions that we were recommending would have been counter to Burisma's interests.

Q: And, again, was the policy advocating for the dismissal of Prosecutor General Shokin formulated by Vice President Biden in an effort to assist his son?

A: It was not.¹²⁵

Ambassador Bridget Brink who was Deputy Assistant Secretary of State for European and Eurasian Affairs at the time, testified in her interview that Hunter Biden's position on Burisma's board "had zero impact on policy."¹²⁶ When asked if she believed Vice President Biden's "decisions were influenced by a conflict of interest related to his son" she replied, "No."¹²⁷

Ambassador Brink also noted "there are a lot of private citizens that serve on boards" and that a government official "may or may not give advice that that is a good or a bad thing":

I understand the interest in corruption, and obviously, the way in which – the impetus for the question. But as a policymaker, what I would say is there are a lot of private citizens that serve on boards all over the world in places where as a government official we may or may not give advice that that is a good or a bad thing. But I would say that Hunter Biden's service on the board of Burisma had zero policy impact. We were pushing the prosecutor's office very, very hard to prosecute and investigate corruption cases, including the Burisma case, and the problem was he was not and his team was not.¹²⁸

Elisabeth Zentos, at the time a staff member on the National Security Council, repeatedly testified that Hunter Biden and Burisma were never mentioned in any deliberations or discussions related to U.S. policy toward Ukraine in which she participated:

Q: Did Hunter Biden's position on the board of Burisma ever affect your work?

A: Not that I am aware of, no.

Q: Did it ever complicate any policy matters that you worked on?

A: Not that I'm aware of, no.

Q: Did it ever make any policies more difficult to achieve?

A: Not that I'm aware of. I don't recall being – I don't recall whether I was even aware that this was the case, so no.¹²⁹

¹²⁵ *Id.* pp. 70-71.

¹²⁶ HSGAC-SFC Interview of Bridget Brink (Sep. 21, 2020) p. 47.

¹²⁷ *Id.* p. 65.

¹²⁸ *Id.* pp. 28-29.

¹²⁹ HSGAC-SFC Interview of Elisabeth Zentos (July 20, 2020) p. 90.

B. Universal Support for Removal of Ukraine’s Top Prosecutor as Anti-Corruption Reform

Former Prosecutor General Viktor Shokin served as Ukraine’s top prosecutor for approximately a year from the end of February 2015 until March 2016. Although the U.S. Government initially attempted to support Mr. Shokin, his tenure in the office was marked by obvious corruption and failure to prosecute corruption cases, leading Western governments to demand he be replaced.¹³⁰

The U.S. Government initially devoted significant resources to helping Mr. Shokin reform the PGO to support the overarching policy goal of rooting out corruption in Ukraine. In his interview by the Committees, Deputy Assistant Secretary of State for European and Eurasian Affairs George Kent explained:

U.S. efforts to counter corruption in Ukraine have focused on building institutional capacity so that the Ukrainian government has the ability to go after corruption and effectively investigate, prosecute, and judge alleged criminal activities using appropriate institutional mechanisms.¹³¹

According to Mr. Kent, these efforts included establishing a new Internal Affairs Unit to investigate corrupt prosecutors and in the summer of 2015, the Internal Affairs Unit arrested two prosecutors for extortion and bribe-taking, in what became known as the Diamond Prosecutor Affair.¹³² Mr. Kent also stated that rather than back the U.S. supported anti-corruption investigators, “Shokin undermined their efforts and then destroyed the careers of everyone associated with the case.”¹³³

In September 2015, Ambassador Geoffrey Pyatt addressed the Odessa Financial Forum, criticizing the Prosecutor General’s office for not implementing anti-corruption reforms and identified the failed cooperation of the PGO in the United Kingdom’s case against Mykola Zlochevsky.

Seeing no progress toward reform, in December 2015, Vice President Biden told Ukrainian leaders they must remove Mr. Shokin and undertake a number of additional anti-corruption measures or the U.S. would withhold \$1 billion in loan guarantees.¹³⁴ In February 2016, the International Monetary Fund also threatened to withhold funds from a bailout program unless Ukraine addressed key corruption issues.¹³⁵

Mr. Shokin’s actions were also roundly condemned by Ukrainian citizens, who protested in the streets.¹³⁶ President Poroshenko protected Mr. Shokin in the matter, resulting in a steep drop in

¹³⁰ Wall Street Journal, Timeline of Trump-Ukraine-Bidens Story (Sep 21, 2019) <https://www.wsj.com/articles/timeline-of-trump-ukraine-bidens-story-11569095501>

¹³¹ HSGAC-SFC Interview of George Kent (July 24, 2020) p. 23

¹³² *Id.* p. 25

¹³³ *Id.*

¹³⁴ New York Times, In Ukraine, Joe Biden Pushes a Message of Democracy (Dec 8, 2015) <https://www.nytimes.com/2015/12/09/world/europe/joe-biden-ukraine.html>.

¹³⁵ *Id.*

¹³⁶ HSGAC-SFC Interview of George Kent (July 24, 2020) p. 25.

his popularity from 55 percent to the low 20s.¹³⁷ Over 25,000 Ukrainians signed a petition calling for Mr. Shokin’s dismissal, and in March 2016 hundreds demonstrated outside the Ukrainian parliament, calling for his resignation.¹³⁸ Mr. Shokin’s deputy, Vitaly Kasko resigned in February 2016, saying Mr. Shokin and his office were a “hotbed of corruption.”¹³⁹ Another Shokin deputy, David Sakvarelidze, accused Mr. Shokin of maintaining ties with corrupt officials and lawmakers and repeatedly called for his firing. Mr. Sakvarelidze was later fired in March 2016, Mr. Shokin’s apparent last act before his own departure.¹⁴⁰ Both Mr. Kasko and Mr. Sakvarelidze had been anti-corruption reformers.¹⁴¹ On March 29, 2016, the Ukrainian parliament formally removed Mr. Shokin from his position.¹⁴²

Vice President Joe Biden was not the genesis of this decision, but ultimately became the Obama Administration’s lead spokesperson for reform – pushing hard for the change. According to Mr. Kent, the policy decision to demand Mr. Shokin’s removal had the full support of embassy team. This position was developed, discussed and agreed to in the interagency review process.¹⁴³

The U.S. foreign policy to replace Viktor Shokin in Ukraine under the Obama Administration had consistent bipartisan and international support. The policy was not influenced or changed as the result of lobbying efforts pertaining to Burisma by Blue Star, and did not benefit Burisma in any manner.¹⁴⁴ This U.S. policy – to promote anti-corruption efforts and reforms in Ukraine – was also the position of the International Monetary Fund, the World Bank, Ukrainian anti-corruption activists, and the European Union.¹⁴⁵ Chairman Johnson and seven other Republican Senators publicly supported these same efforts at the time.¹⁴⁶ Chairman Johnson even explicitly endorsed tying U.S. aid to anti-corruption reforms.¹⁴⁷

1. Chairman Johnson Supported Reform of Prosecutor General’s Office

¹³⁷ *Id.* pp. 25-26.

¹³⁸ Radio Free Europe, Ukraine Parliament Approves Resignation Of Prosecutor-General Shokin (Mar 19, 2016) <https://www.rferl.org/a/ukraine-shokin-resignation-approved/27641545.html>.

¹³⁹ *Id.*

¹⁴⁰ *Id.*; The Irish Times, EU hails sacking of Ukraine’s prosecutor Viktor Shokin (Mar 29, 2016) <https://www.irishtimes.com/news/world/europe/eu-hails-sacking-of-ukraine-s-prosecutor-viktor-shokin-1.2591190>

¹⁴¹ HSGAC-SFC Interview of Geoffrey Pyatt (Sep. 22, 2020) p. 49.

¹⁴² New York Times, Ukraine Ousts Viktor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance (Mar. 29, 2016) <https://www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html>.

¹⁴³ HSGAC-SFC Interview of George Kent (July 24, 2020) pp. 191-192.

¹⁴⁴ HSGAC-SFC Interview of Catherine Novelli (Aug 18, 2020) p. 54; HSGAC-SFC Interview of George Kent (July 24, 2020) p. 260.

¹⁴⁵ New York Times, Ukraine Ousts Viktor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance (Mar. 29, 2016) <https://www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html>.

¹⁴⁶ Letter from Senators Portman, Durbin, Shaheen, Johnson, Murphy, Kirk, Blumenthal, Brown to Petro Poroshenko, President of Ukraine (Feb. 12, 2016) <https://www.portman.senate.gov/newsroom/press-releases/portman-durbin-shaheen-and-senate-ukraine-caucus-reaffirm-commitment-help>.

¹⁴⁷ United States Senate Committee on Foreign Relations Hearing, Developments in Ukraine (June 5, 2014) p. 40, https://www.foreign.senate.gov/imo/media/doc/060514_Transcript_Developments%20in%20Ukraine.pdf.

During much of the time of the events at issue, Senator Johnson served as the Chairman of the Homeland Security and Governmental Affairs Committees, Chairman of the Senate Foreign Relations Committee’s Subcommittee on Europe and Regional Security Cooperation, and a member of the Senate Ukraine Caucus. During this time, he had ample occasion and opportunity to voice any concerns he had about United States’ policy in Ukraine and potential conflicts of interest. Rather than voice concerns, however, Chairman Johnson was supportive of the government’s anti-corruption efforts in Ukraine.

On February 12, 2016, Chairman Johnson signed a letter as a Member of the Senate Ukraine Caucus to the Ukrainian President urging anti-corruption reforms, specifically including in the Prosecutor General’s Office, then headed by Viktor Shokin:

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. ... We similarly urge you to press ahead with **urgent reforms to the Prosecutor General’s office** and judiciary.”¹⁴⁸

Then-Ambassador to Ukraine Geoffrey Pyatt recalled Chairman Johnson’s letter in his interview with the Committees, confirming the “contemporaneous understanding of support from Congress” it helped “make the case” to remove Prosecutor General Shokin:

Q: So you raised this letter on your own, 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.

A: 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.

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

A: Yes. As part of a broad process of urgent reforms to the Prosecutor General’s office and judiciary.¹⁴⁹

¹⁴⁸ Senate Ukraine Caucus Letter to Ukraine President Petro Poroshenko (Feb 12, 2016) <https://www.portman.senate.gov/newsroom/press-releases/portman-durbin-shaheen-and-senate-ukraine-caucus-reaffirm-commitment-help> (emphasis added).

¹⁴⁹ HSGAC-SFC Interview of Geoffrey Pyatt (Sep. 22, 2020) p. 83-84.

Three days later on February 15, Mr. Shokin submitted his letter of resignation.¹⁵⁰ Chairman Johnson claimed not to remember signing the 2016 letter when asked about his contemporaneous support. He told *The Hill*:

I send out all kinds of oversight letters ... I don't know which 2016 oversight letter you're referring to so I will look at that and then we'll issue a press release, statement, or something – but I don't engage in hypocrisy. I'm looking at getting the truth.¹⁵¹

Despite this claim, Chairman Johnson specifically voiced his support for the decision to oust Viktor Shokin as Ukraine's Prosecutor General at the time.¹⁵² On October 3, 2019, Chairman Johnson stated on public radio that “the whole world” felt Mr. Shokin was not doing a sufficient job against corruption:

So everybody says, the whole world, by the way – including the Ukrainian Caucus, which I signed the letter – you know, the whole world felt that this – that Shokin wasn't doing a [good] enough job. So we were all saying, you know, hey you've got, you have to rid yourself of corruption.¹⁵³

Chairman Johnson also supported the policy of withholding U.S. financial aid in order to promote Ukrainian anti-corruption reform. At a June 2014 Senate Foreign Relation Committee hearing on Ukraine, he stated: “If we have to tie aid or help to make sure that anti-corruption laws are passed, I think we should do that.”¹⁵⁴

During her interview with the Committees, former Assistant Secretary for European and Eurasian Affairs Victoria Nuland recalled that she briefed Chairman Johnson personally and that “he was a strong supporter, and a very important supporter in the Senate of overall U.S. policy towards Ukraine” and that she “was very grateful for his support at that time.”¹⁵⁵ Ambassador Nuland also confirmed Chairman Johnson specifically supported conditioning a loan guarantee to Ukraine on removing Mr. Shokin:

¹⁵⁰ Reuters, Ukrainian prosecutor quits over corruption as government teeters (Feb 15, 2016) <https://www.reuters.com/article/us-ukraine-crisis-politics/ukrainian-prosecutor-quits-over-corruption-as-government-teeters-idUSKCN0VO111>.

¹⁵¹ The Hill, GOP senator says he doesn't remember signing 2016 letter urging 'reform' of Ukraine prosecutor's office (Oct 3, 2019) <https://thehill.com/homenews/senate/464302-gop-senator-says-he-doesnt-remember-signing-2016-letter-urging-reform-of>.

¹⁵² *Id.*

¹⁵³ Vicki McKenna on WISN, The Whistleblower Report Is A Planned Political Hit On Our President (Oct 3, 2019) <https://www.iheart.com/podcast/477-vicki-mckenna-on-wisn-28233399/episode/the-whistleblower-report-is-a-planned-50228625/>; Vox, 2 Republican senators refute Trump's Ukraine-Biden conspiracy theory (Oct 7, 2019) <https://www.vox.com/policy-and-politics/2019/10/7/20903398/trump-biden-ukraine-portman-johnson-impeachment>.

¹⁵⁴ United States Senate Committee on Foreign Relations Hearing, Developments in Ukraine (June 5, 2014) p. 40, https://www.foreign.senate.gov/imo/media/doc/060514_Transcript_Developments%20in%20Ukraine.pdf. Sen. Johnson went on to support the U.S. policy of pursuing energy independence for Ukraine. “Then long-term. Again, understanding what gives Vladimir Putin power is his oil and gas monopolies. We need to break that up. So we should be taking actions today to make sure that Vladimir Putin understands that his monopoly will not be in place, not 2, 3, or 4 years from now.”

¹⁵⁵ HSGAC-SFC Interview of Victoria Nuland (Sep. 3, 2020) p. 63.

Q: And the policy that Congress was so supportive of, by late 2015 and early 2016, that included conditioning a third loan guarantee to Ukraine on the removal of Prosecutor General Shokin. Correct?

A: I'm quite confident that the Congress was fully briefed on the conditionality at that point. I would note that there was a bipartisan letter sent to President Poroshenko in February of 2016, from members of the Senate Foreign Relations Committee, including both Democrats and Republicans, which Senator Johnson signed, which included a reference to more anti-corruption progress by the PGO.¹⁵⁶

2. Western Allies and International Community Called for Shokin's Removal

For months, the United States and other Western nations had called for the ousting of Mr. Shokin, who was widely criticized for turning a blind eye to corrupt practices and for defending the interests of a venal and entrenched elite.¹⁵⁷ He was one of several political figures in Kyiv whom reformers and Western diplomats saw as a worrying indicator of a return to past corrupt practices, two years after a revolution that was supposed to put a stop to self-dealing by those in power.¹⁵⁸ In March 2016, the European Union's ambassador to Ukraine said "the decision to remove Shokin creates an opportunity to make a fresh start in the Prosecutor General's office."¹⁵⁹

The international community also was highly critical of Mr. Shokin. In November 2015, the Ukraine chapter of Transparency International, a global anti-corruption non-profit, announced that it "believes that Prosecutor General Shokin is personally responsible for the failure of the fight against high-ranking officials' corruption."¹⁶⁰

In February 2016, the International Monetary Fund (IMF), which supports Ukraine financially, threatened to delay \$40 billion in aid, noting they were "concerned about Ukraine's slow progress in improving governance and fighting corruption, and reducing the influence of vested interests in policymaking."¹⁶¹ The IMF also stated progress was so slow in fighting corruption in Ukraine that "it's hard to see how the IMF-supported program can continue."¹⁶²

¹⁵⁶ *Id.* pp. 63-64.

¹⁵⁷ New York Times, Ukraine Ousts Viktor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance (Mar 29, 2016) <https://www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html>.

¹⁵⁸ *Id.*

¹⁵⁹ The Irish Times, EU hails sacking of Ukraine's prosecutor Viktor Shokin (Mar 29, 2016) <https://www.irishtimes.com/news/world/europe/eu-hails-sacking-of-ukraine-s-prosecutor-viktor-shokin-1.2591190>.

¹⁶⁰ Charitable Foundation of Ukraine, Transparency International says Shokin to blame for failed anti-corruption efforts (Nov 3, 2015) <http://www.fondukraine.com.ua/en/transparency-international-says-shokin-to-blame-for-failed-anti-corruption-efforts/>.

¹⁶¹ International Monetary Fund, Press Release: Statement by the Managing Director on Ukraine (Feb 10, 2016) <https://www.imf.org/en/News/Articles/2015/09/14/01/49/pr1650>.

¹⁶² New York Times, Ukraine Ousts Viktor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance (Mar 29, 2016) <https://www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html>.

Ambassador Nuland recalled that by November 2015, the consensus was “that Shokin himself was corrupt” after he failed to remove the prosecutors responsible for dismissing the case against Burisma and Mr. Shokin’s prosecutorial team was caught with diamonds.¹⁶³ She added removing Shokin was necessary to “get significant anti-corruption reform in Ukraine” and one of “at least three conditions that were coordinated with the IMF”:

A: My view was that we had been pushing and warning along with the Europeans, along with the – International Monetary Fund, along with the World Bank for months and months and months that the PGO needed cleaning up and needed to do its job, and we were not only not making any progress there, but we had had this shocking new diamond prosecutor's case, which was taking them in the wrong direction, and that as long as Shokin was the head of the PGO, we were not going to get significant anti-corruption reform in Ukraine. And we should not be putting more U.S. tax dollars into Ukraine in that circumstance.

Q: Was it a significant decision to condition an entire \$1 billion loan guarantee on the removal of one person?

A: There were other conditions for that loan guarantee at the time. I can't recall all of the conditions. I believe one of them had to do with the pension funds. There were at least three conditions that were coordinated with the IMF.¹⁶⁴

Ambassador Nuland further described how loan support from the United States, as well as the international community, and that “there were anti-corruption standards against all three loan guarantees” for Ukraine to strengthen anti-corruption efforts:

Well, we were not going to give U.S. taxpayer money to a Ukraine that was not reforming. We were not going to give taxpayer money when we were concerned that it would disappear in unclean ways. So to the extent that we were providing large-scale economic support, budget support to Ukraine, we wanted to ensure that Ukraine was staying on a reform track. So with each of the loan guarantees that we gave – there were three of them – we attached reform conditionality to the loan guarantees, and that conditionality was tightly coordinated with the International Monetary Fund's requirements, the World Bank's requirements, and the requirements of EU countries and others providing support to Ukraine.¹⁶⁵

In March 2016, Vice President Joe Biden stated that the U.S. would withhold \$1 billion in loan guarantees unless Ukraine removed Mr. Shokin and implemented other anti-corruption reforms. Ultimately, on March 29, 2016, the Ukrainian parliament voted to accept Mr. Shokin’s resignation.¹⁶⁶ However, the U.S. loan guarantee was not finalized for several months as

¹⁶³ HSGAC-SFC Interview of Victoria Nuland (Sep 3, 2020) p. 30.

¹⁶⁴ *Id.* p. 35.

¹⁶⁵ *Id.* pp. 21-22.

¹⁶⁶ Radio Free Europe, Ukraine Parliament Approves Resignation Of Prosecutor-General Shokin (Mar 19, 2016) <https://www.rferl.org/a/ukraine-shokin-resignation-approved/27641545.html>.

additional conditions were finalized, including the Ukrainian parliament passing legislation aimed at tacking corruption in the judicial system.¹⁶⁷

3. Shokin's Dismissal Increased Likelihood of Burisma Corruption Investigation

Contrary to the Chairmen's theory that Prosecutor General Viktor Shokin was removed to protect Burisma and Hunter Biden from a corruption prosecution, Mr. Shokin proactively stood in the way of holding Burisma or its owner Zlochevsky accountable. The U.S. State Department and Ukrainian anti-corruption activists believed removing former Prosecutor General Viktor Shokin would make it more – not less – likely that Ukrainian authorities would investigate allegations of corruption at Burisma.¹⁶⁸ Former U.S. Ambassador to Ukraine Marie Yovanovitch and other witnesses unanimously testified to that point during the impeachment proceedings.¹⁶⁹

A leading Ukrainian anti-corruption activist and executive director of Ukraine's Anti-Corruption Action Center agreed, telling the *Washington Post* in July 2019:

Shokin was not investigating [Burisma]. He didn't want to investigate Burisma. ... And Shokin was fired not because he wanted to do that investigation, but quite to the contrary, because he failed that investigation."¹⁷⁰

In April 2014, Hunter Biden joined the board of Burisma. That same month, Britain's Serious Fraud Office, an independent government agency, initiated a money-laundering investigation involving Burisma's founder Mykola Zlochevsky.¹⁷¹ Mr. Zlochevsky had previously been Ukraine's ecology minister under former Ukrainian President Viktor Yanukovich, who had been forced into exile in Russia.¹⁷² British officials froze the \$23 million in Mr. Zlochevsky's London bank accounts, but were forced to unfreeze these assets after Ukrainian prosecutors refused to provide the needed documents.¹⁷³

¹⁶⁷ Reuters, U.S. signs third \$1 billion loan guarantee agreement for Ukraine (June 3, 2016)

<https://www.reuters.com/article/us-ukraine-crisis-usa/u-s-signs-third-1-billion-loan-guarantee-agreement-for-ukraine-idUSKCN0YP0ZU>

¹⁶⁸ New York Times, Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies (May 1, 2019) <https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>.

¹⁶⁹ U.S. House of Representatives, The Trump-Ukraine Impeachment Inquiry Report (Dec 2019) p. 98, https://judiciary.house.gov/uploadedfiles/report_investigative_committees_investigative_committees_report_on_the_trump_ukraine_impeachment_inquiry_december_2019.pdf .

¹⁷⁰ CNN, Fact check: 4 things Trump's attorney left out of her arguments about Biden and Burisma (Jan 27, 2020) <https://www.cnn.com/2020/01/27/politics/fact-check-joe-biden-burisma-pam-bondi/index.html>.

¹⁷¹ UK Serious Fraud Office, Money laundering investigation opened (April 28, 2014) <https://www.sfo.gov.uk/2014/04/28/money-laundering-investigation-opened/>.

¹⁷² The Intercept, I Wrote About the Bidens and Ukraine Years Ago. Then the Right-Wing Spin Machine Turned the Story Upside Down (Sep 25, 2019) <https://theintercept.com/2019/09/25/i-wrote-about-the-bidens-and-ukraine-years-ago-then-the-right-wing-spin-machine-turned-the-story-upside-down/>.

¹⁷³ *Id.*

In September 2015, then-U.S. Ambassador to Ukraine Geoffrey Pyatt gave a speech criticizing Ukraine's Prosecutor General's Office [PGO] for "undermin[ing] prosecutors working on legitimate corruption cases" including a case regarding Mykola Zlochevsky:

[I]n the case of former Ecology Minister Mykola Zlochevsky, the U.K. authorities had seized 23 million dollars in illicit assets that belonged to the Ukrainian people. Officials at the PGO were asked by the U.K to send documents supporting the seizure. Instead they sent letters to Zlochevsky's attorneys attesting that there was no case against him. As a result the money was freed by the U.K. court and shortly thereafter the money was moved to Cyprus.¹⁷⁴

At the time, Viktor Shokin served in the PGO as the Deputy Prosecutor General. In his interview with the Committees, Ambassador Pyatt explained additional context for his speech, including agreeing with the "whole-of-government policy to condition foreign aid in part on the removal of Prosecutor General Shokin":

Q: And with respect to this policy, did you agree with it?

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

Q: 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.

A: 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.¹⁷⁵

Mr. Zlochevsky is Burisma's majority shareholder, although the company itself is not mentioned in Pyatt's speech. Mr. Zlochevsky was intended as just one of many examples of corruption in the Prosecutor General's Office which Mr. Shokin led. As Ambassador Pyatt later clarified to colleagues and the press, the speech was not about Mr. Zlochevsky specifically, but "about the pervasive rot in the PGO, of which obstruction of justice in the Zlochevsky case is but one example."¹⁷⁶

¹⁷⁴ Just Security, Remarks by US Ambassador Geoffrey Pyatt at the Odesa Financial Forum on September 24, 2015 (Sep 24, 2015) <https://www.justsecurity.org/wp-content/uploads/2019/09/Remarks-by-US-Ambassador-Geoffrey-Pyatt-at-the-Odesa-Financial-Forum-on-September-24-2015-ukraine.pdf>.

¹⁷⁵ HSGAC-SFC Interview of Geoffrey Pyatt (Sep. 22, 2020) p. 67.

¹⁷⁶ Email from Geoffrey Pyatt to Mark Toner and others, (Dec 6, 2015) STATE-2019-18-0004176 to STATE-2019-18-0004181.

Furthermore, corruption in the PGO was a longstanding issue, one that was not unique to Mr. Shokin. Ambassador Nuland also recalled Mr. Shokin’s resistance to bringing corruption cases and “significant corruption within the PGO itself at that period” before Ambassador Pyatt’s speech:

But we had not seen Shokin bring to the courts any high-profile corruption cases. We knew of significant corruption within PGO itself already at that period, in part because we had FBI and Justice Department advisors there who were concerned about it and who were working with deputies of Shokin who were trying to clean up the PGO, and they reported that he was resisting.¹⁷⁷

Mr. Kent also told the Committees that prior to Mr. Shokin’s tenure Mr. Kent confronted a senior official in the PGO about the Zlochevsky case, asking “how much was the bribe and who took it?”¹⁷⁸ The PGO official stated they accepted a seven million dollar bribe related to the Zlochevsky case.¹⁷⁹ As evidenced by the above, U.S. government officials did not take action to protect Mr. Zlochevsky from accountability – in fact, the opposite occurred.

4. Burisma Case Long Dormant During Push to Remove Shokin

Ukraine’s anti-corruption investigation agency the National Anti-Corruption Bureau of Ukraine, stated the Burisma investigation focused solely on activity that took place from 2010-2012, years before Hunter Biden was on the board from 2014-2018. In a statement, the Bureau noted:

Changes to the board of Burisma Limited, which are currently the object of international attention, took place only in May 2014, and therefore are not and never were the subject of (the anti-corruption bureau’s) investigation.¹⁸⁰

Additionally, despite claims made by President Trump’s allies, there is also no evidence of any serious investigation of Mr. Zlochevsky or Burisma at the time of the push to remove corrupt Prosecutor General Viktor Shokin.¹⁸¹ Mr. Shokin’s own former deputy in the Prosecutor General’s office Vitaly Kasko also explained there was no undue pressure to halt the investigation into Burisma and Mr. Zlochevsky since it was already inactive during that time:

There was no pressure from anyone from the U.S. to close cases against Zlochevsky ... It was shelved by Ukrainian prosecutors in 2014 and through 2015.¹⁸²

¹⁷⁷ HSGAC-SFC Interview of Victoria Nuland (Sep 3, 2020) p. 28.

¹⁷⁸ HSGAC-SFC Interview of George Kent (July 24, 2020) p. 130.

¹⁷⁹ *Id.*

¹⁸⁰ Reuters, Ukraine agency says allegations against Burisma cover period before Biden joined (Sep 27, 2019) <https://www.reuters.com/article/us-usa-trump-whistleblower-ukraine-buris/ukraine-agency-says-allegations-against-burisma-cover-period-before-biden-joined-idUSKBN1WC1LV>.

¹⁸¹ CNN, Fact check: 4 things Trump’s attorney left out of her arguments about Biden and Burisma (Jan 27, 2020) <https://www.cnn.com/2020/01/27/politics/fact-check-joe-biden-burisma-pam-bondi/index.html>.

¹⁸² Bloomberg, Ukraine Ex-Official Casts Doubt on Biden Conflict Claim (May 7, 2019) <https://www.bloomberg.com/news/articles/2019-05-07/timeline-in-ukraine-probe-casts-doubt-on-giuliani-s-biden-claim>.

In order to advance the claim that Mr. Shokin was actively investigating Mr. Zlochevsky, at points in this investigation the Majority relied on the false allegation that Mr. Shokin conducted a raid on Mykola Zlochevsky's home in February 2016. In an April 30, 2020 letter to Secretary of State Pompeo, the Chairmen alleged, without citation, that a raid had been made on Mr. Zlochevsky's home during Mr. Shokin's tenure. The Chairmen implied that Vice President Biden increased his efforts to have Mr. Shokin removed because of the raid.¹⁸³ However, Mr. Shokin never conducted a raid of Mr. Zlochevsky's home, and this was likely a reference to an event that occurred under Mr. Shokin's predecessor.

This theory had been circulating on right-wing media and appears to have originated by John Solomon.¹⁸⁴ It was later repeated by Congressman Nunes during impeachment inquiry proceedings.¹⁸⁵ Five months before the Chairmen sent their letter Secretary Pompeo, the *Washington Post* debunked the claim that Mr. Shokin raided Mr. Zlochevsky's home, noting "nothing significant appears to have happened in February 2016."¹⁸⁶ The Majority staff asked Mr. Kent about this raid during his interview, and he had no recollection of the event.¹⁸⁷

C. Blue Star's Government Meetings Did Not Halt Corruption Investigation, Seek to Remove Shokin, or Impact U.S. Policy Toward Burisma or Ukraine

In November 2015, Burisma hired Blue Star Strategies ("Blue Star").¹⁸⁸ Blue Star is a well-established Washington, D.C.-based consulting firm co-founded by Karen Tramontano and Sally Painter, that specializes in the representation of public and private foreign entities.¹⁸⁹ Blue Star scheduled numerous meeting with State Department officials in Washington, DC and in Kyiv. Blue Star continued to represent Burisma during the Trump Administration.¹⁹⁰¹⁹¹

On February 24, 2020, Chairman Johnson announced his intent to issue a subpoena to Blue Star, to "address the many unanswered questions about potential conflicts of interest and the extent to which representatives of Burisma – including officials at Blue Star" and cited records to allege "Blue Star sought to leverage Hunter Biden's role as a board member of Burisma to gain access

¹⁸³ Senate Homeland Security and Governmental Affairs Committee Chairman Ron Johnson and Senate Finance Committee Chairman Chuck Grassley Letter to Secretary of State Mike Pompeo (Apr 30, 2020) [https://www.hsgac.senate.gov/imo/media/doc/2020-04-30%20RHJ%20CEG%20to%20State%20\(Ukraine%20Follow%20Up\).pdf](https://www.hsgac.senate.gov/imo/media/doc/2020-04-30%20RHJ%20CEG%20to%20State%20(Ukraine%20Follow%20Up).pdf).

¹⁸⁴ John Solomon Reports, Hunter Biden's Ukraine gas firm pressed Obama administration to end corruption allegations, memos show (Nov 4, 2019) <https://johnsolomonreports.com/hunter-bidens-ukraine-gas-firm-pressed-obama-administration-to-end-corruption-allegations-memos-show/>.

¹⁸⁵ U.S. House of Representatives, Permanent Select Committee on Intelligence, Impeachment Inquiry (Nov 19, 2019) p. 53, <https://docs.house.gov/meetings/IG/IG00/20191119/110231/HHRG-116-IG00-Transcript-20191119.pdf>.

¹⁸⁶ Washington Post, GOP tries to connect dots on Biden and Ukraine, but comes up short (Dec 4, 2019) <https://www.washingtonpost.com/politics/2019/12/04/gop-tries-connect-dots-biden-ukraine-comes-up-short/>.

¹⁸⁷ HSGAC-SFC Interview of George Kent (July 24, 2020).

¹⁸⁸ Letter from Blue Star Strategies to Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs (Dec. 18, 2019).

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.* pp. 21 – 22. Burisma also hired another Washington, D.C. based consultant – David Leiter – a former Senate aide to Secretary of State John Kerry. There was no evidence that the hiring of Mr. Leiter had any impact on U.S. policy including no documentary evidence and testimony from Wade and Novelli.

to and potentially influence matters at the State Department.”¹⁹² There is no evidentiary support for the unfounded allegation that Blue Star successfully influenced the State Department policy to benefit Burisma or Hunter Biden. Hunter Biden played no identifiable role in hiring Blue Star nor negotiating its contract.

Not only is there no evidence to support the Chairmen’s allegations concerning Blue Star and their connections to Hunter Biden, the Chairmen’s investigation revealed communications showing State Department officials had negative perceptions of Blue Star, and discussions with Blue Star and Burisma representatives did not alter the U.S. Government’s position toward Burisma. George Kent explicitly testified that his opinion of Burisma, and more specifically its owner Mykola Zlochevsky, was not affected by Blue Star.¹⁹³ Under Secretary Catherine Novelli also testified she took no personal action to change any U.S. policy toward Ukraine because of her meeting with Blue Star representatives.¹⁹⁴ Mr. Hochstein and Ambassador Pyatt similarly testified that meeting with Blue Star had no impact on US policy.

Blue Star reached out to State Department officials and scheduled about 10 meetings between December 2015 and December 2016, some of which are highlighted below. Contrary to the Chairmen’s insinuations that these meetings represent influence-peddling using Hunter Biden, none of these meetings were obtained using Hunter Biden’s position at Burisma, changed the U.S. Government’s perception of Burisma, or changed the whole-of-government Ukraine policy.

1. Under Secretary Novelli and Other State Department officials Did Not Grant Blue Star a Meeting Based Upon Hunter Biden’s Membership on the Burisma Board and the Meeting Did Not Affect U.S. Policy Toward Burisma or Ukraine

On February 18, 2016, Karen Tramontano emailed Under Secretary of State for Economic Growth, Energy, and the Environment Catherine Novelli to request a meeting, stating “the U.S. Government has taken a position in a commercial matter regarding a Ukrainian individual and I believe the position is in error.”¹⁹⁵ Under Secretary Novelli agreed to the meeting.¹⁹⁶

This meeting, which occurred on March 1, 2016, is a central element to the Chairmen’s contention that access to U.S. policy makers was swayed by Hunter Biden’s presence on the Burisma board.¹⁹⁷ Key to the majority’s theory is a subsequent February 24, 2016 email, released under FOIA and published by discredited opinion writer John Solomon.¹⁹⁸ The email

¹⁹² Letter from Chairman Johnson to Ranking Member Peters (Feb. 24, 2020).

¹⁹³ HSGAC-SFC Interview of State Department Deputy Assistant Secretary George P. Kent (July 24, 2020) pp. 259 – 260.

¹⁹⁴ HSGAC-SFC Interview of Catherine Novelli (Aug. 18, 2020) p. 54.

¹⁹⁵ Email from Karen Tramontano to Catherine Novelli (Feb. 18, 2016) BSS031.

¹⁹⁶ Email from Catherine Novelli to Karen Tramontano, Michael Dodman and others (Feb. 18, 2020) STATE-2019-18-00000988.

¹⁹⁷ Letter from Senator Ron Johnson and Senator Chuck Grassley to Secretary of State Michael Pompeo (Nov. 6, 2019) <https://www.grassley.senate.gov/sites/default/files/documents/2019-11-06%20RHJ%20CEG%20to%20State%20-%20Burisma%20Inquiry.pdf>

¹⁹⁸ *Id.*; John Solomon Reports, Hunter Biden’s Ukraine Gas Firm Pressed Obama Administration To End Corruption Allegations, Memos Show (Nov. 4, 2019) <https://johnsolomonreports.com/hunter-bidens-ukraine-gas-firm-pressed-obama-administration-to-end-corruption-allegations-memos-show/>; Politico, The Hill Finds John Solomon 'Failed'

was written by a member of Under Secretary Novelli's staff who was doing routine background preparation for the Under Secretary's meeting with Tramontano.¹⁹⁹ In the email the staff member wrote:

Per our conversation, Karen Tramontano of Blue Star Strategies requested a meeting to discuss with U/S Novelli USG remarks alleging Burisma (Ukrainian energy company) of corruption. She Noted that two high profile U.S. citizens are affiliated with the company (including Hunter Biden as a board member). Tramontano would like to talk with U/S Novelli about getting a better understanding of how the U.S. came to the determination that the company is corrupt.²⁰⁰

This email was written nearly a week after Under Secretary Novelli agreed to meet with Ms. Tramontano. When Blue Star requested the meeting on February 18, 2016, Ms. Tramontano did not identify Mr. Zlochevsky, Burisma, or Hunter Biden.²⁰¹ According to documents, Under Secretary Novelli accepted the request minutes later, by reply e-mail, without knowing it pertained to them in anyway.²⁰² Under Secretary Novelli and Ms. Tramontano each confirmed this in their Committee interviews, and Under Secretary Novelli also stated she wasn't even aware Hunter Biden was on the Burisma board at the time she accepted the meeting.²⁰³

[T]here was no mention of any people or any company or any anything when I said that I would have the meeting, and what is typical when a meeting is requested and I've agreed to it is that my staff then takes the ball from there and contacts whoever the appropriate people are in the State Department and says, "Under Secretary is having this meeting. We need to get talking points for her and a briefing paper." And that was typical for every meeting that I had."²⁰⁴

Ms. Tramontano testified that the origin of information discussing the presence of Hunter Biden on the board and cited in the State Department email, was the result of outreach to Under Secretary Novelli's staff to Blue Star in preparation for the meeting. Under Secretary Novelli's staff asked Blue Star whether there were any U.S. interests involved in the matter Ms. Tramontano wanted to discuss. In response, Ms. Tramontano testified that she identified Hunter Biden and Devon Archer to Under Secretary Novelli's staff, but did not discuss it any further:

A: My recollection when I was talking to her staff is I was asked a question about whether there was any U.S. content or U.S. involvement in Burisma, and I responded that

To Identify Key Details Of Sources (Feb. 19, 2020) <https://www.politico.com/news/2020/02/19/hill-john-solomon-failed-disclose-details-115976>; The Hill, The Hill's Review Of John Solomon's Columns On Ukraine (Feb. 19, 2020) <https://thehill.com/homenews/news/483600-the-hills-review-of-john-solomons-columns-on-ukraine>

¹⁹⁹ HSGAC-SFC Interview of Catherine Novelli (Aug. 18, 2020) p. 129.

²⁰⁰ Email from (redacted) to John Duncan and others (redacted) (Feb. 24, 2016) STATE-2019-18-0003965; HSGAC- SFC Interview of Catherine Novelli (Aug. 18, 2020) Exhibit 12 pp. 128 – 129, p. 212.

²⁰¹ Email from Karen Tramontano to Catherine Novelli (Feb. 18, 2016) STATE-2019-18-00000988.

²⁰² *Id.*

²⁰³ HSGAC-SFC Interview of Karen Tramontano (Aug. 28, 2020) p. 54; HSGAC-SFC Interview of Catherine Novelli (Aug. 18, 2020) p. 129.

²⁰⁴ *Id.*

Burisma purchases its equipment from U.S. companies and that Hunter Biden and Devon Archer, both U.S. citizens, were on the board.

Q: And was there any other follow-up discussion after you mentioned that regarding those two specific facts?

A: No, not to my – not to my recollection, no.²⁰⁵

Under Secretary Novelli testified that she had no knowledge of Mr. Zlochevsky, Burisma, or Hunter Biden’s role on the board prior to the meeting.²⁰⁶ Following the meeting, Under Secretary Novelli testified that she discussed the matter with Ambassador Pyatt. Ambassador Pyatt told her that Blue Star’s contention that the U.S. Government was improperly handling this matter was incorrect.²⁰⁷ Under Secretary Novelli testified that she took no further action regarding Burisma and took no action to change Ukraine policy to benefit Burisma because of Hunter Biden’s position on the board.²⁰⁸ Contrary to the Majority’s theory, Under Secretary Novelli’s meeting with Blue Star had no effect on U.S. policy in Ukraine, and there is no documentary evidence in the State Department records obtained by the Committees that indicate otherwise.

2. Blue Star Representatives met with State Department Ukraine Special Envoy Amos Hochstein to Discuss the State Department’s Position on Burisma and U.S. Investment Opportunities in Ukraine’s Energy Sector

On December 10, 2015, Karen Tramontano met with Amos Hochstein, the State Department’s Special Envoy and Coordinator for International Energy Affairs.²⁰⁹ In the Chairmen’s initial request letter seeking information about this meeting, they reference reporting from the *Washington Examiner* stating that “the purpose of the meeting was for “Blue Star Strategies [] to convince Hochstein (but [it] did not) that Burisma was on the level and did not warrant further investigation.”²¹⁰ Ms. Tramontano flatly denied this characterization of the purpose of the meeting, telling the Committees the meeting was to understand the State Department’s position on Burisma, and whether the comments made by Ambassador Pyatt about Burisma reflected his personal view or the entire government’s view of Burisma.²¹¹

Mr. Hochstein told the Committees that during his meeting with Blue Star representatives, he told them he believed Blue Star’s owner Mykola Zlochevsky: “faced real and credible

²⁰⁵ HSGAC-SFC Interview of Karen Tramontano (Aug. 28, 2020) p. 92.

²⁰⁶ HSGAC-SFC Interview of Catherine Novelli (Aug. 18, 2020) pp. 129 – 133.

²⁰⁷ *Id.* p. 134.

²⁰⁸ *Id.* pp. 136, 144.

²⁰⁹ Letter from Blue Star Strategies to Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs (Dec. 18, 2019).

²¹⁰ Letter from Senator Ron Johnson and Senator Chuck Grassley to Karen Tramontano (Dec. 3, 2019)

<https://www.grassley.senate.gov/sites/default/files/documents/2019-12-03%20RHJ%20CEG%20to%20Blue%20Star%20Strategies%20%28Burisma%29.pdf>

²¹¹ Letter from Blue Star Strategies to Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs (Dec. 18, 2019); HSGAC-SFC Interview of Karen Tramontano (Aug. 28, 2020) pp. 71 – 72.

accusations that I believed that it was unfortunate that he wasn't being prosecuted for them; and that I was still holding out hope that there would be a cooperation by the Ukrainian prosecutor's office to support these investigations; and I urged them to – I was happy that they were looking into it and hoped that they would produce a report that supported those allegations.”²¹²

Mr. Hochstein also told Blue Star officials he “strongly disagreed” with their conclusions on Mr. Zlochevsky and “expressed [his] disappointment”:

A: They told me that they believed that Zlochevsky was tried, prosecuted, and the charges against him were dismissed by the U.K. and, therefore, there was no reason to hold him responsible since the judicial system worked.

Q: Did you agree with that report?

A: I strongly disagreed with it.

Q: Did you let Blue Star officials know that disagreement?

A: I was very clear about my views that I disagreed –

Q: What was Blue Star's reaction to your disagreement?

A: They clearly did not agree with me, and I expressed my disappointment.²¹³

3. On December 16, 2015, Blue Star met Ambassador Pyatt to Discuss his Negative Views of Burisma

On December 16, 2015, Karen Tramontano and Sally Painter traveled to Kyiv for a meeting with Ambassador Pyatt. At the meeting, the Blue Star representatives wished to discuss Burisma and learn more about Ambassador Pyatt’s recent negative comments about Burisma’s owner, Zlochevsky. In testimony to the Committees, Ms. Tramontano and Ms. Painter explained that their goal was to better understand whether Ambassador Pyatt’s comments were his personal views or whether they reflected the views of the entire U.S. Government.²¹⁴ They further stated that Pyatt was not interested in discussing the matter and told them so in the meeting. Hunter Biden’s position on Burisma’s board was not used to obtain the meeting, and the meeting resulted in no change of U.S. policy regarding the company.²¹⁵

4. Key Government Official, then Deputy Chief of Mission George Kent, had a Persistent Negative View of Blue Star and Burisma

²¹² HSGAC-SFC Interview of Amos Hochstein (Sep. 17, 2020) p. 124.

²¹³ HSGAC-SFC Interview of Amos Hochstein (Sep. 17, 2020) pp. 128-129.

²¹⁴ HSGAC-SFC Interview of Karen Tramontano (Aug. 28, 2020) p. 82 - 85; HSGAC-SFC Interview of Sally Painter (Aug. 31, 2020) pp. 88 – 89.

²¹⁵ *Id.* p. 83; *Id.* p. 93.

During this investigation, the Chairmen have advanced a theory that Blue Star and their client Burisma were granted special access and preference because of Hunter Biden's position on the board. This investigation did not substantiate that theory. Contrary to this view, key government officials held a persistent negative perception of Blue Star and Burisma. George Kent, who was then Deputy Chief of Mission, held a key role advancing U.S. anti-corruption interests in Ukraine. Mr. Kent held a negative view of Mr. Shokin and Burisma, and showed no favor to Blue Star.

For example, in August 2016, Mr. Kent forced suspension of a USAID contractor public-private partnership agreement with Burisma given Mr. Zlochevsky and Burisma's reputation, and the moral hazard of association.²¹⁶ There was no financial relationship between the contractor and Burisma, although Burisma was providing clean-energy related prizes totaling \$7,500.²¹⁷ When discussing the decision, a staffer for Kent underscored that Blue Star was not winning favorable treatment for Burisma, noting "Zlochevsky is working very hard to clean up and 'westernize' his image by hiring DC lobbyists and stacking the board with prominent people. From the rumors that we hear in the energy sector, there is no sense that Burisma has changed how it conducts its business."²¹⁸

5. Blue Star Continued to Hold Meetings and Events with Trump Administration Officials

Blue Star's contacts with government officials were in no way limited to the Obama Administration, countering the narrative they relied on Hunter Biden for access. In particular, in May 2019, Trump Energy Department Officials reached out to arrange for Deputy Assistant Tommy Joyce to speak at an energy conference in Monaco sponsored Burisma and coordinated with Blue Star.²¹⁹ Blue Star also arranged meetings with Ambassador Kurt Volker,²²⁰ Department of Commerce officials,²²¹ and officials at the U.S. Embassy in Kyiv during the Trump Administration.²²² In fact, the February 2019 embassy meeting resulted in Burisma being added to an Offshore Technology Conference delegation by Trump Administration officials.²²³

²¹⁶ HSGAC-SFC Interview of George Kent (July 24, 2020) p. 21.

²¹⁷ *Id.* p. 107.

²¹⁸ Email from (redacted) to George Kent and others (Sep. 1, 2016) State-2019-18-0000490.

²¹⁹ Email from Nicholas Grimes to a generic speakers email address for Energy Security Forum (May 2, 2019) Blue Star Strategies 1100-1102.

²²⁰ Email chain between Ambassador Kurt Volker and Sally Painter (Sep. 18, 2018) Blue Star Strategies 0629 – 0630.

²²¹ Email from Sally Painter to Matthew Edwards, Boris Chumak and Pero Jovlevski (Dec. 6, 2018) Blue Star Strategies 0848.

²²² Email from Myroslava Myrtsalo to Vadym Pozharskyi, Sally Painter and others (Mar. 6, 2019) Blue Star Strategies 1129.

²²³ *Id.*

III. CHAIRMEN ABUSE UNVERIFIED FINANCIAL TRANSACTIONS TO PRODUCE UNSUBSTANTIATED ALLEGATIONS AND INNUENDO

The Republican Chairmen's use of confidential Treasury documents to justify its unsubstantiated allegations and personal attacks against Vice President Biden's family is grossly irresponsible. The information in the documents cited by the Republicans has not been verified, and we are not aware of any other Congressional committee ever releasing this sort of information in this manner.

Any credible investigation would have sought the underlying financial records at issue and spoken to the involved parties. At Chairman Johnson's request, HSGAC authorized 46 subpoenas across four business meetings related to his current investigations, none of which sought information that could substantiate or verify the information in these documents.

The Chairmen spent a year investigating Russian-backed allegations of wrongdoing by Vice President Biden in Ukraine, only to find the allegations discredited by their own investigation. Here the Republicans made no attempt to independently investigate the transactions at issue, perhaps to avoid the embarrassment of seeing these allegations discredited as well.

Because the information in these documents is unverified, the Treasury Department requests restrictions on their use. When transmitting the documents to the Committee, Treasury officials noted "Treasury and FinCEN take seriously our obligation to safeguard sensitive personally identifiable and financial information reflected in these reports. . . . Any documents provided and information therein should not be disseminated outside the [C]ommittee or publicly disclosed without Treasury's prior authorization." We are not aware of any efforts by the Chairmen to honor this request by Treasury.

The manner in which many of these documents were created and then supplied to the Chairmen is also concerning and improper. Many of documents provided to the Committees note that they were generated at the request of law enforcement during President Trump's impeachment investigation in Fall 2019. The financial institutions did not feel the transactions merited reporting at the time they occurred, but rather only did so at the request of law enforcement officials, who were apparently attempting to validate the claims being made by President Trump's associates in their effort to distract from the behavior that resulted in the President's impeachment. Specific details about which law enforcement personnel requested the documents were redacted.

After the documents were generated in this unusual manner, they were rushed into the hands of the Republican Chairmen by the Treasury Department. On November 15, 2019, Chairman Johnson and Chairman Grassley requested sensitive financial records related to Hunter Biden from the Treasury Department. Shortly thereafter, Ranking Member Wyden, along with Senate Banking Committee Ranking Member Sherrod Brown, wrote to FinCEN Director Kenneth Blanco, urging him to take steps to assure that FinCEN's partnership with Congress was free of partisan influence. In particular, the Ranking Members were generally aware of similar requests by Democratic members of the House that had been pending for months, and advised FinCEN that requests should be processed in the order they were received.

Treasury and FinCEN ignored that letter and began producing documents to the Chairmen on December 12, 2019, less than one month after their initial request. This expedited response, which “jumped the line” of pending requests made by Democratic members of the House, ensured that President Trump’s Treasury Department put the newly generated financial records in the hands of Senate Republicans before the President’s impeachment trial began in January 2020.

After receiving this information in December 2019, the Republican Chairmen did nothing with it. They made no efforts to confirm or verify the underlying transactions, other than the internet news searches that fill out the Majority’s footnotes. It was not until mid-August 2020, mere weeks before the November election, that the Chairmen decided to request a small batch of additional documents in order to finalize their report they have frequently stated is intended to damage Vice President Biden’s presidential bid. Treasury again promptly replied to the Chairmen’s request. Around the same time, Ranking Member Wyden sent his own request to Treasury for documents related to the Chairmen’s active investigations. Despite having twice responded to Republican requests, Treasury declined Ranking Member Wyden’s request.

This coordination between law enforcement, Treasury, and Senate Republicans appears to have been necessary to enable the Majority to cast aspersions on the family of a presidential candidate ahead of an election. Hunter Biden’s business dealings and personal troubles are well known. Hunter Biden sat for an extensive interview with *The New Yorker* over a year ago, and discussed many of the business dealings and personal issues that are at core of the Chairmen’s smear efforts. The Chairmen even cite this story in their report. Stripped of tantalizing references to confidential documents, the Chairmen’s report provides little more than what is in *The New Yorker* and other well-worn reporting.

Rather than asking questions of witnesses or seeking additional information, the Majority makes dangerous insinuations and offers no evidence to prove their assertions. It is clear the Majority has no interest in determining facts, their goal is to twist unverified information to smear the Biden family in an effort to aid President Trump’s reelection. The Majority’s efforts are investigative malpractice and an abuse of Senate resources. The recitation of these transactions serves no legitimate legislative or oversight purposes. The Republicans released information from these documents without conducting any independent investigation to verify the transactions, abusing the records in a way that has never been done before by a Congressional committee.

IV. CONCLUSION

On September 10, 2020, the Department of the Treasury's Office of Foreign Assets Control (OFAC) designated Andrii Derkach for attempting to influence the U.S. electoral process, finding:

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 Western media through coverage of press conferences and other news events, including interviews and statements.

As the entire record before the Committees—including the testimony of Ambassador Pyatt, Ambassador Brink, Deputy Assistant Secretary Kent, Former Assistant Secretary Nuland, Special Envoy Hochstein, Former State Department Chief of Staff David Wade, Former Under Secretary Novelli, and career Foreign Service officer Zentos – makes clear, allegations of corruption by Vice President Biden in Ukraine are false and unsubstantiated. Chairman Johnson has repeatedly indicated that the investigation was designed to culminate prior to election day, and now it has.

The United States Senate should not be used to advance Russian state-backed conspiracy theories intended to interfere in our election.

Unfortunately, Chairman Johnson and Chairman Grassley have pursued widely debunked allegations against Vice President Biden and the Obama Administration as their highest investigative priority. Over the past year, the Chairmen have sent 17 letters, conducted more than 50 hours of transcribed interviews, held three in person business meetings to authorize 46 subpoenas, and issued 17 press releases to publicize their allegations.

These efforts continued – and even increased – despite the public health and economic emergency caused by the Coronavirus pandemic that has tragically claimed the lives of more than 200,000 Americans. Yet the Chairmen have devoted only a fraction of their time and the Committees' resources to conducting oversight of the flawed pandemic response. Instead, the Chairmen insist on continuing to squander Congressional resources and abuse subpoena power on a politically motivated influence campaign during a historic health and economic crisis.

Although the Chairmen's partisan investigation has broken Committee practices and longstanding traditions of bipartisan oversight, Ranking Member Peters and Ranking Member Wyden hope the facts laid out in this report will correct the record and return the Committees to their core missions of safeguarding our national security and vital institutions, and working on behalf of the American people.

V. APPENDIX A: TIMELINE OF CHAIRMEN JOHNSON AND GRASSLEY'S PARTISAN INVESTIGATION

2014-2016: CHAIRMAN JOHNSON SUPPORTS REFORMS IN UKRAINE

May 12, 2014: Hunter Biden's position on the Board of Directors for Burisma publicly announced.

(May 2014 – September 2019): Chairman Johnson attends 16 Senate Foreign Relations Committee (SFRC) hearings related to Ukraine, where he never raises concerns about Hunter Biden's position at Burisma.

June 5, 2014: At an SFRC hearing on Ukraine, Senator Johnson states, "If we have to tie aid or help to make sure that anti-corruption laws are passed, I think we should do that."

February 12, 2016: The Senate Ukraine Caucus, including Chairman Johnson, write to Ukrainian President Petro Poroshenko in support of anti-corruption reforms. The letter states, "We similarly urge you to press ahead with urgent reforms to the Prosecutor General's office and judiciary."

February 15, 2016: Prosecutor General Shokin submits letter of resignation under pressure.

March 29, 2016: The Ukrainian Parliament votes to formally remove Prosecutor General Shokin.

2017: CHAIRMAN GRASSLEY ASKS ABOUT BASELESS UKRAINE ELECTION INTERFERENCE THEORY

July 20, 2017: Amidst the Special Counsel's inquiry into Russian interference in the 2016 U.S. Presidential election, Chairman Grassley writes to the Department of Justice (DOJ) regarding the Russia-supported, baseless theory that Ukraine interfered in the 2016 U.S. Presidential election.

SEPT. 2019-FEB. 2020: AMIDST IMPEACHMENT PROCEEDINGS, CHAIRMEN JOHNSON AND GRASSLEY INITIATE THEIR INVESTIGATION

September 24, 2019: Speaker Nancy Pelosi announces the House of Representatives has opened an impeachment inquiry into President Donald Trump. Impeachment proceedings continue through February 5, 2020.

September 25-26, 2019: The reconstructed transcript of a July 25, 2019 phone call between President Trump and Ukrainian President Volodymyr Zelensky and of a related whistleblower complaint are publicly released, both of which pertain to impeachment proceedings.

September 27, 2019: Chairmen Johnson and Grassley send their first letter pertaining to Hunter Biden and Burisma to "follow up" on Grassley's letter from over two years prior regarding the Russia-supported, baseless theory that the Ukrainian government interfered in the 2016 U.S. Presidential election.

(November 2019 – February 2020): Chairmen Johnson and Grassley proceed to send seven letters during high-profile moments of the impeachment proceedings, including public hearing testimony, the day of the House Intelligence Committee’s release of its impeachment report, and the day of the Senate trial vote.

FEBRUARY 2020-PRESENT: AMIDST PRESIDENTIAL RACE, CHAIRMEN JOHNSON AND GRASSLEY “INVESTIGATE” THE DEMOCRATIC NOMINEE FOR PRESIDENT

February 5, 2020: The Senate votes to acquit President Trump in proceedings. Hours later, Chairmen Johnson and Grassley send a letter to the Secret Service for Hunter Biden’s travel documents.

February 29, 2020: Former Vice President Joe Biden wins the South Carolina Democratic presidential primary, becoming the clear frontrunner.

March 1, 2020: Chairman Johnson notices his intent to subpoena Ukrainian national Andrii Telizhenko for documents and testimony to Homeland Security and Governmental Affairs Committee (HSGAC) Members.

March 4, 2020: Regarding his investigation, Chairman Johnson states, “And if I were a Democrat primary voter, I’d want these questions satisfactorily answered before I cast my final vote.”

March 10, 2020: The FBI provides HSGAC Members a classified briefing on issues related to the Telizhenko subpoena.

March 11, 2020: Chairman Johnson had planned to hold a vote in HSGAC on the Telizhenko subpoena, which he cancels following bipartisan national security concerns.

May 19, 2020: Telizhenko and Ukrainian politician Andrii Derkach release records of alleged phone calls between former Ukrainian President Poroshenko and Vice President Biden. The U.S. intelligence community has since called Derkach an “active Russian agent” and described the release of such leaked phone calls as a form of Russian election interference.

May 20, 2020: HSGAC votes on subpoena authorization for Burisma’s lobbying firm Blue Star Strategies, passing three subpoenas on a party-line vote.

June 4, 2020: HSGAC holds a vote on authorizing 36 subpoenas for the Chairman Johnson’s investigations.

July 20, 2020: Chairmen Johnson and Grassley hold their first witness interview.

August 11, 2020: Regarding his investigation, Chairman Johnson states, “I would think it would certainly help Donald Trump win reelection and certainly be pretty good, I would say, evidence about not voting for Vice President Biden.”

September 15, 2020: Regarding his investigation, Chairman Johnson again explicitly confirms his political motivations, stating, “What our investigations are uncovering I think will reveal that this is not someone we should be electing president of the United States.”

September 16, 2020: HSGAC holds a vote on 40 subpoenas for Chairman Johnson’s investigations.

September 23, 2020: Chairmen Johnson and Grassley release their report on Hunter Biden and Burisma.

September 29, 2020: First 2020 presidential debate with President Trump and Vice President Biden.