PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
joint with the
COMMITTEE ON OVERSIGHT AND REFORM
and the
COMMITTEE ON FOREIGN AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: GEORGE KENT

Tuesday, October 15, 2019
Washington, D.C.

The interview in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 10:08 a.m.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Heck, Maloney, Demings, Krishnamoorthi, Conaway, Wenstrup and Hurd.

Also Present: Representatives Norton, Malinowski, Raskin, Rouda, Phillips, Engel, Perry, Meadows, and Zeldin.

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[redacted]

For the COMMITTEE ON OVERSIGHT AND REFORM:

[redacted]

For the COMMITTEE ON FOREIGN AFFAIRS:

[redacted].

For GEORGE KENT:

ANDREW WRIGHT
BARRY M. HARTMAN
NANCY IHEANCHO
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1601 K Street NW
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THE CHAIRMAN: The committee will come to order.

Good morning, Deputy Assistant Secretary Kent, and welcome to the House Permanent Select Committee on Intelligence, which, along with the Foreign Affairs and Oversight Committees, is conducting this investigation as part of the official impeachment inquiry of the House of Representatives.

Today's deposition is being conducted as part of the impeachment inquiry. In light of attempts by the State Department in coordination with the White House to direct you not to appear and efforts to limit your testimony, the committee had no choice but to compel your appearance today. We thank you for complying with the dually authorized congressional subpoena, as other witnesses have done as well. We expect nothing less from a dedicated career civil servant like yourself.

Deputy Assistant Secretary Kent has served with distinction as a Foreign Service officer with deep experience relevant to the matters under investigation by the committees. In his capacity as Deputy Assistant Secretary in the European and Eurasian Bureau you oversee policy towards Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijani. Previously he was deputy chief of mission in Kyiv from 2015 until 2018 when he returned to Washington to assume his current position.

In 2014 and 2015, he was the senior anticorruption coordinator in the State Department's European Bureau. Since joining the Foreign Service in 1992 he has served among other postings in Warsaw, Poland, Kyiv, Tashkent, Uzbekistan, and Bangkok, Thailand. Given your unique role, we look forward to hearing your testimony today, including your knowledge of and involvement in key policy discussions, meetings and decision on Ukraine that relate directly to areas under investigation by the committees. This includes developments related to the recall of Ambassador Yovanovitch, the President's July 25, 2019 call with Ukrainian President Zelenskyy, as well as the documentary record that has come to life about efforts before and after the call to get the Ukrainians to announce publicly investigations into two areas President Trump asked President Zelenskyy to pursue: the Bidens in Burisma, and the conspiracy theory about the Ukraine-supported interference in the 2016 U.S. elections.

To state clearly on the record, I want to let you and your attorneys know that Congress will not tolerate any reprisal, threat of reprisal, or attempt to retaliate against you for complying with a subpoena, and testifying today as part of the impeachment inquiry. This includes any effort by the State Department, the White House, or any other entity of the government to claim that in the course of your testimony under dually authorized subpoena today, you are disclosing

information in a nonauthorized manner.

We also expect that you will retain your current position after testifying today, and that you will be treated in accordance with your rank, such that in the normal course of the remainder of your career, you will be offered assignments commensurate with your experience and long service. Should that not be the case, we expect you to notify us immediately and we will hold those responsible to account.

Before I turn to committee counsel to begin the deposition, I invite the ranking member, or in his absence a minority member from the Foreign Affairs or Oversight committees to make an opening remark.

MR. JORDAN: Secretary Kent, thank you. Thank you, Mr. Chairman. Secretary Kent, thank you for appearing today. On September 24th, Speaker Pelosi unilaterally announced that the House was beginning its so-called impeachment inquiry. On October 2nd, the Speaker promised that the so-called impeachment inquiry would treat the President with fairness.

However, Speaker Pelosi, Chairman Schiff, and the Democrats are not living up to that promise. Instead, Democrats are conducting a rushed, closed-door and unprecedented impeachment inquiry. Democrats are ignoring 45 years of bipartisan procedures designed to provide elements of fundamental fairness and due process. In past impeachment

inquiries, the majority and minority had coequal subpoena authority and the right to require a committee vote on all subpoenas. The President's counsel had the right to attend all depositions and hearings, including those held in executive session. The President's counsel had the right to cross-examine the witnesses and the right to propose witnesses. The President's counsel had the right to present evidence, object to the admission of evidence, and to review all evidence presented, both favorable and unfavorable.

Speaker Pelosi and Chairman Schiff so-called impeachment inquiry has none of these guarantees of fundamental fairness and due process. Most disappointing, Democrats are conducting this inquiry behind closed doors. We're conducting these depositions and interviews in a SCIF, but Democrats have been clear every single session that there's no unclassified material being presented in the sessions. This seems to be nothing more than hiding this work from the American people.

The Democrats intend to undo the will of the American people 13 months before the next election, they should at least do so transparently and be willing to be accountable for their actions.

Chairman, I believe the ranking member from the Foreign Affairs Committee would like to say something as well as well.

MR. MCCAUL: Thank you, Mr. Chairman.

As you know, I conduct myself as both chairman and ranking member in a very bipartisan way, and I think that should apply here as well. I am -- next to declaring war, this is the most important thing that the Congress can do under Article I. To hide behind that, to have it in a SCIF, to defy historical precedent that we conducted under both Nixon and Clinton, which guarantees the participation of counsel, White House counsel in the room in an adversarial way.

To also provide the minority the power of that subpoena. That was done during both prior impeachments, because both sides recognized that with a fair. It's really about fairness. If -- I would just urge you, if you're going to continue, and I've been back in my district for 2 weeks, talking to my constituents both Republican, and Democrat, and Independent, above all what they had in common was they wanted to see this done the right way. I know you're a fair man. We've known each other for a long time. I hope that this resolution will come to the floor so that we can participate in a democratic system, with a democratic vote, up or down, to proceed with this inquiry, so that it is backed by the American people.

To do so otherwise, I think, defies democracy, it defies fairness, and it defies due process. And if we're going to

do this, for God's sakes, let's do it the right way.

I yield back.

THE CHAIRMAN: I think my colleagues will certainly have an opportunity to discuss these matters further, but in the interest of moving ahead with the deposition I recognize Mr. Goldman.

MR. GOLDMAN: Thank you, Mr. Chairman. This is a deposition of Deputy Assistant Secretary of State, George Kent conducted by the House Permanent Select Committee on Intelligence, pursuant to the impeachment inquiry announced by the Speaker of the House on September 24th.

Mr. Kent, could you please state your full name and spell your last name for the record?

THE WITNESS: George Peter Kent, K-e-n-t.

MR. GOLDMAN: Thank you. Now, along with other proceedings and furtherance of this inquiry, this deposition a part of a joint investigation, led by the Intelligence Committee, in coordination with the Committees on Foreign Affairs, and Oversight and Reform.

In the room today are equal numbers of majority staff and minority staff from the Foreign Affairs Committee and the Oversight Committee, as well as majority and minority staff from the Intelligence Committee. This is a staff-led deposition, but Members, of course, may ask questions during their allotted time, and there will be equal allotted time

for the majority and the minority.

My name is Daniel Goldman, I am the senior adviser and director for investigations for the HPSCI majority staff. And I thank you very much for coming in today. I would like to do brief introductions before we begin. To my right is Nicholas Mitchell, who is the senior investigative counsel for the HPSCI majority staff. And Mr. Mitchell and I will be conducting most of deposition for the majority. And I'll let my counterparts from the minority staff introduce themselves as well.

MR. CASTOR: Good morning, sir, Steve Castor with the Republican staff of the Oversight Committee.

MR. BREWER: Good morning, I'm David Brewer, Republican staff, Oversight.

MS. GREEN: Meghan Green, senior counsel for HPSCI minority.

MR. GOLDMAN: Now this deposition will be conducted entirely at the unclassified level. However, this deposition, as you no doubt know, is being conducted in HPSCI's secure spaces, and in the presence of staff with the appropriate security clearances, and, as we understand as of this morning, your attorneys all have appropriate security clearances. We understand that you received a letter from the State Department that addresses some of the concerns about the disclosure of classified information. But we want

you to rest assured that, in any event, any classified information that is disclosed is not an unauthorized disclosure today.

It is the committee's expectation, however, that neither the questions asked of you nor the answers that you provide or your counsel provide will require discussion of any information that is currently, or at any point could be properly classified under Executive Order 13526. As you no doubt know, EO 13526 states that, quote "In no case shall information be classified, or continue to be maintained as classified, or fail to be declassified" unquote, for the purpose of concealing any violations of law or preventing embarrassment of any person or entity.

If any of our questions can only be answered with classified information. We would ask you to inform us of that before you provide the answer, and we can as just the deposition accordingly.

Today's deposition is not being taken in executive session, but because of sensitive and confidential nature of some of the topics and materials that will be discussed, access to the transcript of the deposition will be limited to the three committees in attendance. You and your attorney will have an opportunity to review the transcript at a later date.

Now before we begin the deposition, I would like to go

over some of the ground rules. We will be following the House regulations for depositions. We have previously provided counsel with a copy of those regulations, but let us know if you need additional copies.

The deposition will proceed as follows today. The majority 1 hour to ask questions, and the minority will be given 1 hour to ask questions. Thereafter, we will alternate back and forth in 45 minute rounds. We'll take periodic breaks. But if, at any time, you or your counsel need a break, please just let us know. Under the House deposition rules, counsel for other persons or government agencies may not attend this proceeding, and we understand that none are here. You, however, are allowed to have personal attorney present during this deposition, and I see that you have brought a couple. At this time if counsel could please state his or her name for an appearance for the record.

MR. WRIGHT: My name is Andrew Wright with K&L Gates.

MR. HARTMAN: Barry Hartman, K&L Gates.

MS. IHEANACHO: Nancy Iheanacho with K&L Gates.

MR. GOLDMAN: To your left there is a stenographer taking down everything that is said, all questions and answers, so that there is a written report for the deposition. For that record to be clear, please wait until questions are completed before you provide your answers, and all staff and members here will wait until you finish your

response before asking the next question. The stenographer cannot record nonverbal answers such as a shaking of the head or an uh-huh so please make sure that you answer questions with an audible verbal answer.

We ask that you give complete replies to questions based on your best recollection. If a question is unclear or you are uncertain about the response, please let us know and we can rephrase the question.

And if you do not know the answer to a question or cannot remember, simply say so. You may only refuse to answer a question to preserve a privilege recognized by the committee. If you do refuse to answer a question on the basis of privilege, staff may either proceed with the deposition, or seek a ruling from the chairman on and objection, in person or otherwise, during the deposition at a time of the majority staff's choosing. If the chair overrules any such objection, you are required to answer the question.

Finally, you are reminded that it is unlawful to deliberately provide false information to Members of Congress, or to staff of Congress. It is imperative that you not only answer our questions truthfully, but that you give full and complete answers to all questions asked of you. Omissions may also be considered false statements.

Now as this deposition is under oath, Deputy Assistant

Secretary Kent, would you please stand and raise your right-hand to be sworn?

Do you swear or affirm the testimony that you are about to give is the whole truth and nothing but the truth?

THE WITNESS: I swear that the testimony I am about to give is the truth and nothing but the truth.

MR. GOLDMAN: Thank you. Let the record reflect that the witness has been sworn. But before we begin, Deputy Assistant Secretary Kent, now is the time for you to make any opening remarks.

MR. ZELDIN: Mr. Goldman, can we just go around the room and have everybody identify themselves?

MR. GOLDMAN: You want back? Why don't we start at the table here. Mr. Quigley.

MR. QUIGLEY: Mike Quigley from Illinois.

MS. SPEIER: Jackie Speier.

MR. SWALWELL: Eric Swalwell.

MS. SEWELL: Terri Sewell.

MR. ROUDA: Harley Rouda.

MR. RASKIN: Jamie Raskin, for Maryland.

MR. HECK: Denny Heck, Washington State.

MR. MALINOWSKI: Tom Malinowski, New Jersey.

MR. PHILLIPS: Dean Phillips, Minnesota.

MR. ROONEY: Francis Rooney, Florida.

MR. MEADOWS: Mark Meadows, North Carolina.

MR. MCCAUL: Mike McCaul.

MR. JORDAN: Jim Jordan, Ohio.

MR. GOLDMAN: And then if we could start behind here.

[redacted]

MR. GOLDMAN: Mr. Kent.

MR. KENT: Good morning, as you've heard, my name is George Kent. I'm the Deputy Assistant Secretary of State for Europe and Eastern Europe, and the Caucasus in particular. I have served proudly as a nonpartisan career foreign service

officer for more than 27 years, under five Presidents, three Republican and two Democrats. As you all know, I am appearing here in response to your congressional subpoena. If I did not appear I would have been exposed to being held in contempt. At the same time, I have been instructed by my employer, the U.S. Department of State, not to appear. I do not know the Department of State's views on disregarding that order. Even though section 105(c) of the Foreign Service Act of 1980, which is 22 U.S. Code 3905 expressly states, and I quote, "This section shall not be construed as authorizing of withholding of information from the Congress or the taking of any action of a member of the service who discloses information to Congress," end quote.

I have always been willing to provide facts of which I'm aware that are relevant to any appropriate investigation by either Congress or my employer. Yet, this is where I find myself today, faced with the enormous professional and personal cost and expense of dealing with a conflict between the executive and legislative branches not of my making.

With that said, I appear today in same spirit that I have brought to my entire career, as a Foreign Service officer and State Department employee, who has sworn to support and defend the Constitution of the United States, as one of thousands of nonpolitical career professionals in the Foreign Service who embody that vow daily around the world

often in harsh and dangerous conditions.

There has been a George Kent sworn to service in defense of the Constitution and U.S. national interests for nearly 60 consecutive years and counting, ever since my father was sworn in as a midshipman at Annapolis in June 1961, commissioned in 1965, after finishing first in his class, and serving honorably for 30 years, including as captain of a ballistic missile nuclear submarine. Principled service to country and community remains an honorable professional choice, not just a family tradition dating back to before World War II, one that survived the Bataan Death March, and a 3-year stint in a Japanese POW camp unbroken. I hope the drama now playing out does not discourage my [redacted] son, [redacted], from seriously considering a life of service.

After two internship on a State Department Soviet desk in the late 1980s, I formally joined the Foreign Service in 1992, and have not, for a moment, regretted that choice to devote my life to principled public service. I served twice in Ukraine for a total of 6 years, posted in Kyiv, first during and after the Orange Revolution from 2004 to 2008, and again, from 2015 to 2018, in the aftermath of the Revolution of Dignity when I worked at deputy chief of mission.

In between, I worked in Washington from 2012 to 2015, in several policy and programming positions directly affecting U.S. strategic interests in Ukraine, most notably, as

director for law enforcement and justice sector programming for Europe and Asia, and then as the European Bureau's senior anticorruption coordinator.

In the summer of 2018, then-Assistant Secretary for European and Eurasian Affairs, Wess Mitchell asked me to come back from Kyiv to Washington early to join his team as Deputy Assistant Secretary of State to take charge of our eastern European Caucasus portfolio, covering six countries in the front line of Russian aggression and malign influence, Ukraine, Moldova, Belarus, Georgia, Armenia, and Azerbaijan. The administration's national security strategy, which Wess helped write, makes clear the strategic challenge before us great power competition, with peer or near-peer rivals, such as Russia and China and the need to compete for positive influence without taking countries for granted. In that sense, Ukraine has been on the front lines, not just of Russia's war in eastern Ukraine since 2014, but of the greater geopolitical challenges facing the United States today.

Ukraine's success, thus, is very much in our national interest in the way we have defined or national interests broadly in Europe for the last 75 years, and specifically in central and Eastern Europe, for the last 30 years, since the fall of the Wall in 1989. A Europe whole, free, and at peace -- our strategic aim for the entirety of my foreign

service career -- is not possible without a Ukraine full free and at peace, including Crimea and Donbas, both current occupied by Russia.

I am grateful for all of you on the key congressional committees who have traveled to Ukraine in the past 5 years -- and I had occasion to speak to many in the 3 years I was in Kyiv -- and appropriating billions of dollars in assistance in support of our primary strategic goals, in particular, increasing Ukraine's resiliency in the face of Russian aggression in the defense, energy, cyber, and information spheres, and empowering institutions in civil society to tackle corruption and undertake systemic reforms.

I believe that all of us in the legislative and the executive branches in the interagency community working out of our embassy in Kyiv, with Ukrainians in government in the Armed Services in civil society, and with our transatlantic allies and partners, can be proud of our efforts and our resolve in Ukraine over the past 5 years, even though much more remains to be done.

U.S. officials who have spoken publicly in Ukraine to push back on Russian aggression and corrupt influences have been subject to defamatory and disinformation campaigns, and even online threats for years. Starting in 2015 for former Ambassador Pyatt, in 2017 for me, and in 2018 for former Ambassador Yovanovitch.

That was, frankly, to be expected, from Russian proxies and corrupt Ukrainians, and indicators that our efforts were hitting their mark. You don't step in to the public arena of international diplomacy in active pursuit of U.S. principled interests against venal vested interests without expecting vigorous pushback.

On the other hand, I fully share the concerns in Ambassador Yovanovitch's statement on Friday expressing her incredulity that the U.S. Government chose to move an ambassador based, as best she tell, on unfounded and false claims by people with clearly questionable motives, at an especially challenging time in our bilateral elections with a newly elected Ukrainian President.

One final note, I will do my best to answer your questions today and I understand there are going to be a lot of them. I suspect your questions may well involve some issues, conversations and documents that span a number of years. The State Department is in the process of collecting documents in response to the subpoena, not to me, but to the Department that may contain facts relevant to my testimony. I have no such documents or materials with me today.

With the exception of a few documents related to the State Department inspector general's submission to Congress this month, neither the Department nor the committee has provided documents at issue in this inquiry. I will, thus,

do my best to answer as accurately, completely and truthfully as I can to the best of my recollection.

And with those introductory words, I'm ready to answer all your questions regarding the subject of the subpoena, which has ordered me to appear before you today.

MR. GOLDMAN: Thank you, Mr. Kent.

MR. JORDAN: Could we get a copy, could staff get a copy of the Secretary's opening statement for us, please.

MR. GOLDMAN: Yeah, we can deal with that.

EXAMINATION

BY MR. GOLDMAN:

Q Mr. Kent, I'm going to pick up just where you left off there about the documents. You are aware of a request of you as well to provide documents. Is that right?

A In the letter that was emailed to me on September 27th there was a request to appear voluntarily and to provide documents, yes.

Q What did do you, if anything, in relation to providing documents in response to that request?

A I received direction that from the State Department that at the same time you issued the letters to me you issued a subpoena to the Department, and therefore the documents would be collected as part of that subpoena request since they are considered Federal records.

THE CHAIRMAN: Ambassador, you don't need to turn the

mic off.

BY MR GOLDMAN:

Q Are you aware of the status of that document production by the State Department related to your personal documents -- or professional documents, I should say?

A I collected all the different types of records that possibly could be considered part of the request and provided them to the listed authority at the State Department.

Q And have you had any followup conversations about production of those documents?

A I have not.

Q Have you had any conversations, separate and apart, from the letters that we understand you received? Have you had any type of conversations with the State Department -- anyone at the State Department about your testimony here today?

A My testimony today? No.

Q Okay. So you didn't have -- sorry, I don't mean the substance of your testimony, but did you have any conversations about whether you would be testifying or will testify?

A The interaction consisted of letters through counsel.

Q So you had no personnel conversations with anyone?

A I had no personal conversation.

Q Did you have any conversations with anyone at the State Department about the document request?

A Yes.

Q Can you describe those conversations?

A Define conversations.

Q All right. Well, who did you speak to about the document?

A Okay. So the first interaction was with somebody I presume many of you are familiar with [redacted], who works with our congressional liaison. And initially, when I asked in email form whether I should start collecting documents, because I had received a personal request, I was instructed to await formal guidance, meaning formal instructions on how to fulfill the document production request, so that was the first interaction.

Q And what was the second interaction?

A The second interaction with the Department issued written guidance on how to be responsive to the subpoena for documents to the Department late on October 2nd and that was in writing.

Q From whom?

A The instructions were sent from the executive secretary of the Department, Lisa Kenna.

Q And what did you do upon receiving those instructions?

A That was after close of business. The senior bureau official at the time was Maureen Cormack (ph), and Maureen gave me a paper copy and said that the European Bureau staff on whom most of the requirements would fall would convene at 9 o'clock the next morning to discuss how we could fully be responsive to the request.

Q And did that meeting at 9 o'clock the next day occur?

A It occurred.

Q And what happened at that meeting?

A We had roughly 20 members of European Bureau still there and followed the overall staff meeting of the morning which was from 8:30 to 9:00. Most people left. Those related to the inquiry stayed. And we had several additional staff who joined us at that meeting.

Q And can you just summarize the conversation at that meeting?

A We started going through the instructions of the State Department, which initially, the first paragraph identified a number of individuals as key record collectors. And so we -- the first question that came up was when it said "including colon" and it listed names, was that an inclusive or exclusive list? Was it only those individuals or more? We had two people in the room who are not members of the European Bureau staff, there could have been more, but they

self-identified as [redacted] from congressional liaison and [redacted] from the Office of Legal Counsel at the State Department. They clarified that that was not an exclusive list, meaning not only those people listed, but others who might have records should also be responsive.

Q Okay. At any -- I just want to back it up a little bit and a little bit more generally here. I appreciate your detail, but we are somewhat -- we didn't want to stay here all night. So I'm just trying to get a sense of, sort of, the back and forth. Was there, at any point, did you take issue with any of the directives or suggestions that you received from the State Department?

A The letter of instruction that was issued after the close of business on October 2nd was the first formal instruction that any of us had received in response to the subpoena to the Department and the personal letters which had been sent at the end of September 27th, so there was not any formal structured interaction, as I mentioned, that I'd had initial interaction with [redacted], and she directed me to await formal guidance. I did have several interactions with other State Department officials on Tuesday, October 1st.

Q With whom?

A With the director general of the Foreign Service, and with the acting L, so to speak, Marek String.

Q And what was the purpose of those conversations?

A I approached the director general late in the afternoon -- mid-afternoon on October 1st, because I had not had any contact from any member on the leadership of the Department. And there was a letter sent to these committees that characterized interactions that I do not feel was accurate.

Q Can you explain what you didn't feel was accurate?

A Well, there was a line in there that the committees had been attempting to bully, intimidate, and threaten career foreign service officers. And I was one of two career foreign service officers which had received letters from the committees, and I had not felt bullied, threatened, and intimidated. There was another line in there that suggested that the career Foreign Service officers had requested the committee's to route all communications through House liaison and I think your colleague who -- [redacted], who sent me the initial email on Friday night received my reply, which indicated that I acknowledged receipt, and that our congressional liaison had requested that the information be routed to them. So I was concerned that the letter itself did not accurately characterize the interaction.

Q When you're talking about the letter, you're talking about the letter from Secretary Pompeo?

A Correct.

Q And what was the response of the two individuals

that you spoke to?

A Well, Ms. Perez, who is one of the top two career foreign services officers and oversees the personnel system, I had worked for her previously directly in a previous job. And because I'd had no contact with the leadership of the Department outside of the European Bureau, I suggested that it was time that somebody engaged me personally, particularly since representations were being made about me.

Q What representation? Oh, the letter?

A Right, the language in the letter.

Q And what was Ambassador Perez's response?

A She needed to go and give a response to 150 people about taking care of your people. And she said when that was finished, she would reach out and find somebody that would reach out to me. And so she came back after an hour and said that the acting legal counselor of the Department, "L" in our parlance, Marek String, would reach out to me; that if I did not hear from him in 24 hours, I should contact her again.

Q Did hear from him?

A I did after I wrote him an email.

Q And did you ultimately have a conversation with him?

A I did. He called me back through the Operations Center in the evening when I was already at home.

Q And can you summarize that conversation for us?

A He apologized for not having had anyone reach out to me prior. He said it was a very busy day, that they had responsive and were doing a lot and -- but I'd known Marek previously and respected him. If it weren't for Marek, we would not have had Charge Taylor out in Kyiv. He helped with the process of getting him brought back on board as an Active Duty person. So I respected his professionalism previously, so it was a professional conversation.

Q Did you voice the same -- similar concerns?

A I did.

Q And what was his response?

A He apologized, because I mentioned that there had not been an exchange.

Q Sorry. Did you voice your concerns about the two statements in the letter that you disagreed with?

A To the best of my recollection, again, it was a phone call at night when I was in my kitchen eating dinner at about 9 -- between 8 and 9. So I cannot say it was more, I think, the tonality. It was a pleasant, professional exchange.

Q And was there any follow-on conversations that you had?

A Not with Marek, not with Marek. That was again, on the night on the 1st. The guidance that we received in writing came shortly after close of business on the 2nd. And

then the next sort of point was the meeting, the guidance, our -- the European Bureau's meeting at 9 o'clock on October 3rd.

Q And since October 3rd, until today, October 15th, is anything else -- any other further conversation that you've had?

A I have not. That was also the time where I think the 3rd was when we formally -- I formally engaged Andrew Wright as my counsel in this process. And therefore, there were additional engagements, interactions with -- through counsel.

Q Are you aware that as we sit here today, we have not received one document from the State Department?

A I can read the news, but as I've answered you before, I'm not aware -- I did my role. Obviously there were a lot of documents and records that I had that I needed to provide, based on the subpoena and the guidance that the State Department issues. But having provided those records, I do not know the process on reviewing them.

Q After your conversation with Marek String, did you have any additional conversations with anyone in L?

A I did. There was a representative from L, as I previously mentioned, [redacted], who attended the European Bureau guidance meeting on October 3rd.

Q Did you have any private conversations with him?

A We have a very public exchange in front of the roughly 20 people in the meeting. And then subsequent to that, I was called out into the hall where I had a continued conversation with him and [redacted].

Q Can you describe the public exchange?

A Well, public -- in a room, closed-door room. The exchange started when we were discussing the issue of who needed to be responsive to the records collection. The individuals listed primarily were in the European Bureau. And I noted several people who should have been listed who played key roles on staff at the embassy in Kyiv. And then I mentioned Consular Affairs Assistant Secretary Risch, because he had spoken to Rudy Giuliani several times in January about trying to get a visa for the former corrupt prosecutor general of Ukraine, Viktor Shokin. And my read of the request would include that.

[redacted] took issue with my raising the additional information, and the conversation rapidly, I would say, either escalated or degenerated into a tense exchange.

Q So what was his response to your suggestions of additional custodians?

MS. SPEIER: What did he say?

MR. KENT: I've got two questions here, so I don't know how you want to manage -- Representative Speier asked me a question and you.

MS. SPEIER: No, I didn't. I was just talking to myself.

MR. KENT: Oh. Sorry.

MR. BAIR: It was the same question.

MR. GOLDMAN: It's the same question.

MR. KENT: He objected to my raising of the additional information and said that he didn't think -- I do not remember his exact words, but -- he made clear that he did not think it was appropriate for me to make the suggestion. I took the opportunity, then, to point out that that was the first -- the meeting was the first time that we were discussing guidance for being responsive to a subpoena. At this point, it was already October 3rd. The request for the documents and the request for submission had been delivered on September 27th and we had less than 2 business days to be responsive. [redacted] has then said, I don't think I should be even talking to you. It's not appropriate. I should only talk to counsel, and I talked to your counsel last night. That was, as I knew, a factually incorrect statement at that point. He never had a conversation with my counsel. The conversation ended at that point, but later on when I then picked up this issue of guidance and our responsibilities, he raised his voice again, suggested, as I told you before, I should not be talking to you, it is against the bar ethics, for me to contact and talk to you directly. I took issue

with that. I said I'm under no obligation to retain private counsel. I said somebody provided information to the Secretary that he said publicly in Italy that the congressional committees were preventing me from talking to legal counsel. And I said I've got 15 witnesses in a room hearing you say that you don't want to talk to me. So I'm worried that you as working for this office, are adopting positions at odds with the language that your office is providing the Secretary of State.

My interest in this process was so that the State Department and the Secretary would be protected, and being fully responsive to the legal subpoena that had been issued.

BY MR. GOLDMAN:

Q Was his concern more of a process concern or did he take any objection to your substantive suggestion that additional custodians should be included?

A I honestly cannot answer what he was thinking. I can only say what he said to me.

Q That's what I'm asking. What did he say?

A He said to me that he represented the Secretary of State and the Department's interest in this process. And that was the end of that -- and he also said that he was the author of the lines about the -- of the letter that included the language about the bullying and intimidation.

I pointed out to him that I thought the language he had

then drafted, since he said was the drafter, was inaccurate. And he asked why did I say that. I said, well, you say that the career Foreign Services are being intimidated. And he said, who are you speaking about? And I asked him, about whom are you speaking? And he said, you're asking me to reveal confidential information. And I said, no, I'm not. There are only two career Foreign Service officers who subject to this process. I'm one of them. I'm the only one working at the Department of State, and the other one is Ambassador Yovanovitch, who is teaching at Georgetown. So I'm not asking to you reveal anything that isn't already commonly known.

So that was that part of that conversation.

Q What his response when you said that?

A He spent the next 5 minutes glaring at me.

Q Did he disagree that Mr. Risch should be included in the --

A We did not return to that topic.

Q Now this was all with the others in the room?

A This is in the room with the 15 to 20 other people, yes.

Q And then you said there was an additional conversation in the hallway with [redacted]. Can you describe that conversation?

A Correct. [redacted] then said, opened the door after a

couple of minutes and asked if I could come out. So I excused myself before my colleagues. I apologized for them having had to hear an uncomfortable conversation. I said that it was important that they had been there as witnesses, since that was likely the only such only conversation engagement I would have with the legal staff of the State Department. I walked out, closed the door. And I stuck my hand out and said, Hi, I'm George Kent. We've never met. We shook hands. And then I said, that was unprofessional. And he then said, you were unprofessional. He got very angry. He started pointing at me with a clenched jaw and saying, What you did in there, if Congress knew what you were doing, they could say that you were trying to sort of control, or change the process of collecting documents. And what I said to him was what I hear you saying -- I said that's called projection. What I hear you saying is that you think that I am doing that.

What I was trying to do was make sure that the Department was being fully responsive. He then told me, I don't think it is appropriate for you to go back into that room. I told him that's not your business, that's my meeting, but I will agree with you, though, I will go back in and tell my colleagues that since I'm one of the chief records collectors, I will go back to my office and resume collecting records to be responsive to the request.

And the only other thing we did was I gave him my business card, he wrote his name and phone number in my notebook. And he said, I imagine you will be writing up your version of this conversation and I will be too. And that was it.

Q And did you write up your version?

A I did.

Q Did you provide that memo to the State Department to be turned over?

A I believe -- yes, I did.

Q Were you aware that the original request to the Department was made on September 9th?

A I am aware that there was a letter sent, yes. I was traveling through much of that next week. So I am not a lawyer and I understand there are different ways of signaling how serious the issue is, but yes, I was aware that an earlier set of letters were sent prior to the September 27th letters.

Q Were you asked to collect your records prior to, I believe, you said October 2nd?

A There was no request for anyone to collect records prior to the subpoena that was issued, to my understanding, on the 27th.

Q And I assume you did not have any further conversations with [redacted]?

A No, and I think as counsel can confirm, once our relationship was established, he, [redacted], was taken off of my account, and while I did not participate in further conversations, my understanding is that the tone and further back and forth between L and my counsel was fully professional and respectful.

Q All right. Before I move on, Mr. Kent, is there anything else on the topic of the State Department's response to the Congress' subpoena that you think the committee should know about that you haven't addressed?

A No.

THE CHAIRMAN: If I could, I take it, at some point, you were instructed by the State Department not to provide the documents directly to the committee, but rather to provide them to the State Department?

MR. KENT: The initial document request under the subpoena was to the State Department and the State Department as part of its guidance did share the consideration that communications would be considered Federal records, and that they would be handling them, and that is a position that I accepted.

THE CHAIRMAN: But in terms of your own documents, the ones in your possession that we had requested, did you get instructions from the State Department that rather than provide them to the committee, you should provide them to the

State Department?

MR. KENT: The letters that came in, the letter that came to me on September 27th was sent concurrently with a subpoena for those documents. And so they are considered Federal records. And all executive branch employees are reminded of that. So I was responsive to the request under subpoena to the Department for those records to be collected.

THE CHAIRMAN: But did you receive any instructions from the State Department that you should not provide the documents directly to the committee?

MR. KENT: I would have to go back and look at the written guidance that was issued on October 2nd. But I will say it was my understanding that I would provide the documents as part of the subpoena to the Department for the documents. My documents are not my personal documents. Any record that I create in the performance of my professional duties would be considered a record of the Department of State.

THE CHAIRMAN: And I assume that any records that you had on a personal device, those would have been provided to the State Department to be turned over as well?

MR. KENT: That is the -- right, correct.

THE CHAIRMAN: Thank you.

BY MR. GOLDMAN:

Q Did you have any conversations with anyone else in

the State Department about your interaction with [redacted]?

A Yes.

Q Who?

A Now former, I guess, technically retired, he sent in his resignation letter, Michael McKinley, senior adviser to the Secretary of State. I had had no prior interaction with Mr. McKinley until the weekend after the letters were issued, and the story became news, and he reached out to talk to me.

Q He reached out to you?

A Correct. I was out picking apples with my wife -- Stribling Orchards, a very nice place in Markham, Virginia, if you ever want to get good apples -- and he reached out to me through the Operations Center and said that he felt the State Department should stand up for its career Foreign Service officers and wanted to know if I had any objection to him trying to get the Department to issue a statement of that nature.

Q What did you say?

A I think said I think it is entirely appropriate for the State Department leadership to stand up for its career foreign service officers.

Q And what did you say about the statement?

A He didn't share the statement with me. I asked him if he'd already floated the idea, and if he got any

responses.

Q What did he say?

A He said he had not yet succeeded in securing an agreement to issue such a statement.

Q Had he heard about your interaction with [redacted]?

A So that came later, because our first conversation was on September 28th, Saturday, when I was picking apples. He then subsequently came to my office, and he was the only Foreign Service officer outside the European Bureau who initiated contact and came to my office.

So he checked in with me several times over the last 2 weeks to see how I was doing. And I did describe my -- the guidance meeting and what had occurred on the 3rd of October.

Q And what was his response to --

A He was concerned about that. He asked if I had written it up. And I said, I wrote a note to the file. And he asked if, in his capacity as a senior adviser to the Secretary, in part, responsible for ensuring that the Department leadership was connected to the career Foreign Service, if I would mind sharing it with him so that he could share it with other leaders of the Department, and I said I had no problem. And so I shared with him a copy of my note to the file.

Q Did he say who he was going to share it with?

A He later told me he shared it with the Deputy Secretary Sullivan, Under Secretary Hale, and I believe the counselor -- sorry -- acting legal, Marek String.

Q And did he indicate to you what the -- any response was to sharing the memo?

A No.

Q Did he indicate to you who he had discussed a statement with?

A Not specifically.

Q Generally?

A He said leadership of the Department. That's -- so I presume that included people outside of the European Bureau, but I did not ask specifically which individuals he had engaged.

Q Did you have any further conversations about that statement with him?

A I did ask him, one of the times he dropped by my office, I asked him if that statement had gone anywhere, and he said, no.

Q Did he indicate why not?

A I don't know recall if he gave any specific information on why.

Q Anything else noteworthy about your conversations with Ambassador McKinley?

A I had had never met him. I actually had to Google

him. His career has not crossed mine. He's been an ambassador in four places -- three times in South America and Afghanistan. But he appeared to me in person to be a genuinely decent person who was concerned about what was happening.

And so I very much appreciated him reaching out on a personal level and showing, as someone who's been an ambassador in four missions, including Afghanistan, understanding it's important to be responsive and engage the people who work for you.

Q Did you share his concerns?

A Which concerns?

Q About how the career Foreign Service officers were being treated during this process?

A Well, as I mentioned before, that's why I reached out to the director general, Carol Perez, on October 1st because I had concerns that outside of the European Bureau, the leadership in the Department was not actually signaling its support for the career Foreign Service officers.

Q All right. Mr. Kent, we're going spend some time today discussing Ukraine policy as well as efforts by nongovernment individuals to influence Ukraine policy. As you no doubt are aware one of the central players in this investigation is Rudy Giuliani. When did you first learn that Rudy Giuliani had taken an interest in Ukraine?

A Well --

Q Or any Ukrainians?

A I think it's a matter of record that the former mayor of New York and the current mayor of Kyiv have known each other for over a decade. Mayor Klychko is a former heavyweight boxing champion of the world. And so I believe that Giuliani first met Klychko, roughly, in 2008.

Q Okay.

A So I think Giuliani, as a person, a private individual, has traveled to Ukraine over the course of the last decade.

Q When you were in Ukraine, did you ever meet with him?

A I never met with him, never been in the presence of him, never had any communication with him.

Q So other than, as of 2018, at some point, did you come to learn that Mr. Giuliani was actively engaged in matters relating to Ukraine?

A The first indication that I heard of contacts in 2018 came in May 2018. The then-prosecutor general of the country, Yuriy Lutsenko, had planned to go to New York and his plane, KLM plane, was canceled. But my understanding was that his intent to go to New York was to meet with Rudy Giuliani.

Q And did you understand what the purpose of that

meeting was?

A At the time, no, because the meeting didn't happen.

Q How did you learn about it?

A There were stories in the Ukrainian media that he intended to go. I'd heard the story about the cancelation, KLM. Some of the stories later claimed that he did not have a visa. That was not true, because I know the plane had been canceled and he later traveled to New York. And also the head of Ukrainian diaspora organization [redacted], told me that he had had a conversation with Lutsenko and Lutsenko said his intent was to go to New York and meet with Giuliani.

Q Were you still in --

A I was in -- I left Kyiv, Ukraine on August 12th, 2018.

Q And what did you learn about Mr. Giuliani's interactions with Mr. Lutsenko after that initial aborted trip?

A The next time I heard Mr. Giuliani's name mentioned was on the 9th of January this year, 2019, when I was copied on an email that Giuliani was calling the State Department regarding the inability of the previous prosecutor general Viktor Shokin to get a visa to come to the United States.

Q How did you learn about that?

A I was copied on an email. Because I'm the Deputy

Assistant Secretary of State covering Ukraine, and it was a matter about Ukraine.

Q And did you have any involvement in that visa issue?

A I was involved extensively in conversations and exchanges over the next 2 days, yes.

Q Describe briefly who Viktor Shokin is.

A Viktor Shokin served as prosecutor general of Ukraine from, I believe his appointment date was February 10th, 2015, until sometime of the spring, perhaps late February, early March 2016. He was a longtime prosecutor. He was known to have been the godfather of then-President Poroshenko's kids. And he was someone with whom and about whom the U.S. Government had many conversations over that period of time as prosecutor general.

Q Was there a broad-based international assessment of his, whether or not he was a credible or corrupt prosecutor general?

A There was a broad-based consensus that he was a typical Ukraine prosecutor who lived a lifestyle far in excess of his government salary, who never prosecuted anybody known for having committed a crime, and having covered up crimes that were known to have been committed.

Q Who was the email from that you received on January 9th?

A I do not recall. I believe it may have been from one of the staff in the Office of the Secretary of State, because Rudy Giuliani was trying to call into that office.

Q And did you follow up on this email?

A The initial redirection was to the Assistant Secretary of Consular Affairs, Mr. Risch.

Q Okay. The redirection by who?

A I was just copied on the email. Since it was about a visa, I think it was entirely appropriate for the matter to be referred to the part of the State Department that deals with visas.

Q And what was Mr. Giuliani's involvement in this matter?

A He was pushing a visa. He wanted Viktor Shokin to get a visa.

Q Had Viktor Shokin been denied a visa at that point?

A Apparently, Mr. Shokin did not have a valid visa at the time. I do not know whether he had been denied a visa recently.

MR. SWALWELL: Ambassador, can you spell "Risch"?

MR. KENT: I believe, with apologies to any German Americans, I think it is R-i-s-c-h, but sometimes names get changed. My original German name was Kindt, K-i-n-d-t, and then my great-great-grandmother changed to anglicize it to K-e-n-t.

MR. SWALWELL: Thank you.

BY MR. GOLDMAN

Q So describe generally what your role was in this visa matter, if any?

A There was a series of conversations between members of the Consular Affairs front office and European Affairs front office. For the European office, that included Assistant Secretary Wess Mitchell and myself principally. And to the best of my recollection, on the side of Consular Affairs, it would be Assistant Secretary Risch and the deputy assistant secretary for visas, who I believe is Ed Romatowski.

Q Just to try to get to the bottom line, Mr. Giuliani, what was the State Department's view about the propriety of a visa for Mr. Shokin?

A Mr. Shokin, as I mentioned, was well and very unfavorably known to us. And we felt, under no circumstances, should a visa be issued to someone who knowingly subverted and wasted U.S. taxpayer money. And as somebody who had a fiduciary responsibility for anticorruption programs, I felt personally strongly, Wess Mitchell felt very strongly that it was incorrect and so we stated that view clearly to our congressional -- to or Consular Affairs colleagues.

Q Okay. And what -- did you learn why Mr. Giuliani

was pushing to have a visa granted?

A To the best of my recollection, the story that he conveyed to my colleagues in Consular Affairs was that Shokin wanted to come to the United States to share information suggesting that there was corruption at the U.S. embassy.

Q And did you understand what he was referring to?

A Knowing Mr. Shokin, I had full faith that it was bunch of hooey, and he was looking to basically engage in a con game out of revenge because he'd lost his job.

Q And do you know whether there was any engagement with Mr. Giuliani on behalf of the State Department?

A To the best of my recollection, to my awareness based on the email exchanges, He may have had between two and three conversations with the Assistant Secretary in that period of time, Giuliani to Risch. No time did Wess Mitchell or I engage Giuliani.

Q And did you learn about the substance of those conversations from Mr. Risch?

A I shared what I recall, and I presume that either that was in one of those conversations were an email exchange, but I couldn't tell you for sure.

Q What ultimately happened with the visa application?

A When the State Department was not being responsive, my understanding is that former Mayor Giuliani attempted to call the White House, and deputy chief of staff, my

understanding deputy chief of staff, Rob Blair, then called the State Department to ask for a background.

Q Who did Mr. Blair speak to in the State Department?

A In the end, I believe it was a conference call. I participated sitting in Wess Mitchell's office. I believe Consular Affairs may have also been on the call.

Q And can you describe the conversation?

A We laid out enough frank detail about U.S. Government engagement and assessment of Mr. Shokin. And Mr. Blair said, thank you very much, I've heard enough. He identified his role at that point to ground truth the situation and look out after the interest of the Office of the President. And I took from his response to us that he'd heard what he needed. And that was the last I heard about that, and Mr. Shokin, to the best of my knowledge, did not ever receive a visa and has not come to the U.S.

Q So after Mr. Giuliani reached, attempted to convince the State Department to issue the visa directly, and was told no, he then went around to the chief of staff's office?

A That -- I do not know who he tried to reach at the White House. I only know that Mr. Blair reached out to us to ground truth the situation.

Q To your knowledge, had anyone in the State Department informed Mr. Blair or the chief of staff's office?

A My understanding is he reached out to us, and we were responsive to him reaching out to us.

Q And did you understand the he learned about it from Mr. Giuliani?

A I do not if he had a direct conversation. To the best of my recollection, he said he was asked, which suggests that he did not have the conversation himself. I don't know.

Q Was this the first that you had heard about any concerns about the embassy in Kyiv?

A No. I was at the embassy in Kyiv when a series of corrupt prosecutors, including Shokin's team accused us of not sharing our assistance to improve the prosecutor service in Ukraine. And to my understanding, because it was released as part of the disinformation campaign, that included a letter from April 2016 which I signed as Charge.

Q Was that -- were those accusations accurate?

A The accusations were completely without merit.

Q Following this January 9th meeting, when is the next time that you learned about any involvement of Rudy Giuliani in Ukraine matters?

A On February 11th, there was a seminar hosted at the U.S. Institute of Peace, about the conflict in Donbas, and the Minister of Interior, Arsen Avakov, came and participated presenting his plans for what he calls a plan of small steps.

We had a separate meeting, since I'm the leading

policymaker focused on the region. And during that meeting, he let me know that Yuriy Lutsenko, the then-prosecutor general of Ukraine, had made a private trip to New York in which he met Rudy Giuliani. I said, did he know what the purpose was, and the Minister of Interior Avakov said it was to throw mud. And I said, throw mud at whom? And he said, a lot of people. I asked him, whom? And he said, towards Masha, towards you, towards others.

Q Masha is Marie Yovanovitch?

A Former Ambassador Yovanovitch, yes.

Q Did he say -- name any other names?

A At that point, to the best of my recollection, he mentioned specifically Masha and me, and then said others but did not mention the others.

Q Where was this meeting?

A It would have either happened at the U.S. Institute of Peace or in my office, which is right across the street. The State Department and USIP are across the street.

Q Did he explain in any more detail what he had learned about the conversations between Lutsenko and Giuliani?

A He was just passing along information. That was not the purpose of the meeting. The meeting was to talk about our assistance programs. He oversees the law enforcement reform. It was to talk about Ukrainian politics.

Frankly, at the time, he was the second most powerful person in the country after President Poroshenko. It was to talk about his ideas about trying to bring peace to the Donbas. And his comment about Lutsenko's trip and meeting with Giuliani was and, Oh, by the way, probably the last thing he said before we finished the meeting.

Q Did he express -- why did he mention this to you?

A I don't know. I would say that Mr. Avakov likes to keep lines of communication open to all sides and -- but I cannot say why he chose to share that information.

Q Did he express any concerns about this?

A He thought it was the wrong thing to do. He thought Lutsenko was a fool to have made a private trip and to have done what he did.

Q Do you know whether he was aware of Mr. Giuliani's connection to President Trump?

A Mr. Avakov?

Q Yes.

A Mr. Avakov is a very well-informed person, and I'm absolutely sure he knew who Giuliani was connected to.

Q Did you, after learning this information, what, if anything -- what if any conversations did you have with anyone else about the information you learned?

A I cannot say with complete certainty, but I know that I shared the information that Avakov passed to me with

others.

Q Who else?

A Based on my normal procedures I would guess that I shared it with people who followed Ukraine in the European Bureau, as well as with the leadership of or embassy in Kyiv.

Q Do you know what mud Lutsenko and Giuliani were discussing in connection to you?

A I did not know, no.

Q At that time you did not know?

A I still don't know.

Q You haven't seen memoranda that --

A I've seen the letter that I signed in April 2016. I don't know if that's all. I've seen a fake list that had my business card that I used temporarily in 2015, when I was at the embassy as acting DCM. The business card was the one I used in 2015, the letter itself was completely fake with lots of misspellings. But I have never -- no one has ever shown me what Lutsenko might have been passing to Giuliani. So I did not know then and I still do not know now.

Q You mentioned the documents that the State IG had provided to Congress. Have you reviewed those?

A They were not -- no one shared this with me, no. So I -- what I have been told, I first learned about it from [redacted] reporter who emailed me, a person I'd never had contact with, and to whom I did not respond, who claimed that

she had seen the documents and asked me a question, and with the many dozens of emails from media over the last several weeks, since this story started, I didn't answer a single one, I forwarded them all to our press officer.

Q Was this recent?

A This was after -- it was probably a day or 2 after the IG came up and passed documents.

Q Did you speak to Ambassador Yovanovitch about the conversation that you had with Mr. Avakov?

A I did not -- well, I cannot say for certain. I mean, again, the conversation was February 11th. That was the day of the seminar. I could say -- I cannot say for certain whether I talked or whether I sent a brief email.

Q Okay.

A My guess is, to the best of my recollection, I conveyed the information.

Q Did you become aware of whether Ambassador Yovanovitch had also spoken with Mr. Avakov around this time?

A I believe it may have been that conversation that she shared that she had had a similar conversation with him.

Q At that point did you understand what Rudy Giuliani's interest was in meeting with Lutsenko?

A I did not have any visibility. I had better insights into the mind of Yuriy Lutsenko than I did of Rudy Giuliani.

Q And what were those insights into Mr. Lutsenko?

A Mr. Lutsenko is somebody with whom the embassy had a long relationship dating back to the Orange Revolution period, which is when I first met him. And at that time he was a seemingly pro-Western politician. We met with him, he's a very gregarious, outgoing person. He was imprisoned for 2 years under former President Yanokovitch, and he came out and resumed politics. When Shokin was forced out, the intent of then-President Poroshenko was to appoint someone he trusted. Yuriy Lutsenko is also the godfather of his kids. And the question was whether someone who didn't have a law degree could be a reliable partner to try to reform the prosecutorial service.

So I had a series of meetings with him in the spring of 2016 to judge and assess whether he would be a serious partner for us. And so, that was the initial, if you will, renewal of a relationship. Subsequent to that time, it was very clear that Mr. Lutsenko was not any more serious about reforming the corrupt prosecutorial service than Viktor Shokin had been. And at that point, our relationship -- not personal to me, but the relationship between the embassy and Mr. Lutsenko began to sour.

Q So it was the embassy and the U.S. view that Mr. Lutsenko was another corrupt prosecutor general?

A That was our assessment, yes.

Q When you spoke to Mr. Avakov, did you learn whether Mr. Giuliani was working with anyone else on matters related to Ukraine?

A He just mentioned his -- his -- this is, by the way, aside. Again, he's a Ukraine politician serving as minister of interior, he was talking about another Ukraine politician serving as prosecutor general, and his focus was on that dynamic. And because he said he'd heard my name mentioned, he'd passed that along.

Q When was the next time that Rudy Giuliani came up in conversation?

THE CHAIRMAN: A question if I could, just for clarification. You mentioned a letter with misspellings and forgery.

MR. KENT: Yes?

THE CHAIRMAN: Can you tell us what that letter was and what you know of its provenance?

MR. KENT: Well, that was part of series of news articles that came out I believe starting March 20th, this spring. There with a number of articles that were initially led by John Solomon of The Hill, who gave -- who took an interview with Yuriy Lutsenko earlier in March. And so, there was, I believe, video somewhere, there certainly were pictures of them doing interview. And it's part of a series of articles, it was an intense campaign. One of those

articles released because the interview on the first day Lutsenko had claimed that Ambassador Yovanovitch had given him a list in their first meeting of people not to prosecute. Several days later, a list of names was circulated on the internet, with -- the photograph had a copy of my temporary business card that I used for a short period of time in 2015. So it was a real -- it didn't look like a regular business card. It was the one that we did on the embassy printer. So I think the card was genuine, and someone attached that to a list of names that was a hodgepodge of names.

Some of the people I had to google, I had not heard of. Half the names were misspelled. Not the way that any American, or even Ukrainian, or Russian would transliterate Ukrainian names. My best guess, just from a linguistics semantic point is the person who created the fake list was either Czech or Serbian.

THE CHAIRMAN: So when you referred earlier to a forged letter, you were referring to the forged do-not-prosecute list?

MR. KENT: That was -- yeah. This was the -- it wasn't a letter, it was just a list of names with my actual business card attached.

THE CHAIRMAN: Thank you.

BY MR GOLDMAN:

Q When was the next time that you learned anything

being Mr. Giuliani's involvement in Ukraine, after February 11th?

A Well, Mr. Giuliani was almost unmissable starting in mid-March. As the news campaign, or campaign of slander against, not only Ambassador Yovanovitch unfolded, he had a very high -- a media promise, so he was on TV, his Twitter feed ramped up and it was all focused on Ukraine, and it was focused on the four story lines that unfolded in those days between March 20 and 23rd.

Q Where do those story lines unfold?

A They unfolded both in the U.S. media and the Ukrainian media, simultaneously in peril.

Q What U.S. media outlets?

A Well, Mr. Solomon started off in The Hill, as I recall. There was a lot of tweeting, and of people that I had not previously been aware of, and then that also then played into late night television, subsequent days, both the Hannity Show and the Laura Ingraham Show covered this topic extensively.

Q That original John Solomon article, was that based on accurate information?

A It was based on an interview with Yuriy Lutsenko.

Q And was the information that Mr. Lutsenko provided accurate, to your knowledge?

A No. It was, if not entirely made up in full cloth,

it was primarily non-truths and non-sequiturs.

The interview was broken into two parts. The first part was focused on any corruption efforts in which he went after the Ambassador and other actors on anticorruption issues. I think that is where he claimed that we hadn't shared his money, meaning his assistance to the prosecutor general's office.

And the second half of the first wave theme was looking back at the 2016 campaign and allegations that the National Anti-Corruption Bureau head, a person name Artem Sytnyk, had somehow provided the list of people taking money from the discredited pro-Russian party, Party of Regions, back in 2016.

So that was day one. There were two story lines that were launched more or less in parallel that were covered extensively in the U.S. press, first by The Hill and amplifiers, and in Ukraine by what are known as Porokhobots, trolls on the internet, particularly Facebook, in support of then-President Poroshenko and against the people that are perceived to be Poroshenko's opponents.

Q You said there were some, I think you said, surprising Twitter --

A I honestly -- I have forgotten my Twitter password. I'm not on the Twittersphere. So they are just names that did not mean anything to me until they all of a sudden became

very active, talking about Ukraine and particularly the activities of our embassy in Ukraine.

Q Were you aware of whether the President retweeted this John Solomon article?

A To the best of my recollection, the President may have retweeted something affiliated with the Hannity Show the second day.

Q Did it reference John Solomon, as you recall?

A I honestly, again, I have started following Twitter more than I did before March, but I was not an active follower at that point.

Q Prior to the initial Hill article between February 11th and March 20th, was there any engagement that you had, either with the Ukrainian -- on the Ukrainian side, or with any State Department officials about any of these issues related to Rudy Giuliani?

THE CHAIRMAN: If I could -- just for clarification again, I think I mentioned one or two of the story lines, but you said there were four story lines. Can you tell us what the other story lines were?

MR. KENT: The third story line that came out the next day was focused on the Bidens and Burisma, that was the third story line. The fourth one that came out of day after was going after some civil society organizations, including anticorruption action center that were described as Soros

organizations?

BY MR. GOLDMAN:

Q I want to -- we're going to go through these four a little bit in more depth, but I want to make sure that there's nothing else that occurred between February 11th and March 20th of note on this topic?

A I received an email from our embassy on March 19th, the deputy director of the National Anti-Corruption Bureau for Ukraine, usually referred to as NABU, that was set up in 2015 and proved very effective at trying to investigate high-level corruption as it was intended to do. The deputy director was a former Georgian national named Gizo Uglava. And he came into the embassy and described his conversation the night before with a completely inebriated, drunk, Yuriy Lutsenko, and Lutsenko was angry. He said he'd given an interview with an American journalist 2 weeks prior and that interview that he had accused the embassy of undermining him, and that was his motivation, and that the embassy had been supportive of the Democrat party, and was not supportive of the Trump party and that -- so basically the lines of attack that then came out in the subsequent articles, Lutsenko shared with this other law enforcement individual, who then came and shared what he had heard from Lutsenko the night before.

Q To the embassy?

A To the embassy, yes.

Q And prior to March 19th, there was no other indication other than television or --

A To the best of my recollection, the story was not in play publicly until the first articles appeared. And to the best of my recollection, somebody from The Hill reached out to us in the early evening, or the very end of the work day on the 19th, and asked the press officer of the European Bureau whether we had reaction to a number of assertions, allegations.

Q All right. Let's go through -- just give me one minute.

[Discussion off the record.]

BY MR. GOLDMAN:

Q So did you understand why the Ukrainian law enforcement source went to the embassy to describe what a drunk Lutsenko had said?

A I believe, first of all, Mr. Uglava had a very good working relationship with the embassy. His organization, NABU, was one of the key anticorruption organizations that had been stood up after the Revolution of Dignity. It was in its first year, it was functioning surprisingly well, meaning it was putting together investigations on high-level corrupt individuals. And because of its initial effectiveness, which I think surprised a lot of people, it then became a target of

people in places of influence, because it had been effective. And one of the people that was looking to destroy NABU as an effective Bureau was Yuriy Lutsenko.

Q And did the information that you received about this, was that in writing or was it on the phone?

A I received it in an email from the embassy. And that email should be part of the records collected, not individually, but the State Department has a system, that is supposed to automatically be able to pull all emails and cables that have key words. That's my understanding of how that material should be provided eventually to the committees after review.

Q Could you just summarize for us the four lines that you -- lines of --

A I think the four story lines that played out in the media, the first one was the anticorruption line in which the embassy was attacked, and anticorruption actors in Ukraine were attacked. The second line was the 2016 cycle, allegations that somehow, somebody, whether it was Ukrainians or people at the embassy had animus towards Paul Manafort. The third line was a line of reporting related to the Bidens, and the interconnectivity between Vice President Biden's role alleged interconnectivity between Vice President Biden's role and pushing our anticorruption agenda, and the presence of his son, Hunter Biden, on the board of the gas company

Burisma. And the fourth line of attack was alleging that certain civil society organizations were funded by the Soros organization.

Q Now, based on your time as DCM there, which would have overlapped with some of these events, as well as your expertise in the area and your current role as the Deputy Assistant Secretary of State, did you believe that there was any merit to any of those four story lines?

A I did not.

Q I believe our time is up so I yield to the minority.

BY MR. CASTOR:

Q What did your State Department officials do to try to counteract these stories that you believe were totally fabricated?

A Correct.

Q What did you or State Department officials do to try to counteract these stories?

A When stories, media occurs about any of the issues in our area of responsibility, particularly when they touch on allegations or assertions about U.S. policy, or U.S. issues, the responsible part of the State Department with the press officers and the team in embassies work together to prepare press guidance, and that can be a combination of either guidance, if asked, or if a situation warrants it,

statements that would usually come out by the spokeswoman.

Q Right, so what did you do?

A So immediately since our Ambassador and embassy was being attacked with allegations that we felt were completing baseless, we prepared press guidance, and I believe the record -- the public record would show that the media outlets quoted that press guidance.

Q And was that it?

A That was it for those initial days, yes. In terms of the public stance in response to media articles.

Q Was that sufficient to counteract the narrative?

A The narrative continued to be pushed until the narrative was still out there. It accelerated on whatever that Sunday was, because the son of the President issued a Tweet in which he suggested that we needed more like Ambassadors like Rick Grenell and fewer, I believe he may have hashtagged Obama appointee was the point, and it was taken by people as an attack on Ambassador Yovanovitch.

Q So what else did the State Department do? I mean, this seems like it is a major threat to the Ambassador, and major threat to the State Department. What type of additional full-throated maneuvers did the State Department take here?

A The request from the embassy endorsed by the European Bureau, there should be a high-level endorsement of

Ambassador Yovanovitch.

Q And then what happened there?

A There was no high-level Department endorsement of Ambassador Yovanovitch.

Q What did the State Department do? You described a series of complete falsehoods in your words.

A Yes.

Q Fabrications, a fake list, that is going to the heart of the ability of the Ambassador to serve effectively.

A Correct.

Q And so is it fair to say this was a big league crisis for the Ambassador?

A This particularly after there were Tweets by members of the Presidential family, it was clearly a crisis for Ambassador Yovanovitch and a crisis that was threatening to consume the relationship. So our recommendation to our superiors was that there should be a clear statement of support for Ambassador Yovanovitch.

Q Clear statement of support, and obviously there was a media statement --

A The initial media guidance that we released and was quoted extensively was, I think, complete fabrication, utter nonsense as well as in rebutting Prosecutor General Lutsenko's allegation that somehow we had misdirected assistance met for the prosecutor general. We said something

along the lines that we had a fiduciary responsibility to the American taxpayer and when our assistance was not going to good use, we redirected it for more productive purposes.

And so, those were the initial lines in that first couple of days. When we got to the weekend, past the Sunday morning talk shows, saw the President's Tweet against the Ambassador. The question that consumed us was what do we need next? And how do we show support for Ambassador Yovanovitch?

Q And what does the State Department do? It didn't seem like the efforts were sufficient.

A There were exchanges at this point with officials, including, to the best of my recollection, Under Secretary Hale. It may have included the Counselor of the Department, Brechbuhl, at that point. And there was a suggestion made, and I can't remember by whom, initially, but eventually, Gordon Sondland, our Ambassador to U.S. EU also joined some of the back and forth that Ambassador Yovanovitch should issue a statement, or do a video or tweet declaring full support for the foreign policy of President Trump, essentially asking her to defend herself as opposed to having the State Department defend her.

Q You talked about the four lines. And the first one you said was the anticorruption actors were being attacked, was that part of the non prosecution list?

A The non prosecution, or the allegation that Ambassador Yovanovitch, in her first meeting with Yuriy Lutsenko, which, if I recall correctly, occurred in October 2016. He alleged that there had been this list. There was no such list, and that was part of our reason for pushing back firmly. And -- but that was part of, I would say, a cluster of issues around the anticorruption theme.

Q Has the embassy ever communicated names not to prosecute for any reason?

A That's not what the purpose of our advocacy, or our program is. Our advocacy is to help, in terms of programming, is to build capacity, so they can have the ability to go after corruption and effectively investigate, prosecute, and then a judge allege criminal activities. The issue of whether we asked at any time that they follow up on a prosecution, if there is a criminal nexus in the United States, we have several different ways of conveying that interest. We have something called the Mutual Legal Assistance Treaty, or MLAT. We also have FBI agents known as legal attaches overseas. So we can do it in writing direct from the Department of Justice, or we can have the legal attaches engage their counterparts.

But what Lutsenko alleged was that we were not doing a law-enforcement-to-law-enforcement request based on a criminal nexus in the United States but that we were

politically asking them not to prosecute Ukrainians. And we just don't do that.

[11:37 a.m.]

BY MR. CASTOR:

Q At any point in time were names of officials, whether it was for any reason, shared with the prosecutor's office in connection with do not prosecute?

A Well, again, we don't go in and say do not prosecute. The types of conversations that we have that might be construed are different.

Q You mentioned the name Sytnyk earlier?

A Artem Sytnyk who is the still and the first head of the so-called NABU, National Anti-Corruption Bureau of Ukraine.

Q And was he ever in the cross hairs of Lutsenko?

A He was.

Q Was he being investigated?

A To the best of my knowledge, yes, there were open prosecutor general investigations on Mr. Sytnyk.

Q Do you know if anyone at the embassy ever asked Lutsenko not to investigate Sytnyk?

A What I would say, I would characterize the interactions as different because what we warned both Lutsenko and others that efforts to destroy NABU as an organization, including opening up investigations of Sytnyk, threatened to unravel a key component of our anticorruption cooperation, which had started at the request of Petro

Poroshenko.

Q I mean, could reasonable people interpret that as a request not to investigate Sytnyk?

A I am sure that Mr. Lutsenko has claimed that, but he also claimed that there was a list, and there was no list, and he made a lot of other claims. And so as I said, this is an issue of believability about someone who routinely lies.

Q You're familiar with the name Shabunin?

A Vitali Shabunin perhaps? Is that --

Q Yeah. And could you identify him for us?

A He is one of the leaders of the NGO known as AnTAC, it's the anticorruption center in Ukraine.

Q What's AnTAC's role?

A AnTAC is an advocacy group that is designed to both publicly bring attention to issues related to corruption, to advocate for better laws and better prosecutions, and on occasion it has also participated in some of the capacity-building activities that were funded by the U.S. Government.

Q Who funds AnTAC?

A AnTAC is an organization, has funding that, to the best of my knowledge, includes primarily funds from the European Union and the U.S. Government. It has also received grants from the International Renaissance Foundation, which is the Ukrainian name and arm of the Open Society Institute.

Q And who runs the Open Society Institute?

A The Open Society Institute was initiated 20-odd years ago by George Soros.

Q Can you remember -- sorry. Do you know if the name Vitali -- I apologize for these pronunciations.

A That's okay.

Q I'm not familiar with how to do this properly, and I apologize. I mean no disrespect.

A I'm not Ukrainian, so --

Q Vitali Shabunin, do you know if he was ever the subject of a prosecution in Ukraine by Lutsenko?

A I do not know. To the best of my knowledge, he was subject to harassment by the securities service known as the Security Bureau of Ukraine. There was an incident where someone threw what's known as bright green, it's iodine-based disinfectant, and they actually threw it on his face near his house. It can damage eyes but is oftentimes done as a form of intimidation in the former Soviet Union.

So because Shabunin was outspoken, he was certainly the target of harassment. But I don't know for certain whether there was an active criminal investigation by the prosecutor general's office.

Q Was he ever up on charges of hooliganism or something to that effect?

A I believe when the person who was picketing his

house and throwing this green material on him, and claiming to be a journalist even though he wasn't, provoked him, and Shabunin pushed him near his house. Yes, he was then -- I think there was a charge of alleged hooliganism.

Q Do you know if anyone ever tried to communicate with Lutsenko's office that this was not a worthwhile charge to pursue?

A I think, you know, if we're going back -- I don't know specifically about that particular incident or charge, but as a matter of conversation that U.S. officials had with Ukrainian officials in sharing our concern about the direction of governance and the approach, harassment of civil society activists, including Mr. Shabunin, was one of the issues we raised, yes.

Q Was Shabunin on this list that you described as fake?

A I don't know if that list has been provided to the committee. You could show me the list and I might have some recollection. But I --

Q Okay. Do you have any recollection of who was on that list?

A There were about 15 names, and I remember it was very odd. It included the country's leading rock star Slava Vakarchuk, who is now the leader of one of the parties in parliament. It included very bizarrely a person who was a

friend of the current -- the ex-President Poroshenko and was head of the overseer of the defense industry named Gladkovskiy, and in parentheses it had his previous name, Svinarchuk. The reason why that's memorable is because it means a pig or a pig farmer, and he changed his name before he went into government so he didn't have a name that said basically Mr. Piggy. But no one knew that that was really -- knew that was his name when the list allegedly was created in 2016. That was a story line from 2019.

There were a couple of young so-called Euro optimist MPs where friends had joined Poroshenko's party but then become sort of critics of President Poroshenko. Their names include Mustafa Nayyem, Svitlana Zalishchuk, and Serhiy Leshchenko. I believe the former defense minister, who was running for President at the time, Anatoliy Hrytsenko, was at the list. There was a judge I'd never heard of. And there may have been other people on that list. I just don't remember the full list.

Q What do you know about Leshchenko?

A Serhiy Leshchenko was a journalist for Ukrainskaya Pravda, which is an online -- the leading online news source in Ukraine. He ran for parliament as one of the young pro-western members of then-President Poroshenko's party. He continued to act as an investigative-style public figure even as a member of parliament.

He did not get reelected in the parliamentary elections in September. And because he was an active parliamentarian, because he had been an investigative journalist, he was someone that the U.S. Embassy had known for years.

Q What was his role in the Manafort issue?

A To the best of my recollection he was one of the individuals who helped popularize the information that came out of the black book. I believe Andy Kramer from The New York Times was the first person to write a story in English about it. Andy came and talked to me sometime in late 2015, 2016. I do not recall. He was based in Moscow, so he was not there in Kyiv that often.

But at some point Andy shared with me where he had heard the first information. And so I believe, although I cannot say for sure, that Mr. Kramer may have shared that he had talked to Leshchenko as one of his sources for that early article.

Q Were there other sources of information regarding Manafort pushing out of Ukraine?

A About -- well, Mr. Manafort operated in Ukraine for over a decade. So are you specifically saying about his entire time, or what's the specific --

Q Around that timeframe, which of course is -- you know, mid-2016 is when he became involved with the President's campaign.

A Right. Because Mr. Manafort had spent a decade in Ukraine, Ukrainians followed his reemergence as a U.S. figure very closely.

Q And was Leshchenko the primary person bringing that to the attention of The New York Times and the other --

A No. I think, all Ukrainians, they didn't need a single person doing it. Because Mr. Manafort first appeared in Ukraine in 2005 when he was hired by former Prime Minister Yanukovych who tried the steal the election that became the Orange Revolution, that was the end of 2004.

To the best of my recollection, in this case it's actually quite good because I was with Ambassador Herbst at the time when Yanukovych told us that he'd hired Manafort, and that was the spring of 2005. So Mr. Manafort's time in Ukraine started in 2005, and according to public records, he participated up through the campaigns of 2014.

Q Now, the allegation that the embassy shared an animus about Manafort or was interested in pushing information to the forefront, is that an accurate description of the second narrative that was pushed in the March 2019 timeframe?

A That is part of what Yuriy Lutsenko in that narrative pushed, yes.

Q Okay.

A It's, again, inaccurate, not accurate

characterization.

Q Okay. Is it accurate that somebody in the Ukraine, not from the embassy, but somebody, maybe Ukrainians, were pushing this narrative?

A I think it would be accurate to say, given what President Yanukovych did to the country, which was loot tens of billions of dollars, that there were many Ukrainians who in part blamed Paul Manafort for that success because he proved to be a brilliant political technologist in giving Yanukovych advice that helped him win the presidency.

Q And do you think people in the U.S., supporters of President Trump that saw this information come out of the Ukraine may have wondered if this was an effort to attack the President or the President when he was a candidate?

THE CHAIRMAN: Counsel, are you asking what the American public -- an opinion about what the American public might believe?

BY MR. CASTOR:

Q No. Is it reasonable -- I'll restate it.

A Well, I will just say, I was in Ukraine at the time so I don't know what the reaction was.

Q Is it reasonable to conclude that if you are in President Trump's world and you're seeing these stories coming out of the Ukraine that it appears to have the look of a political attack?

THE CHAIRMAN: The witness can answer if they wish, but you're asking the State Department witness a question about how to evaluate the public response to --

MR. MEADOWS: Mr. Chairman, with all due respect, with all due respect, we didn't cross-examine you or -- you're not the counselor.

THE CHAIRMAN: Mr. Meadows, I said the witness can answer, but it seems --

MR. CASTOR: Okay. Thank you.

THE CHAIRMAN: But it seems that you're asking for an answer that's beyond the knowledge of a State Department witness.

BY MR. CASTOR:

Q Was that part of the second narrative that you described that, you know, injecting the Manafort was an effort to attack then-candidate Trump?

A Again, I can't say how any individual, any American would react to a narrative. I can only answer for myself and the knowledge I had. And I'll tell you what I told Ukrainians in 2016. I said that Paul Manafort was an extremely successful political adviser who had helped President Yanukovych win, and no one should underestimate his abilities to help any candidate that he advised. And that was my assessment of his professional ability to help a candidate win, regardless of the country.

Q Do you think the second narrative that either Lutsenko is pushing or the journalist he was dealing with in the United States were pushing, do you think that related to trying to spin up President Trump's supporters?

A You're asking me to speculate on what Yuriy Lutsenko, Rudy Giuliani, and John Solomon were doing, and I would suggest that's a question for those three individuals.

Q Did it have the effect of that though?

A It's hard for me to make an assessment since there were so many story lines put in play at the same time to assess how any one of those story lines had an effect on any given audience.

Q Did the State Department zero in on that particular story line, or did they approach all of these four at the same time?

A Our primary concern was that our Ambassador and our embassy were being subjected to inaccurate accusations. But as situational awareness, we followed or tried to follow because the volume was intense, the various different stories.

Q The third story line was relating to Burisma?

A Correct.

Q And what's your knowledge of Burisma's corruption history and efforts to prosecute Burisma?

A I first became aware of the owner of Burisma,

Mykola Zlochevsky, when I first went to our embassy in mid-January 2015. I went for a short period of time. At the time I was the senior anticorruption coordinator, but I'd already been selected to be the next deputy chief of mission.

So my predecessor had a 3-week break. He was going back to [redacted], and I was asked to go out, because so much was happening at the time, the Russians were pushing the final push to take as much territory as they could, that they needed an extra officer. And as well, Ambassador Pyatt thought I could be helpful in the anticorruption front.

I was asked by our professional Department of Justice former prosecutor, who was engaged in capacity building, [redacted] if I would be willing to go in and talk to the prosecutor general's office, because in late December 2014, somebody in the prosecutor general's office of Ukraine -- this is, to be clear, pre Lutsenko, pre Shokin, a different corrupt, ineffective prosecutor -- who inexplicably had shut the criminal case that had been the basis for a British court to freeze $23 million in assets held by Mykola Zlochevsky.

That was an issue of our interest because we had made a commitment to the Ukrainian Government in 2014 to try to recover an estimated tens of billions of dollars of stolen assets out of the country. The first case that U.S., U.K.,

and Ukrainian investigators worked on was a case against Zlochevsky, and that's because the British Serious Crimes Office had already opened up a case, an investigation against Zlochevsky.

We spent roughly half a million dollars of State Department money in support of the FBI and this investigation and to build capacity to track down stolen assets. And so, again, I had a fiduciary responsibility -- I'd previously been the director of the office which provided that funds to find out what had happened and why were our monies being wasted.

So armed with the facts that the DOJ rep gave me, we asked for a meeting at the prosecutor general's office. They made the deputy prosecutor general named Donylenko available. And so I went into his office, February 3, 2015, and said, how much was the bribe and who took it? And he laughed and said, ha ha ha ha, that's what President Poroshenko asked us last week. And I said, and what did you tell him? And he said $7 million, and it happened in May before our team came in, May of 2014.

I said, wrong. Somebody, a prosecutor under your command, signed a letter on December 25 -- which is not Christmas in Ukraine. They celebrate it late -- and provided it to the lawyer who provided it to the British judge before the FBI and the Serious Crimes Office could react. So that

was 6 months after your team came into the office.

He did not offer the name of anyone he suspected of having taken the bribe. He did, however, say, well, I've been friends with Zlochevsky for 21 years, and he's in Dubai right now. Here's his phone number. Do you want it? And I said, no, I think you should actually arrest him next time he comes back to Ukraine.

But I want to make very clear the seriousness with which the U.S. Government takes this because we spent months and hundreds of thousands of dollars trying to help your country get your stolen assets back, and somebody in your office took a bribe and shut a case, and we're angry.

So that was my introduction. And the focus at that point was on Zlochevsky the person, the ex-minister, when he was minister of ecology, which oversees the unit that issues the licenses to do substrata geologic exploration for gas. He awarded it to a series of companies that happened to be either through shell companies or affiliated with the holdings, which was known as Burisma.

But the focus at the time, the case in 2014, in the frozen assets, was the assets frozen for Zlochevsky, the minister, not directed to the conduct of Burisma, the company.

Q Okay. But he controlled Burisma?

A Yes. Whatever the roster may say, he's the

beneficial owner, as they say.

Q And did they suffer from allegations of corruption, the company?

A The company, which is actually a major player, thanks to all the licenses he granted to himself, when he was a minister, is a serious gas producer, but its reputation in the industry is a company that throws elbows and uses political strings. So it's a legitimate company, but it does not have a good reputation in Ukraine.

Q Because it has a history of corruption?

A Because it has a history of not just competing on quality of service.

Q Okay. But is that a euphemism for corrupt activities?

A He was the minister and he granted himself licenses to explore gas.

Q Okay. But you're agreeing with me, right, this is --

A Yes. And it was the position of the U.S. when I went into that office in February 3 that the prosecutor general should, first of all, prosecute whoever took the bribe and shut the case, and second of all, there was still the outstanding issue of trying to recover the stolen assets.

Q You had some firsthand experience with anticorruption issues in 2014, 2015, and then you went to

Kyiv in 2015, correct?

A Correct.

Q What else can you tell us about issues relating to the company, related to corruption?

A Well, I think, that pretty much sums it up. If you're asking about the corruption of the company, there is the issue of how they got the licenses and then their reputation. And so our concern was primarily focused on the fact that we, working with the U.K. and Ukrainian law enforcement authorities, had frozen assets that, to the best of my knowledge, were in accounts that were under his name.

Q When did that occur?

A The action -- this was all in 2014. And, again, to the best of my knowledge, the reason why this was the first effort to try to recover stolen assets is because the U.K. Serious Crimes Office had opened up a case in the spring of 2014, and as we were talking to the Ukrainians, how can we be of help, there was a stolen assets recovery conference in London co-hosted by the attorney general and the U.K. counterpart and the World Bank that this became the test case for our ability as partners in the U.S., U.K. playing a key role together to try to recover stolen assets from the previous government.

Q Did the company ever engage in, you know, public efforts to rehabilitate their image?

A Yes.
Q And what were those?
A I later became aware -- I did not know it at the time because, again, my focus was on Zlochevsky -- that one of the ways that they did was to appoint westerners to their board.
Q Corporate governance experts?
A Westerners.
Q But not corporate governance experts?
A I don't know all the members' backgrounds. And I've served my entire life in government service, so I'm not familiar with corporate boards.
Q Do you know who they appointed to their board?
A The big name in Ukraine was former President of Poland, Aleksander Kwasniewski.
Q And why was he appointed to the board?
A I don't know. I've never met Mr. Zlochevsky, and I do not know why they did what they did.
Q Anybody else that you recall appointed to the board?
A It's become clear in public knowledge that Hunter Biden, the son of then-Vice President Biden, was also appointed to the board.
Q Any idea why they wanted to name him to the board?
A Again, I've never had a conversation with

Zlochevsky, so I don't know.

Q But it was probably because his dad was the Vice President?

A That's a question for Zlochevsky. That's, I think, how people have interpreted it.

Q That's a reasonable interpretation, right?

A As I said, I have never had a conversation with Mr. Zlochevsky.

Q Did he have any experience in the natural gas business?

A I have never met nor do I know the background of Hunter Biden.

Q Okay. So you don't know if he spoke any of the relevant languages?

A I do not know.

Q Do you know if he moved to Ukraine?

A I don't know.

Q Do you know how much he got paid?

A I have not seen any documents. I've heard people make suggestions.

Q Did he get paid a lot?

A I'm a U.S. Government employee. I don't know how much corporate board members get in any country, but I understand a lot of people get paid a lot of money.

Q It wasn't a nominal fee.

A Again, I don't work in the corporate sector so I don't know what standard board compensation would be.

Q Okay. I mean, it's been reported that it's somewhere in the neighborhood of $50,000 a month or more?

A I have read articles, and I have no idea how much Burisma may pay its board members.

Q Have you ever met with -- during your time in Kyiv, did you ever meet with anybody on the board of Burisma? Did they pay a courtesy call on the embassy?

A I personally never met and I don't know if board members met with the embassy. I don't know.

Q Did anybody affiliated with the company ever pay a courtesy call in the embassy to try to help the embassy understand the company is engaging in rehabilitating their image?

A Again, I can only speak for myself. And there was no one affiliated with Burisma that asked to come to the embassy to meet me. But that's me as the DCM over a 3-year period of time.

Q In engaging with some of these anticorruption-focused organizations, whether it's NABU or AnTAC, did you have any firsthand experience of the efforts that Burisma was trying to rehabilitate their image, whether -- you know, did NABU communicate that to you?

A That would not have been a conversation that we had

with NABU. I will say that now that you mention it, there apparently was an effort for Burisma to help cosponsor, I guess, a contest that USAID was sponsoring related to clean energy. And when I heard about it I asked USAID to stop that sponsorship.

Q Why?

A Because Burisma had a poor reputation in the business, and I didn't think it was appropriate for the U.S. Government to be cosponsoring something with a company that had a bad reputation.

Q When was that?

A I would believe that would be sometime in mid-2016.

Q Okay. Any other communications with, you know, AnTAC officials or NABU about Burisma and their effort to rehabilitate themselves?

A I do not recall direct communications with anybody from AnTAC. I do know that the former Ambassador to Ukraine, John Herbst, whom I mentioned previously, had been on the board, I believe, of AnTAC. And he recounted to me an exchange with another member of the AnTAC board named Daria Kaleniuk, who criticized him because the Atlantic Council, where he runs the Ukraine Project, agreed to take Burisma as a corporate sponsor. And so Daria criticized the Atlantic Council for doing so.

Q When was Ambassador Herbst -- when was his tenure?

A He was Ambassador to Ukraine between 2003 and 2006.

Q So before --

A Before Bill Taylor.

Q Well, before -- okay. Maybe it would be helpful to just go through the chronology of the ambassadors. We've got Herbst, and then -- to the extent you remember. This isn't a quiz.

A Again, I went to -- I was then serving in Thailand afterwards, so I wasn't necessarily focused on Ukraine. We had Ambassador Herbst. We had Ambassador Taylor, I believe from 2006 to the 2009. The next Ambassador, I believe, was John Tefft. And then the next Ambassador after that was Geoff Pyatt. And then there was Ambassador Yovanovitch.

Q The fourth narrative you identified, you know, going after the civil society organizations --

A Right.

Q -- and you identified NABU and AnTAC, right?

A Right. NABU was a -- well, it was -- AnTAC was a civil society organization, and the other one that I recall being mentioned early on was something called the Ukraine Crisis Media Center, which was set up to help be a sort of platform for information about Ukraine starting during the Revolution of Dignity, 2014.

Q Any other organizations you can think of that fall into that fourth bucket?

A In the initial press coverage, AnTAC was clearly the main target, but these story lines continued to repeat and combine. So, for instance, in May former Mayor Giuliani alleged that former Ambassador Yovanovitch was going to work for a Soros organization and after she left post, which was false. She went to work, still as a U.S. State Department employee, as a diplomat teacher/lecturer at Georgetown.

Q Was there any basis to that allegation? Like, had she considered it, or was there any talks with any of these organizations?

A Absolutely none.

Q Okay. So it was totally, from your point of view, totally fabricated?

A Fake news. It was, you know. He stated something that was fake, not true, publicly.

Q So you said the U.K. -- or, I'm sorry, the Ukraine Crisis Media Center, NABU, and AnTAC. Any other organizations sort of fit into that --

A Those were the only ones that I remember having been mentioned, but, again, there are a lot of stories out there.

Q Going back to Shokin's tenure as prosecutor general.

A Yes.

Q You indicated that he was not well regarded for his

legitimate prosecutions?

A Correct.

Q And the same can be said of Lutsenko?

A Correct.

Q With regard to Shokin, it really seemed that the IMF and the U.S. Government adopted an official position that Shokin had to go?

A Correct.

Q And that's the subject obviously of the Vice President. You know, he made some statements that have been videotaped about how he played a role in removing Shokin, and as a result, you know, $1 billion in aid was freed up. Are you familiar with that?

A Yes.

Q And is it fair to say that it was the U.S. Government's official position Shokin needed to go?

A Yes.

Q And what did the U.S. Government do to demonstrate that position, in addition to what the Vice President did and said?

A Right. Again, as I've stated before, U.S. State Department officials feel when we're spending taxpayer money in a country we have a fiduciary responsibility. So I'd like at this point to explain what we felt our fiduciary responsibility had been and why this became an issue of

policy.

We had been asked by President Poroshenko to help with a project in -- to reform the prosecutor general's office. The previous year we'd worked with Minister of Interior Avakov, whom I mentioned earlier to the launch of what was known as the patrol police. It was an immediate success. They were trained by the California Highway Patrol, brand new police, highest female police officer percentage in the world at the time.

And so he asked us to do something similar in making a quick victory reform in the prosecutor general's office. He appointed, he, Poroshenko, appointed a new deputy prosecutor general named David Sakvarelidze, that's a Georgian name. Just like the deputy head of NABU, there were a lot of Georgians that Poroshenko brought in who had a proven track record in Georgia.

And asked us to work with him and another deputy prosecutor general, with whom we had a good relationship via the FBI, named Vitaly Kasko. And the focus was to create an inspector general's unit inside the prosecutor's office that could go after corrupt prosecutors.

So that was stood up in the -- Shokin was appointed in February. We started -- I think Sakvarelidze may have been appointed in March. We started working on that project, and they hired a bunch of young, enthusiastic prosecutors.

And then in the summertime they launched what was going to be their first case, in the central province of Poltava, as a test case. They had a businessman who complained he was being shaken down by a couple of corrupt prosecutors. He agreed to be a cooperating witness.

They worked with the security service, which had wiretap authority, and they tapped these two prosecutors whose names I believe are Shapakin and Korniyets. Don't know their first names. And then they went in to get the warrants and arrest them.

And the reason why I'm going through all this detail is it's important to understand that one of those two prosecutors that was the first case turned out to have been the former driver of Shokin, who he made his driver a prosecutor.

So the people in the IG unit had no idea that the first corrupt prosecutor -- and there were a lot of them -- that they were targeting happened to have been the former driver and very close, personal friend of the prosecutor general.

When they arrested him -- and the only reason they could arrest him is because the deputy prosecutor general heard about it and tipped them off, except he tipped off the wrong corrupt prosecutor in the province -- Shokin went to war. He wanted to destroy anybody connected with that effort. They tried to fire and put pressure on the judges who would issue

the warrants. They tried to fire all of the inspector general prosecutors.

He eventually managed to force out everybody associated with that, including the deputy head of the security service, the intel service, who had provided the wiretapping coverage. It was absolute warfare protecting his associate, and he destroyed the inspector general unit that we'd been standing up.

So then that was the wasting of U.S. taxpayer resources, and so that is the reason why the IMF, the U.S., and the European Union said collectively the justice sector and the prosecutor is so important for the success of this country and it's so important to reform it that Victor Shokin has shown that he's actively wasting U.S. taxpayer dollars and he's preventing reform.

And because in the conditionality of our sovereign loan guarantees, the U.S. Government guaranteed loans for Ukraine to borrow in the market, 2014, 2015, and 2016, reform, anticorruption reforms, and the prosecutor's reforms were key conditionality.

The conversations that went between the embassy and the State Department were then brought ahead of the Vice President going to Ukraine in December of 2015, and Shokin's removal then became a condition for the loan guarantee.

Q What year was this?

A The visit that we're talking about by the Vice President was in December 2015, I believe.

Q And what official overt acts did the U.S. Government take with regard to Lutsenko?

A At that point he was not the prosecutor general. He was actually the head of -- he was basically the majority leader in parliament.

Q No. I'm talking about during Lutsenko's reign as the prosecutor general.

A Okay. So we're now shifting from the 2015 period to 2016 to 2019. When you say official acts, what do you mean?

Q Well, there was a number of official acts that, you know, it was the official U.S. Government's position that Shokin needed to go.

A Right.

Q And there were similar issues with Lustenko that he wasn't a tremendous prosecutor. Is that correct?

A Correct. But we never said that Lutsenko should go.

Q Okay. So the U.S. Government never took an official position that Lutsenko needed to go?

A We didn't. We complained about some of his actions, but --

Q It didn't amount to the concern that you have with

Shokin?

A That, I believe, would be an accurate assessment, yes.

Q Okay. Mr. Jordan.

MR. JORDAN: Well, I would just ask, why? I mean, you said Mr. Shokin was terrible. I think the term you used earlier was he's a typical Ukrainian prosecutor --

MR. KENT: Yeah.

MR. JORDAN: -- didn't do his job, and that you all wanted him gone. You said his kids were -- him and Poroshenko were godfather to each other's kids.

MR. KENT: Yeah.

MR. JORDAN: And then you get the new guy, Lutsenko, who you said is just as bad, also kids are -- you know, kids with -- Mr. Poroshenko and him are godfather to each other's children. Lutsenko is showing up drunk, making statements. And, oh, by the way, he's not even a lawyer. And so I think the counselor's question was, where was the outrage with Mr. Lutsenko that was there for Mr. Shokin?

MR. KENT: First of all, the first phase -- Yuriy Lutsenko was prosecutor general for over 3 years, almost 3 and a half years. Shokin was for a year. And his unwillingness to do anything and his venality and his undermining U.S.-supported projects started within several months.

Yuriy Lutsenko, as I say, is a charming person, and so it was not clear how he would end up being as a prosecutor general in actively undermining reforms immediately. Several months after he became prosecutor general in the spring of 2016, for instance, former President Poroshenko in one of his calls with then-Vice President Biden asked for a former, I believe, New Jersey State prosecutor [redacted] by name.

[redacted] had served for 2 years as an anticorruption adviser under contract to the Department of Justice in Ukraine and spoke Ukrainian fluently. And, in fact, Poroshenko had thought about appointing him as the first head of the NABU, this National Anti-Corruption Bureau. It turned out he was too old. He was already 65, and you had to be under 65 to be appointed.

So Poroshenko had actually helped recruit him for a previous anticorruption job. So he asked by name whether the U.S. Government would be willing to bring him back to Ukraine as an adviser. The U.S. Government agreed and so the embassy's part of the section that does anticorruption work and law enforcement reform brought [redacted] on contract as an adviser inside the prosecutor general's office to help mentor Lutsenko, to help stand up an IG unit to replace the informal team that had been destroyed by Shokin.

So for the first period of time it appeared that we were

going to be able to work with Mr. Lutsenko on prosecutorial reform, which was both a necessary precondition for a successful country and a priority for the U.S. Government programming.

MR. JORDAN: It's been reported that there was broad international consensus on Shokin. Who led that charge? Was that everyone was equally involved and invested in moving him, or was that led by the U.S.?

MR. KENT: When it comes to certain conditionalities, the IMF, particularly in the economic sphere, has, I would say, the primary voice. When it comes to certain other efforts the U.S. oftentimes is the lead voice. That includes in the security sector where we provide the most military assistance. And we coordinate through the European Command with willing allies, like the Poles, Lithuanians, U.K., Canada, and in the justice sector, as well, the U.S. played -- also had a lead voice.

MR. JORDAN: So the United States would be the lead one pushing for the new prosecutor?

MR. KENT: I would say the U.S. has had more skin in the game on --

MR. JORDAN: Oh, of course.

MR. KENT: -- justice sector reform over the last 5 years.

MR. JORDAN: That's understandable. Right. Thank you.

MR. ZELDIN: If I could follow up to that, if you don't mind, Steve.

So did Shokin ever investigate actual corruption?

MR. KENT: I am not aware of any case that came to conclusion, but I do not have insight into what all the prosecutors do in Ukraine, and there are about about 25,000 of them.

MR. ZELDIN: Are you aware of him ever having an investigation into actual corruption?

MR. KENT: I do not know, again, what happens behind closed doors. I think proof is in the pudding. Am I aware of any case on corruption that went to court and was settled when he was prosecutor general? I'm not aware of that.

MR. ZELDIN: I'm not asking that.

MR. KENT: Okay. What are you asking?

MR. ZELDIN: If you ever had an investigation. I'm not asking about the conclusion of the investigation.

MR. KENT: Honestly, sir, I can't answer that question. I do not know.

MR. ZELDIN: Okay. Earlier on in response to the questions you were asked with regards to Burisma and Zlochevsky, it sounded like you were talking about actual corruption. No?

MR. KENT: When I was talking about Zlochevsky, when I was talking to Mr. Danilenko, the deputy prosecutor general,

prior to Shokin coming in, that was based on a specific case that had been developed in 2014 before I came to Ukraine. And by time I got there, that case had been dismissed by the team against Zlochevsky, the person, by the team of prosecutors that were there prior to Mr. Shokin going into office.

MR. ZELDIN: But you did testify that Shokin had an investigation into Burisma and Zlochevsky, correct?

MR. KENT: I did not say that.

MR. ZELDIN: Are you aware that Shokin had an open investigation into Burisma and Zlochevsky?

MR. KENT: I have read claims by people that there were investigations, but I have no specific knowledge about whether those investigations were open or what the nature of them might be.

MR. ZELDIN: When did you learn of an investigation by Shokin into Burisma and Zlochevsky?

MR. KENT: I just told you, I did not learn of an investigation. I've read claims that there may have been an investigation.

MR. ZELDIN: When did you first read of claims that there may be an investigation into Burisma and Zlochevsky?

MR. KENT: I read stories referencing that in the last several months after the series of articles starting in March brought this set of issues to the fore.

MR. ZELDIN: Okay. So before the last several months when you started reading about a case against Burisma and Zlochevsky, you were never previously aware of an investigation into Burisma and Zlochevsky?

MR. KENT: Specifically during Shokin's time, no.

MR. ZELDIN: And one followup. With regards to the EU and the IMF, was there a U.S.-led effort to get the EU and the IMF to also target Shokin, or was that something that EU and IMF did totally on their own?

MR. KENT: The IMF keeps its own counsel, but oftentimes when they go on factfinding missions they often have conversations with embassies. Here in Washington, the U.S. Treasury is the U.S. Government liaison with the IMF.

In terms of the European Union, traditionally in a country like Ukraine, the European Union Ambassador and the U.S. Ambassador coordinate very closely. And since 2014 and the German presidency of the G7, there is a coordinating process for the G7 ambassadors plus the head of the European Union mission. And they meet almost weekly, and they discuss issues and they go into issues like this in very deep detail.

MR. ZELDIN: So the United States and the EU were coordinating with regards to the effort to target Shokin?

MR. KENT: The U.S. and the EU shared their assessments at the time. And I have to say that in particular, if we're talking about the period of time between Thanksgiving, 2015,

and March of 2016, I was not in Ukraine. I was back here to take Ukrainian for several months.

My understanding is that the ambassadors spoke and compared views on their concerns that Shokin's continued presence as prosecutor general prevented any hope of prosecutorial reform.

MR. JORDAN: Mr. Secretary, you said you didn't know for sure if Shokin was investigating Burisma, but you knew Burisma was a troubled, corrupt company, right?

MR. KENT: As I said, Burisma had a reputation for being, first of all, one of the largest private producers of natural gas in Ukraine but also had a reputation for not being the sort of corporate, cleanest member of the business community.

MR. JORDAN: And you were so concerned about that that you advised USAID not to do any type of coordinated activity --

MR. KENT: Correct.

MR. JORDAN: -- sponsoring any type of corporate or contest with them? Okay.

MR. KENT: Correct.

MR. MCCAUL: Sort of following up on that question, and thank you for your service, yeah, you referred to Burisma as it had a bad reputation essentially?

MR. KENT: That is what I was told by the members of our

embassy community who focused on economic issues and had liaison with the U.S. business community, yes.

MR. MCCAUL: And so you instructed USAID to pull back on funding for a clean energy conference, is that right, that Burisma was headlining?

MR. KENT: To the best of my awareness, it was one of these sponsor programs where it invited school kids or young Ukrainians to come up with ideas for a clean energy campaign, and there may have been something like a camera for the best proposal.

And the cosponsorship was between a part of USAID that worked on energy and economic issues. And when I heard about it I had concerns, so I raised those with the mission head of USAID in country at the time and she shared my concerns.

MR. MCCAUL: So when the State Department evaluates foreign assistance to countries isn't it appropriate for them to look at the level of corruption in those countries?

MR. KENT: Yes. Part of our foreign assistance was specifically focused to try to limit and reduce corruption. And we also tried, to the best of our knowledge and abilities, to do due diligence to make sure that U.S. taxpayer dollars are being spent for the purposes that they were appropriated and that they are as effective as they can be.

MR. MCCAUL: In fact, if you look at Central America,

corrupt governments down there, isn't it appropriate to evaluate the corruption factor and where the money goes to on foreign assistance?

MR. KENT: I will be honest with you, sir, I've never served in the Western Hemisphere, and I've only made one trip to Panama as part of my National Defense University industrial study group. So I would defer to my colleagues who are working on Central American policy.

MR. MCCAUL: But in line with your previous statements, the whole notion of looking at corruption in foreign governments and predicating foreign assistance on that, is an appropriate thing.

MR. KENT: I believe that my colleagues who have worked on international narcotics and law enforcement see when there are funds appropriated by Congress to try to fight drug trafficking and improve the law enforcement systems in Central America. It's intended to help our national interests to both stop the drug trafficking and improve the justice system so that corruption can be contained.

MR. MCCAUL: And I think based on your testimony, Ukraine has a strong and long history of corruption. Is that correct?

MR. KENT: I would say that corruption is part of the reason why Ukrainians came out into the streets in both 2004 when somebody tried to steal the election and again in 2014

because of a corrupt, kleptocratic, pro-Russian government, which eventually collapsed. The Ukrainians decided enough was enough.

And so Ukraine, yes, is a country that has struggled with these issues, but I would say also in the last 5 years has made great progress.

MR. MCCAUL: And just for the record, I signed with Chairman Engel a letter to obligate the funding security assistance to Ukraine. But is it not appropriate for the President of the United States to bring up with a foreign leader issues of corruption when the foreign leader brings up Javelin missiles? Is it not appropriate to discuss going after corruption in a country where we are providing foreign assistance?

MR. KENT: Issues of corruption have been part of the high-level dialogue between U.S. leaders and Ukrainian leaders regardless of who is the U.S. leader and who the Ukrainian leader is. So that is a normal issue of the diplomatic discussion at the highest level.

MR. MCCAUL: Thank you.

MR. MEADOWS: Steve, can I just get one clarification? It's not long.

MR. CASTOR: Of course.

MR. MEADOWS: Did I hear you say that Shokin, prosecutor Shokin, really, his reputation within 3 months of being

appointed was really negative from your standpoint? Is that what you said?

MR. KENT: That's what I said.

And it's not just my personal opinion. If you look at the political polling, if you go to IRI or NDI, both of which have done extensive polling in Ukraine since 2014, President Poroshenko, who was elected with roughly 55 percent of the vote in 2014, maintained that support through the first year. And then as this controversy over the corrupt godfather of his kids, Prosecutor General Shokin, exploded in what was known as the diamond prosecutor affair -- because one of the things they confiscated from his former driver was a cache of diamonds -- his support levels, Poroshenko's support levels, as polled by the International Republican Institute in particular, plummeted from about 55 percent to the mid-20s over that period of time.

And so that was the issue that destroyed Poroshenko's credibility and his high-level support in the eyes of the Ukrainian people.

MR. MEADOWS: So timeframe, was that 2015?

MR. KENT: Yes, sir.

MR. MEADOWS: And so when in 2015 would your opinion have been this is a bad guy, we can't trust him?

MR. KENT: Our concerns about Shokin's conduct in office were triggered by the reaction to the so-called diamond

prosecutor case.

MR. MEADOWS: Yeah. And when was that?

MR. KENT: That took place in late summer, early fall of 2015.

MR. MEADOWS: All right. Steve, go ahead.

MR. CASTOR: With all the time I have left, I'd like to open up a new topic. I'm just kidding. I'm out of time.

MR. KENT: And if we could take a break.

THE CHAIRMAN: Yeah. Actually, what I was going to suggest is let's take a half an hour lunch break. Let's resume promptly at 1:00.

I want to remind all Members that may not have been here for prior sessions, although we have not discussed classified information today, we are in a closed deposition, and under House Rules, Members are not to discuss testimony in a closed session.

I know, Mr. Jordan, I've had very little luck in getting members to abide by that. But those are the rules, and I'm just reminding Members and staff they're not to discuss the substance of the testimony.

[Recess.]

[1:10 p.m.]

THE CHAIRMAN: Okay. Let's go back on the record.

Mr. Secretary, I want to just ask you a few questions to follow up on my colleague's questions, and then I'm going to turn it over to Mr. Mitchell to continue going through the timeline with you.

One question I have though is, we've come to learn of a meeting between Mr. Giuliani and Mr. Lutsenko, and there were some Ukrainians that were apparently -- apparently came to believe that President Trump had called into that meeting. Do you know anything about that?

MR. KENT: I do not.

THE CHAIRMAN: Okay. Earlier in response to some questions from my colleagues in the minority you mentioned that there was an effort to get the top level of the State Department to issue a statement of full-throated support for the Ambassador and that statement was not forthcoming. Is that right?

MR. KENT: Correct.

THE CHAIRMAN: And was the hope that that statement would come from Secretary Pompeo?

MR. KENT: The statements of that nature could come from a variety of people or levels. So I think we were looking for a statement of support from a high-ranking State Department official.

THE CHAIRMAN: And would it have been most helpful coming from the Secretary himself?

MR. KENT: It's always most helpful if the top leader issues a statement, but to be honest, I cannot recall during that week whether he was on travel. If he were on travel then Deputy Secretary Sullivan might have been the top-ranking official in the building. I just don't recall on those particular days who was essentially in charge.

THE CHAIRMAN: And did you ever learn why no statement was issued by a top-level official at the State Department?

MR. KENT: No.

THE CHAIRMAN: You mention, I think, that in this context that the suggestion was made to the Ambassador that instead of or because there would be no statement coming from the top that maybe the Ambassador should go out herself, defend herself, and express her personal support for the President.

MR. KENT: Correct.

THE CHAIRMAN: Where did that idea come from?

MR. KENT: I think I recall being copied on emails in which Under Secretary David Hale made the suggestion. Separately, Gordon Sondland made the suggestion. I think with Gordon he made the suggestion specifically to be aggressive on Twitter or to tweet. But in any case, there were a number of suggestions that Ambassador Yovanovitch

herself speak out against the campaign against her.

THE CHAIRMAN: And how did you come to know Ambassador Sondland's advice?

MR. KENT: I believe I was copied on the email. It may not have been -- I don't think it was from him, but it was an exchange between Ambassador Yovanovitch and my guess would be leaders in the European Bureau. Again, that is an email that should be a record that was collected and is part of the document collection.

THE CHAIRMAN: Part of the document collection that has not yet been provided to Congress?

MR. KENT: Correct.

THE CHAIRMAN: And in that email communication, that's where you would have learned of Ambassador Sondland's suggestion that the Ambassador tweet out a defense of herself and express her support for the President?

MR. KENT: And the President's foreign policy, yes.

THE CHAIRMAN: You mentioned that there are appropriate legal channels that can be used if the United States is conducting an investigation --

MR. KENT: Correct.

THE CHAIRMAN: -- and wishes to get overseas evidence through LEGAT and through the MLAT process. Is that right?

MR. KENT: Correct.

THE CHAIRMAN: There have been a number of public press

reports that Attorney General Bill Barr and others at the Justice Department are essentially doing an investigation of the investigators into the origins of the Russia investigation.

Do you know whether Mr. Barr or anyone else at the Justice Department has sought information to bolster, I think, what you describe is a bogus theory about the 2016 election that had been part of that John Solomon series?

MR. KENT: I am not aware of any Justice Department inquiries to Ukraine regarding 2016, no.

THE CHAIRMAN: I think you testified in an answer to my colleague's questions that at the time that it was U.S. policy and IMF policy and the policy of other allies and allied organizations that Shokin needed to go. This was based on Shokin essentially dismantling an inspector general office the U.S. had helped fund to fight corruption in Ukraine, particularly in the prosecutor's office. Is that right?

MR. KENT: That's correct.

THE CHAIRMAN: And at the time that the State Department and these other international organizations were seeking to have Shokin removed, you weren't even aware whether Shokin had any investigation of Burisma?

MR. KENT: I do not recall that being part of the conversation. The conversation was very much focused, first

and foremost, on the so-called diamond prosecutors case that involved these corrupt prosecutors, Korniyets and Shapakin, and the campaign that Shokin conducted to destroy and remove from office anyone associated with it regardless of what part of government those officials served in, prosecutors, investigators, judges, even security officials who had been involved in the wiretapping.

THE CHAIRMAN: And what was your position at the time?

MR. KENT: At the time this was occurring, in 2015, I was in the capacity of the number two at the embassy, the deputy chief of mission.

THE CHAIRMAN: So as the number two in the embassy, at this time, you weren't even aware of even an allegation that there was an investigation underway by Shokin involving Burisma?

MR. KENT: That was not something that I recall ever coming up or being discussed.

THE CHAIRMAN: My colleague also asked you about whether it was appropriate to bring up the conversation -- bring up a discussion of corruption in the context of the President of Ukraine asking for more javelins or expressing the need for more javelins.

I want to ask you actually about what the President said, because he didn't talk generically about corruption. He asked for a favor involving an investigation into

CrowdStrike and that conspiracy theory and for an investigation into the Bidens. Is it appropriate for the President of the United States in the context of an ally seeking military support to ask that ally to investigate his political rival?

MR. KENT: The first time I had detailed knowledge of that narrative was after the White House declassified the transcript that was prepared -- not transcript, the record of conversation that was prepared by staff at the White House. As a general principle, I do not believe the U.S. should ask other countries to engage in politically associated investigations and prosecutions.

THE CHAIRMAN: Particularly those that may interfere with the U.S. election?

MR. KENT: As a general principle, I don't think that as a matter of policy the U.S. should do that period, because I have spent much of my career trying to improve the rule of law. And in countries like Ukraine and Georgia, both of which want to join NATO, both of which have enjoyed billions of dollars of assistance from Congress, there is an outstanding issue about people in office in those countries using selectively politically motivated prosecutions to go after their opponents. And that's wrong for the rule of law regardless of what country that happens.

THE CHAIRMAN: And since that is really U.S. policy to

further the rule of law and to discourage political investigations, having the President of the United States effectively ask for a political investigation of his opponent would run directly contrary to all of the anticorruption efforts that we were making. Is that a fair statement?

MR. KENT: I would say that request does not align with what has been our policy towards Ukraine and many other countries, yes.

THE CHAIRMAN: Mr. Mitchell.

BY MR. MITCHELL:

Q Good afternoon, sir.

A Afternoon.

Q I'm going to pick up where Mr. Goldman left off, which was the end of March of this year, 2019. And you testified earlier that you met with the deputy director of NABU on about March 19.

A I did not. I was here in the United States. Somebody at the embassy did.

Q And you received correspondence regarding a meeting that the deputy director of NABU had with someone in the embassy in Kyiv. Is that correct?

A Correct. Somebody in the embassy sent an email recounting a conversation that was held with Mr. Gizo Uglava, deputy head of NABU.

Q And that email relayed a conversation that the

deputy director had with Mr. Lutsenko --

A Correct.

Q -- about an interview that Mr. Lutsenko had given with an American journalist?

A Correct.

Q Was that the first time that you got wind of this interview that Mr. Lutsenko had had with, what you later learned to be, Mr. Solomon?

A Yes.

Q Okay. And the following day, March 20, was the day that Mr. Solomon published the article in which there was video of part of the interview that he had with Mr. Lutsenko. Is that correct?

A That's my recollection of what happened on the 20th of March.

Q And once you saw that article, is this when the State Department issued or shortly thereafter issued these denials saying that it was a complete fabrication, it was false?

A Yes. It would have been on March 20 that the U.S. Embassy, which is 7 hours ahead of us, and the press team at the European Bureau would have worked to prepare guidance in response to attacks against our Ambassador.

Q Were you involved in that?

A Yes, I was.

Q Okay. What was your involvement?

A I reviewed the language, as I do any proposed press guidance related to any of the six countries over which I have policy oversight, and I have the ability to either clear -- with just that word "clear" -- or make suggestions and edits for the text.

Q Okay. And in this particular case, what did you do?

A I believe I may have toughened up the language, so complete fabrication may have been from me. But I cannot tell you in detail because press guidance is just that. It's then provided by a press officer in response to press inquiries.

Q Okay. But you agreed at the time, as you do now, that it was, in fact, a complete fabrication?

A Yes. I can tell you that it was my language about the fiduciary responsibility, the same language you heard me use here today, because of my background in being the director of the office which had the responsibility for undertaking these programs.

And so that language about we have the fiduciary responsibility to ensure that U.S. taxpayer dollars are being used appropriately, and when they're not we redirected them to better purposes, that was language that I added.

Q And based on your personal experience and your

personal knowledge of these allegations?

A Correct.

Q And then at some point -- and the chairman asked you questions about this as well -- there was an effort or discussion, let me say it that way, about whether the State Department should issue a full-throated defense for the Ambassador?

A Yes.

Q And that was done over email?

A Yes.

Q And that was Ambassador Sondland, Under Secretary Hale, and counselor -- you think Counselor Brechbuhl might have been on those emails as well?

A Two separate strings. Ambassador Sondland's communications would have been with Ambassador Yovanovitch, and then she would have communicated with the Department. There would have been potentially communications with the European front office with Under Secretary Hale and Counselor Brechbuhl.

Q Were you on all of those communications that you've just described?

A The emails that I've described are because I was copied on the emails, and that's why in the process of collecting documents relevant to the subpoena research, my memory was refreshed of the email traffic on which I was

copied.

Q And what was the time period for that email traffic in relation to the article that came about on or about March 20?

A It would have been over the next perhaps 10 days, basically the last 10 days of March.

Q Okay. And during that time period, were there also additional articles that came out by Mr. Solomon?

A The articles came out, if not daily, almost daily, and they oftentimes combined two of the four themes I laid out before. To the best of my recollection, there was never a new line of attack, but many articles combined two of the previous four themes.

Q Okay. And the suggestion was made to the Ambassador to release a tweet or make some sort of strong statement herself. Is that right?

A Correct.

Q Okay. And did the Ambassador do that?

A This back and forth was done in the context of the upcoming, at that point, first round in the Ukrainian presidential elections that took place, I believe, on March 31.

So Ambassador Yovanovitch, in consultation with her press attache, made a decision, she informed us, to record some preelection videos encouraging Ukrainians to vote. And

as part of that process, she included in that a statement of support of the administration and the foreign policy, the administration of President Trump and its foreign policy.

Q Okay. And those videos that you just described, the purpose of them was to publish them in Ukraine. Is that correct?

A Correct. These were videos that the embassy was already planning to issue in a preelection encouragement for Ukrainians to engage in their civic duties. And so Ambassador Yovanovitch used that metaphor of civic duty in making reference to support as a career nonpartisan public official who supported and carried out the foreign policy of President Trump as she had with other Presidents.

Q So was the intended audience of those videos people within the United States as well?

A My understanding based on the email back and forth that I received from Ambassador Yovanovitch, including her press officer, was that her intent was to send a signal such as was being suggested by her within the context of something that was already being planned that was focused on electoral and presidential politics.

Q Okay. And do you know whether that video was forwarded to anyone within the White House?

A I do not know.

Q Do you know why the Department of State elected not

to do a full-throated defense of the Ambassador?

A I think that's a question that the committees could ask those outside of the European Bureau.

Q You do not know why?

A I do not know why.

Q Did you have any conversations at any point with anyone who would have made that decision?

A The State Department is a hierarchical organization. I work for the acting assistant secretary. Normally the acting assistant secretary is the one who engages officials above our bureau, to include the Under Secretary of Political Affairs, David Hale, who has oversight over our bureau; on occasion, the counselor of the Department, Ulrich Brechbuhl; and then depending on the situation, as appropriate, the Secretary himself.

Q Okay. So these are all the individuals that would have made that decision?

A These are the leaders of the Department of State.

Q Okay. But did you have any conversations with them --

A No.

Q -- about their decision not to issue a full-throated defense of the Ambassador?

A I did not have conversations with them, no.

Q Are you aware of anyone from the Department of

State at around the end of March or beginning of April reaching out to Sean Hannity?

A Yes.

Q What do you know about that?

A I believe, to the best of my recollection, the counselor for the Department, Ulrich Brechbuhl, reached out and suggested to Mr. Hannity that if there was no proof of the allegations, that he should stop covering them.

Q And how do you know that?

A Because I was informed of that in an email.

Q By who?

A I cannot say for certain who was the sender. It could have been from the counselor, and it could have been from Acting Assistant Secretary Reeker.

Q Okay. And why would they have informed you of this communication to Hannity?

A Because I'm the Deputy Assistant Secretary of State overseeing our relations with Ukraine, and I am normally the one who would have primary communications with our ambassadors or charges for the six countries over which I have policy oversight.

Q Okay. So is it fair to say that you were in communication with Ambassador Yovanovitch pretty frequently during this time period, end of March, beginning of April, about these issues?

A It is fair to say that when she was Ambassador and I was Deputy Assistant Secretary of State, we were in regular communication about everything that went on in the U.S.-Ukraine relationship.

Q Okay. And do you know whether this communication from Counselor Brechbuhl to Sean Hannity had any effect?

A I unplugged when we moved back to the U.S. and so we don't have a TV at home, so I do not watch TV at night.

Q Okay. But the situation regarding Ambassador Yovanovitch and the allegations against her was something that you were keenly aware of during this time period?

A Correct. However, the week you're referring to is the week of the Ukrainian presidential election, and so my focus that week was on the first round of results and what would be the potential impact on U.S. national interests if, as seemed likely at that time, there would be a new President.

Q Do you have any recollection as to when Counselor Brechbuhl reached out to Hannity?

A I do not. If you had asked me that question before you gave me a timeframe, I would have given you a rough timeframe. I do not remember the exact days. End of March, early April is what I would have said.

Q But, again, it's memorialized in an email to the best of your recollection?

A To the best of my recollection, there is some sort of email regarding that, yes.

Q Okay. Are you aware that at the beginning of March Ambassador Yovanovitch was asked to extend her stay in Embassy Kyiv?

A Yes.

Q How do you know that?

A The first person who asked her to consider extending her stay was me, and that was in January when she was back for the chief of mission conference. We had a challenge in the process of finding someone that we would nominate to replace her. And because of a different assignment, it was clear that that was not going to happen on schedule.

And we had concern -- I had concern that the country, Ukraine, would be going through transition and we might not have an Ambassador there. So I initially asked her to consider staying on through the election season in Ukraine.

Q When you say through the election season, what time period did that encompass?

A There were two elections scheduled for this year in Ukraine. There was presidential elections in the spring and then there were parliamentary elections scheduled no later than the fall.

Q So when you talked to Ambassador Yovanovitch in

January of 2019 and you floated the idea that she extend her stay you thought of extending her stay through the fall of 2019?

A My proposal was through the end of the year to give us a chance to find a potential number -- another nominee that the White House could put forward and possibly be confirmed and be out in Ukraine, or at the very least having an experienced Ambassador there through the most critical part of transition and then possibly have the Charge.

Q Had you talked to anyone else at the Department of State prior to making this proposal to the Ambassador in January 2019?

A Not that I recall, but it is possible that I talked with Wess Mitchell, who was our assistant secretary at the time.

Q Okay. Is it fair to say that you wouldn't have proposed this to Ambassador Yovanovitch had you thought that it would have met any resistance at the Department of State?

A Correct.

Q And that's because Ambassador Yovanovitch was a well-respected Ambassador?

A She was the senior-most career Ambassador in Europe, yes.

Q And what was Ambassador Yovanovitch's reaction when you offered her this possibility in January of 2019?

A Well, I asked her if she would be willing to stay longer, and she said that she would think about it. And she came back and said she would be willing to consider it.

Q Okay. When did she say that?

A Again, we started the conversation in January. My guess is that she thought about it for a little bit and got back to us, to me some point over the next month, which was prior to the conversation that you were referring to in March.

Q Okay. So between the time that she came back to you and said that she was willing to extend her stay and the conversation that you had in March, what happened with regard to this extension?

A So the conversation in March was not with me. It was with Under Secretary David Hale. He visited Ukraine the first week of March. I accompanied that visit. And Under Secretary Hale asked her to stay until 2020.

Q Had you spoken to Under Secretary Hale about his proposal before he made it to the Ambassador?

A No.

Q Okay.

A Not that I recall.

Q And did you speak with Ambassador Yovanovitch about Under Secretary Hale's offer?

A Well, I was there on the trip, and so by time she

told him that she was willing to stay, because what she said was she wanted to have clarity because she had a 91-year-old mother with her and needed to also plan for other issues, by time Under Secretary Hale flew away she had indicated her willingness to stay essentially an extra year through 2020 to give the State Department and the administration time to find a nominee that could be nominated and confirmed and sent out so that we would have an experienced Ambassador in an important country at a time of transition.

Q When did you first learn that the offer for an extension had been rescinded?

A I don't know I heard, per se, that the offer for an extension had been rescinded. The offer was on or about the 5th of March. The 5th to 7th of March, I think, was the time when Under Secretary Hale was there. The media storm that was launched with Mr. Solomon's interview of Prosecutor General Lutsenko started on March 20, 2 weeks later.

Q Okay. So the talk about potentially recalling Ambassador Yovanovitch and the rescinding of the extension were one and the same?

A To be clear, there were two people representing leadership of the State Department, first I, the deputy assistant secretary, and then the under secretary who asked Ambassador Yovanovitch about her willingness to stay longer. What then happened was a media campaign against her, and then

subsequent to that was a request for her to come back.

Q Okay. And when was that request made for her to come back?

A To the best of my recollection, she indicated on April 25 that she'd been instructed to get on a plane to come back to Washington as soon as possible.

Q So she indicated to you?

A Yes.

Q Was that the first that you heard that she'd been recalled?

A I believe that was the first time I heard that instructions had been sent for her to come back to the U.S., yes.

Q Okay. So you learned for the first time that she had been instructed to come back from the Ambassador herself?

A To the best of my recollection, yes.

Q And did she provide any -- at any time, has she provided any reasons why she was recalled?

A I understand that, because it was part of her opening statement that was published, she referred to a conversation she had with the Deputy Secretary of State.

Q Other than her opening statement?

A I believe that I did hear about that conversation subsequently, and I cannot say whether it was from her or from one of the people above me, like acting assistant

secretary. But I did hear an account of that session. I heard of it before reading it on Friday, yes.

Q Okay. And whatever you heard before, was it consistent with what you read on Friday?

A Yes.

Q Okay. Who else did you speak to, if anyone, on the 7th floor regarding the recall of Ambassador Yovanovitch and the reasons for that recall?

A I was not having conversations with anybody on the so-called 7th floor State Department leadership about this issue.

Q Anyone else at the State Department?

A I or other people having conversations with the 7th floor?

Q People that you had conversations with.

A I did not have further conversations about that effort. It was presented as a decision, so it was, she was recalled. And I believe she came back on the 26th of April for consultations.

Q Well, what was your reaction to learning that she'd been recalled?

A I, on a personal level, felt awful for her because it was within 2 months of us asking her, the Under Secretary of State asking her to stay another year. And within a very short order she was being recalled.

Q But you never sought a time to investigate why or find out why she was being recalled?

A My position is not to investigate. Decisions had been made by the leadership of the State Department and ambassadors serve at the pleasure of. So when an instruction comes down that is a decision that was being made.

Q So on May 6 the State Department issued a statement saying that Ambassador Yovanovitch was ending her assignment in Kyiv as planned.

A I believe --

Q Do you recall that statement?

A I believe that was something issued by the embassy in Kyiv not by the State Department, and it was in the form of a management notice.

Q Do you recall seeing that at the time?

A I did.

Q Okay. And what was your reaction to that embassy notice?

A If I'd been the DCM, I don't think that's how I would have had that news be released to the embassy community.

Q Okay. Can you explain?

A I think of a situation of that magnitude I would have called a townhall meeting and talked to people face to face. Also the fact that it was leaked to the Ukrainian

press within 2 hours was another indication of why issuing a management notice to roughly 600 people would not have been the way to introduce that information to 600 employees that their boss was no longer going to be their supervisor.

Q Okay. So I take it that you took issue with the way in which it was communicated, but what about the substance of the message itself, and specifically that it said that she was leaving her post as planned?

A Again, this was an embassy management notice. If I had still been the deputy chief of mission, I would have handled notification of the embassy staff differently, so that's -- I am now the -- that was my job from 2015 to 2018. My job now is as a deputy assistant secretary for oversight of policy and programming. It's not running an embassy.

Q On May 14, Rudy Giuliani told Ukrainian journalists that the Ambassador was recalled because she was part of the efforts against the President. Were you aware of Mr. Giuliani's statement at the time?

A I do not know that I saw that statement at that time, no, but I did see an interview that he gave with a Ukrainian publication, censor.net, that I believe was published on May 27 that expressed a variant of that opinion, yes.

[1:40 p.m.]

BY MR. MITCHELL:

Q And what was your reaction to Mr. Giuliani's statement?

A Mr. Giuliani, at that point, had been carrying on a campaign for several months full of lies and incorrect information about Ambassador Yovanovitch, so this was a continuation of his campaign of lies.

Q So you did not think it was true at the time that the Ambassador was removed because she was part of the efforts against the President?

A I believe that Mr. Giuliani, as a U.S. citizen, has First Amendment rights to say whatever he wants, but he's a private citizen. His assertions and allegations against former Ambassador Yovanovitch were without basis, untrue, period.

Q How did Bill Taylor come to be appointed as the Charge d'affaires?

A When it became clear that Ambassador Yovanovitch was going to be recalled, one of my responsibilities as the Deputy Assistant Secretary of State was to try to find and resolve how we are going to ensure that our key missions have appropriate leadership.

One of the unfortunate elements of the timing was that we were also undergoing a transition in my old job as deputy

chief of mission. The person who replaced me had already been moved early to be our DCM and Charge in Sweden, and so we had a temporary acting deputy chief of mission. So that left the embassy not only without -- the early withdraw of Ambassador Yovanovitch left us not only without an Ambassador but without somebody who had been selected to be deputy chief of mission.

So collectively we all knew -- and the "we" is the people who ran our policy towards Europe -- that we needed to find an experienced hand that could help the embassy in transition, help the relationship in transition, and also be a mentor to the new incoming deputy chief of mission, who had not yet arrived and had never been the deputy chief of mission.

There was a process of looking to see who was available, who might be good. I had at one point thought of Bill Taylor, but because he had not been a career Foreign Service officer but had been a senior executive civil servant, I knew that it would be very difficult to go through the process of recalling him and getting in him in a position to go out.

In a conversation with Kurt Volker, then the special representative for Ukraine negotiations, Kurt mentioned again that he thought Bill would do a good job. And I told him, I agree, but I just don't know if it's possible. So I started that process of engaging the lawyers and the people who deal

with personnel issues to see if it were actually possible to recall someone who had been an Ambassador, had been a senior executive, but had not been a senior Foreign Service officer back to serve as Charge. And that took us 3 or 4 weeks, but we eventually got to the answer that we achieved, which was yes, and he went out as Charge, arriving June 17th or 18th.

Q And did you have conversations with Bill Taylor about this possibility of him becoming the Charge d'affaires during this time period?

A Extensive conversations.

Q On April 29th, Bill Taylor sent a WhatsApp message to Kurt Volker describing a conversation that you had with Bill Taylor in which you talked about two, quote, two snake pits, one in Kyiv, and one in Washington. And then Mr. Taylor went on to say that you, Mr. Kent, described much more than he knew, and it was very ugly.

Do you recall having that conversation along these lines with Mr. Taylor?

A I had many conversations with Charge Taylor, and my reference to the snake pits would have been in the context of having had our Ambassador just removed through actions by corrupt Ukrainians in Ukraine as well as private American citizens back here.

Q And what corrupt Ukrainians in the Ukraine were you talking about?

A The series of corrupt former -- or still current prosecutors who engaged former Mayor Giuliani and his associates, and those included former Prosecutor General Shokin, the then Prosecutor General Yuriy Lutsenko, who no longer is, the special anticorruption prosecutor, Nazar Kholodnytsky, and anther deputy prosecutor general named Kostiantyn Kulyk.

Q And when you say engaged, what do you mean by engaged?

A Well, those individuals -- when I say engaged, they apparently met, they had conversations. Some of them were interviewed -- Mr. Kulyk was interviewed, I believe -- by Mr. Solomon. Mr. Giuliani publicized his meeting with Nazar Kholodnytsky in Paris about the same time that he gave an interview to censor.net and accused former Ambassador Yovanovitch, me, and the entire U.S. Embassy of partisan activity in 2016. And we've already talked about his engagement with Shokin and Lutsenko.

Q Do you have any any information about money being exchanged between any of these Ukrainians that you described to Mr. Giuliani?

A I have no knowledge of any money being exchanged.

Q It doesn't mean that they didn't exchange money, you just have no knowledge of it?

A I have no information to suggest that happened.

Q Okay. Now, Mr. Parnas and Mr. Fruman have also appeared in the news recently?

A Yes.

Q Were you aware of Mr. Parnas and Mr. Fruman's existence at the end of April, beginning of June 2019?

A Yes.

Q How did you become aware of them?

A I first heard their names through a series of conversations with a variety of people.

Q Okay. When was the first time you heard of Mr. Parnas and Mr. Fruman?

A There is a U.S. -- I'll give you a series of points and I'm trying in my mind sort out what I heard from whom, when, but we're talking about the period primarily starting in April, possibly in March. I'm not sure that I heard of their names before then.

There is a U.S. businessman who's active in gas trading to Ukraine named Dale Perry, his name came up publicly last week because he was interviewed by AP. He sent an open letter complaining about corruption and pressure that he was facing, including he said, an effort to unseat the American Ambassador in Ukraine.

And he fingered three individuals that he said were attempting to move into the gas business, and those included Harry Sargeant III from Florida and then two, he said, people

who came from Odesa, referencing Lev Parnas and Igor Fruman. So that was the first source that I recall hearing.

Second, I heard from people when I went to Ukraine in the first week of May that Giuliani associates were coming to Ukraine, and the names that were mentioned were Fruman and Parnas. One of the people I met was an affiliate of the new President -- President-elect at that point; he was not yet President -- and his name was Ivan Bakanov. He has since become head of their security service. And he mentioned Fruman's name, and he said and there's another one, I don't remember his name. And later on he WhatsApp'd me the business cards of Fruman and Parnas.

And also on that trip before I met with Bakanov, I met with Minister of Interior Avakov, the person whom I'd had the conversation I detailed in Washington in February, and he mentioned them as well, and said that they were coming in to Ukraine and that he -- that was the first time that I heard that Rudy Giuliani was planning to come that week as well.

Q So the first time that you spoke with Mr. Avakov in February he did not mention Mr. Parnas and Mr. Fruman is that correct?

A Correct.

Q Okay. But then he did at the beginning of May?

A Correct.

Q And when what day say exactly about Mr. Parnas and

Mr. Fruman?

A He said that he had heard that they were coming to town and that their associate Rudy Giuliani was coming as well.

Q Okay. You said it was the first week of May?

A That's when I was in Ukraine, yes. So I was in Ukraine I believe May 8th and 9th, and I believe I may have met Avakov the first day I was there, that would be the 8th, and he mentioned that he heard that Parnas and Fruman were coming, and that they were coming with their associate, the Mayor Giuliani.

He also told me that when he had been, he, Avakov, had been in the United States in February, he had communication that Mayor Giuliani had reached out to him and invited him to come and meet the group of them in Florida. And he told me that he declined that offer.

Q Did Mr. Avakov explain why he declined that offer?

A He told me he had a tight schedule and needed to get back Ukraine. But he said did say that he was planning to have coffee with them, they had asked, and he was planning to meet them in Kyiv. I don't know if they met or not. I met him before that, but he said that if they want to meet, I'll meet and have coffee with them.

Q During the May trip?

A The May trip, yes.

Q And did Mr. Avakov explain to you why Mr. Parnas, Mr. Fruman, and Mr. Giuliani were traveling to Ukraine at the beginning or mid-May?

A He did not, no.

Q No indication whatsoever?

A He did not.

Q If I recall when you had this conversation with Mr. Avakov in February, Mr. Avakov thought it was unwise what Mr. Giuliani was doing. Did I get that right?

A He told me in February that he thought that it had been unwise that Yuriy Lutsenko, the prosecutor general of Ukraine, made a private trip to New York to see Rudy Giuliani.

Q Was that because -- well, why?

A I can't answer that question. I mean, that was his assessment as the minister of interior that the prosecutor general of his country should not make a private trip to the United States. That was my understanding of his assertion in February.

Q Now, you indicated that you had another conversation with -- I can't read my own writing, Bakanov?

A Bakanov.

Q Bakanov. And what was his relationship with then-candidate Zelenskyy at the time of this meeting at the beginning of May?

A He was President-elect Zelenskyy's oldest childhood friend. Zelenskyy told me the first time we met the December of 2018 that the person he had known the longest, that he had grown up on the same corridor in their apartment block from kindergarten was Ivan Bakanov.

Q Okay. And can you describe that conversation?

A In December 2018?

Q No, I'm sorry, in May of 2019.

A So my conversation with Ivan Bakanov?

Q Yes.

A To the best of my recollection that was a conversation where we talked about what might happen since it was in between post election, pre-inauguration. I asked him what jobs he thought he might be interested in or appointed to since his childhood friend was now the President-elect, and he described to me his interest in either being chief of staff or the new prosecutor general.

Q And what did Mr. Bakanov say with regard to Mr. Fruman, Mr. Parnas, and Mr. Giuliani?

A He did not mention Mr. Giuliani. To the best of my recollection, the only name in that meeting that I wrote down -- and that's part of the records which I provided to the State Department -- was Fruman. And then later on he followed up because he couldn't remember the other name, which turned out to be Parnas.

And he said, these guys want to meet me, what do you think? And since I had met with Mr. Avakov in the morning, I repeated what Avakov told me. He told me, you can always meet and have a cup of coffee with people, you don't have to make any commitments.

Q Okay. At the time did you have any understanding of what Parnas and Mr. Fruman might be doing in Ukraine with Mr. Giuliani?

A I understood that they were associates of Mr. Giuliani, and this was now 2 months into the campaign that had led to the, ultimately, unfortunately, to the removal of our Ambassador. But I did not know their specific purpose in coming to Ukraine on or about the 10th and 11th of May.

Q Did there come a time when you did learn what their purpose would be?

A I only read subsequent to leaving Ukraine the press coverage of the former Mayor of New York's stated intent to go to Ukraine, and then to notice that he canceled his trip.

Q And when you say Mr. Giuliani's public statements about the purpose of his trip that he ultimately canceled, what is your recollection of what Mr. Giuliani said?

A I don't recall what Mr. Giuliani said in the paper about his reasons for canceling, other than the fact that I believe he may have criticized some individuals around President-elect Zelenskyy.

Q And do you recall that his statements were also about investigating the Bidens?

A I honestly don't remember what he may have been saying or tweeting. As I said earlier, at this point I was not a regular -- I don't tweet personally, and I don't follow all the tweets of everybody.

Q When you learned that Mr. Giuliani was going to travel to Ukraine at the beginning of May, May 9th or May 10th, did you have any discussions with anyone at the Department of State about his upcoming trip?

A Not that I recall, no. I learned about it when I was in Ukraine.

Q Were you at all concerned about his trip?

A He's a private citizen. Private citizens have the right to travel. The extent that I might have had concern, it would be what he might try to do as a private citizen involved in the U.S.-Ukraine official relationship.

Q To the extent that it could interfere with the ordinary diplomatic channels that would be handled by the Department of State?

A To that extent, yes. Again, I did not know the purpose of his trip, I only heard that he might be coming in.

Q I think my time is up.

BY MR. CASTOR:

Q We talked this morning about what the State

Department did in the press to counteract these narratives?

A Correct.

Q The John Solomon stories and so forth.

A Yes.

Q Did the State Department undertake any effort to convince the White House, not the press, but the White House, that these stories are not grounded in good facts?

A That is not -- relations between or communications between the leadership of the State Department and the White House at that level do not go through the regional bureau.

Q Okay.

A So I'm not aware of the conversations that would have happened.

Q Do you know if there was any effort, I mean, they would have kept you in the loop if they were trying to make the case that, hey, you can't be believing this stuff. And if you're thinking about removing Yovanovitch, hold on, let me -- let us make our case. Did that opportunity occur?

A My understanding is that there were high-level discussions between the leadership of the State Department and the White House prior to the decision to recall Ambassador Yovanovitch, but those obviously were ultimately unsuccessful, and the account that I heard at the time is in accordance with what I read Ambassador Yovanovitch had in her statement on Friday.

Q Okay. Because you mentioned at one point the White House got involved with the visa application for Shokin?

A I didn't say that. What I said was that after the State Department made clear that it was not ready to issue, it was our understanding that former Mayor Giuliani reached out to the White House, and then that was the point at which Deputy Chief of Staff Blair was tasked with calling us to find out the background of the story.

Q And ultimately Shokin didn't get the visa?

A He didn't get the visa, correct.

Q So Mr. Blair was sympathetic to your point of view and didn't push the issue anymore?

A My understanding is -- what I recall him saying is I heard what I need to know to protect the interest of the President. Thank you. And that was the end of that conversation.

Q Okay. So there certainly was at least one incident where you had some positive back and forth with the White House that led to a result consistent with your interests?

A Correct. That was -- I believe that conversation occurred on the 11th of January, specifically about this issue of a visa for the corrupt former prosecutor.

Q Do you know if Shokin had come to the United States on a visa before?

A Yes. [redacted]

[redacted]

Q Okay. So he had been granted visas in the past?

A He had had visas at some point in the past, correct.

Q And do you know when?

A I do not know.

Q Okay. Do you recall if it was during your time when you were in Kyiv?

A I do not know.

Q Was the denial of his visa, was this the first time he had made an attempt to travel to the United States but had been denied?

A I do not know that. To the best of my knowledge he didn't try to travel to the U.S. and was denied, he did not have a visa. To the best of my recollection, because of the acts of corruption affiliated with undermining U.S. programming and policy goals, we probably, if the visa had not expired prudentially, revoked the visa under the assumption that we don't want corrupt individuals coming to the United States.

Q Was Lutsenko on par with Shokin in terms of being an unreliable prosecutor?

A Well, I think -- how would you define unreliable prosecutor?

Q Well, you talked at great length that Shokin was not prosecuting corruption cases?

A Correct. Yeah.

Q There were cases of corruption where he just simply, you know, looked the other way and caused them not to be prosecuted. And then I think you mentioned that he prosecuted people that weren't doing anything wrong?

A Yeah, I think Shokin's record and his nearly year tenure was not of prosecuting crime. Lutsenko was in office 3 years, and so he had more opportunity to take some action. He did lead a number of cases that led to small scale convictions as well as settlements and payments of fines to allow companies to continue to operate in Ukraine.

Q But what was the position of the embassy about Lutsenko, was he a --

A So I would say the breaking point of our disillusionment with Yuriy Lutsenko came in late 2017, by that point he had been in office for a year and a half, and there was a specific case, and it was as emblematic as the diamond prosecutor case had been for Shokin.

The National Anti Corruption Bureau, NABU, became aware because of complaint that there was a ring of Ukrainian state officials that were engaged in selling biometric passports, Ukrainian passports, to people who did not have the right to the passports, including foreigners.

And the ring included deputy head of the migration service, a woman named Pimakova (ph), as well as people collaborating in the security service of Ukraine.

And, obviously, for our own integrity, you know, we want to know that a passport from a country is issued to the correct person. And as this case was developing, Lutsenko became aware of it, and this corrupt official who was sort of the apex of the scheme went to him or to the prosecutors and became essentially a cooperating witness for them. And so they basically busted up the ring or they busted up the investigation by NABU. And then he went further and exposed the undercover agents that had been a part of this case.

So that's obviously a fundamental perversion of law and order to expose undercover agents. They were actually engaged in pursuing an actual crime, whereas, he was essentially colluding with a corrupt official to undermine the investigation.

And so this case was critical to us because when we searched the database it turned out that a number of the passports that had been issued as part of these schemes had gone to individuals who had applied for U.S. visas.

So we were very angry and upset because this threatened our security, and it potentially also threatened their ability to retain their visa free status in the European Union.

Q So did the State Department take a position that Lutsenko had to go?

A We didn't say that. What we said was that all the officials that were involved in this ring needed to be held to account and prosecuted, and we needed to see that they were taking seriously our concerns about the integrity of their passports.

Q Had Lutsenko had any open investigations at that time into any oligarchs?

A Again, there are a lot of prosecutors in the country, and I don't know which investigations he might have had open.

Q But you didn't know whether there was any specific investigations into somebody like Zlochevsky?

A I do not know if there was an investigation into Zlochevsky, the individual, Yuriy Lutsenko has said publicly that he investigated Burisma on nonpayment of taxes. And as I recall, there was a settlement where Burisma paid a penalty for nonpayment of taxes, and at that point Zlochevsky returned from his external home in Monaco and resumed a public life in Ukraine.

Q Going back to the passport issue. Did it present a risk that terrorists would get credentials?

A That was a potential theoretical risk, and that is exactly what I told in the first meeting that we had with the

new deputy foreign minister, the deputy justice minister, the deputy head of the migration service, the deputy head of the security service, when we had occasion, the essentially, DCMs of the European Union Ambassadors, embassies, and with me as the U.S. DCM, we all raised our great concerns that this uncovered ring posed a threat to our interests as well as Ukraine's continued access to for visa free travel to the European Union.

Q What would it have taken for the U.S. Government to take a stronger position as it did on Shokin with regard to Lutsenko?

A I think that the -- Yuriy Lutsenko, apart from this NABU case where he actively undercut an investigation that was in our interests, Lutsenko's actions did not raise to the same level. We did, however, I mentioned earlier that at the request of Petro Poroshenko, we made available a former New Jersey prosecutor [redacted], we let that contract lapse after roughly 9 months because it was clear that Lutsenko was not going to push forward reform as he had promised to us.

So what we did was we curtailed our capacity building assistance to the prosecutor's office under Lutsenko while we continued to engage Lutsenko personally as well as other leaders on the continuing need for reform. And we made clear that we were willing to resume assistance with their

political will to actually take the steps that were necessary to reform the prosecutor's office.

Q What type of decisionmaking would have had to have occurred at the State Department to take an official position that Lutsenko needed to go?

A Well, I mean, it's -- I would say that we're now talking about late 2017, and we were beyond having the potential leverage of sovereign loan guarantees. Ukraine's economy had stabilized. And I would say that there was less consistent high-level engagement on Ukraine.

Q Okay. In March of this year, Ambassador Yovanovitch gave a speech at the Ukraine Crisis media Center?

A Correct.

Q Are you familiar with that? Where she called on Kholodnytsky to be removed?

A Correct.

Q What can you tell us about that.

A Nazar Kholodnytsky was selected by Viktor Shokin as, in our view, the weakest of the three final candidates to become the special anticorruption prosecutor. This is a new unit that was semi-independent within the prosecutor's office, and it was set up specifically to prosecute cases of high corruption that were developed by NABU. We worked intensively with Nazar for almost 2 years, until we reached a breaking point with him. And that intensive work included

U.S. prosectors who were brought in, and FBI agents embedded as mentors. Intensive training trips to the U.S., training in Ukraine. A mentoring trip to Romania where Laura Kovesi is a very well-known anticorruption prosecutor and now the lead prosecutor in Europe. Because even though we saw Kholodnytsky as an imperfect person, he was the new anticorruption prosecutor, and his success, would be Ukraine's success, would be our success.

However, we reached a breaking point in a case that was known as the fish tank case. There was suspicion that he had been involved in corrupt acts, and under a Ukrainian warrant a bug, a tap was put in his fish tank in his office. And in the course of the first 2 weeks, he was caught trying to suborn a witness, coach him to lie, as well as obstruct justice in a case that involved his hometown, in an effort to bribe the minister of health, Ulyana Suprun, [redacted] [redacted]. So [redacted] agreed to wear a tap for NABU and caught the effort on trying to give her a bribe.

So we had a case involving corruption, and he was caught on tape suborning the witness and trying to obstruct justice. At that point it was no longer possible for the U.S. Government, despite 2 years of investment, to continue to work with Nazar.

We called him into the embassy to have a conversation. This is before it went public. And I and the director of the

international narcotics and law enforcement section of the embassy had the conversation, tough conversation with him, and suggested that if he were to resign quietly, given the information that was clearly available, that he was young enough that it wouldn't necessarily destroy his career, but that we, the U.S. Government, could no longer work with him.

And that if he were to remain as the anticorruption prosecutor, we would cease cooperating with him. And he stood up, walked out, and you know, tweeted, you know, before he left the embassy compound that he was going to have a defiant attitude. So we stopped cooperating with him once presented with evidence that he was actively suborning a witness and obstructing justice.

Q You have regaled us over the course of many, many minutes today about the deep issues of corruption in the Ukraine. You talked in extensive detail that the problems are in the Shokin era, during the Lutsenko era, and even now with Kholodnytsky. Is it fair to say that if the President had a deep-rooted skepticism in Ukraine's ability to fight anticorruption, that was a legitimate belief to hold?

A It is accurate to say that Ukraine has a serious problem with corruption, and the U.S. is committed where there's a political will to work with Ukrainians, inside and outside government to make changes, but absent that political will, this will be a problem that will stick with Ukraine and

stick with the U.S.-Ukraine relationship.

Q So we send a lot of money to Ukraine, correct?

A I would not say that we send money. Congress appropriates money. The accusation by former prosecutor Lutsenko is that we didn't show him the money, but that fundamentally misunderstood how our assistance is administered. And this was the issue in the letter that I think is part of the packet that you may have received that I signed in April 2016.

He accused us, or they accused because it was before Lutsenko came in, of -- and then he just picked up the accusation, that somehow we didn't hand them the money. I talked to one of his temporary deputy prosecutors who was a reformist who later chose not to work with him. And she told me that they actually thought that we, the U.S. Embassy, had bags of cash that we would hand to her or to her predecessors, and that's how we, the U.S. Government, did business.

The way the U.S. Government and the Embassy supports anticorruption programming in Ukraine is that we sign agreements with implementers. One of those is the Department of Justice. They have this program, OPDAT, Overseas Prosecutorial Development and Training. Another was with the U.N. organization called IDLO, International Development Law Organization. Another was the OECD, which has a strong and

vigorous anticorruption component. And finally, a civil society association, AnTAC, the anti-corruption center.

Those are the four organizations with which the U.S. Government signed contracts or grants to administer our justice programming for the reform of the Prosecutor General's Office.

Q How much grant money does AnTAC get?

A I do not know the exact amount.

Q Do you know a ballpark?

A Huh?

Q Do you know a ballpark?

A I do not. I would hesitate to offer a number because I don't -- it's been years since I've seen any spreadsheets.

MR. JORDAN: Secretary, Mr. Kent, I just want to go back to questions Steve asked earlier. What was it going to take for the government to take the same position with Mr. Lutsenko that you took with Shokin, and I've just been making a list. He wasn't a lawyer. He actually talked about showing him the money, I think you just said. We know that he's been drunk on certain occasions. He was selling passports, potentially to terrorist.

MR. KENT: He was not selling passports. He undermined an investigation of people selling passports.

MR. JORDAN: Okay. I guess we'll live with that

distinction. It's pretty minor. And the guy he hired for this new prosecutor's office was every bit as bad. The one guy he picked -- he hired Kholodnytsky, right?

MR. KENT: Shokin hired Kholodnytsky. So his predecessor hired Kholodnytsky.

MR. JORDAN: Kholodnytsky was working when Mr. Lutsenko was prosecutor?

MR. KENT: Correct.

MR. JORDAN: He didn't bring him in line?

MR. KENT: After -- he did not.

MR. JORDAN: So I think it sort of underscores Mr. Castor's question. What was it going to take for the United States Government to say this guy has got to go as well?

MR. KENT: We made our concerns about the ineffectiveness of Mr. Lutsenko clear to his patron, the then President of Ukraine, Petro Poroshenko, but that assignment is made by the nomination of the Ukrainian President, and the dismissal requires a vote in the Ukrainian parliament.

MR. JORDAN: Thank you.

MR. PERRY: Thank you. Scott Perry, down here, from Pennsylvania. I just want to clarify something that's been kind of veered on numerous occasions before you got here and today. Are you familiar with the transcript of the call between the President of the United States and President Zelenskyy? Are you familiar with it?

MR. KENT: I read it after it was declassified by the White House, yes.

MR. PERRY: Okay. So you have some, and if you need it, we can give it to you. But in a kind of exchange on the last round the implication was is that there was a favor asked by the President for an investigation. Do you know anywhere in the transcript where the President uses the word investigation?

MR. KENT: I don't have the transcript in front of me.

MR. GOLDMAN: Can we admit it as an exhibit?

MR. PERRY: Sure.

[Majority Exhibit No. 1
Was marked for identification.]

MR. KENT: But I will say that at the time I didn't have access to the transcript, so --

MR. PERRY: But you've had it now.

MR. KENT: After it was declassified.

MR. PERRY: You had it up until today. And I just want to let you know, it doesn't say an investigation. The President doesn't say an investigation. When he uses -- do you see it as, or it was implied that the President is asking for a favor for him, but when he says, do us a favor, do you see that as the United States or the President of the United States when he says do us a favor?

MR. KENT: Sir, I was not on the call.

MR. PERRY: I know you weren't, but I'm reading it to you right now. It's on page 3 at the top.

MR. GOLDMAN: Could we provide him one?

MR. KENT: So sir, could you repeat. Could you repeat your precise question again.

MR. PERRY: The implication was in the last round that the President was asking to do him a favor. Do the President of the United States a favor, but the verbiage says do us a favor. Do you see that as doing a favor for the United States or the President himself personally?

MR. KENT: As I'm reading the paragraph, it refers to CrowdStrike and Mueller and then so on and so forth, and so that is the first time I'd ever heard of this line of thought. That does not strike me as being related to U.S. policy.

MR. PERRY: Okay. And, again, in regard to the, do us a favor line, it has nothing to do with Biden or Burisma in this paragraph on the top of top page 3?

MR. KENT: That's, as I'm reading through this again, it's --

MR. PERRY: Well, I'll let you know --

MR. KENT: It's not in that paragraph. Yeah --

MR. PERRY: There's nothing referred to in on page 3 regarding Biden or Burisma that can be connected with the line, do us a favor. The words, do us a favor.

MR. KENT: I would agree with you that it's not in that paragraph.

MR. PERRY: Right.

MR. KENT: As put together by the staff at the National Security Council.

MR. PERRY: Right. Okay. And do you remember anywhere in this transcript where the President says, you know, for the -- the President of the United States says to President Zelenskyy to dig up or get some dirt?

MR. KENT: Again, I think the National Security Council account is what it is.

MR. PERRY: Yeah. It's not in there is my point. It's not in there. And I just want to make the record clear because for hours and hours in testimony over the course of days here there's a continual characterization of these events that are not true, that are not correct, per the transcript.

Moving on, in the past round you were asked about your opinion about the President, is it proper for the President to ask another country for an investigation into a political rival? I think that was the general characterization. I want to explore that a little bit. And in your answer you said that it would not be the standard. And my question is, do you have -- does the Department of State have a standard in that regard?

MR. KENT: I believe it is a matter of U.S. policy and practice, particularly since I have worked in the area of promoting the rule of law, that politically related prosecutions are not the way of promoting the rule of law, they undermine the rule of law.

MR. PERRY: But is that written as a policy somewhere or is that just standard practice?

MR. KENT: I have never been in a position or a meeting where I've heard somebody suggest that politically motivated prosecutions are in the U.S. national interest.

MR. PERRY: Okay. So would you say that if the United States was interested in pursuing justice of a past incident, of an incident that occurred in the past regarding someone that had a political office, is that off limits to the United States of America?

MR. KENT: I think if there's any criminal nexus for any activity involving the U.S., that U.S. law enforcement by all means should pursue that case, and if there's an international connection, that we have the mechanisms to ask either through Department of Justice MLAT in writing or through the presence of individuals representing the FBI, our legal attaches, to engage foreign governments directly based on our concerns that there had been some criminal act violating U.S. law.

MR. PERRY: One more, Steve.

Regarding your conversation about Ambassador Yovanovitch's release, and you heard her viewpoint because you heard it previous, and then you saw it related in her opening statement here. Right? Do you think there's another viewpoint? I know you know that viewpoint, is there a potential for another viewpoint?

MR. KENT: A viewpoint about what?

MR. PERRY: About her release. You heard her viewpoint. This is what happened to me. This is why I was released. This is why she was released as the Ambassador. That's her viewpoint. You heard that, you knew that. Correct?

MR. KENT: As I mentioned, I heard that that was the view expressed and conveyed by the Deputy Secretary of State to her. Correct.

MR. PERRY: Right. And do you think there could be another viewpoint other than hers?

MR. KENT: That was the viewpoint of the Deputy Secretary of State.

MR. KENT: And it's also hers, correct?

MR. KENT: She conveyed what she heard from the Deputy Secretary of State.

MR. PERRY: But there could be another viewpoint, that's my point.

MR. KENT: Theoretically there are multiple points about --

MR. PERRY: Right. And whose decision ultimately is that?

MR. KENT: What decision about what?

MR. PERRY: Who serves as an Ambassador from the United States to another country?

MR. KENT: All Ambassadors serve at the pleasure of the President.

MR. PERRY: So if an Ambassador is relieved for whatever reason, is that something that would normally be investigated by the Secretary Department of State?

MR. KENT: All Ambassadors serve at the pleasure of the President. And that is without question, everybody understands that.

MR. PERRY: All right. Thank you. I yield.

BY MR. CASTOR:

Q When is the first time you heard about the call between the President and President Zelenskyy?

A Which call?

Q The July 25th call, the one that is the subject of the exhibit?

A Well, can you repeat the question.

Q When did you hear about the call?

A I heard that the call was going to take place on -- I heard that it would take place the day before on the 24th.

Q Okay. Did State Department officials want the call

to occur?

A Yes. I was informed that it was finally scheduled by Lieutenant Colonel Alex Vindman, who's the director at the National Security Council responsible for Ukraine. And I then emailed the Embassy suggesting that they send a communications officer over to the presidential office to check the quality of the line because it had been a long time since we had had a formal call, and sometimes those lines don't work when they get calls. So as far as I know, the embassy did that to ensure that when the White House situation room called out the call would go through.

Q Okay. You said finally scheduled, so there had been some process over time to get this call scheduled?

A There had been discussions on and off for awhile for a followup call to the congratulatory call on April 21st, the day that Zelenskyy won the presidency, and the timeline slipped until it was after the parliamentary elections. Those occurred on July 21st, and the call eventually happened 4 days later on the 25th.

Q Everyone was in favor of making this call happen after the parliamentary elections?

A The State Department was supportive of a call.

Q And was there anybody who was not supportive of the call in the U.S. Government?

A I have read that there were officials that had some

reluctance.

Q What did you read?

A I think that's a question you could ask people that work at the National Security Council.

Q So you read there were some issue from the National Security Council about scheduling the call?

A I read that there were some people who had some misgivings about the call, yes.

Q Okay. But you didn't know about those misgivings prior to the call?

A I may have heard that there were some views, I did not understand what the views were behind that expression.

Q Okay. Who held those views?

A I don't know.

Q Okay. So you didn't have any personal knowledge of any officials at the National Security Council being uncomfortable with the idea of having a call?

A I got the impression that there was at least one official uncomfortable, but I didn't understand what that was about. I, the State Department, was in favor of a congratulatory call after the election.

Q Did Alex Vindman tell you anything that gave you pause?

A Before the call, no.

Q Okay. So it's finally scheduled, it happens on

July 25th. You weren't on the call, right?

A Correct.

Q Was anyone from the State Department, to your knowledge?

A I believe I was aware that the White House Sit Room was going to try to patch through the counselor of the department, Ulrich Brechbuhl.

Q Okay. Any other folks from the Department?

A That was the only name that I or office that I heard mentioned.

Q Okay. Nobody in Kyiv?

A It would not be normal to have the embassy patched into the phone call.

Q Okay. And then after the call occurs, did you get a read-out from anybody?

A I did.

Q Who did you get the read-out from?

A From Lieutenant Colonel Vindman.

Q And when was the read-out?

A It was not the same day. It may not have been the day after, but it could have been either July 26th or 27th, several days after.

Q What did he tell you to the best of your recollection?

A It was different than any read-out call that I had

received. He felt -- I could hear it in his voice and his hesitancy that he felt uncomfortable. He actually said that he could not share the majority of what was discussed because of the very sensitive nature of what was discussed.

He first described the atmospherics and compared it to the previous call, which was April 21st. That had been a short, bubbly, positive, congratulatory call from someone who had just won an election with 73 percent. He said this one was much more, the tone was cooler, reserved. That President Zelenskyy tried to turn on the charm, and he is a comedian and a communicator, but that the dynamics didn't click in the way that they had on April 21st.

Again, he did not share the majority of what was said. I learned the majority of the content after reading the declassified read-out. He did share several points. He mentioned that the characterization of the Ambassador as bad news. And then he paused, and said, and then the conversation went into the direction of some of the most extreme narratives that have been discussed publicly. That's all he said.

Later on, he said that he made reference to a back and forth about the prosecutor general, that would be Lutsenko, saying, you've got a good guy, your prosecutor general, and he's being attacked by bad guys around you, is how I recall Lieutenant Colonel Vindman characterizing it. And then he,

in summation, he said in his assessment, Zelenskyy did not cross any line. He said that Zelenskyy said, if anything bad had happened in the past, that was the old team. I'm a new guy, I've got a new team, and anything we do will be transparent and honest.

Q And is that as much as you can remember from your --

A And then there was -- I think the last thing that Lieutenant Colonel Vindman mentioned was there about a brief mention by Zelenskyy about U.S. -- interested in working on energy-related issues. Previously, I should have said, at the front earlier in the conversation, that he said that Lieutenant Colonel Vindman told me that President Zelenskyy had thanked the U.S. for all of its military assistance. That the U.S. did a lot for Ukraine. And Lieutenant Colonel Vindman told me that the President replied, yes, we do, and it's not reciprocal.

Q Is that pretty much what you can remember?

A That is I think the summation of everything I can recall.

Q Did he tell you anything about the Bidens?

A He did not mention, to the best of my recollection, including the notes that I took, which I've submitted to the State Department. He did he -- Lieutenant Colonel Vindman, did not mention the specifics. He just said, as I said at

the beginning, he said the majority of the conversation touched on very sensitive topics that I don't feel comfortable sharing.

Q Did he mention Burisma?

A He did not mention any specifics.

Q And he didn't mention 2016?

A He did not mention that to me, no.

Q And did you make any followup inquiries with him like, hey, can I come over and speak with you in a secure environment or learn more about this call --

A None.

Q It seems like there's some issues relating to one of the countries that I have responsibility for?

A I did not, and no.

Q What was your expectation where you would next learn more?

A That was the second conversation between the two Presidents in April, May, June, July, 4 months. We at that point were focused on trying to sort through why the Office of Management and Budget had put a hold on security assistance. We were also focused on the way forward and potentially trying to arrange a meeting possibly on the 1st of September in Warsaw on the 80th anniversary of the start of World War II, possibly in New York during the UN General Assembly.

So those were the next step issues in the relationship, both functionally in terms of military assistance, as well as in procedurally in terms of the possibility of a meeting.

Q And the meeting you said could have happened in Warsaw. What was the date that Warsaw was supposed to be?

A The start of World War II was the 1st of September 1939, so the commemorations were the 1st of September 2019 in Warsaw.

Q You said the General Assembly was the 26th, if I'm correct?

A That week, I believe the Monday may have been the 24th or the 23rd, so maybe the 23rd through the 27th was the week of the leaders' participation.

Q Okay. And so then you never -- did you learn any more about that call from any other officials?

A No.

Q So between the time that you had the conversation with Vindman, it was on the telephone, right?

A A secure call between NSC and the State Department, yes.

Q And the time when the transcript was declassified, did anybody else give you a read-out or any information about the call?

A No.

Q When the transcript was released on September -- I

think it was September 25th, did you have an advanced copy of it or --

A I was up in New York engaged in meetings with leaders in my area of responsibility and, no, I did not have any advanced knowledge.

Q Okay. Now, did you have any communications after the call after you spoke with Vindman, did you then subsequently debrief anybody about what happened on the call?

A I may have shared with other people in the European front office, which had a focus on that, and that includes people like Tyler Brace, who is our one political appointee, schedule C, former staffer for Senator Portman, who has a specific interest in Ukraine and Russia, as well as the acting assistant secretary.

Q Uh-huh. Any other individuals that you discussed the call with?

A In terms of giving a substantive read-out, I do not recall having a substantive discussion. We have a weekly secure video conference call with the leadership of Embassy Kyiv, now led by Charge Bill Taylor, it is possible that I discussed part of that with him subsequently.

Q Now, during this time period had you been having communications with Ambassador Yovanovitch?

A At this point she was back in the United States, and so we did have reason to have communications, yes.

Q Okay. And how frequently were you speaking with her?

A I would say we're now talking about the end of July through the month of August, perhaps once or twice a week.

Q And into September?

A Right. The second half of August I was on vacation with my family [redacted], so there's no contact there. We got together for dinner in early September. Her [redacted] mother and my wife were very close socially when we were in Washington, I'm sorry, in Kyiv, so it essentially was a social gathering, a meal shared.

Q And did you relate anything to her when you had dinner with her in early September about the call?

A I may have made some reference to the negative characterization of her.

Q Okay. Do you remember anything else that you may have related to her about that call?

A I would not have -- to the best of my recollection in general, I wouldn't have discussed the substance of the call in part because the read-out of the call I got was not substantive, and second of all, I wouldn't have been appropriate.

Q Okay. So you're having dinner with Ambassador Yovanovitch, it's early September, and you made brief mention?

A I may have made brief mention of negative characterization of her personally.

Q And what was her reaction?

A I honestly don't remember.

Q How long were you having this discussion with her at dinner?

A Generally, this would have been a very short conversation because her mother and my wife were part of it, and we generally avoided talking about anything related to work when we were together.

Q Did she have any followups for you? I mean, the President of the United States -- you know, you related to her that the President of the United States may have mentioned her on a call with President --

A As I think she may have said to you Friday, in part because of the what the Deputy Secretary of State told her, she aware of the President's views of her.

Q So presumably this was really interesting information that you had and you related to her, and I'm just wondering whether there was any additional back and forth. I mean, did she --

A No, not that I recall. Ambassador Yovanovitch is an intensely private person, she's an introvert. And, again, she's also someone who follows very strict what is deemed proper and proprietary, and so that's -- we did not linger on

any conversation of that nature.

Q Now, when you related this information to her, did you provide any characterization about your view of the call?

A Not that I recall.

Q Okay. Did you provide a characterization of your view of how the President conducted himself on the call?

A No, that wouldn't have been appropriate, and no.

Q Okay. And after the dinner, early part of September, you know, leading up to the release of the transcript on the 25th, did you have any additional discussions with her?

A I was on travel for the mid-part of the month. I was back for a couple of days, and then I was up in New York for the U.N. General Assembly meetings, which was, as you said on the 25th, I was in New York when that occurred. So, again, to the best of my recollection, no.

Q And she was at Georgetown at this point on a fellowship?

A She was teaching -- yes, a course on diplomacy at Georgetown.

Q And your office is at the State Department. Did you have an occasion to visit with her during the workday? I mean, did she come over to the State Department? Did you appear at Georgetown at any point in time?

A No. She at one point asked -- commented that the

students in the Masters program at Georgetown had superior oral briefings skills, but lacked fundamental writing skills. And I had mentioned that previously we used to run essentially remedial writing seminars for the officers in the European bureau as well as Embassy Kyiv, that I helped conduct, and she asked if I had the notes from that, and I said I did. And so I passed her essentially the notes of presentations I had made about writing well.

Q Okay. And then you mentioned that you spoke to her on a somewhat regular basis, but the call never came up other than the dinner?

A To the best of my knowledge, I cannot recall.

Q Okay. The communication you had with Vindman on the 29th, and that was an estimated date.

A It could have been a day or two earlier. It could have been the 29th, honestly. It's several days later, depending on what day the call happened, during the week, it could have been the next Monday, it could have been the Friday, I just don't remember.

Q Fair enough. And you said that was your only communication you had with the NSC about it?

A I did not seek to revisit that issue nor did I talk to anybody else at the NSC about the call.

Q Who else was on the call with NSC, do you remember?

A That call between Lieutenant Colonel Vindman and I

was just a call between the two of us.

Q Okay.

MR. CASTOR: I think I'm out of time here.

MR. ZELDIN: How much time is left?

MR. CASTOR: About 1 minute.

MR. ZELDIN: Okay. I am interested. Why wouldn't you asked for more information about the call?

MR. KENT: Lieutenant Colonel Vindman was clearly extremely uncomfortable sharing the limited amount of information that he did. So he shared what he felt comfortable sharing, and that constituted the read-out that I received from him.

MR. ZELDIN: But you didn't want to have more information?

MR. KENT: He made clear to me that he felt uncomfortable sharing as much as he had actually shared. So the relationship between a director of the NSC and say someone at my level is a relationship, it's intense, it's frequent, and you have to develop a trust factor. And he made clear to me that he had shared as much as he felt comfortable sharing, and I respected that.

MR. ZELDIN: We're out of time, but we might revisit that.

THE CHAIRMAN: Why don't we take a 10-minute break and use the facilities, and we'll come back. And try to be

prompt in 10 minutes.

[Recess.]

THE CHAIRMAN: All right. Let's go back on the record.

Secretary, I have a few questions for you. I think a couple of my colleagues do, and then we'll go back to the timeline with Mr. Goldman.

I just very briefly wanted to go through a bit of the call records since that was raised by my colleagues in the minority. If you turn to page 2 of that call record at the bottom, this is again the July telephone call between President Trump and President Zelenskyy. The very last sentence reads: We are ready to -- this is President Zelenskyy: We are ready to continue to cooperate for the next steps, specifically, we are almost ready to buy more javelins from the United States for defense purposes.

And there, Mr. Secretary, he's referring to Javelin anti-tank weapons?

MR. KENT: That's correct.

THE CHAIRMAN: That are important in terms of fighting off either Russia troops or separatists in Donbass?

MR. KENT: That's correct.

THE CHAIRMAN: Immediately after President Zelenskyy raises this desire to purchase more javelins, the President says, I would like you to do us a favor, though, because our country has been through a lot and Ukraine knows a lot about

it, I would like you to find out what happened with this whole situation with Ukraine, they said CrowdStrike. Do you know what that refers to, CrowdStrike?

MR. KENT: I would not have known except for the newspaper media coverage afterwards explaining what that was a reference to.

THE CHAIRMAN: And the President goes on to say, I guess you have one of your wealthy people, the server they say Ukraine has it. Do you know what server the President believes Ukraine had?

MR. KENT: I can only again refer to the media articles that I have read subsequently about this explaining that there is, the founder of CrowdStrike who is a Russian American, and the media as said that that was a confused identity. But that's again -- the only basis I have to judge that passage is what I've read in the media.

THE CHAIRMAN: And further on in the paragraph, the President says: I would like to have the Attorney General call you or your people, and I would like you to get to the bottom of it. Do you have any reason to question the accuracy of that part of the call record?

MR. KENT: I wasn't on the call, and the first time I saw this declassified document record of conversation was after it was declassified by the White House.

THE CHAIRMAN: Now, you mentioned that you when you

spoke with -- is it General Vindman?

MR. KENT: Lieutenant Colonel Vindman.

THE CHAIRMAN: Lieutenant Colonel Vindman. When you spoke to Colonel Vindman, he said there was certain very sensitive topics he did not feel comfortable mentioning. Was this one of the topics that he did not mention?

MR. KENT: This whole passage, which you just went through, he made no reference to it. That's correct.

THE CHAIRMAN: If this were a matter of standard U.S. policy of fighting corruption, that wouldn't be a sensitive topic, would it, if the President was actually advocating that Ukraine fight corruption?

MR. KENT: If he had read this to me, I would have asked him what is CrowdStrike and what does that mean, because it's just not clear to me just reading it. As I said, other people interpreted what the context was for that, but again, I'll go back to what I said before.

Understanding that this is a reference to concerns about 2016. If anybody did anything in 2016 that violated U.S. elections or election laws that, you know, there's a reason to investigate something with the U.S. nexus, we should open that investigation. And if the Ukrainians had a part in that, then that would be natural for us to formally convey a request to the Ukrainians.

THE CHAIRMAN: But if it were a legitimate law

enforcement request or if it were a generic discussion of corruption in line with U.S. policy, it wouldn't have been a sensitive matter and Colonel Vindman could have raised it with you, right?

MR. KENT: If it was a normal matter, he probably would have. Again, when he said that there were sensitive issues that he didn't feel comfortable talking about, I did not know what exactly he meant until I read this declassified memorandum of conversation.

THE CHAIRMAN: Let me ask you about another matter that it appears he did not bring up with you. The President, on the top of page 4, says: The other thing, there's a lot of talk about Biden's son. That Biden stopped the prosecution and a lot of people want to find out about that, so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution. So if you can look into it.

Was that another one of the very sensitive topics that Colonel Vindman did not feel comfortable sharing with you?

MR. KENT: That passage -- he made no reference that would have in his limited read-out to me that would have matched that passage of the memorandum of the conversation.

THE CHAIRMAN: So the dual request to look into the Bidens and to look into this CrowdStrike 2016, for lack of better description, conspiracy theory, Colonel Vindman didn't

feel comfortable informing you that either one of those things was raised by the President during the call?

MR. KENT: That's correct.

THE CHAIRMAN: Mr. Quigley.

MR. QUIGLEY: Thank you, Mr. Chairman. Mr. Secretary, thank you for your service and for being here. Earlier you mentioned that media campaign against the Ambassador took place. Were you aware of who was involved with that media campaign?

MR. KENT: I could only see the figures that voluntarily associated themselves with that campaign in both countries.

MR. QUIGLEY: And who was that in Ukraine and who was that in the U.S?

MR. KENT: Well in Ukraine, very clearly, the prosecutor general at the time, Yuriy Lutsenko, his press spokeswoman retweeted the tweet of Don Trump, Jr. attacking the Ambassador. So very clearly, it wasn't just him personally as a Ukrainian, but the institution.

There were -- I made references earlier to what were known as the Porokhobots, the trolls on social media who were active in support of Poroshenko. And 10 days before the election, rather than attacking Russia or attacking his political opponents, as they normally did, they were attacking Ambassador Yovanovitch and me by name.

So I would say that is cluster of the Ukrainians who

were actively promoting this campaign. And then obviously the people in the United States that were promoting it.

MR. QUIGLEY: Sure. Referencing Mayor Giuliani, you became aware of his activities in Ukraine. What was your understanding while this was happening of what his role was? A personal attorney working somehow for the government working as a campaign person's attorney?

MR. KENT: His role in orchestrating the connections with information from Yuriy Lutsenko seemed to be a classic, you scratch my back, I scratch yours, issue. Yuriy Lutsenko told, as I mentioned, Gizo Uglava, that he was bitter and angry at the embassy for our positions on anti-corruption. And so he was looking for revenge. And in exchange, it appeared that the campaign that was unleashed, based on his interview, was directed towards Americans, principally the Ambassador, as well as organizations that he saw as his enemies in Ukraine, the National Anti Corruption Bureau as well as the Anti Corruption Center.

Several Ukrainians at the time told me that they saw what Lutsenko was trying to do was get President Trump to endorse President Poroshenko's reelection. This was happening in March before the election. That did not occur. It would not have made a difference either because Zelenskyy, as noted before, won with 73 percent.

MR. QUIGLEY: To your knowledge, was Mr. Giuliani ever

tasked, coordinated, briefed with anyone at the State Department to do what he was doing?

MR. KENT: To the best of my knowledge, in the first phase of Mr. Giuliani's contact with Ukrainians and his efforts to orchestrate the media campaign, nobody from the State Department had contact with him. When I say the first phase, that is essentially the phase involving Prosecutor General Lutsenko through the election of President Zelenskyy, which occurred on April 21st.

MR. QUIGLEY: So the first phase, but at any time other time and after the fact, were you aware of any tasking, briefing, coordination that took place?

MR. KENT: Yes.

MR. QUIGLEY: And could you detail that?

MR. KENT: At a certain point, I believe in July, then special representative for Ukraine negotiations, Volker, told me that he would be reaching out to Rudy Giuliani.

MR. QUIGLEY: And --

THE CHAIRMAN: I just want to mention, we intend to go through this in a timeline.

MR. QUIGLEY: First of all, it's somewhat news to me, and I'll pass it back if that's what you want, but it seems --

THE CHAIRMAN: We're going to get into all of this.

MR. QUIGLEY: All right.

THE CHAIRMAN: And it may be more orderly to do it in chronological order though.

MR. QUIGLEY: Very good. I'll ask one more question. In your belief, in your understanding, in your experience, why was the Ambassador recalled?

MR. KENT: Based on what I know, Yuriy Lutsenko, as prosecutor general, vowed revenge, and provided information to Rudy Giuliani in hopes that he would spread it and lead to her removal. I believe that was the rationale for Yuriy Lutsenko doing what he did.

Separately, there are individuals that I mentioned before, including Lev Parnas and Igor Fruman, who started reaching out actively to undermine Ambassador Yovanovitch, starting in 2018 with a meeting with former Congressman Pete Sessions on May 9th, 2018, the same day he wrote a letter to Secretary Pompeo impugning Ambassador Yovanovitch's loyalty and suggesting that she be removed. And others also in 2018 were engaged in an effort to undermine her standing by claiming that she was disloyal.

So that's the early roots of people following their own agendas and using her as an instrument to fulfill those agendas.

MR. QUIGLEY: Okay.

THE CHAIRMAN: Ms. Speier, any questions on what we covered so far?