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## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

June 4, 2020

The Honorable Stephen E. Biegun  
Deputy Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Deputy Secretary Biegun:

I write to express my deep disappointment and disgust at the State Department's selective response to Congress on what appears to be purely political grounds.

Under this administration, the Department has stonewalled all documents from Democratic members of Congress related to the withholding of U.S. security assistance to Ukraine, even defying lawful subpoenas. It has not provided any documents about the shameful early removal of Ambassador Marie Yovanovitch, a decision that allowed foreign influence to infect our national security. Nor did it produce information about how the Department came to possess and disseminate a packet of foreign disinformation aimed at undermining U.S. policy and discrediting a U.S. ambassador.

On September 24, 2019, I requested records that would shed light on why the executive branch stalled congressionally-appropriated funds to an ally fighting Russian aggression. On September 27, 2019, I sought information about what the Department knew about foreign attempts to seek Ambassador Yovanovitch's removal. On October 10, 2019, I requested information about steps the Department took to protect that U.S. ambassador.

I have received no response to these requests. None.

Yet, even as these and other requests about urgent national security and foreign policy concerns were ignored for months, the Department found it appropriate to prioritize and produce *thousands of pages* of Ukraine-related documents to the Republican Chairmen of other Senate Committees.

Worse, these requests seek information designed to advance false conspiracy theories, including that Ukraine, not Russia, interfered in the 2016 U.S. elections. President Vladimir Putin has gleefully pushed this theory—a theory that President Trump's homeland security advisor called “debunked” and his former Russia Director on the National Security Council warned was a “fictional narrative that has been perpetrated and propagated by the Russian security services themselves.”

The administration has also argued that its response to the global pandemic means congressional requests have to take a temporary back seat. Yet, in early April, it eagerly produced additional documents to Republican Committee Chairmen that have no bearing on current national security priorities, and zero relevance to the pandemic.

In recent weeks, Republican Committee Chairmen with little or no jurisdiction over the Department have made other requests to the Department, which seek information that is similarly irrelevant to U.S. national security. If the Department expends taxpayer resources on these unprincipled requests, it would be serving only the partisan purposes of congressional Republicans, not U.S. policy or U.S. taxpayers. And it would only further amplify the very Russian disinformation campaigns that have plagued the nation over the last four years.

This Department's track record on transparency and responsiveness is already at the lowest point I have encountered in my nearly three decades in Congress. These actions threaten to degrade the Department's reputation and signal that it is willing to be weaponized to further the President's political, not policy, agenda. It should go without saying that the State Department should remain above this fray. And if the Department sees it appropriate to send thousands of pages to other Committees, it should, at a minimum, also provide them to the primary Committee of jurisdiction.

The oversight role of Congress is not a perfunctory responsibility subject to the whims of executive branch agencies. It is a constitutionally-vested authority that Congress must uphold with the utmost gravity. I know that you understand the importance of the executive branch's responsibility to respond to and engage with Congress in good faith and for the public interest, and I look forward to hearing how you plan to do so.

I have attached my still-outstanding requests. I look forward to promptly receiving a response to them, as well as the complete set of documents previously provided to other Senate Committees on Ukraine.

Sincerely,



Robert Menendez  
Ranking Member

**Enclosed:**

Letter to Secretary Pompeo requesting information and documents regarding the withholding of security assistance to Ukraine, September 24, 2019

Letter to Secretary Pompeo requesting information related to the Trump-Zelensky phone call and related issues, September 27, 2019

Letter to Secretary Pompeo regarding the dismissal of Ambassador Yovanovitch, October 10, 2019

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# United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

September 24, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Secretary Pompeo:

I write seeking immediate details regarding the State Department's role in delaying security assistance to Ukraine and facilitating meetings between the President's personal attorney and Ukrainian officials to discuss a potential Ukrainian investigation intended to bolster the President's 2020 election prospects. I understand from State Department officials that the White House provided the Department with no official reason for delaying security assistance to Ukraine for almost three months, which is highly disconcerting. The Department has also refused to provide any clarification about its interactions with the President's personal attorney regarding Ukraine.

Executive branch agencies function to carry out the policies of an administration; they do not serve the president as an individual or as a political candidate. It is imperative, particularly under a president that appears willing to usurp the federal government for his own personal and political interests, that our institutions uphold the rule of law and fulfill their appropriate role in a functioning democracy. Yet at the moment, it remains an open question whether the Administration has altered its policy towards Ukraine or demanded specific action from a foreign nation to fulfill the President's expressed wishes about a domestic political opponent.

If the Department is facilitating efforts to condition foreign aid—appropriated by Congress—for reasons other than strategic or foreign policy interests of the United States, the circumstances and details of these efforts must be fully disclosed and explained to Congress. It remains unclear, on what basis, if any, these funds were delayed, as well as what the Department communicated to Ukraine about the delayed funds, which were then reinstated without explanation—and why the Department failed to communicate anything to Congress about this delay.

Similarly, the Department must be crystal clear about its role with regard to the President's personal lawyer, including arranging a meeting with Ukrainian government officials in Madrid last month. The Department has an obligation to make clear to Ukrainian officials, as well as other foreign governments, that the President's personal attorney is not an official representative of the U.S. government. Any perception that the State Department is giving its imprimatur or allowing Mr. Giuliani's private efforts to continue is highly problematic. Foreign governments must know who speaks with authority for our government.

I seek to understand how the Department has upheld these goals. To that end, and to assist the Senate Foreign Relations Committee in conducting its constitutional role in overseeing the State Department and matters of U.S. foreign policy, and to ascertain what legislative action may be necessary in response, please provide the following:

1. When and how you first learned \$141.5 million in foreign military assistance for Ukraine would not be immediately obligated, and the extent of your role in deciding to suspend that assistance;
2. Your understanding of the reasons for that delay, and documentation sufficient to demonstrate that understanding;
3. A detailed explanation of why funds were ultimately delayed, and who made that decision;
4. All records in the Department's custody or control<sup>[1]</sup> related to foreign military or security assistance for Ukraine received, originating from, sent, or created from September 1, 2018, up to and including the date of a complete response;
5. All records in the Department's custody or control related to efforts or requests to investigate any presidential candidates for the 2020 U.S. presidential election;
6. All records in the Department's custody or control between the Department and the White House; the Department and the NSC, and the Department and OMB relating to assistance to Ukraine, the President's personal attorney, or efforts or requests to investigate any presidential candidates for the 2020 U.S. presidential election, from September 1, 2018, up to and including the date of a complete response;
7. All records in the Department's custody or control with or related to the President's personal attorney, including but not limited to records related to any efforts by the Department to support or facilitate any activities and meetings with him, whether in the United States, Ukraine, or elsewhere; and relating to any of his meetings with Ukrainian officials;
8. A list of Department officials who were briefed by the President's personal attorney about his communications or meetings with any Ukrainian government officials; and
9. All records in the Department's custody or control related to the President's July 25 call with President Volodymyr Zelensky.

I appreciate your attention to this matter and request you respond by September 30, 2019.

Sincerely,



Robert Menendez  
Ranking Member

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<sup>[1]</sup> The term "record" throughout this request means any written, typed, recorded, graphic, printed, or audio material of any kind, including documents, memoranda, cables, letters, facsimiles, calendar items, spreadsheets; transcripts, notes, or minutes of any meetings, telephone conversations or discussions; and electronic communications and attachments thereto, including emails, text messages, instant messages, direct messages (such as messages over iMessage, WhatsApp, Signal, Viber, Facebook, or Twitter) regardless of whether maintained, sent, or received on a government or non-government (i.e. personal) account.

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## United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

September 27, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Secretary Pompeo:

Yesterday's release of a whistleblower complaint brings to light that the State Department not only knew about President Trump's July 25, 2019 phone call with Ukrainian President Zelensky in real time, but that multiple officials were briefed on the call.<sup>1</sup> As we now know, President Trump asked the Ukrainian president to investigate Trump's domestic political opponents and pursue baseless conspiracy theories. This should shake anyone who has taken an oath to support and defend our Constitution. Yet it remains unclear what, if anything, you and the State Department did in response to this unacceptable behavior.

It is now also clear that the President's call was not a single isolated event, but part of the President's months-long effort to elicit promises from a new Ukrainian leader to take action—based on unfounded claims—against one of the President's political rivals. Ukrainian officials apparently understood that a “condition” to any communications with President Trump was a willingness to discuss the President's desired lists of topics.<sup>2</sup>

In his call with President Zelensky, the President repeatedly encouraged a foreign leader to speak with his private personal attorney. Not a government official, not a diplomat, not a representative of the State Department. His personal attorney. A private citizen who had, months prior to that call, said that he was “meddling in an investigation”<sup>3</sup> and has asserted that he was asked by the State Department to “facilitate a meeting between the president and Mr. Zelensky.”<sup>4</sup>

As Secretary of State, you are charged with carrying out foreign policy for the United States. Yet it appears that our policy with Ukraine was effectively outsourced to a private individual pursuing the personal vendettas of the President. I call on you to immediately come before the Senate Foreign Relations Committee to explain to Congress and the nation how this perversion

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<sup>1</sup> Whistleblower Complaint to the Chairmen of the Senate Select Committee on Intelligence and the House Select Committee on Intelligence, Aug. 12, 2019 at 3, available at [https://intelligence.house.gov/uploadedfiles/20190812\\_-\\_whistleblower\\_complaint\\_unclass.pdf](https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf).

<sup>2</sup> Patrick Reevell & Lucien Bruggeman, “Ukrainians understood Biden probe was condition for Trump-Zelenskiy talks, says former Ukrainian adviser,” *ABC News*, Sept. 25, 2019.

<sup>3</sup> Kenneth P. Vogel, “Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump,” *The New York Times*, May 9, 2019.

<sup>4</sup> Rudy Giuliani, Interview with Laura Ingraham, *The Ingraham Angle*, *Fox News*, Sept. 25, 2019, <https://www.youtube.com/watch?v=pPsiSM4H8ZY>.

of U.S. foreign policy—and its undermining of our national security—was allowed to occur for so long. In addition, I request that you respond to the following preliminary questions by October 1:

1. When did you first learn that Mr. Giuliani was seeking to meet with Ukrainian officials?
2. Were you aware of Mr. Giuliani's meetings with Ukrainian officials on or around the dates that they happened?
3. Are you aware of other meetings between Mr. Giuliani and foreign officials?
4. Did you instruct anyone in the Department to not provide assistance to Mr. Giuliani regarding his meetings with foreign officials?
5. Were you aware that Special Envoy Kurt Volker or Ambassador to the EU Gordon Sondland were engaged with Mr. Giuliani regarding Ukraine? If so, did you direct or approve of their efforts?
6. Who else from the Department received readouts of, met with, or spoke to Mr. Giuliani about his meetings with foreign officials?
7. Why was the U.S. ambassador to Ukraine recalled in May 2019? Did you approve that decision?
8. Are you aware of any attempts to retaliate against the former U.S. ambassador to Ukraine, particularly in light of unfounded public attacks on her, including by the President? If so, have you taken any steps to prevent that retaliation?
9. When did you learn of the content of the President's July 25 call with President Zelensky?
10. What action did you take when you learned of the July 25 call?
11. Do you think it is appropriate for the President to enlist the assistance of a foreign leader to investigate his political opponents?
12. Are you aware of the President requesting or encouraging similar efforts of any other foreign officials?
13. Prior to the July 25 call, did you or did the Department communicate to Ukrainian officials that the President wanted to discuss corruption or investigations in Ukraine?
14. Did you communicate, or are you aware of efforts by U.S. officials to communicate, to Ukrainian officials the topics that the President wanted to discuss with President Zelensky?
15. Have you received transcripts or summaries of all of the President's calls with foreign leaders? Are you aware of any records of communications between the President and foreign leaders that have not been stored on the standard White House system for such calls and subsequently distributed to Cabinet-level officials?

I look forward to your immediate answers on these important matters of national security.

Sincerely,



Robert Menendez  
Ranking Member

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# United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

October 10, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Secretary Pompeo:

As Secretary of State, you have a responsibility to stand up for and defend all State Department personnel and protect them against unfair attacks and political retaliation. Yet, as an August 2019 State Department's Inspector General report shows, under the Trump administration, dedicated public servants have suffered retaliation and attacks that have damaged their reputations, subjected them to threats, and left their careers in limbo. For months, you have tried to delay and avoid many of our congressional requests related to these actions. This week, the Department blocked employees from speaking, even voluntarily, to Congress. We call on you to stop impeding congressional inquiries, and start standing up for the Department's dedicated public servants.

While we have many questions about the role you and the Department have played in the Trump-Ukraine scandal, an important part of that inquiry is why the former U.S. Ambassador to Ukraine, Marie "Masha" Yovanovitch, was recalled earlier this year. In particular, her early recall raises questions about whether you put the personal interests of the President above the Department's career personnel or U.S. foreign policy.

It also raises the question of what you and the Department did to protect Ambassador Yovanovitch against improper political pressure.

For months, Ambassador Yovanovitch faced political attacks based on disinformation and statements later proven to be false. Based on her work advancing the official position of the U.S. government, she became the target of false accusations by Ukrainian Prosecutor General Yuriy Lutsenko.<sup>1</sup> Although Lutsenko later recanted his statements, Ambassador Yovanovitch remained the target of unfounded conspiracy theories, advanced in part by the President's agent, Rudy Giuliani, and his son, Donald Trump, Jr.<sup>2</sup>

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<sup>1</sup> "Ukraine Prosecutor General Lutsenko admits U.S. ambassador didn't give him a do not prosecute list," UNIAN, Apr. 18, 2019, <https://www.unian.info/politics/10520715-ukraine-prosecutor-general-lutsenko-admits-u-s-ambassador-didn-t-give-him-a-do-not-prosecute-list.html>; U.S. State Department, "US-Ukraine Joint Statement," Nov. 2018, <https://ua.usembassy.gov/joint-statement-on-u-s-ukraine-strategic-partnership/>.

<sup>2</sup> See Giuliani says State Dept vowed to investigate after he gave Ukraine docs to Pompeo, *NBC News*, Oct. 3, 2019, <https://www.nbcnews.com/politics/trump-impeachment-inquiry/giuliani-says-state-dept-vowed-investigate-after-he->

Throughout these events, you have said nothing publicly in her defense. You have not made a single remark defending Ambassador Yovanovitch or heralding her more than three decades of service to the American people. According to recent reports, you even supported her early removal—which, in the absence of any logical explanation, appears tied to the President’s effort to use U.S. policy in Ukraine to pursue his own personal political interests.<sup>3</sup>

Yet, Ambassador Yovanovitch is only the latest example of Department personnel who have paid a heavy price for their continued public service. Recently, the State Department’s Inspector General detailed the mistreatment and politically-motivated targeting of career personnel by senior officials at the Department.<sup>4</sup> One of the senior officials the Department found to have engaged in these practices, Assistant Secretary Kevin Moley, has suffered no consequence, while dozens of employees suffered damage to their careers, and worse.

Over the last several weeks, you have been similarly silent about the rights of whistleblowers to come forward about matters of national security. Despite the President’s comments equating whistleblowers with “spies,” you said nothing. After he made false and misleading statements about the whistleblower, you did not, as the former head of the CIA, point out that this whistleblower did precisely what someone who wants to report an urgent concern about harm to national security should do: follow the law.

As the head of our country’s global diplomatic force, your refusal to stand up for career employees and support whistleblowers is disturbing. It is incumbent on you not to further the President’s damaging and unfounded attacks, but to send a simple message to everyone who works at the Department of State—that you have their backs.

We hope that you will swiftly, and clearly, send that message far and wide.

**In case there is any confusion: those working for the federal government, including civil service, foreign service, and contractors, who possess information they reasonably believe demonstrates a violation of law; gross mismanagement; gross waste of funds; abuse of authority; a substantial and specific danger to public health or safety; or censorship related to research, analysis, or technical information are protected and entitled under federal law to raise those concerns through authorized channels, including to Congress or Inspectors General, without fear of retribution or reprisal. Even in cases where information is required to be kept secret in the interest of national defense or the conduct of foreign affairs, disclosure to Inspectors General or the Special Counsel is still protected.**

It is imperative that senior officials throughout government ensure that employees know their rights, and that employees are not discouraged from raising valid concerns.

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[gave-ukraine-n1061931](https://twitter.com/donaldjtrumpjr/status/1109850575926108161); Donald Trump Jr., @DonaldJTrumpJr, <https://twitter.com/donaldjtrumpjr/status/1109850575926108161>, Mar. 24, 2019.

<sup>3</sup> Rebecca Ballhaus et al., “Trump Ordered Ukraine Ambassador Removed After Complaints From Giuliani, Others,” *The Wall Street Journal*, Oct. 3, 2019.

<sup>4</sup> U.S. Department of State, Office of Inspector General, Review of Allegations of Politicized and Other Improper Personnel Practices in the Bureau of International Organization Affairs, Aug. 2019.

Your failure to intervene when the White House or your subordinates targeted career personnel and the Department's efforts earlier this week to prevent Ambassador Gordon Sondland from testifying before Congress send the wrong message. As you know, Ambassador Yovanovitch is scheduled to testify to Congress. We call on you to abide by the ethos you have set for the Department, to stand up for those who serve in the Department and the nation, and not further impede their testimony.

In addition, to assist the Committee with its oversight responsibilities over the Department's operations and treatment of employees, we request that you respond to the following, no later than October 16, 2019.

1. What, specifically, has the State Department done to protect Ambassador Yovanovitch from political retaliation?
2. How did you defend Ambassador Yovanovitch in the face of attempts by President Trump, the President's agent Rudy Giuliani, and Donald Trump, Jr. to discredit her by echoing now-debunked conspiracy theories?
3. Following the July 25, 2019 call, did you speak with President Trump about his comments regarding Ambassador Yovanovitch, particularly that she "was bad news" and "[s]he's [Yovanovitch] going to go through some things"?
4. Why was Ambassador Yovanovitch removed early from her post in Kyiv?
5. Did you receive instructions from the President, the White House, or the President's agent Rudy Giuliani regarding Ambassador Yovanovitch prior to her removal on May 7, 2019? If so, what were they?
6. Do you agree with the President's statements on whistleblowers?
7. What are you doing to ensure that all Department personnel know and understand their rights under federal whistleblower laws?
8. Has the Department issued any communications or documents to staff regarding whistleblower rights or communicating or cooperating with Congress since January 2017? If so, please provide a copy of each such communication or document.

We look forward to your immediate responses on this important matter.

Sincerely,



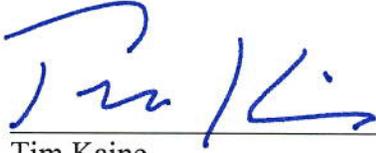
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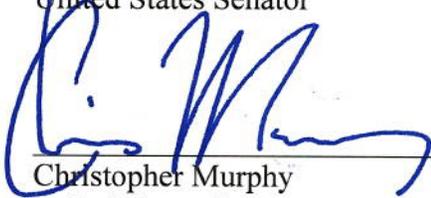
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Tim Kaine  
United States Senator



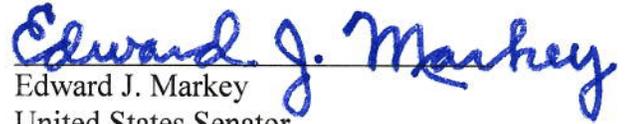
Jeffrey A. Merkley  
United States Senator



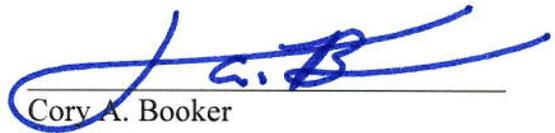
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United States Senator



Cory A. Booker  
United States Senator



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