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IMPEACHMENT INQUIRY:

MS. LAURA COOPER AND MR. DAVID HALE

Wednesday, November 20, 2019

U.S. House of Representatives,

Permanent Select Committee on Intelligence,

Washington, D.C.

The committee met, pursuant to call, at 5:40 p.m., in Room 1100, Longworth House Office Building, the Honorable Adam Schiff (chairman of the committee) presiding.

Present: Representatives Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, Heck, Welch, Maloney, Demings, Krishnamoorthi, Nunes, Conaway, Turner, Wenstrup, Stewart, Stefanik, Hurd, Ratcliffe, and Jordan.

The Chairman. The committee will come to order. Good afternoon, everyone. This is the sixth in a series of public hearings the committee will be holding as part of the House of Representatives impeachment inquiry. Without objection, the chair is authorized to declare a recess of the committee at any time. There is a quorum present. We will proceed today in the same fashion as our other hearings. I'll make an opening statement, and then the ranking member, Mr. Nunes, will have an opportunity to make a statement. And we will turn to our witnesses for their opening statements, if they should choose to make one. For audience members, we welcome you and respect your interest in being here. In turn, we ask for your respect as we proceed with this hearing.

As chairman, I'll make any necessary, or take any necessary appropriate steps to maintain order and ensure that the committee is run in accordance with House rules and House Resolution 660. With that, I now recognize myself to give an opening statement in the impeachment inquiry into Donald J. Trump, the 45th President of the United States.

This afternoon the American people will hear from two witnesses who are both veteran national security professionals, one at the Department of State, and the other at the Defense Department. David Hale is the Under Secretary of State for Political Affairs, the third most senior official in the Department, and most senior foreign service officer.

Laura Cooper serves as Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia, and is responsible for a broad range of countries in the former Soviet Union and the Balkans. Between them, they have several decades of national security experience, serving both Republican and Democratic Presidents. And as we have heard from other dedicated public servants like former Ambassador to Ukraine, Marie Yovanovitch, former Deputy Secretary of State George Kent, Ambassador Bill Taylor, Lieutenant Colonel Alexander Vindman, and Jennifer Williams, their only priority has been the security of the

United States.

Under Secretary Hale was witness to the smear campaign against the Ambassador to Ukraine, Marie Yovanovitch, and the efforts by some in the State Department to help her. In late March, Marie Yovanovitch reached out to Hale for assistance, telling him in an email that the tempo of social media and other criticisms of her were such that she felt she could no longer function unless there was a strong statement of defense of her from the State Department.

Hale pushed to get the State Department to put out a robust full-page statement of defense and praise for Ambassador Yovanovitch, sadly, to no avail. That silence continues to today.

In late April, we heard in riveting testimony last Friday, from Ambassador Yovanovitch. She was recalled to Washington and informed that she had lost the confidence of the President. The Secretary of State did not meet with her, his subordinates dealt with her instead. With the departure of Yovanovitch, Hale watched as three new players moved in to assume a prominent role in Trump's Ukraine policy. The Three Amigos were nominally led by Energy Secretary Rick Perry, but it would be Ambassador Volker and Ambassador Sondland, presumably, working with Ambassador Taylor, who would be the ones really doing the continual work here.

In mid-summer, Trump ordered a suspension of military aid to Ukraine. Despite the fact that the aid had been authorized and appropriated by Congress, and that the Defense Department, in consultation with the State Department, had certified Ukraine met all the necessary requirements to receive the aid, including anti-corruption reform.

The aid was in the national interests of the United States, and critical to Ukraine's security, a country that had been invaded by Russia. From her office in the Pentagon, Ms. Cooper oversaw a significant amount of security assistance flowing to Ukraine, and

was involved in efforts to understand and reverse the suspension of nearly \$400 million in U.S. aid.

Cooper, along with others, learned about the freeze during a series of interagency meetings in the last 2 weeks of July. At the first meeting, on July 18th, an OMB representative relayed, quote, "The White House chief of staff has conveyed that the President has concerns about Ukraine and Ukraine's security assistance," unquote, and that a hold had been ordered by the President. No explanation was provided.

All of the agencies responsible for Ukraine policy supported security assistance and advocated for lifting of the hold. The only dissenting voice was the Office of Management and Budget, which was following the orders of President Trump, and still, no good explanation of the hold was provided. While the aid suspension had not been made public, word was getting out.

Catherine Croft, special advisor for Ukraine negotiations, worked closely with Ambassador Volker and who testified before this committee at a deposition, received two separate calls in July or August from officials at the Ukrainian Embassy who, quote, "approached me quietly and in confidence, to ask me about an OMB hold on Ukraine security assistance." Croft was, quote, "very surprised at the effectiveness of my Ukrainian counterparts diplomatic trade craft, as if to say, they found out very early on, much earlier than I expected them to."

Ukrainians wanted answers, but Croft did not have a good response. But then, in late August, Cooper met with Kurt Volker, with whom she had met many times in the past. During that meeting in which they were discussing the hold on security assistance, Volker revealed that he was engaged in an effort to have the Government of Ukraine issue a statement that would, quote, "commit to the prosecution of any individuals involved in election interference," unquote.

Cooper understood that if Volker's efforts were successful, the hold might be lifted. Unbeknownst to Cooper, no such statement was forthcoming, but the aid was abruptly restored on September 11th, days after the three committees launched an investigation into the Trump-Ukraine scheme. And with that, I now recognize the ranking member.

Mr. Nunes. Thank you. As we Republicans have argued at these hearings, the American people are getting a skewed impression of these events, that's because the Democrats assume full authority to call witnesses, and they promptly rejected any new witnesses the Republicans requested.

So I'd like to take a moment to discuss a few of the people whose testimony has been deemed unacceptable for the American people to hear:

The whistleblower. The whistleblower is the key figure who started this entire impeachment charade by submitting a complaint against President Trump that relied on secondhand and thirdhand information and media reports.

This began a bizarre series of events. Although the complaint had no intelligence component whatsoever, the Intelligence Community Inspector General accepted it, and even changed the guidance on the complaint forms to eliminate the requirements for firsthand information. Then his office backdated the forms to make them appear as if they were published a month before.

Democrats then took the extremely rare step of pushing a whistleblower complaint into the public, using it as the centerpiece of their impeachment crusade. We later learned that Democratic staff had prior coordination with the whistleblower, though the Democrats themselves had denied it on national television. Following that revelation, Democrats did a dramatic about face, they suddenly dropped their insistence that the whistleblower testify to us and rejected our request to hear from him.

Then, in a hearing yesterday, the Democrats cut off our questions, and accused us of trying to out the whistleblower, even though they claim they don't even know who he is.

Alexandra Chalupa. Chalupa is a former operative for the Democrat National Committee who worked with officials of the Ukrainian Embassy in Washington, D.C., in order to smear the Trump campaign in 2016. She met directly about these matters with then-Ukrainian Ambassador Chaly, who, himself, wrote an article criticizing Trump during the 2016 campaign. Chalupa's activities were one of several indicators of Ukrainian election meddling in 2016, all of which were aimed at the Trump campaign.

Once you understand that Ukrainian officials were cooperating directly with President Trump's political opponents to undermine his candidacy, it's easy to understand why the President would want to learn the full truth about these operations, and why he would be skeptical of Ukraine.

Hunter Biden. Biden is another witness who the Democrats are sparing from cross-examination. The securing of an extremely well-paying job on the board of a corrupt Ukrainian company, Burisma, highlights the precise corruption problem in Ukraine that concerned not only President Trump, but all of the witnesses we've interviewed so far. The Democrats have dismissed questions about Biden's role at Burisma as conspiracy theories. Yet, they are trying to impeach President Trump for having expressed concerns about the company. If we could hear from Biden, we could ask him how he got his position? What did he do to earn his lavish salary? And what light could he shed on corruption at this notorious company? But Biden would make an inconvenient witness for the Democrats, and so they have blocked his testimony.

At these hearings, we've heard a lot of secondhand, thirdhand information, and

speculation about President Trump's intentions, but in the end, the only direct order we've heard from the President is his order to our last witness, Ambassador Sondland, that he wanted nothing from Ukraine. That is consistent with the testimony provided by Senator Johnson, who said that President Trump angrily denied accounts that a quid pro quo existed.

Aside from rejecting our witnesses, the Democrats have tried other petty tricks to shape public opinion. Just this morning, they called a break in the hearing in order to press their absurd arguments to TV cameras. Then, for this hearing, they canceled the multiple rounds of initial questioning that they had earlier today with Ambassador Sondland, and as they have had with all of the previous witnesses, who they bizarrely consider as their star witnesses.

When you look through the presumption, assumptions and smoke and mirrors, you see the facts of this case are clear. President Trump was skeptical of foreign aid generally, and especially skeptical of aid to corrupt countries like Ukraine. He wanted to discover the facts about Ukrainian meddling in the 2016 election against his campaign. A brief hold on Ukrainian aid was lifted without Ukraine taking any steps they were supposedly being bribed to do.

President Zelensky repeatedly said there was nothing improper about President Trump's call with him, and he did not even know about the hold in aid at the time he was supposedly being extorted with it.

So what exactly are the Democrats impeaching the President for? None of us here really know, because the accusations change by the hour. Once again, this is impeachment in search of a crime.

So, Chairman, I would urge you to bring this to a close, adjourn this hearing and move on, and get back to the work of the Intelligence Committee. With that, I yield

back.

The Chairman. I thank the gentleman. Today, we are joined by Ambassador David Hale and Ms. Laura Cooper. David Hale serves as the Under Secretary of State for Political Affairs for the Department of State, a position he has held since August 30, 2018. Mr. Hale joined the Foreign Service in 1984 and holds the rank of Career Ambassador. He previously served as the Ambassador to Pakistan, Ambassador to Lebanon, Special Envoy for Middle East Peace, Deputy Special Envoy and Ambassador to Jordan. Ambassador Hale also served as Deputy Assistant Secretary of State and Executive Assistant to Secretary of State Albright.

Laura Cooper is the Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia at the Department of Defense. She's a career member of the senior executive service. Ms. Cooper previously served as a principal director in the Office of the Assistant Secretary of Defense for Homeland Defense and Global Security Affairs. Prior to joining the Department of Defense in 2001, Ms. Cooper was a policy planning officer at the State Department in the Office of Coordinator of Counterterrorism.

Two final points before our witnesses are sworn. First, witness depositions as part of this inquiry were unclassified in nature, and all open hearings will also be held at the unclassified level. Any information that may touch on classified information will be addressed separately. And, second, Congress will not tolerate any reprisal, threat of reprisal, or attempt to retaliate against any U.S. Government official for testifying before Congress, including you or any of your colleagues.

If you would both please rise and raise your right hand, I'll begin by swearing you in. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and the nothing but the truth, so help you God?

Mr. Hale. I do.

Ms. Cooper. I do.

The Chairman. Let the record show the witnesses has answered in the affirmative. Thank you, and please be seated. The microphone is sensitive, so please speak directly into it. Without objection, your written statements will be made part of the record. With that, Ambassador Hale, if you have an opening statement, you're free to give that, and immediately thereafter, Ms. Cooper, you are recognized for your opening statement.

Mr. Hale. Mr. Chairman, I don't have a prepared opening statement, but I would like to just comment, of course, as you said, I have been Under Secretary since August of 2018, a Foreign Service Officer for over 35 years, and Ambassador three times serving both Republican and Democratic administrations proudly. And I'm here in response to your subpoena to answer the questions of the committee.

The Chairman. Thank you, Under Secretary. Ms. Cooper.

Ms. Cooper. Mr. Chairman, ranking member, members of this committee, I appear today to provide facts and answer questions based on my experience as the Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia. I would first like to describe my background as well as my role and vantage point relevant to your inquiry.

I bring to my daily work, and to this proceeding, my sense of duty to U.S. national security, not to any political party. I have proudly served two Democratic and two Republican Presidents. I entered government service through the Presidential Management Internship Competition, joining to State Department in 1999 to work on counterterrorism in Europe and the former Soviet Union. Inspired by working with the U.S. military on a Department of Defense rotational assignment, I decided to accept a civil service position in the policy organization of the Office of the Secretary of Defense in January 2001, where I have remained for the past 18 years.

My strong sense of pride in serving my country and dedication to my Pentagon colleagues were cemented in the moments after I felt the Pentagon shake beneath me on September 11th, 2001. My office was scheduled to move into the section of the Pentagon that was destroyed in the attack, but a construction delay meant that we were still at our old desks in the adjacent section on that devastating day. After we had wiped the black dust from our desks, and tried to get back to work, I found meaning by volunteering to work on Afghanistan policy, and would give my next 4 years to this mission.

I later had the opportunity to move into the leadership ranks of my organization, and have had the privilege to manage issues ranging from defense strategic planning to homeland defense and mission assurance. I accepted the position of principal director for Russia, Ukraine, and Eurasia in 2016, and was honored to be appointed formally to the position of Deputy Assistant Secretary of Defense in 2018.

In my current role, I work to advance U.S. national security with a focus on deterring Russian aggression, and building strong partnerships with the frontline states of Ukraine and Georgia, as well as 10 other allies and partners from the Balkans to the Caucasus. Strengthening Ukraine's capacity to defend itself against Russian aggression is central to my team's mission. The United States and our allies provide Ukraine with security assistance because it is in our national security interest to deter Russian aggression around the world. We also provide security assistance so that Ukraine can negotiate a peace with Russia from a position of strength.

The human toll continues to climb in this ongoing war, with 14,000 Ukrainian lives lost since Russia's 2014 invasion. These sacrifices are continually in my mind, as I lead DOD efforts to provide vital training and equipment, including defensive lethal assistance to the Ukrainian armed forces. I have also supported a robust Ukrainian ministry of

defense program of defense reform to ensure the long-term sustainability of U.S. investments, and the transformation of the Ukrainian military from a Soviet model to a NATO interoperable force.

The National Defense Authorization Act requires the Department of Defense to certify defense reform progress to release half of the Ukraine Security Assistance Initiative, or USAI funds, a provision we find very helpful. Based on recommendations from me and other key DOD advisors, the Department of Defense, in coordination with the Department of State, certified in May 2019 that Ukraine had, quote, "taken substantial actions to make defense institutional reforms for the purposes of decreasing corruption, increasing accountability, and sustaining improvements of combat capability," unquote, meriting obligation of the entire \$250 million in USAI funds.

This brings me to the topic of today's proceedings. I would like to recap my recollection of the timeline in which these events played out. I testified about all of this at length in my deposition. In July, I became aware of a hold being placed on obligation of the State Department's foreign military financing, or FMF, and DOD's USAI funds. In a series of interagency meetings, I heard that the President had directed the Office of Management and Budget to hold the funds because of his concerns about corruption in Ukraine.

Let me say at the outset that I have never discussed this or any other matter with the President, and never heard directly from him about this matter. At a senior level meeting I attended on July 26th, chaired by National Security Council leadership, as at all other interagency meetings on this topic of which I was aware, the National Security community expressed unanimous support for resuming the funding as in the U.S. national security interest.

At the July 26th meeting, there was also a discussion of how Ukrainian

anti-corruption efforts were making progress. DOD reiterated what we had said in our earlier certification to Congress, stating that sufficient progress in defense reform, including anti-corruption, had occurred to justify the USAI spending. I and others at the interagency meetings felt that the matter was particularly urgent, because it takes time to obligate that amount of money, and my understanding was that the money was legally required to be obligated by September 30th, the end of the fiscal year.

In the ensuing weeks until the hold was released on September 11th, I pursued three tracks: First, starting on July 31st at an interagency meeting, I made clear to the interagency leadership, my understanding that once DOD reaches the point at which it does not have sufficient time to obligate all the funding by the end of the fiscal year, there were only two ways to discontinue obligation of USAI, a President-directed rescission, or a DOD-directed reprogramming action, either of which would need to be notified to Congress. I never heard that either was being pursued.

Second, I was in communication with the DOD security assistance implementing community to try to understand exactly when they would reach the point at which they would be unable to obligate all the funds by the end of the fiscal year. I received a series of updates, and in a September 5th update, I and other senior Defense Department leaders were informed that over \$100 million could be not be obligated by September 30th.

And, third, I was advocating for a meeting of the cabinet-level principals with the President to explain why the assistance should go forward. Although I heard of attempts to discuss the issue with the President, I never received details about any conversations, other than a status update that the hold had not been lifted.

After the decision to release the funds on September 11th of this year, my colleagues across the DOD security assistance enterprise, worked tirelessly to be able to

ultimately obligate about 86 percent of the funding by the end of the fiscal year, more than they had originally estimated they would be able to.

Due to a provision in September's continuing resolution appropriating an amount equal to the unobligated funds from fiscal year 2019, we ultimately will be able to obligate all of the USAI funds. Given how critical these funds are for bolstering Ukraine's security, and deterring Russia, I appreciate this congressional action.

That concludes my opening statement, but before answering your questions, there is one other matter I would like to address. I testified in a deposition before this committee and other committees on October 23rd, 2019. At that time I was asked questions about what I knew about when the Ukrainian Government may have learned about any hold on security assistance funds. I answered those questions based on my knowledge at that time.

Since my deposition, I have, again, reviewed my calendar and the only meeting where I recall a Ukrainian official raising the issue with me is on September 5th at the Ukrainian Independence Day celebration. I have, however, since learned some additional information about this subject from my staff. Prior to my deposition testimony, I avoided discussing my testimony with members of my staff or anyone other than my attorney, to ensure that my deposition testimony was based only on my personal knowledge.

My deposition testimony was publicly released on November 11th, 2019. Members of my staff read the testimony and have come to me since then and provided additional information. Specifically, on the issue of Ukraine's knowledge of the hold, or of Ukraine asking questions about possible issues with the flow of assistance, my staff showed me two unclassified emails that they received from the State Department.

One was received on July 25th at 2:31 p.m. That email said that the Ukrainian

Embassy and House Foreign Affairs Committee are asking about security assistance. The second email was received on July 25th at 4:25 p.m. That email said that The Hill knows about the FMF situation to an extent, and so does the Ukrainian Embassy.

I did not receive either of these emails, my staff does not recall informing me about them, and I do not recall being made aware of their content at the time.

I do not have any additional information about precisely what the Ukrainians may have said, what may have been their source of information about a hold, or any possible issues with the flow of assistance, or what the State Department officials may have told them. My staff also advised me in the last few days of the following additional fact that may be relevant to this inquiry. Again, my staff does not recall informing me about them, and I do not recall being made aware of this.

On July 3rd at 4:23 p.m., they received an email from the State Department stating that they had heard that the CN is currently being blocked by OMB. This apparently refers to the congressional notification State would send for Ukraine FMF. I have no further information on this. On July 25th, a member of my staff got a question from a Ukraine Embassy contact asking what was going on with Ukraine security assistance, because at that time, we did not know what the guidance was on USAI. The OMB notice of apportionment arrived that day, but this staff member did not find out about it until later.

I was informed that the staff member told the Ukrainian official that we were moving forward on USAI, but recommended that the Ukraine Embassy check in with State regarding the FMF. Sometime during the week of August 6th to 10, a Ukraine Embassy officer told a member of my staff that a Ukrainian official might raise concerns about security assistance in an upcoming meeting. My understanding is that the issue was not, in fact, raised. Again, I have no further information about what concerns about the

security assistance Ukraine may have had at that time.

My staff also recall thinking that Ukrainians were aware of the hold on security assistance during August, but they cannot pinpoint any specific conversations where it came up. My staff told me they are aware of additional meetings where they saw officials from the Ukrainian Embassy in August, and they believe that the question of the hold came up at some point, but they told me they did not find any corresponding email or other records of those meetings. Consequently, neither they nor I know precisely when or what additional discussions may have occurred with the Ukrainians in the month of August.

If I had more details on these matters, I would offer them to the committee, but this is the extent of additional information I have received since my deposition.

Mr. Chairman, I welcome your questions. I will answer them to the best of my ability. Thank you.

[The statement of Ms. Cooper follows:]

***** COMMITTEE INSERT *****

The Chairman. Thank you for your testimony. For this hearing, we will forego to first round of questions by committee counsel, and immediately proceed to member questions under the 5-minute rule.

I do want to respond to the comments of my ranking member, however, that I think suggested that this was a surprise to the minority. We informed the minority last night after our hearing that we would, because of the nature of the testimony today, we did not believe that a staff member round was necessary. And the message we got back from the minority was, okay, got it, thanks for the heads up. So the minority was on notice. It raised no objection about going directly to member rounds.

I also want to point out that the minority has represented that we have not called any minority witnesses. That is not accurate. Mr. Hale appears tonight as a minority witness. I know that's not how you characterize yourself, Mr. Hale, but your testimony was requested by the minority. Likewise, two of the witnesses yesterday, Ambassador Volker, as well as Mr. Morrison, were both minority-requested witnesses.

Now, Mr. Volker, Ambassador Volker testified that he didn't believe any of the allegations against Joe Biden, and in retrospect, that he should have understand that an investigation into the Burisma was really an investigation into Biden, which he acknowledged would be inappropriate. And Mr. Morrison gave testimony as to conversations that he had with Ambassador Sondland about the conversations that he had relayed to the Ukrainians about the hold in security assistance being a result of the failure to secure the investigation. So I can understand why the minority does not want to now want to characterize them at minority-requested witnesses, but nonetheless, they are were minority-requested witnesses.

I now recognize myself for 5 minutes. And I want to begin by asking you, Ms.

Cooper, about what you just informed us of to make sure that I understand the import of what you're saying. As early as July 25th, this same day President Trump spoke with President Zelensky on the phone and asked for this favor, the same day that President Zelensky thanked the United States for its military support and signaled it was ready to purchase more Javelins, on that date you got inquiries -- your staff got inquiries from someone at the Ukrainian Embassy who was concerned about the status of the military assistance. Is that correct?

Ms. Cooper. Sir, that's correct. I would say that specifically, the Ukrainian Embassy staff asked what is going on with Ukrainian security assistance.

The Chairman. And did that connote to you that they were concerned that something was, in fact, going on with it?

Ms. Cooper. Yes, sir.

The Chairman. And you received -- I guess your staff received more than one inquiry on that date. What was the other -- the nature of the other inquiry on July 25th?

Ms. Cooper. Sir, that was the one inquiry to my staff, but the other points that I had raised were emails reflecting outreach to the State Department.

The Chairman. So the Ukrainian Embassy was also contacting the State Department to find out about its portion of military assistance?

Ms. Cooper. Yes, sir.

The Chairman. And was that similarly a concern about what's going on with our military aid?

Ms. Cooper. It was similarly a question about what's going on with security assistance.

The Chairman. And your staff, or one of the other Department staff also heard in August additional inquiries from the Ukraine Embassy about a potential holdup in the

military assistance?

Ms. Cooper. Sir, I want to be careful about how I phrase this. My staff recall having had meetings with Ukrainian Embassy representatives during the month of August, and they believe that the topic came up at some point during these meetings, but they don't recall the precise date, or specifically what the nature of the discussion was.

The Chairman. But your staff, at least, gleaned from those conversations that the Ukrainian Embassy was aware that there was some kind of a hold on the assistance?

Ms. Cooper. Sir, the way I would phrase it is there was some kind of an issue, yes.

The Chairman. You are now, Ms. Cooper, the third witness before our committee who has testified that the Ukrainians found out about the problem, or a hold on the security assistance prior to it becoming public, but you're the first to indicate that that may go back as early as the date of the President's call to President Zelensky.

Let me move to a related issue. In August, you testified at your deposition that you met with Kurt Volker, I believe it was on August 20th, the hold on security assistance was still in place. You testified that Ambassador Volker told you that if he could get Zelensky to make a public statement, quote, "that would somehow disavow any interference in U.S. elections and would commit to the prosecution of any individuals involved in election interference it might lift the hold on security assistance." Is that correct?

Ms. Cooper. Sir, I believe that I testified that it was my inference that that would lift the hold on Ukraine's security assistance.

The Chairman. And that was your inference because at the time you were talking about the hold on security assistance?

Ms. Cooper. That's correct. The first part of our conversation was about the

hold on security assistance.

The Chairman. And it was during that portion of the conversation that he brought up the effort to get this public statement?

Ms. Cooper. It was during that conversation, I'm not sure I would say it's during that part of the conversation.

The Chairman. What else did you discuss in the conversation?

Ms. Cooper. The only two topics that I recall are the urgency of lifting the hold on security assistance, and then him relaying this separate diplomatic effort that I had previously been unaware of.

The Chairman. So you didn't have any discussion about any White House meeting?

Ms. Cooper. Sir, I don't recall specifically talking about the White House meeting, but we -- I've had many conversations about the desire for the White House meeting. So it's likely that that was a part of the conversation.

The Chairman. But the two things you do recall are that you talked about the hold on security assistance and that he brought up this public statement that they wanted Zelensky to get that he thought might be useful?

Ms. Cooper. That is correct, sir.

The Chairman. Mr. Nunes.

Mr. Nunes. Yield to Mr. Ratcliffe.

Mr. Ratcliffe. I thank the gentleman for yielding. Ambassador Hale and Ms. Cooper, thank you both for being here. In his opening, Ranking Member Nunes referenced President Trump's general skepticism of providing aid in the amount of foreign aid being provided to foreign countries. Would you agree with that characterization, Ambassador Hale?

Mr. Hale. We've often heard at the State Department that the President of the United States wants to make sure that foreign assistance is reviewed scrupulously to make sure that it's truly in U.S. national interests, and that we evaluate it continuously, so that it meets certain criteria that the President has established.

Mr. Ratcliffe. And since his election, is it fair to say that President Trump has looked to overhaul how foreign aid is distributed?

Mr. Hale. Yes. The NSC launched a foreign assistance review process some time, I think it was late August, or early September 2018.

Mr. Ratcliffe. All right. And throughout both his campaign and his administration, President Trump has repeatedly sought to reframe American foreign policy in economic terms, and as he described, "America first" policy. And consistent with that, well before there was a whistleblower talking about a pause on aid to the Ukraine, the President had expressed genuine concern about providing U.S. foreign assistance.

To that point, is it fair to say that the President has wanted to ensure that American taxpayer money was being effectively and efficiently spent outside of the United States?

Mr. Hale. Yes, that is the broad intent of the foreign assistance review, among other goals.

Mr. Ratcliffe. And has the President expressed that he expects our allies to give their fair share of foreign aid as evidenced by a point that he raised during the July 25th phone call with President Zelensky to that effect?

Mr. Hale. The principle of greater burden sharing by allies and other like-minded states is an important element of the foreign assistance review.

Mr. Ratcliffe. Is it fair to say that in the Trump administration, U.S. aid is

withheld from foreign countries for a number of factors?

Mr. Hale. Correct.

Mr. Ratcliffe. And testified in your prior testimony that it is normal to have delays on aid?

Mr. Hale. I may have said it that way, but it is certainly an occurrence. It does occur.

Mr. Ratcliffe. In the past year, Ukraine was not the only country to have aid withheld from it. Is that correct?

Mr. Hale. Correct.

Mr. Ratcliffe. In the past year, was aid withheld from Pakistan?

Mr. Hale. Yes, sir.

Mr. Ratcliffe. Why was aid withheld from Pakistan?

Mr. Hale. Because of unhappiness over the policies and behavior of the Pakistani Government toward certain proxy groups that were involved in conflict with the United States.

Mr. Ratcliffe. In the past year, was aid also withheld from Honduras?

Mr. Hale. Aid was withheld from the three states in Northern Central America, yes.

Mr. Ratcliffe. In the past year, was aid withheld from Lebanon?

Mr. Hale. Yes, sir.

Mr. Ratcliffe. And when aid was first withheld from Lebanon, were you given a reason why it was withheld?

Mr. Hale. No.

Mr. Ratcliffe. So having no explanation for why aid is being withheld is not uncommon?

Mr. Hale. I would say it is not the normal way that we function.

Mr. Ratcliffe. But it does happen?

Mr. Hale. It does happen.

Mr. Ratcliffe. It is true that when aid was being withheld from Lebanon, that was at the same time aid was being withheld from Ukraine?

Mr. Hale. Correct, sir.

Mr. Ratcliffe. And you've testified that the aid to Lebanon still hasn't been released. Is that right?

Mr. Hale. That is correct.

Mr. Ratcliffe. All right. But the aid to Ukraine was released on September 11th, correct?

Mr. Hale. I read that, yes.

Mr. Ratcliffe. So it's fair to say that aid has been withheld from several countries across the globe for various reasons, and in some cases, for reasons that are still unknown, just in the past year?

Mr. Hale. Correct, sir.

Mr. Ratcliffe. So the assertion has been made that President Trump's Ukraine policy changed when there was a pause in the aid, or the aid was withheld. Is that an accurate statement?

Mr. Hale. That was not the way I understood things to be happening at the time. We were not given an explanation.

Mr. Ratcliffe. In terms of our policy, in terms of aid to Ukraine, you've described it as very robust?

Ms. Cooper. Our aid to Ukraine?

Mr. Ratcliffe. Yes.

Mr. Hale. Yes.

Mr. Ratcliffe. As evidenced by President Trump's policy decision to provide lethal defensive weapons, Javelin missiles?

Mr. Hale. It was very robust, yes, sir.

Mr. Ratcliffe. And that was a decision that President Trump made that the prior administration, President Obama, had not done. Lethal weapons had not been provided to Ukraine in the Obama administration, correct?

Mr. Hale. I was not involved in Ukrainian affairs during the Obama administration, so I don't feel confident to address that.

Mr. Ratcliffe. And when aid to Ukraine was put on pause, I believe you've testified that there may have been a concern by Secretary Kent and by Ambassador Taylor that it was contributing to potentially a negative effect on U.S.-Ukraine relations. Do you agree with that?

Mr. Hale. Well, the State Department position was to advocate for the continuation of that assistance as an important element, in fact, a key element of our strategy to support Ukraine against Russia.

Mr. Ratcliffe. My time is expired. I yield back.

The Chairman. Mr. Himes.

Mr. Himes. Thank you, Mr. Chairman. Thank you to our witnesses for testifying tonight. I'm delighted to follow Mr. Ratcliffe, because he just perfectly summarized the defense that my Republican colleagues are mounting of this behavior. And the defense goes like this: The President is acting on some deep historical concern, apparently invisible concern, about corruption, and that because he's so concerned about corruption in Ukraine, he's holding up aid and being prudent and judicious.

The first part of that is pretty easy to dispose of, because President Trump wasn't

worried about corruption in Ukraine. In fact, in the two conversations he had with the President of Ukraine on April 21st and July 25th, not once does the President of the United States use the word or mention "corruption" to the President.

The second part of that is a little bit more interesting, that he's just being prudent and holding up aid. That's not just wrong, it's illegal. Because, Ms. Cooper, I want you to help us walk through this.

Since the Impoundment Control Act of 1974, the President has not had the authority to, on a whim, or out of prudence, or as my Republicans say, because of a general skepticism of foreign aid, to stop foreign aid.

Ms. Cooper, under our Constitution, it's the Congress, not the President, that controls the power of the purse, correct?

Ms. Cooper. Yes, sir.

Mr. Himes. And the security assistance -- the assistance that was authorized to Ukraine was authorized and appropriated by the Congress, correct?

Ms. Cooper. Yes, sir.

Mr. Himes. So Congress is also concerned about corruption, it wants to ensure that American foreign assistance is spent wisely and not worsen corruption. And so when Congress authorized this money, it built in conditions, just as Mr. Ratcliffe suggested. By law, Ukraine wouldn't get all the money until it demonstrated that it had undertaken substantial anti-corruption reforms.

Ms. Cooper, under the law, the Department of Defense works with the State Department and other agencies to establish anti-corruption benchmarks and determine whether Ukraine has sufficiently met those benchmarks, correct?

Ms. Cooper. That's correct. That provision pertains to the Ukraine Security Assistance Initiative.

Mr. Himes. And that's not -- that's a legally specified process. That's not the President in the Oval Office manifesting a general skepticism of foreign aid, right?

Ms. Cooper. Sir, it is a congressionally mandated process, yes, sir.

Mr. Himes. So did that process take place for the DOD funding that was held up in July?

Ms. Cooper. Sir, the process that took place for the certification took place prior to the May certification to the U.S. Congress.

Mr. Himes. Right. Not only did it take place before, as required by law, but months before President Trump froze the money, the Department of Defense, in consultation with State, sent a letter to Congress certifying, and you said this in your opening statement, "The Government of Ukraine has taken substantial actions to make defense institutional reforms for the purposes of decreasing corruption, increasing accountability, and sustaining improvements of combat capability enabled by U.S. assistance."

So by the time President Trump froze the aid, the Department of Defense had spent weeks, if not months, determining that the Ukrainian Government met every requirement in the law, and made significant strides in combating corruption. Is that correct?

Ms. Cooper. That is correct. We made that determination in May.

Mr. Himes. So this wasn't about corruption. The timeline proves it. And, in fact, if there was any doubt about what was going on here, the chairman referred to your inference from the conversation with Ambassador Volker, that if the Ukraine made a statement committing to the investigations, the aid would be lifted. You covered that with the chairman.

And then, of course, we have the press conference of October 17th, when Mick

Mulvaney let the cat fully out of the bag. He revealed that President Trump talked to him about, and I quote Mick Mulvaney here, the corruption related to the DNC server, and admitted that, quote, "That's why we held up the money." Any other explanation for the hold is a farce.

Now, in my remaining 30 seconds, just so that people understand what I referred to. In the 1970s, Richard Nixon just arbitrarily decided, I don't know if it was because he had a general skepticism of foreign aid, or what his motives were, but Richard Nixon decided to hold up congressionally mandated aid. And as a result, Congress went to work and passed the Impoundment Control Act of 1974, which prohibits the President from withholding congressionally appropriated funds without the approval of Congress for any reason.

Is that correct, Ms. Cooper?

Ms. Cooper. Sir, I am not a lawyer, but that approximates my understanding of the provision of the Impoundment Control Act.

Mr. Himes. Okay. I'll go with that approximate. Thank you very much, and I yield back the balance of my time.

The Chairman. Mr. Conaway.

Mr. Conaway. As Paul Harvey said, here is the rest of the story. And my colleague failed to put the right and fastness on certain issues with respect to the certification. DOD certification was not corruption writ large throughout the entire country of Ukraine, it was narrowly focused on defense institutional reforms and combat capability. Isn't that correct, Ms. Cooper?

Ms. Cooper. That's correct, sir.

Mr. Conaway. First off, Ms. Cooper, thank you for being here this afternoon, I appreciate that. But my colleague seemed to leave that out as -- he read it when he

read your statement, but he left off the corrected emphasis. So the certification in May didn't really speak to the broader concept of corruption throughout the rest of Ukraine that the President would be familiar with, or the rest of us would be familiar with?

Ms. Cooper. Sir, the May certification was specific to the defense sector --

Mr. Conaway. Thank you.

Ms. Cooper. The defense industry. And it did reference the importance of civilian control of the military, which relates more broadly --

Mr. Conaway. I think all of us would argue -- none of us would argue that that fixes the corruption throughout the rest of the country. Ms. Cooper, maybe you can shed some light on the specific details. You talked about the security assistance program, \$250 million. Some would argue that because the pause, that people died in August because of the pause.

Can you help us understand exactly what obligated and was there things that were about to be delivered to Ukraine? Was Ukraine out of ammunition? Were they out of Javelins? Were they out of all this stuff? And because of this pause, they didn't get certain lethal equipment that they needed in order to protect their folks during the month of August?

Ms. Cooper. Sir, we will deliver all of the --

Mr. Conaway. I understand, I'm trying to get a timeline.

Ms. Cooper. There was no shortfall in equipment deliveries that were expected within that timeframe. "Obligate" means that you're putting the funding on contract --

Mr. Conaway. And that's contracts --

Ms. Cooper. -- and you're starting the process.

Mr. Conaway. Yeah, those contracts would be fulfilled fourth quarter perhaps, or whatever it was?

Ms. Cooper. Sir, I have to say, I'm a policy official, I am not a contracting expert. But my understanding is that we will be able to make up for lost time in the contracting process.

Mr. Conaway. Sure. Fantastic. You go through three or four steps that you went to because you disagreed with the hold being placed on the assistance, and I certainly agree with that. But did you get any kind of criticism from the folks that you deal with because you were going against the OMB's direction to put a hold on that? Did you get criticized at all for that?

Ms. Cooper. Absolutely not. My entire chain of command was supportive of advocating for removing the hold on the funds.

Mr. Conaway. And you weren't restricted on a full-throated advocating on behalf of the getting this hold lifted, were you?

Ms. Cooper. No, sir. I faced no restrictions.

Mr. Conaway. Okay. Well, thank for that, and I thought you might be more in touch with the actual specifics of the accounting process, so I'll defer any further questions. And, again, thank you for being here tonight, and I yield back.

The Chairman. Ms. Sewell.

Ms. Sewell. Thank you, Mr. Chairman. Ambassador Hale, when did you actually find out about the hold on the Ukraine assistance? Was it July 21st?

Mr. Hale. Yes. I -- in the deposition that I did, the closed hearing, I misspoke. I was confused. And I confused June 21st, which was when State first sent the CN up to, the congressional notification, to OMB for clearance. It was only after about July 18, and I think the 21st is when I heard that there was a potential hold.

Ms. Sewell. Thank you for that clarification. Now, did you attend the July 26th deputies' meeting -- deputies' committee meeting that occurred?

Mr. Hale. Yes, I did.

Ms. Sewell. Was it also your understanding that the President directed the hold?

Mr. Hale. We were told in that meeting by the OMB representative that they were objecting to proceeding with the assistance, because the President had so directed through the Acting Chief of Staff.

Ms. Sewell. What was the State Department's position regarding the hold?

Mr. Hale. The State Department advocated, as I did in that meeting, for proceeding with all of the assistance consistent with our policies and interests in Ukraine.

Ms. Sewell. You believed what you said? You believed in the release of the hold?

Mr. Hale. Yes, I did.

Ms. Sewell. Did anyone at the interagency meeting, at the end of July, support the hold? Did anybody want the hold to remain? And, if so, who? What agency?

Mr. Hale. The only agency represented in the meeting that indicated that they supported the hold was OMB.

Ms. Sewell. Ms. Cooper, did you understand similarly that there was an overwhelmingly interagency consensus to lift the hold, and that OMB, at the direction of the President, was the only roadblock?

Ms. Cooper. Yes, ma'am.

Ms. Sewell. How is the security assistance in the national security interests of the United States? What is our interest? Explain that to my constituents in Alabama who are wondering why we should care about the security -- the hold that is on the security assistance?

Ms. Cooper. Yes, ma'am. This specific assistance helps build the capacity of

the Ukrainian armed forces. It's important to understand that these are forces that are fighting to defend themselves against Russian aggression every day. It's an ongoing war. So they do need this equipment to support their ability to defend themselves, and I would say there's a larger issue here that relates to U.S. policy on Russia.

We believe it's very important to strengthen the capacity of Ukraine in order to deter Russian aggression elsewhere around the world.

Ms. Sewell. Exactly. Were you ever able to get a reason why that hold was on? Did you ever get a reason?

Ms. Cooper. No, ma'am. The only thing that I heard about it, but this is, again, you know, second-, thirdhand, was that the President was concerned about corruption. But that was all I ever heard.

Ms. Sewell. So would you -- were you ever provided any additional information about the reason for the hold?

Ms. Cooper. No, ma'am.

Ms. Sewell. I thank you, and I yield the balance of my time to the chairman.

The Chairman. I thank the gentlewoman. My colleagues on the minority asked Mr. Hale, wasn't it common to have holds on military aid. And I think you said they are not unusual. Would you agree, though, that it would be very unusual to place a hold on military aid in order to leverage a foreign country to get them to investigate a political opponent?

Mr. Hale. Yes.

The Chairman. And I take it you would agree that that would be completely inappropriate?

Mr. Hale. That would be inconsistent with the conduct of our foreign policy in general.

The Chairman. It would also be wrong, wouldn't it?

Mr. Hale. Certainly not what I would do.

The Chairman. Mr. Turner.

Mr. Turner. Of course, it would be interesting if any witnesses ever testified that that was the case. I yield my time to Mr. Jordan.

Mr. Jordan. I thank the gentleman for yielding. First of all, I just wanted to go where the chairman started. He said that Ambassador Hale was one of our witnesses. They are all your witnesses. You called 17 witnesses. You subpoenaed 15 of them. They're all your witnesses. We didn't get to subpoena anyone. We didn't get to call anyone. You gave us an opportunity to get a list to you a couple weeks ago where we made suggestions on who you might allow us to have. So we did put three people of those 17 on that list, so that they could provide at least some semblance of context and framework for this entire thing. So, once again, misleading the folks watching this hearing is not helpful.

Thank you both for being here and for your service to our country. Ambassador, I read through yours -- Ambassador to Pakistan, Lebanon, Special Envoy to the Middle East, Ambassador to Jordan. Served in Tunisia, Bahrain, Saudi Arabia, you've been to about every hotspot on the planet. Thank you for those hardship assignments, we appreciate your service.

Let me go first to earlier today. Mr. Sondland, Ambassador Sondland, excuse me, said that he was denied access to some of his records. And the State Department put out a statement, they said this: "Ambassador Sondland, like every current Department of State employee called before Congress in this matter, retained at all times, and continues to retain, full access to his State Department documentary records, and his State Department email account, which he has always been fully free to access

and review at will." That's an accurate statement from the State Department, isn't it, Ambassador Hale?

Mr. Hale. I had not seen it until shortly before entering this hearing room, but it sounds accurate, yes.

Mr. Jordan. I appreciate that. Ambassador, you're aware of no connection between the pause in aid in exchange for any kind of investigation. Is that correct?

Mr. Hale. I'm sorry, I missed the key word. Could you repeat the question?

Mr. Jordan. You're not aware of any connection between the pause in aid and in exchange for some kind of investigation being announced or done by Ukraine. Is that right?

Mr. Hale. Right.

Mr. Jordan. You're not aware of Secretary Pompeo having any knowledge, direct knowledge of a connection between investigations and security aid. Is that correct?

Mr. Hale. I am not aware of that, and he did not speak to me about that.

Mr. Jordan. You're not aware of any nefarious motive to withhold aid to Ukraine. Is that correct?

Mr. Hale. Correct, sir.

Mr. Jordan. In fact, you testified that what you knew was that President Trump was, one, skeptical of foreign assistance generally. Mr. Ratcliffe highlighted that in his round of questioning. And, two, skeptical of the corruption environment in Ukraine. Is that accurate?

Mr. Hale. Well, we had heard that. That was a general impression at the State Department, correct.

Mr. Jordan. And the aid was actually eventually released to Ukraine. Is that correct as well?

Mr. Hale. Yes, I read that, sir.

Mr. Jordan. And there was just a 55-day, or less than 2 months pause in the actual hold on the aid. Is that right, Ambassador?

Mr. Hale. Seems so, yes. Correct.

Mr. Jordan. And to your knowledge as a top principal at the State Department, an investigation into the Bidens, Burisma, or the 2016 election, never happened by the Ukrainians. Is that correct?

Mr. Hale. I don't know that I have the ability to answer that question, having taken this job in August of 2018.

Mr. Jordan. Oh, well, since you've taken the job, how about that?

Mr. Hale. To my knowledge, that's correct.

Mr. Jordan. Thank you. I yield back.

The Chairman. Mr. Carson.

Mr. Carson. Thank you, Chairman. Mr. Hale, Ukraine is the first line of defense against Russia's aggression and expansion into Europe. Numerous witnesses testified that Ukraine is, in fact, vulnerable to Russian influence and control. At your deposition, sir, you testified that providing security assistance is, quote, "vital to helping the Ukrainians be able to defend themselves," end quote. What did you mean by that, sir?

Mr. Hale. That we have a longstanding policy of helping Ukraine become a resilient state in order to be able to defend itself. We want a reliable and resilient, and self-reliant secure and economic partner in Ukraine that can stand up to Russian intimidation and aggression.

Mr. Carson. You testified at the time of Russia's 2014 attack that the Ukrainian armed forces were, quote, "significantly less capable than it is today," end quote. Would you say, sir, that Ukrainian forces were out-matched by Russia's military in

important ways?

Mr. Hale. I did not so testify. I think -- I am Ambassador Hale and, of course, Ms. Cooper --

Mr. Carson. Madam Cooper, would you like to comment?

Ms. Cooper. I'm sorry, I do believe that was my deposition, but could you just repeat the question briefly?

Mr. Carson. So during the time of Russia's 2014 attack, the Ukrainian armed forces were, quote, "significantly less capable than it is today." Would you say that the Ukrainian forces were out-matched by Russia's military in critical ways?

Ms. Cooper. Absolutely.

Mr. Carson. Are the Ukrainian forces now completely self-sufficient, in your mind, essentially in their ability to deter Russian aggression?

Ms. Cooper. No, sir, they have a long way to go.

Mr. Carson. Would you say that the Ukrainian armed forces are now completely self-sufficient, or how much of an impact does the U.S. need to have in terms of that deterrence and how critical is the relationship between both Ukraine and the U.S.?

Ms. Cooper. Sir, the Ukrainians are on the right path to be able to provide for their own security, but they will still need U.S. and allied support for quite some time. And they need that support in the form of, you know, tangible assistance, as well as political and diplomatic support.

Mr. Carson. So this question is to the both of you. Why was Russia's illegal annexation of Crimea so significant in your mind? Madam Cooper?

Ms. Cooper. Russia violated the sovereignty of Ukraine's territory. Russia illegally annexed territory that belonged to Ukraine. They also denied Ukraine access to its naval fleet at the time. And to this day, Russia is building a capability on Crimea

designed to expand Russian military power projection far beyond the immediate region.

RPTR MOLNAR

EDTR HOFSTAD

[6:40 p.m.]

Mr. Carson. In 2014, were there concerns in Washington, here in Washington, and European capitals that Russia might not stop in Ukraine?

Ms. Cooper. I was not in my current position in 2014, but it is my understanding that there was significant fear about where Russian aggression would stop.

Mr. Carson. So what about today? If the U.S. were to withdraw its military support of Ukraine, what would effectively happen?

Ms. Cooper. It is my belief that, if we were to withdraw our support, it would embolden Russia. It would also validate Russia's violation of international law.

Mr. Carson. And which country stands to benefit the most -- would stand to benefit the most from such a withdrawal?

Ms. Cooper. Russia.

Mr. Carson. Ambassador Taylor testified about the importance of the U.S. upholding the international system, and it has underwritten peace in Europe since the end of World War II. A critical aspect of defending that system is ensuring that Russia cannot change its borders by military force.

That is why there is strong bipartisan support for providing Ukraine with security assistance. That is why it is so incredibly destructive of the President of the United States to withhold this assistance as part of a scheme to pressure Ukraine into investigating a debunked conspiracy theory and attack former Vice President Biden.

Mr. Chairman, I yield back.

The Chairman. Dr. Wenstrup.

Dr. Wenstrup. Thank you, Mr. Chairman.

Thank you both for being here. As an Army Reserve surgeon, I can say, as both of you have, that I served proudly for two Republican and two Democrat Presidents myself.

I want to go to, Ms. Cooper, if I can, page 3. You said, I heard the President had directed the Office of Management and Budget to hold funds because of his concerns about corruption in Ukraine.

And, you know, you're coming from the DOD side here. You know, I served a year in Iraq. And it was important, and I think it's something that the Army always does, as I have seen, that we don't want to deliver aid or assistance if it's going to some corrupt -- or being delivered in some corrupt way. In other words, if we're going to build a medical treatment facility for the Iraqis, we want to make sure we're not getting charged 10 times as much.

I mean, we're concerned about corruption in general when we're delivering funds through the DOD. Is that correct?

Ms. Cooper. Yes, sir.

Dr. Wenstrup. Okay. So I think that that's a normal thing to want to be concerned about. And we would do that in Iraq, especially if we're providing payment for something.

So I just want to go through a few things with you, because multiple witness have testified that the action to provide Javelins to Ukraine by the Trump administration demonstrates strong U.S. support to Ukraine.

Ambassador Yovanovitch, in her deposition, said President Trump's decision to provide lethal weapons to Ukraine -- that our policy actually got stronger over the last 3 years. She also said, in terms of lethal assistance, "We all felt it was very significant that this administration made the decision to provide lethal weapons to Ukraine."

Ambassador Taylor said, "It was a substantial improvement, in that this administration provided Javelin anti-tank weapons. Very strong political message. It said the Americans are willing to provide more than blankets."

Ambassador Volker testified that "providing lethal defensive arms to Ukraine has been extremely helpful." Mr. Volker also stated, "MREs and blankets and all that's fine, but if you're being attacked with mortars and artilleries and tanks, you need to be able to fight back."

Secretary George Kent stated that Javelins are "incredibly effective weapons at stopping armed advance, and the Russians are scared of them."

Special Advisor Catherine Croft stated, "The Javelins help Ukraine defend themselves. A decision to provide Javelins, we believe, is counter to Russian interests."

Do you dispute what these witnesses have testified to, including Ambassador Yovanovitch, Taylor, Volker, and others?

Ms. Cooper. Sir, I absolutely agree that the Javelin system is an important capability and that this was a very important decision, to support Ukraine with this capability.

Dr. Wenstrup. Thank you. And you already testified that you were personally proud of the Trump administration's decision to arm Ukraine with Javelins, correct?

Ms. Cooper. That is correct, sir.

Dr. Wenstrup. So one of the things, on page 3 -- tonight, you were talking about the meeting July 26th. And after that, you said, "I was aware the national security community expressed unanimous support for resuming the funding, as in the U.S. national security interests." That's correct? You said that tonight?

Ms. Cooper. That's correct, sir.

Dr. Wenstrup. So I guess I take a little question with "resuming," because we

don't want to resume as is. Would that be correct? Because as is would not include Javelins.

Ms. Cooper. Sir, I'm not sure I'm following.

Dr. Wenstrup. Well, what I was going to say, in the previous administration, Javelins were not provided, even though they could have been. President Obama stopped the Javelins. He could have delivered Javelins, let's put it that way.

Ms. Cooper. Sir, I think I should clarify what I meant by that statement. "Resuming" was just referring to the fact that OMB had placed a hold on the assistance, so we weren't spending --

Dr. Wenstrup. Okay.

Ms. Cooper. -- and I wanted to resume the spending --

Dr. Wenstrup. Okay. Well --

Ms. Cooper. -- so that we could maintain this policy, maintain the strength --

Dr. Wenstrup. Maintain the policy, but I guess what I'm asking, there is a difference -- and I think, Under Secretary Hale, I thought I saw you nodding -- the difference being that, as it's resumed, in this case, now it included Javelins, which the Obama administration denied. Is that correct?

Ms. Cooper. It is true that the Trump administration approved the release of defensive lethal assistance to include Javelin, whereas the previous administration did not support that policy.

Dr. Wenstrup. Mr. Hale, do you have a comment on that?

Mr. Hale. That seems correct. I'd defer to Ms. Cooper as the expert.

Dr. Wenstrup. Okay. Well, I think we can include that more than blankets and MREs has been helping the Ukrainians, and the lethal defensive weapons are something the Trump administration has approved, and it's a benefit to all of us.

Thank you.

The Chairman. Ms. Speier.

Ms. Speier. Thank you, Mr. Chairman.

Thank you both for being here this evening.

You know, there is this mystery surrounding the hold on the aid in July, it appears. But back in May, Ms. Cooper, I believe you said that there was aid that was conditioned, but you certified in May that the conditions had been met. And they included progress on command and control reform, commitment to pursue defense industry reform, and pass laws to enable government-to-government procurement. Is that correct?

Ms. Cooper. Yes, ma'am, that's correct.

Ms. Speier. So then when you find out in July that they're concerned about corruption, you're scratching your head, right?

Ms. Cooper. Yes, ma'am. We did not --

Ms. Speier. Figuratively.

Ms. Cooper. -- understand.

Ms. Speier. And do you know of any effort that was undertaken then to assess the corruption in Ukraine in June, July, August?

Ms. Cooper. Ma'am, as I believe I said in my deposition, the only specific discussions that I am aware of related to that series of interagency meetings -- the sub-PCC, as we called it; the PCC, Policy Coordination Committee; and the deputy small group.

And, in those meetings, participants did discuss the degree to which corruption was a concern and the degree to which there was progress. And my recollection of what the participants said in these meetings was that there was a very positive sense that progress was being made and --

Ms. Speier. So you have these meetings; progress is being made. Nothing really changes from May until September that would then trigger the release of the money, except a whistleblower came forward.

Ms. Cooper. Ma'am, I do not know what triggered the release of the funding.

Ms. Speier. All right.

The fact that there was reference made to money being withheld for other countries was made by some of our colleagues. But, in those situations, in countries like Pakistan, Lebanon, they're multiyear funding streams, correct?

Ms. Cooper. Ma'am, those accounts fall outside of my purview, so I cannot answer that question.

Ms. Speier. Okay. Well, I've been told that that is indeed the case, so that there's not the immediate angst or hit, financially, that would potentially accrue.

But the difference, as I see it, in Ukraine as compared to these other countries is that Ukraine is engaged in a hot war with Russia right now. And it seems that withholding that money was irresponsible, considering that they had made all of this -- taken steps to meet all the conditions that we had requested of them and Congress had appropriated the funds. Is that not the case?

Ms. Cooper. Ma'am, I and my DOD colleagues advocated strenuously for the release of these funds because of their national security importance.

Ms. Speier. So, basically, the entire interest of the Department of Defense and State Department were consistently supportive of releasing the funds. Everyone was mystified as to why the funds had been withheld, and everyone's running around trying to get an answer. And you're getting, kind of, obtuse responses saying: It was the President because of corruption.

Now, what we see is that President Zelensky gets elected in April. The

expectation is that Vice President Pence is going to attend the inauguration in September, and then the President pulls the carpet out from under him, in terms of him going. And then he proceeds in June or July to withhold the funds.

There is a concerted effort by the President of the United States to act in a manner that is not consistent with our interests in wanting to protect Ukraine and help them deal with the Russian aggression at its border. Would you agree with that?

Ms. Cooper. Ma'am, I have, you know, advocated for the security assistance and I have advocated for high-level engagement with the Government of Ukraine because I think both are in the national security interest.

Ms. Speier. With that, I yield back.

The Chairman. Mr. Stewart.

Mr. Stewart. Thank you, Chairman.

Under Secretary, Assistant Secretary, thank you both for being here. You're both recognized as experts, dedicated public servants. And I've got to tell you, being the President of the United States is perhaps the most complicated endeavor in the history of the world. No one could do it without people like you to provide that backbone that you do, and thank you for doing that.

I don't mean to repeat the same questions ad nauseam, but I think we reached a point of nauseum, I don't know, sometime yesterday or some time ago. It's some repetitive hearing. You'll forgive me for doing that.

Although, Ms. Cooper, I do have some questions based on some things you've said previously, and I just want to, for clarification -- there's a question about these emails that -- I think they claimed withholding -- described withholding the aid, and they had come from Capitol Hill or from someone on the Foreign Affairs Committee. Is that true?

Ms. Cooper. Sir, are you referring to my statement today or something

previous?

Mr. Stewart. I believe this is previous, a question we had previous. Are you aware of such an email?

Ms. Cooper. I'm sorry, I don't think I have enough information to make an assessment. Is it from a particular page in my deposition?

Mr. Stewart. Well, no, it's just reporting that we've heard, that there may have been communications with you with someone on the Foreign Affairs Committee on the Hill. Is that not true?

Ms. Cooper. That there may have been communications with me?

Mr. Stewart. Yes, email with you.

Ms. Cooper. Sir, I am not -- I am not aware.

Mr. Stewart. Okay. Thank you.

And for clarification as well, someone may have asked you or queried you from the Ukrainian Embassy about the withholding of aid. Is that true? Did you hear from them?

Ms. Cooper. Sir, I testified earlier that the communication from the Ukrainian Embassy was to my staff, and my staff mentioned this to me after my deposition. The only specific communication that I recollect with the Ukrainians about this specific issue was on -- I believe it was September 5th at a reception at the Ukrainian Embassy.

Mr. Stewart. And just to bore down on that just a little bit, was that just a query generally about the forthcoming aid, or was it specific regarding them being aware that the aid was being withheld?

Ms. Cooper. Sir, just to be clear, the September 5th conversation that I had was specific to the hold. There was an awareness of that, and there was a question of concern.

Mr. Stewart. Okay. Thank you.

You know, Ms. Cooper -- well, to both of you, Under Secretary Hale as well -- at the end of the day, it really does -- and I've done this before -- it really does come down to this. The transcript I'm holding up is a transcript of the phone call between President Zelensky and President Trump that I would hope every American would take the opportunity to read. It's only a few pages long. And much more information beyond that is maybe helpful to inform, but it really comes down to those conversations, those few sentences.

But, Mr. Hale, going quickly through a series of questions -- and I have your answers here, so this won't take long. And you've answered them generally anyway. You agree the United States should evaluate whether a country is worthy of our aid. Is that fair to say?

Mr. Hale. Yes, sir.

Mr. Stewart. And you understand, as well, that President Trump has been skeptical generally of foreign aid and some of the money that we have given. Is that fair as well?

Mr. Hale. I think so.

Mr. Stewart. And I think that's been fairly consistent. He's done that since before he was elected, I think.

Others in the process have testified that Ukraine has a long history of corruption. That's not going to surprise any one of us. We've talked about that about a thousand times.

Do you think it was right that President Trump would test -- is the word I think you used previously -- that he would test President Zelensky prior to providing some of the security assistance?

Mr. Hale. President Zelensky was new.

Mr. Stewart. Yes.

Mr. Hale. I had met him in February. I was impressed by him. But I think it was understandable for the administration, as a new President in Ukraine was coming into office, to understand better what that President's policies would be and attitude toward the United States.

Mr. Stewart. And, see, Under Secretary, I think that's key. Because we've had it referred to, well, the DOD had completed their review about the same time. But this was a person who was elected and we knew nothing about him. He didn't have a history of governance in the Ukraine. He came, really, a little bit like President Trump himself; he did not come from a public background that we would have much information on him. And it seems prudent, as you said, to kind of test him to see if he was serious about Ukraine.

At some point -- and I'm going to conclude -- I believe it was about Labor Day, the Secretary was able to engage the President on the security assistance, about the same time, by the way, that you had some others -- Vice President Pence and Bolton's -- and Bolton as well, as well as a burden-sharing review was completed. And, shortly thereafter, the aid was released. Is that your understanding?

Mr. Hale. I was never informed as to why the assistance was released. I did read about it.

Mr. Stewart. Okay. Well, those events did happen, and it seemed like they were the reason the aid was released.

But thank you both.

And I yield back.

He Chairman. Mr. Quigley.

Mr. Quigley. Thank you.

Thank you both for being here, and thank you for your service.

You've both been asked about the importance of this military assistance as it affects Ukrainian sovereignty and its importance because of potential greater ambitions by the Russians. Let me try to put it in context and, please, get your reaction from both of you, from someone who had been there before, a renowned international policy expert on such things, Zbigniew Brzezinski. His quote seems to strike home today.

He wrote, "Russia can either be an empire or a democracy, but it cannot be both. Without Ukraine, Russia ceases to be an empire. But with Ukraine suborned and insubordinated, Russia automatically becomes an empire."

Your thoughts of how this puts this into context today, please?

Ms. Cooper. Sir, I think that is a very powerful and accurate quote.

Mr. Hale. I would agree.

Mr. Quigley. Ms. Cooper, you'd talked about emails that were drawn to your attention, that you were -- they were sent to your staff? Is that correct?

Ms. Cooper. The emails that I discussed this evening were emails sent to my staff. That is correct.

Mr. Quigley. Okay. I think, first of all, it's important to point this out, that it's not something you were aware of. But it points to a larger issue, that the Defense Department and the State Department have refused to comply with a duly issued subpoena to provide this committee with documents that would further shed light on when precisely the Ukrainians knew about the hold.

So this isn't something you're aware of, but there is untold information out there being blocked that would draw greater light and help us understand.

Is there anything else out there that you're aware of or possibilities that are out

there with DOD or the State Department which could help us shed light on what the Ukrainians knew and when they knew it?

Ms. Cooper. Sir, I have shared with the committee all that I recollect, but I have not done an exhaustive investigation. So I really can't speculate on what else might be available by combing through all of the Defense Department records, which are substantial.

Mr. Quigley. Did the State Department or Department of Defense ask you for your information, or did they coordinate with you to get information you had?

Ms. Cooper. Sir, I was told not to destroy anything, and our IT personnel have been collecting documents, is my understanding. So that occurs without the individual having to --

Mr. Quigley. But they were collecting it and passing it on to State or DOD. Is that correct?

Ms. Cooper. I'm sorry, sir. Could you repeat that?

Mr. Quigley. You said your department was collecting it. Well, they weren't passing that on to you; they were passing it on to the State Department --

Ms. Cooper. Sir, I --

Mr. Quigley. -- or Department of Defense?

Ms. Cooper. This is what they reported to me. I have not seen the documents that have been collected. I only know those documents that I have produced or that my staff has brought to my attention or that I have received. So, no, I do not know what has happened with the documents that have been collected.

Mr. Quigley. Same general question to you, sir.

Mr. Hale. I requested and was granted access to documents that I either originated or that had been sent to me that were relevant to the pertinent matters of this

investigation during a finite time period.

I don't have, really, information about what else is going on in terms of other documents that I did not produce or I did not receive. I do know --

Mr. Quigley. Would you --

Mr. Hale. -- there was a move to gather them, and I understood generally, indirectly, and informally that they have been gathered. That's the extent of my knowledge. It's not my area of responsibility.

Mr. Quigley. Yes, but did they pass them on to you, or did they pass them on to the administration somehow?

Mr. Hale. The only documents I received, sir, were those within the parameters I described, what I requested, which was those -- and given -- were the documents that either I produced or that were sent to me relevant to the matters we're discussing today.

Mr. Quigley. Thank you.

I yield back to the chairman.

The Chairman. Ms. Stefanik?

Ms. Stefanik. Thank you to both of our witnesses for your service today.

Ms. Cooper, I wanted to start with you. You spoke eloquently of the threat of Russia when it illegally annexed Crimea, how that's a threat not only to Ukraine, but it's also a threat to Europe and the United States, a national security challenge.

And I sit on the House Armed Services Committee. We know that the most important support for Ukraine, in terms of lethal defensive aid, is in the form of Javelins. Would you agree with that?

Ms. Cooper. Yes, ma'am.

Ms. Stefanik. In which administration were those Javelins made available to Ukraine?

Ms. Cooper. This administration, the Trump administration.

Ms. Stefanik. And not the Obama administration.

Ms. Cooper. That is correct.

Ms. Stefanik. Both of you, have you ever spoken with the President about Ukraine aid?

Mr. Hale. No, I have not.

Ms. Cooper. No, ma'am.

Ms. Stefanik. Under Secretary Hale, you testified that you had no direct knowledge of any nefarious motivations to withhold aid to Ukraine, correct?

Mr. Hale. Correct.

Ms. Stefanik. And, to your knowledge, you testified that there were no strings attached to the aid, correct? That's page 184 of your deposition.

Mr. Hale. I had no such knowledge.

Ms. Stefanik. And, more specifically, you testified that you had no knowledge of Ukraine aid being held up for investigations. Is that correct?

Mr. Hale. Correct.

Ms. Stefanik. During the temporary hold of security assistance -- this was until Ambassador Taylor sent you the cable -- you had never even heard the words "Burisma" or "Biden," correct?

Mr. Hale. Well, in the context of what we're discussing, correct.

Ms. Stefanik. Great. You testified that on page 96.

And, ultimately, as we know, the aid was released to Ukraine, correct?

Mr. Hale. Yes, I read that.

Ms. Stefanik. Now, let's talk about the context broadly of this hold. You testified that it's not just Ukraine, that there were, in fact, other countries whose security

assistance was on hold. Quote, "The aid package to Lebanon was also being held in the same fashion." Correct?

Mr. Hale. Correct.

Ms. Stefanik. And foreign aid was held from Northern Triangle countries of South America, correct?

Mr. Hale. Central America. Correct.

Ms. Stefanik. Central America.

And you also testified that, when you served as Ambassador to Pakistan, security assistance was also held for their failure to conform to our concerns regarding terrorists and other issues on the Afghan-Pakistan border?

Mr. Hale. Correct.

Ms. Stefanik. You know, basically, let's broadly talk about the context of all of these holds on aid. When we talk about aid, I always think about, these are hard-earned taxpayer dollars. Would you agree with that?

Mr. Hale. Absolutely.

Ms. Stefanik. And isn't it correct that this administration, the Trump administration, has been conducting a foreign assistance review to reestablish norms that guide the assistance as we provide aid overseas?

Mr. Hale. That's correct.

Ms. Stefanik. You testified that this review had been going on for quite a while, and the administration did not want to take a business-as-usual approach to foreign assistance -- a feeling that, once a country has received a certain assistance package, it's something that continues forever.

And you continued, the program had to be evaluated that they were actually worthy beneficiaries of our assistance, that our program made sense, that we avoid

nation-building strategies, and that we provide assistance to countries that are lost in terms of our policy to our adversaries.

Is that correct?

Mr. Hale. That's correct.

Ms. Stefanik. And you testified that you warmly welcomed this assistance review.

Mr. Hale. Correct.

Ms. Stefanik. And, again, just to get this on record and for the millions of Americans viewing, security assistance was, in fact, released to Ukraine. I know I've already asked this, but this is a really important point.

Mr. Hale. Correct.

Ms. Stefanik. Thank you.

I yield back.

The Chairman. Mr. Swalwell?

Mr. Swalwell. Ms. Cooper, your testimony today destroys two of the pillars of the President's defense and one justification for his conduct.

The first pillar: "No harm, no foul. The Ukrainians didn't know that the hold was in place, so it didn't really hurt them."

Second pillar: "This President was a real champion of anticorruption, and he cared about corruption in Ukraine."

So I want to go through your new testimony today. It's your testimony now that, after an employee came forward to you, you believe you have some evidence that the Ukrainians first inquired about security assistance to someone in your office on July 25 of this year. Is that right?

Ms. Cooper. That's correct.

Mr. Swalwell. And July 25 is also the day that President Trump officially talked to President Zelensky where investigations of the Bidens were brought up. Is that right?

Ms. Cooper. Sir, I only know what has been reported publicly on this.

Mr. Swalwell. And that was reported; is that right?

Ms. Cooper. That's correct.

Mr. Swalwell. Second, this President, as a champion of anticorruption, your testimony today is that, on May 23, you certified that, as far as it related to your duties, Ukraine had met the corruption concerns for the aid to be released. Is that right?

Ms. Cooper. Sir, the Defense Department certified.

Mr. Swalwell. And after that date, inexplicably, the President of the United States puts a hold on security assistance. Is that right?

Ms. Cooper. That was what I heard in July, yes.

Mr. Swalwell. Now, this anticorruption President who cares so much about rooting out corruption in Ukraine, did he ever call you after he put the hold to say, "Ms. Cooper, what's going on in Ukraine?"

Ms. Cooper. No, sir.

Mr. Swalwell. Ambassador Hale, did he ever call you to ask about an update on Ukraine corruption?

Mr. Hale. No, sir.

Mr. Swalwell. To your knowledge, did he ever call your boss, Secretary Pompeo?

Mr. Hale. I don't know.

Mr. Swalwell. Ms. Cooper, did he ever call the many bosses that you've had at the Department of Defense, the Secretaries or Acting Secretaries?

Ms. Cooper. I don't know, sir.

Mr. Swalwell. Now, as to the justification, the justification is that "the Obama

administration only provided blankets, so the Ukrainians should be grateful, even after being shaken down, that the Trump administration provided more."

But the truth, Ms. Cooper, is that, under the Obama administration and the European Reassurance Initiative, \$175 million were provided from U.S. taxpayer dollars to the Ukrainians. Is that right?

Ms. Cooper. Sir, I don't have that figure. The figure that we typically use is to say we've provided \$1.6 billion to date.

Mr. Swalwell. And we --

Ms. Cooper. But I don't have the breakdown in front of me.

Mr. Swalwell. And the Obama administration also trained five military battalions of the Ukrainians. Is that correct?

Ms. Cooper. Again, I don't have the figures in front of me, but, yes, the training program began in the Obama administration and we did train many forces.

Mr. Swalwell. And under the Obama administration-founded Ukrainian Security Assistance Initiative, provided to the Ukrainians were armored Humvees, tactical drones, night-vision devices, armored vests, and medical equipment. Is that correct?

Ms. Cooper. Those all sound like pieces of equipment that were provided in the Obama administration, to my recollection.

Mr. Swalwell. You'd agree that's a lot more than blankets, right?

Ms. Cooper. Yes, sir.

Mr. Swalwell. Ambassador Hale, the aid that was withheld to Lebanon and Pakistan, those were for legitimate foreign policy objectives. Is that right?

Mr. Hale. I would say that's true, the assistance to Pakistan. I've not heard an explanation for the current hold on the Lebanese program.

Mr. Swalwell. And you would agree that withholding aid to investigate a political

opponent is not a legitimate foreign policy objective. Is that right?

Mr. Hale. Correct.

Mr. Swalwell. So I guess we can agree that even Bernie Madoff made charitable contributions but it doesn't make him a good guy.

Ms. Cooper, your testimony today demonstrates the power of coming forward and defying lawless orders from the President. Because you came forward and testified, we learned this new information which destroys the central defense that the Republicans have put forward.

Because Ambassador Taylor came forward, one of his employees learned this defense from the Republicans that all we had was hearsay evidence. And Mr. Holmes said, "Actually, I heard the President of the United States tell Ambassador Sondland, 'Where are we with the investigations?'"

Your courage has aided this investigation despite the President's continued obstruction.

I yield back.

The Chairman. Mr. Hurd.

Mr. Hurd. Thank you, Chairman.

Ambassador Hale, you're, in essence, the number-three guy at the State Department. Is that correct?

Mr. Hale. Correct.

Mr. Hurd. You represent roughly 70,000 folks?

Mr. Hale. I wouldn't say I represent them. I'm part of them. I'm one of them, yes.

Mr. Hurd. Well, you're a part of a pretty fantastic workforce that I've been proud to be able to serve alongside. We share a time together in Pakistan. And so, thank

them. I know they oftentimes don't get the pats on the back or the accolades for what they do for our national security, but there are some of us that do recognize that and appreciate that.

Did anybody raise issues to you, Ambassador Hale, about investigations into the Bidens or Burisma?

Mr. Hale. No, sir.

Mr. Hurd. Thank you.

Ms. Cooper, you have a great staff. I don't think my staff would've read my 115-page deposition and gave me feedback, so give them gold stars.

You said in your deposition and you just confirmed with my colleague from California that you certified on 23 May that the Ukraine aid for the review of the -- their defense industry and the Department of Defense, you know, was past the corruption test. Is that correct?

Ms. Cooper. Sir, I think the wording was more along the lines of: Progress has been made, or sufficient progress has been made. It didn't reference any kind of an anticorruption test per se.

Mr. Hurd. Did this change or was there a reevaluation with a new President coming in? Because President Zelensky was inaugurated into office 2 days before that date. Did that have an impact on how he was going to continue some of those pieces? Was that taken into account in this review?

Ms. Cooper. Not prior to May 23rd, no, sir.

Mr. Hurd. So the review was basically done on the previous -- the efforts done by the previous Poroshenko administration.

Ms. Cooper. Yes, sir. Although it's important to note that the review related most specifically to the Ministry of Defense.

Mr. Hurd. Sure. Sure. But there were ultimately changes under the Zelensky regime. Is that correct?

Ms. Cooper. Yes, sir. There's a new Minister of Defense.

Mr. Hurd. Can you explain -- I know FMF, foreign military financing, is State Department's, but can you explain the difference between FMF and USAI funding and also how the Ukrainians get lethal aid?

Ms. Cooper. I'm sorry. Could you repeat the last part of that? Also how the Ukrainians --

Mr. Hurd. Actually get lethal aid? Because, is lethal aid covered under one of these two buckets?

Ms. Cooper. So there are three separate pieces to our overall ability to provide equipment to the Ukrainian Armed Forces.

The first is the foreign military finance system, which is a State Department authority. And countries around the world have this authority. That authority is used for some of the training and equipment.

There's also the Ukraine Security Assistance Initiative. That's a DOD authority. Unlike the State authority, the DOD authority is only a 1-year authority.

And then, third, there's the opportunity for defense sales. And that is something that we're working with the Ukrainians on now so that they can actually purchase U.S. equipment.

Mr. Hurd. Is it --

Ms. Cooper. But the Javelin specifically was provided under FMF initially, and now the Ukrainians are interested in the purchase of Javelin.

Mr. Hurd. And there wasn't a hold put on purchasing of equipment. Is that correct?

Ms. Cooper. Not to my understanding, no.

Mr. Hurd. Can I ask you a non-impeachment-inquiry question, Ms. Cooper?

Ms. Cooper. I'm sorry, a non-what?

Mr. Hurd. A non-impeachment-inquiry question.

Ms. Cooper. Sir, my time is yours.

Mr. Hurd. What can we be doing to help the Ukrainians defend against Russian electronic warfare? What more can we be doing to help the Ukrainians defend against electronic warfare by the Russians?

Ms. Cooper. Well, what I can say in an open hearing is that there actually is some electronic warfare detection equipment that is included in the USAI package. So there's a piece of capability that we're already working to provide them.

I think this specific topic, though, is more suitable for a closed-door session.

Mr. Hurd. That's a good copy.

Thanks for both of y'all's service to our country.

And, Chairman, I yield back.

The Chairman. Mr. Castro.

Mr. Castro. Thank you, Chairman.

And thank you all for your testimony today.

I want us to make an important distinction here, because a few of my colleagues have rattled off countries where we've actually held up aid. There is a big distinction between holding up aid for a legitimate policy reason, foreign policy reason, and holding up aid because it's part of a shakedown, because it's in the service of a President who asked for a political favor of a country to go investigate a political rival. I think that's important for us to note.

And I want to ask you -- Ms. Cooper, you said that the money was cleared to go by

the DOD on May 23rd. Is that right?

Ms. Cooper. That's correct.

Mr. Castro. And it didn't get released until September 11th?

Ms. Cooper. Yes.

I should just clarify, the second half of the Ukraine Security Assistance Initiative was notified to Congress on -- I believe it was May 23rd, and then there was a waiting period for congressional approval. And then, after that point, so in kind of mid-June roughly, it was available for --

Mr. Castro. So perhaps 90 days or so, 95 days, something like that.

Ms. Cooper. Yes. I don't have a calendar --

Mr. Castro. Sure.

Ms. Cooper. -- in front of me, but that sounds right.

Mr. Castro. Well, you both testified that the hold on security assistance was not in the national security interest of the United States and that the hold might embolden Russia. We've heard the same from numerous other witnesses that have come before us.

But this was not the only issue with the hold, right? We understand that people within the United States Government had significant concerns about the legality of the hold as it relates to the Impoundment Control Act. This is because the money had been authorized by Congress and signed into law by President Trump.

Ms. Cooper, at the July meetings, were there any discussions about whether the hold could be implemented in a legal fashion?

Ms. Cooper. So, in the July 26th meeting, my leadership raised the question of how the President's guidance could be implemented and proffered that perhaps a reprogramming action would be the way to do this but that more research would need to

be done.

So, then, after that discussion, we had a lower-level discussion at my level on the 31st of July --

Mr. Castro. And let me ask you about that July 31st meeting. Based on your conversations with colleagues at the DOD, at the July 31st interagency meeting, did you share your understanding of the legal mechanisms that were available at that time?

Ms. Cooper. Yes, sir.

Mr. Castro. And what were they?

Ms. Cooper. I expressed that it was my understanding that there were two ways that we would be able to implement Presidential guidance to stop obligating the Ukraine Security Assistance Initiative. And the first option would be for the President to do a rescission. The second is a reprogramming action that the Department of Defense would do --

Mr. Castro. And both of those would require congressional notice.

Ms. Cooper. Yes, sir.

Mr. Castro. There would be an extra step that the President would have to take to notify Congress. As far as you know, was there ever any notice that was sent out to Congress?

Ms. Cooper. Sir, I did express that I believed it would require notice to Congress --

Mr. Castro. Right.

Ms. Cooper. -- and that then there was no such notice, to my knowledge, or preparation of such a notice, to my knowledge.

Mr. Castro. And as far as you know, there was never any official rescission or reprogramming of that money?

Ms. Cooper. No, sir, not to my knowledge.

Mr. Castro. Instead, what happened was OMB devised an alternative solution involving creative footnotes to implement the hold. And there came a time in August when the Department of Defense no longer supported these unusual footnotes because of concerns that there might not be sufficient time for DOD to obligate the funds before the end of the fiscal year, in violation of the Impoundment Control Act.

So, despite DOD's concerns in mid-August about the Impoundment Control Act and OMB's footnotes, the hold nevertheless continued through September 11th, even after -- now, as an aside, this is even after the whistleblower had come forward. Is that right?

Ms. Cooper. It is correct that the hold was released on September 11th, yes.

Mr. Castro. Well, I know I and many of us here share DOD's concerns about the legality of the hold. And I want to thank you, Ms. Cooper, for voicing DOD's concerns to the White House and pursuing the national security interests of the United States.

I yield back.

The Chairman. Mr. Ratcliffe.

Mr. Ratcliffe. Thank you, Chairman.

Ms. Cooper, based on the new emails that you mentioned in your opening and then subsequent declarations by some of my Democratic colleagues that those emails were evidence that the Ukrainians were aware of a military hold on July 25th, there's now reporting out there saying that "Pentagon official reveals Ukrainians asked about stalled security aid."

It's being widely reported that Ukraine asked about the hold on military aid on July 25th. That's not what I heard from you. Is that correct?

Ms. Cooper. Sir, my exact words were that one email said that the Ukrainian

Embassy and the House Foreign Affairs Committee are asking about security assistance --

Mr. Ratcliffe. Assistance.

Ms. Cooper. Assistance.

Mr. Ratcliffe. Not hold.

Ms. Cooper. And then the second email was, "The Hill knows about the FMF situation, to an extent, and so does the Ukrainian Embassy." Those were the exact words.

Mr. Ratcliffe. And what do "security assistance" and "FMF situation" in these emails mean?

Ms. Cooper. I don't want to speculate on what it means.

Mr. Ratcliffe. Right. They don't necessarily mean "hold," correct?

Ms. Cooper. Not necessarily.

Mr. Ratcliffe. And isn't it true that, around the same time, OMB put a hold on 15 State Department and USAID accounts, including FMF?

Ms. Cooper. I don't know that specific detail.

Mr. Ratcliffe. But you can't say one way or another whether the inquiries in these emails were about the hold. Is that fair?

Ms. Cooper. I cannot say for certain.

Mr. Ratcliffe. All right.

And you can't say one way or another whether the Ukrainians knew about the hold before August 28th, 2019, when it was reported in Politico, correct?

Ms. Cooper. Sir, I can just tell you that it's the recollection of my staff that they likely knew. But, no, I do not have a certain data point to offer you.

Mr. Ratcliffe. Well, it's not unusual, is it, Ms. Cooper, for foreign countries to inquire about foreign aid that they're expecting from the United States, is it?

Ms. Cooper. Sir, in my experience with the Ukrainians, they typically would call about specific things, not just generally checking in on their assistance package.

Mr. Ratcliffe. Are you aware that President Zelensky, on October 10th, in response to questions from more than 300 reporters over the course of the afternoon, stated that he was not aware and had no knowledge of a hold on security assistance during the time of his July 25th phone call with President Trump?

Ms. Cooper. I believe I saw that media reporting, yes.

Mr. Ratcliffe. I yield back.

The Chairman. Mr. Heck.

Mr. Heck. Thank you, Mr. Chairman.

I thank you both for being here this evening.

Ambassador Hale, last week, the country watched as President Trump attacked and intimidated your colleague -- he attempted to intimidate your colleague, Ambassador Yovanovitch, who is, of course, a witness to this proceeding. And, subsequently, Secretary Pompeo declined to condemn that attack.

Bluntly put, I think Secretary Pompeo's silence is nothing less than a betrayal of the men and the women whom he swore an oath to lead. And it's a betrayal that has long-term consequences to attracting and retaining workforce, to their morale, to their effectiveness, and to their overall strength.

So, Ambassador Hale, I want to give you an opportunity to now do what Secretary Pompeo did not do, either in March of 2019 when the vicious smear campaign kind of got kicked into high gear and you, sir, rightfully pressed for a strong statement in support of her or last week when the President and his son attacked her again.

I am offering you the opportunity to reaffirm to this committee and the millions of Americans hopefully who are watching that Marie Yovanovitch is a dedicated and

courageous patriot and that she served with grace and dignity even in the face of that orchestrated and unsubstantiated smear attack against her.

Ambassador Hale, I'm giving you the opportunity to demonstrate leadership. I'm giving you the opportunity to send a clear and resounding message to the men and women who serve in dangerous foreign posts throughout the globe that what happened to Marie Yovanovitch was wrong.

Ambassador Hale, the floor is yours.

Mr. Hale. Thank you, Congressman.

I endorse entirely your description of Ambassador Yovanovitch. I only met her when I took this job, but immediately I understood that we had an exceptional officer doing exceptional work at a very critical embassy in Kyiv. And during my visits to Kyiv, I was very impressed by what she was doing there, to the extent that I asked her if she'd be willing to stay, if that was a possibility, because we had a gap coming up.

I support and believe in the institution and the people of the State Department. I am one of them; I have been for 35 years. All of us are committed to America's national security, and we are the best group of diplomats anywhere in the world. And that support extends to all State officers who have testified before this committee.

If I may, I'd like to read a letter that the Under Secretary for Management wrote on November 18 to the ranking member of the Senator Foreign Relations Committee in response to a communication from him.

"A number of Department employees have testified before the House of Representatives during its inquiry regarding Ukraine. No employee has faced any adverse action by the Department for testimony before Congress on this matter. The Department will not discipline any Department employee for appearing before Congress in response to a subpoena. The Department has also proactively established a program

to provide financial assistance with respect to private counsel legal fees incurred by Department employees."

There's additional information, but that's the essence of the message.

Mr. Heck. Ambassador Hale, then, therefore, are you saying that Marie Yovanovitch is a dedicated and courageous patriot?

Mr. Hale. I endorse what you say exactly. I think --

Mr. Heck. And that she served with grace and dignity in the face of this smear campaign?

Mr. Hale. Yes, she did.

Mr. Heck. And that what happened to her was wrong?

Mr. Hale. I believe that she should've been able to stay at post and continue to do the outstanding work that she was doing.

Mr. Heck. And what happened to her was wrong?

Mr. Hale. That's right.

Mr. Heck. Thank you, sir.

Mr. Hale. Uh-huh.

Mr. Heck. Thank you for clarifying the record. Because I wasn't sure where it was that she could go to set the record straight if it wasn't you, sir, or where she could go to get her good name and reputation back if it weren't -- if it wasn't you, sir.

Indeed, I want to encourage you in the strongest terms possible, stand your ground. America's security and strength and prosperity is predicated in no small part on the professionalism of our Foreign Service corps. And they need to know that you, as the highest-ranking professional diplomat in the entire State Department, have their back, sir. Thank you for having Ambassador Yovanovitch's back this evening.

And, with that, Mr. Chair, I yield back.

The Chairman. Mr. Jordan.

Mr. Jordan. Thank you, Mr. Chairman.

Ms. Cooper, why did the Office of Management and Budget put a hold on the funds?

Ms. Cooper. Sir, the only information that I received was from the Office of Management and Budget that they were operating at the direction of the President, and they reported that he had concerns about corruption. That is all that I knew.

Mr. Jordan. Right. And you put that in your testimony. "The President had directed the Office of Management and Budget to hold the funds because of his concerns about corruption in Ukraine." A very legitimate reason. Do you agree?

Ms. Cooper. That is the statement that the President reportedly made, as reported to me by the Office of Management and Budget.

Mr. Jordan. And then you said in your testimony that "based on recommendations from me and other key DOD advisors, the Department of Defense, in coordination with the Department of State, certified in May of 2019 that Ukraine had taken the steps necessary," and you certified the release of the dollars. Is that accurate?

Ms. Cooper. That is correct, sir.

Mr. Jordan. But there was -- you know, there was a small change in Ukraine in the spring of 2019, wasn't there?

Ms. Cooper. Yes, sir.

Mr. Jordan. Yeah. And can you elaborate on what that change was?

Ms. Cooper. The government of -- well, President Zelensky was elected to government.

Mr. Jordan. Yeah, you got a brand-new guy coming in. In fact, he had just

been, I believe, sworn in the day you approved the dollars. Was it May 23rd? I think he was sworn in on -- I guess it was a couple days before. But there was sort of a change in circumstances that, it seemed to me, would warrant at least maybe a second look.

And that's exactly what played out for a short time, less than 2 months, 55 days. Our government evaluated the new situation. Pretty radical change. You've got a new government. In fact, the previous one, we've heard all kinds of things from the Democrats about the Prosecutor General in the Poroshenko regime, Mr. Lutsenko, and how bad he was.

So it took a while for that all to happen. New President is sworn in. Two months later, the new Congress comes in. Takes them a while to -- it's not until September, September 5th, that they get rid of this prosecutor. And just a few days later, the aid actually gets released.

But the Democrats got all kinds of other things they want to talk about. But the way this played out seems, to me, as logical as you can do it, and particularly when you put it in the broader framework of where this President is on concern about foreign aid, his deep-rooted concern in the corruption issue in Ukraine, the experience he had with high-ranking Ukrainian officials criticizing him and supporting Secretary Clinton in the 2016 election. Put all that together. It sort of, I think, shows why it played out the way it did.

With that, I would yield back, Mr. Chairman.

The Chairman. Mr. Welch.

Mr. Welch. Thank you, Mr. Chairman.

Under Secretary Hale, I want to go back to your support in affirmation of Ambassador Yovanovitch. What I understand -- and, by the way, thank you for that. You know, our military leaves no soldier on the battlefield, and I think those who are in

leadership positions in the State Department and in our Intelligence Community have that bond of loyalty to each other, and it's very reassuring that you represent that.

You first, as I understand it, got information about her situation in March. By early March, Secretary Pompeo had mentioned that sometime in the fall he'd received a letter from a former Member of Congress with complaints about the Ambassador, correct?

Mr. Hale. Correct.

Mr. Welch. And that Member of Congress was?

Mr. Hale. Congressman Sessions.

Mr. Welch. And did you see that there was any basis to the claims of disloyalty?

Mr. Hale. No, I did not, nor did the Secretary of State.

Mr. Welch. All right. And you visited Kyiv, and you discussed, in fact, extending Ambassador Yovanovitch's term until -- to remain at her post, right?

Mr. Hale. It was a personal idea of mine, yes.

Mr. Welch. Obviously an indication that you valued her continued service there.

And you also stated to the Ukrainian press that "Ambassador Yovanovitch represents the President of the United States here in the Ukraine, and America stands behind her statements," obviously trying to give her some public support, correct?

Mr. Hale. Correct.

Mr. Welch. And yet, weeks later, the President and Mr. Giuliani unleashed what can only be characterized as an ugly smear campaign to oust her. What was your reaction to the news articles in late March in which a corrupt Ukrainian prosecutor attacked the Ambassador?

Mr. Hale. Well, we were concerned. We put out a statement that some of these allegations were an outright fabrication, as they related to the do-not-prosecute

list.

Mr. Welch. Right.

Mr. Hale. And we began to discuss what we could do to deal with this matter.

Mr. Welch. Right.

And then the problems continued for Ambassador Yovanovitch. And, as I understand it, she emailed you on March 24th and indicated that, quote, "the tempo of social media and other criticisms" were such that she felt she could no longer function unless there was a strong statement of defense of her from the State Department. Is that correct?

Mr. Hale. Correct.

Mr. Welch. And this message -- and Secretary Pompeo was aware of her situation. Is that correct?

Mr. Hale. Yes. I briefed him the next day.

Mr. Welch. And he's the ultimate authority who could issue that strong statement of support, correct?

Mr. Hale. Correct.

Mr. Welch. But he never, ever did issue a statement, right?

Mr. Hale. We did not issue a statement at that time.

Mr. Welch. But, in fact, you testified around the same time that the Secretary did not render assistance to a long-serving and highly respected ambassador. He made two phone calls to Rudy Giuliani. Is that right?

Mr. Hale. It's correct that he -- I've seen a record that he made those phone calls.

Mr. Welch. One on March 28 and again the next day, on March 29.

Mr. Hale. I saw the record of that, yes.

Mr. Welch. Right. So we don't know what he said to Rudy Giuliani, but we have a pretty good idea of what Rudy Giuliani said to her: "Get rid of Yovanovitch." She was gone, and the statement never came forward, right?

Mr. Hale. Correct.

Mr. Welch. And when she was recalled and wanted to find out what happened, Secretary Pompeo would not meet with her?

Mr. Hale. I was out of the country at the time. I can't comment on that.

Mr. Welch. All right. And then Mr. Brechbuhl, who was next in line, didn't meet with her?

Mr. Hale. I don't know this.

Mr. Welch. And then it came for you to give her the news.

Mr. Hale. It went to the -- the Deputy Secretary, I believe, held the meeting. I was on foreign travel at the time.

Mr. Welch. Well, it'd be interesting if we could have Secretary Pompeo be here to tell us what his conversations were with Rudy Giuliani, the person who was fomenting the discontent about an ambassador who was fighting corruption.

I want to thank you and I want to thank Ms. Cooper for your service.

The Chairman. Mr. Maloney.

Mr. Maloney. Hello, Ms. Cooper.

Hello, Secretary Hale.

Ms. Cooper, thank you for working late on a Wednesday. I think the last time we attempted to hear your testimony, the Republicans were good enough to bring pizza down to the SCIF. But, kidding aside, I know we detained you for about 5 hours that day, so, on behalf of the committee, thank you for your forbearance. We do appreciate your patience with us.

Quick question for you.

And I think just one question for you, Secretary Hale.

Ms. Cooper, was DOD able to put all the security assistance funds into contract before the end of the fiscal year?

Ms. Cooper. No, sir.

Mr. Maloney. And how much were they not able to obligate? What was left unobligated?

Ms. Cooper. I believe the figure was 35 million. It's -- we were able to actually obligate 88 percent, total.

Mr. Maloney. And I think you mentioned that you were able because of legislation that Congress passed, continuing resolution, to do that. Is that right?

Ms. Cooper. So the remainder we are in the process of obligating --

Mr. Maloney. Excuse me. The remainder.

Ms. Cooper. -- right now because of the provision in the continuing resolution.

Mr. Maloney. Right. So, but for literally an act of Congress, you couldn't have spent all the money.

Ms. Cooper. If we had not received the provision in the continuing resolution, we would have obligated 88 percent but not the full amount.

Mr. Maloney. Right. Which, of course, would be a violation of law, to not spend money that Congress appropriated.

Ms. Cooper. Sir, I am not a lawyer, but that is my understanding.

Mr. Maloney. Sure. Thank you.

Secretary Hale, where were you born?

Mr. Hale. Ann Arbor, Michigan.

Mr. Maloney. And is your family from Ireland? Am I right about that?

Mr. Hale. No, sir.

Mr. Maloney. I'm sorry. Strike it.

Another question with respect to Secretary Yovanovitch. You served as Ambassador to, I believe, three countries?

Mr. Hale. Correct.

Mr. Maloney. Jordan --

Mr. Hale. Jordan, Lebanon, and Pakistan.

Mr. Maloney. -- Pakistan, and Lebanon. And while you were Ambassador to those three countries, did anyone ever ask you to issue a support praising, personally, the President of the United States?

Mr. Hale. No.

Mr. Maloney. How would you have viewed such a request?

Mr. Hale. It'd depend on the situation, sir.

Mr. Maloney. Someone said -- say, you went to someone, and you were having a problem with your job, and you said, "How can I do better?", and they said, "You should publish something personally praising the President, flattering to him," would that strike you as unusual?

Mr. Hale. Yes.

Mr. Maloney. If someone told you to "go big or go home," would that change your mind?

Mr. Hale. I don't quite understand the --

Mr. Maloney. Well, that's what Ambassador Yovanovitch was treated to when she went to Ambassador Sondland seeking advice. And she declined to do so. And I believe she said it would strike her as too political.

Is that consistent with the approach you might take?

Mr. Hale. I thought that sounds sensible, yes.

Mr. Maloney. Thank you.

I yield the remaining time back to the chairman.

Thank you both for being here.

The Chairman. Mrs. Demings?

Mrs. Demings. Ambassador Hale, Ms. Cooper, thank you both for being with us.

Just a quick question before I get into some questions about Ambassador Sondland, who we heard from today. I want to ask both of you: If President Trump withheld critical military aid from Ukraine because high-ranking officials supported the President's political opponent, would you consider that an official, acceptable, appropriate action by the President of the United States?

Ambassador Hale?

Mr. Hale. It's not what I would advise.

Mrs. Demings. Ms. Cooper?

Ms. Cooper. No, that does not sound appropriate.

Mrs. Demings. Ambassador Hale, you testified that you were aware Ambassador Sondland was involving himself in matters that, and I quote, "went beyond the normal writ of an Ambassador to the European Union," unquote.

As you understood it, who authorized Ambassador Sondland to work on Ukraine?

RPTR DEAN

EDTR HUMKE

[7:40 p.m.]

Mr. Hale. I have no firsthand knowledge of that. I received a readout from a meeting that the President of the United States had with the delegation on May 23rd in which the briefing I received any way indicated that the President wanted the members of that delegation, which included Ambassador Sondland. To carry forth the policies that were discussed in the course of that meeting.

Mrs. Demings. So that occurred in a meeting in the Oval Office on May 23rd in where you heard that information from the readout --

Mr. Hale. A written readout from that, yes.

Mrs. Demings. You testified that, and I quote, "It was clear that the members of that inaugural delegation were empowered by the President, is what you testified. You also said, and I quote, "As a practical matter, it would be Ambassador Volker and Ambassador Sondland, presumably working with Taylor, who would be the ones really doing the continual effort here. Did you understand that Ambassador Sondland had direct access to the President?

Mr. Hale. In the few occasions in which I had conversations with Ambassador Sondland. He often would let us know that he was in direct contact with the President. That's all I knew.

Mrs. Demings. So you received that information directly from Ambassador Sondland that he had direct contact with the President?

Mr. Hale. In previous occasions, yes. Not related to this particular matter.

Mrs. Demings. Is there anything about Ambassador Sondland's role that struck you as problematic?

Mr. Hale. Based on what I knew at the time, I was satisfied that this delegation was what the President wanted to have, you know, continue to pursue these policies. And I saw that Ambassador Volker was a professional, had been a Foreign Service officer, an ambassador of distinction. And steeped in Ukrainian affairs was part of that group, so I had no great concerns.

Mrs. Demings. So what you knew at the time you were okay with his role. But did your opinion change about his -- the appropriateness of his role?

Mr. Hale. As I testified, I was not aware of these various activities related to negotiations over investigations, preconditions related to that. I just wasn't aware of it. So I had no reason to be making any kind of judgment one way or the another.

Mrs. Demings. Have you reviewed the text messages between Ambassador Sondland and Volker?

Ambassador Hale. I have seen some of them that were reported in the media.

Mrs. Demings. Were you surprised by anything in those messages that you heard reported or personally witnessed or observed?

Mr. Hale. I was surprised by what I saw in those reports in the media.

Mrs. Demings. I want to ensure that I understand your testimony Ambassador Hale. You believed Ambassador Sondland was empowered by the President, according to what you found out from the May 23rd meeting to work on Ukraine policy and you said quote, None of that really struck you as problematic because of the time differences there what you knew. Is that correct?

Mr. Hale. Based on what I knew, yes.

Mrs. Demings. You are the under secretary for political affairs. You testified that in that capacity you are responsible for the management of the of the United States bilateral relations with and I quote, "Every country in the world that we recognize for the

management of our policies towards those countries, as well as our relationship or policies as they relate to multilateral organizations." Does that include U.S. policy and relations with Ukraine?

Mr. Hale. It does, but when we have a special envoy who reports directly to the Secretary, related to a country or an issue, that special envoy will take the day-to-day responsibilities.

Mrs. Demings. How about U.S. policy and relations with the European Union?

Mr. Hale. Yes, I am.

Mrs. Demings. But you were not aware fully of Ambassador Sondland's activities on behalf of President Trump?

Mr. Hale. That's correct.

Mrs. Demings. Okay. Thank you.

Mr. Chair. I yield back.

The Chairman. Mr. Krishnamoorthi.

Mr. Krishnamoorthi. Good evening. Thank you so much for being here.

Under Secretary Hale, you and your colleagues testified that you've gathered official records of the State Department with the understanding that they would be provided to Congress. Right?

Mr. Hale. I was not involved in the decisionmaking or I have no responsibilities related to gathering documents. I understood that it was underway. And I certainly received the documents that I described earlier.

Mr. Krishnamoorthi. I see.

In terms of the materials that were collected, do they include electronic files and emails for instance?

Mr. Hale. I can only speak to the documents that were made available to me and

it did include emails.

Mr. Krishnamoorthi. And paper documents --

Mr. Hale. And paper documents.

Mr. Krishnamoorthi. Would tape-recordings potentially be among the files that are gathered?

Mr. Hale. I really couldn't speculate on that.

Mr. Krishnamoorthi. But you can't rule out that possibility?

Mr. Hale. I don't know of tape recordings so I can't really comment on that.

Mr. Krishnamoorthi. And are you familiar with from whom the documents have been collected, like the individual custodians?

Mr. Hale. I don't know that, sir.

Mr. Krishnamoorthi. You're aware that despite a dually authorized congressional subpoena has been served on the State Department, we have yet to receive even a single document, correct?

Mr. Hale. I understand that, yes.

Mr. Krishnamoorthi. Ms. Cooper, in the interagency process, did anyone in any committee potentially bring up the lack of allied funding as a reason for why there should be a hold on military assistance to Ukraine?

Ms. Cooper. I can only speak to the three meetings that I attended, the PCC, the DSG, and then PCC. And I have no recollection of the issue of allied burden sharing coming up at that point. I did provide information in my deposition about what I thought was a completely separate query that I received in mid June from the Secretary of Defense's front office. And one of the questions there just asked a question about the degree to which allies were contributing to Ukraine security assistance, just to be very clear.

Mr. Krishnamoorthi. Okay. But after the hold was put in place on July 18th, you haven't heard any concerns about a lack of allied funding as a reason for why the hold should be in place?

Ms. Cooper. In those meetings that I attended, I did not hear that or I do not recall hearing that as a reason. The only reason that I heard was the President's views on corruption. No further information.

Mr. Krishnamoorthi. Got it. Same question to you Under Secretary Hale.

Mr. Hale. Could you repeat the question, sir?

Mr. Krishnamoorthi. I assume you didn't hear about the lack of allied funding as a reason for the hold being put in place after July 18th?

Mr. Hale. No, I never had heard a reason for the hold.

Mr. Krishnamoorthi. You never -- I assume neither of you heard any reason whatsoever for why the hold was in place, except for the fact that OMB put it in place at the direction of the President, right?

Mr. Hale. That's correct.

Mr. Krishnamoorthi. And I assume, one of my colleagues brought up the idea that the hold was put in place to assess whether or not President Zelensky was legit. I assume that was not a reason that was offered either.

Ms. Cooper. No, sir. I never heard that as a reason.

Mr. Hale. I heard no reason.

Mr. Krishnamoorthi. Under Secretary Hale, what is the importance of a world leader having a meeting at the White House?

Mr. Hale. Well, really just case by case, but particularly for a new leader it's an extremely important opportunity to demonstrate the strength of our relationship for building of that relationship at a personal level, leadership level to demonstrate common

goals.

Mr. Krishnamoorthi. How about in the case of President Zelensky, how important was it for him to have a meeting at the White House with President Trump?

Mr. Hale. Well, I never talked to President Zelensky about that myself. I met him before he became President. I met with President Poroshenko and the two leading candidates.

Mr. Krishnamoorthi. But as an expert on these matters, is it fair to say that a new world leader such as President Zelensky having a meeting at the White House with President Trump is extremely important for his image that he projects, especially toward folks like Russia?

Mr. Hale. Well, an Oval Office meeting is incredibly valuable for any foreign leader, let me just state that general principal. And for a Ukrainian President, it is indeed what you just said to demonstrate that the bond between the United States and Ukraine is strong, and that there's continuity in our policies, and that we are going to continue to work together on our policy goals, including countering Russian aggression and intimidation of Ukraine.

Mr. Krishnamoorthi. Thank you so much. I yield back.

The Chairman. That concludes the member questioning.

Mr. Nunes, do you have any concluding remarks?

Mr. Nunes. I thank the gentleman.

What have we learned from the Democrats' impeachment inquiry. They promised the country a fair hearing. What have they delivered? The impeachment version of Three Card Monte, a notorious short-con card trick, where the mark, in this case President Trump and the American public, stands no chance of winning.

Democrats promised the whistleblower's testimony. In fact, they told us that we

need to speak with the whistleblower. And then we learned that the whistleblower coordinated with the Democratic staff before alerting the Intelligence Community's inspector general.

To hide their con, the Democrats pound the table and gaslight the country. Telling us that the whistleblower's entitled to an imaginary statutory right of anonymity. They accuse us of trying to out the whistleblower, knowing that they are the only ones who know who he is. They say that if the facts are against you, argue the law. If the law is against you, argue the facts. And if both are against you, pound the table and yell like hell. It seems that law school these days is teaching their students a fourth tactic, if the facts and the law are against you, simply rig the game and hope your audience is too stupid to catch your duplicity.

This is not an impeachment inquiry. It is an impeachment inquisition. In the Middle Ages the inquisitor was free to act on his own and bring suit against any person who was even vaguely the subject of the lowest rumor. And the accused was denied any right to confront their accusers. Incredibly or maybe not so much given the Democrats' track record, an inquisition victim had more rights than the Democrats are giving the President. After all, inquisition victims had the right to know their accuser's name.

For those of you at home, it's time to change the channel, turn down the volume or hide the kids, put them to bed.

I yield to Mr. Schiff for story time hour.

The Chairman. I thank the gentleman as always for his remarks.

I'll be brief this evening, it's been a long day and I said most of what I wanted to say earlier in the day. But I did want to end this evening and first of all thank you both for your testimony and your long service to the country. We are grateful that you

answered the lawful process of a congressional subpoena.

I wanted to share a few reflections on two words that have come up a lot in the course of these hearings, and those words are corruption and anticorruption. We are supposed to believe I imagine, listening to my colleagues, that Donald Trump is a great anticorruption fighter. That his only concern about Ukraine was that it would fight corruption. But let's look at that argument. Let's look at the President's words. And let's look at his deeds.

Ambassador Yovanovitch was an anticorruption champion. No one has contradicted that that has come forward to testify here. She was a champion. And on the day she is at a meeting, acknowledging in Ukraine another anti corruption champion, a woman who had acid thrown in her face and died a painful death after months, she is called back to Washington because of a vicious smear campaign by the President's lawyer, Rudy Giuliani, among others.

She is recalled, that is not anticorruption, that is corruption. And one of the people responsible for the smear campaign, in addition to Mr. Giuliani and it is a long and sordid list of those who were involved is a man named Lutsenko, someone who the minority's own witness acknowledges has a poor reputation as self serving and corrupt.

And what do we see about Mr. Lutsenko and his predecessor and Mr. Shokin? What does the President have to say about one of these corrupt former prosecutors? He praises them. He says they were treated very unfairly. That's not anticorruption, that's corruption.

And when Ambassador Sondland testified today that there was unquestionably a quid pro quo and everybody knew it, conditioning a White House meeting that Ukraine desperately wanted to show its friend and foe alike it had the support of the President of the United States when that was conditioned, an official act was conditioned on the

receipt of things of value to the President political investigations. That was not anticorruption, that was corruption.

And when Ambassador Sondland testified today that he could put two and two together and so can we, that there was also a quid pro quo on the military aid, that that aid was not going to be released unless they did a public statement, Ukraine did a public statement of these political investigations, the President wanted. That's not anticorruption, that is corruption.

And let's look at the President's words on that phone call, that infamous phone call on July 25th, does he ask President Zelensky, how's that reform coming in the Rada? What are you doing to root out corruption? What about that new anticorruption court? Of course not. Of course not.

Are we willing to believe that was his priority? No. What does he ask? I want you to do as a favor, investigate this crazy 2016 server conspiracy that the server is somewhere in Ukraine. And more ominously, investigate the Bidens. That's not anticorruption, that is corruption.

And the next day when he's on the phone to Ambassador Sondland in that outdoor bar/restaurant in Kyiv, what does he want to know about? Does he want to know how Zelensky is going to fight corruption? Of course not. The only thing he brings up in that call is the investigation he wants into the Bidens. That's not anticorruption, that is corruption.

Every now and then, there's a conversation that really says all you need to know. And sometimes it doesn't seem all that significant, but I'll tell you, this one really struck me, and it was a conversation that Ambassador Volker related in his testimony. And it was a conversation just this past September when he's talking to Andriy Yermak, top adviser to President Zelensky, and he's advising him as indeed he should, you know, you

may not want to go through with an investigation or prosecution of former President Poroshenko. Engaging in political investigations is really not a good idea. And you know what Yermak says? Oh, you mean like you want us to do of the Bidens and the Clintons? Well, there's a word for that too and it's not corruption or anticorruption, it's called hypocrisy.

And this is the problem here. We do have an anticorruption policy around the world. And the great, men and women in your department, Under Secretary Hale, and in your department, Ms. Cooper, they carry that message around the world, that the United States is devoted to the rule of law. But when they see a President of the United States who is not devoted to the rule of law, who is not devoted to anticorruption, but instead demonstrates in word and deed corruption, they are forced to ask themselves what does America stand for anymore?

That concludes this evening's hearing.

I will ask the witnesses to excuse themselves, members should remain. We have a business matter to take up.

I have the ranking member's request that I concur as chair and the ranking member's request that the committee issue subpoenas pursuant to House Resolution 660, section 2, paragraph 4. We received that request this morning and we'll add it to the record now without objection.

By way of overview, two of the requested subpoenas would compel deposition testimony by the whistleblower, by Hunter Biden. Three other subpoenas would compel certain parties to produce records, the whistleblower to produce documents and communications related to the whistleblower's complaint.

Rosemont Seneca Bohai to produce records related to Hunter Biden's role on the Burisma board. And the Democratic National Committee to produce communications

with Ukrainian officials and records relating to Alexandra Chalupa. I do not concur in these requests for subpoenas.

We will not allow, as I said before, this committee to be used either to out the whistleblower or for purposes of engaging in the same improper investigation that the President sought to coerce Ukraine to commit. The committee will take them up now beginning with the first minority request to compel testimony by the whistleblower.

Is there a motion?

Mr. Swalwell. Mr. Chairman, I move to table.

The Chairman. The gentleman moves to table --

Mr. Conaway. Mr. Chairman, this meeting has not been noticed, Mr. Chairman.

The Chairman. That is a non debatable motion.

All those in favor of tabling the motion --

Mr. Conaway. Point of order, Mr. Chairman. Point of order.

The Chairman. -- say aye.

Mr. Conaway. Point of order, Mr. Chairman. Point of order, Mr. Chairman.

The Chairman. All those opposed, say no.

Mr. Conaway. Point of order -- no. Point of order. Mr. Chairman.

The Chairman. Excuse me. The motion is a non debatable.

Mr. Conaway. Point of order, Mr. Chairman.

The Chairman. Those opposed say no.

Mr. Conaway. Point of order, Mr. Chairman.

The Chairman. In the opinion of the chair --

Mr. Conaway. Point of order, Mr. Chairman.

The Chairman. -- the ayes have it and the motion is tabled.

Mr. Conaway. Point of order, Mr. Chairman.

Mr. Jordan. Roll call. A roll call.

The Chairman. A roll call vote is requested. The Clerk shall call the roll.

The Clerk. Chairman Schiff?

The Chairman. Aye.

The Clerk. Mr. Himes?

Mr. Himes. Aye.

The Clerk. Ms. Sewell?

Ms. Sewell. Aye.

The Clerk. Mr. Carson?

Mr. Carson. Aye.

The Clerk. Ms. Speier?

Ms. Speier. Aye.

The Clerk. Mr. Quigley?

Mr. Quigley. Aye.

The Clerk. Mr. Swalwell?

Mr. Swalwell. Aye.

The Clerk. Mr. Castro?

Mr. Castro. Aye.

The Clerk. Mr. Heck?

Mr. Heck. Aye.

The Clerk. Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Maloney?

Mr. Maloney. Aye.

The Clerk. Ms. Demings?

Ms. Demings. Aye.

The Clerk. Mr. Krishnamoorthi?

Mr. Krishnamoorthi. Aye.

The Clerk. Ranking Member Nunes?

Mr. Nunes. No.

The Clerk. Mr. Conaway?

Mr. Conaway. No.

The Clerk. Mr. Turner?

[No response.]

The Clerk. Dr. Wenstrup?

[No response.]

The Clerk. Mr. Stewart?

[No response.]

The Clerk. Ms. Stefanik?

[No response.]

The Clerk. Mr. Hurd?

[No response.]

The Clerk. Mr. Ratcliffe?

Mr. Ratcliffe. No.

The Clerk. Mr. Jordan?

Mr. Jordan. No.

The Clerk. Mr. Chairman, there are 13 ayes and 4 noes.

Mr. Conaway. Point of order, Mr. Chairman.

The Chairman. The motion to table is carried.

Mr. Conaway. Point of order, Mr. Chairman.

The Chairman. The gentleman will state his point of order.

Mr. Conaway. Mr. Chairman, was this business meeting noticed properly within the rules of the House?

The Chairman. House Resolution 660 requires that if the minority makes a request for subpoenas that we will promptly take up that request and that is what we are doing.

On the subpoena --

Mr. Conaway. Mr. Chairman -- however, Mr. Chairman, rule 11(g) --

The Chairman. Is there a motion on the subpoena to compel the testimony of Hunter Biden?

Mr. Swalwell. Mr. Chairman, I move to table.

The Chairman. The gentleman moves to table.

All those in favor will say aye.

All opposed will say no.

In the opinion of the chair the ayes have it. The ayes have it.

The motion is now --

Mr. Nunes. Roll call vote.

The Chairman. The gentleman requests a roll call vote. Please call the roll.

The Clerk. Chairman Schiff?

The Chairman. Aye.

The Clerk. Mr. Himes?

Mr. Himes. Aye.

The Clerk. Ms. Sewell?

Ms. Sewell. Aye.

The Clerk. Mr. Carson?

Mr. Carson. Aye.

The Clerk. Ms. Speier?

Ms. Speier. Aye.

The Clerk. Mr. Quigley?

Mr. Quigley. Aye.

The Clerk. Mr. Swalwell?

Mr. Swalwell. Aye.

The Clerk. Mr. Castro?

Mr. Castro. Aye.

The Clerk. Mr. Heck?

Mr. Heck. Aye.

The Clerk. Mr. Welch?

Mr. Welch. Aye.

The Clerk. Mr. Maloney?

Mr. Maloney. Aye.

The Clerk. Ms. Demings?

Ms. Demings. Aye.

The Clerk. Mr. Krishnamoorthi?

Mr. Krishnamoorthi. Aye.

The Clerk. Ranking Member Nunes?

Mr. Nunes. No.

The Clerk. Mr. Conaway?

Mr. Conaway. No.

The Clerk. Mr. Turner?

[No response.]

The Clerk. Dr. Wenstrup?

[No response.]

The Clerk. Mr. Stewart?

[No response.]

The Clerk. Ms. Stefanik?

[No response.]

The Clerk. Mr. Hurd?

Mr. Hurd. No.

The Clerk. Mr. Ratcliffe?

Mr. Ratcliffe. No.

The Clerk. Mr. Jordan?

Mr. Jordan. No.

The Clerk. Mr. Chairman, there are 13 ayes and five noes.

The Chairman. Motion to table is carried.

The motion is now on the subpoena to compel documents from the whistleblower. Is there a motion?

Mr. Swalwell. Mr. Chairman, I move to table.

The Chairman. The gentleman moves to table.

All those in favor will say aye.

All those opposed will say no.

In the opinion of the chair the ayes have it. The ayes have it.

We'll now move to subpoena number 4 to compel documents regarding Hunter Biden's role on Burisma board.

Mr. Swalwell. Mr. Chairman, I move to table.

The Chairman. The gentleman moves to table.

All those in favor will say aye.

All those opposed will say no.

In the opinion of the chair the ayes have it. The ayes have it. The motion is tabled.

The last motion is on a motion to compel documents from the Democratic National Committee. Is there a motion?

Mr. Swalwell. Mr. Chairman, I move to table.

The Chairman. The chairman moves to table.

All those in favor will say aye.

All those opposed will say no.

In the opinion of the chair the ayes have it and the motion is tabled.

Mr. Conaway. Point of order, Mr. Chairman.

The Chairman. We are now adjourned.

[Whereupon, at 8:03 p.m., the committee was adjourned.]