Department of Energy
Washington, DC 20585

December 1, 2020

Austin Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Via email: hart.wood@americanoversight.org

Re: HQ-2019-01418-F

Dear Mr. Evers:

This is a partial response to request HQ-2019-01418-F that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. In FOIA request HQ-2019-01418-F, you requested the following:

1) All email communications (including email messages, calendar invitations, and attachments thereto), text messages, and WhatsApp messages sent or received by Secretary Perry, as well as by any aide or other assistant who accompanied Secretary Perry to Ukraine on or about May 19-21, 2019, containing any of the following key terms:
    a. Rudy
    b. Giuliani
    c. Giuiliani
    d. Guliani
    e. Hunter
    f. Biden
    g. Bidens
    h. Burisma
    i. Lutsenko
    j. Syntyk
    k. Crowdstrike
    l. Toensing
    m. diGenova
    n. Fruman
    o. Parnas
    p. Kolomoisky
    q. Kolomoysky
    r. Shokin
    s. Klitschko

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Printed with soy ink on recycled paper

t. DNC

Please produce all responsive records from May 10, 2019, through May 24, 2019.

2) Any guidance, directives, or memoranda issued to or by Secretary Perry with relation to former Vice President Joe Biden, Hunter Biden, and/or Burisma Holdings (also known as Burisma Group).

Please produce all responsive records from May 10, 2019, through May 24, 2019.

Your request was assigned to DOE's Office of the Executive Secretariat (ES) to conduct a search of its files for responsive documents.

The search started on October 18, 2019, which is the cutoff date for responsive documents. You received a second partial response to this request on April 1, 2020, consisting of five (5) documents. DOE determined that four (4) of the documents contained equities of the Department of State (DOS). For this reason, four (4) documents were transferred in part to DOS for review.

These documents have now been reviewed by DOS, and DOS has provided DOE with its release determinations on its equities. The relevant pages of these documents are now being released to you with certain information withheld pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. §552 (b)(5) and (b)(6).

This satisfies the standard set forth at 5 U.S.C. § 552(a)(8)(A) that agencies shall withhold information under FOIA "only if (I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption . . . ; or (II) disclosure is prohibited by law . . . ." 5 U.S.C. § 552(a)(8)(A) also provides that whenever full disclosure of a record is not possible, agencies shall "consider whether partial disclosure of information is possible . . . ." Thus, we have determined that, in certain instances, a partial disclosure is proper.

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the determination to withhold the information described above. The FOIA requires that "any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt." 5 U.S.C. § 552(b). As a result, a redacted version of the documents are being released to you in accordance with 10 C.F.R. § 1004.7(b)(3).

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If you have any questions about the processing of the request or this letter, your attorney may contact Hilarie Snyder, Trial Attorney, at Hilarie.E.Snyder@usdoj.gov or 202-305-0747.

I appreciate the opportunity to assist you with this matter.

Sincerely,

Alexander C. Morris

Digitally signed by Alexander C. Morris
Date: 2020.12.01 12:21:29 -05'00'

Alexander C. Morris
FOIA Officer
Office of Public Information

Enclosures

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INDEX

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DOE is producing four (4) documents that have undergone consultation.

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- Four (4) documents *from consult with DOS are being released in part pursuant to Exemptions 5 and 6.*

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DOCUMENT 1

From: Tumminia, Paul
To: Lockwood, Andrea; Mapes, Thomas E.; Buchan, Samuel; Bell, Heather (Embassy KYIV)
Cc: Sandoli, Robert; Lyon, Jennifer; McKearin, Josh; Noel, Emily E; Paul Tumminia
Subject: Ukraine S1 Papers
Date: Saturday, May 18, 2019 5:34:23 PM
Attachments: S1 Bilateral Meeting with Foreign Minister Klimkin.docx
S1 Bilateral Meeting with President Petro Poroshenko.docx
S1 Bilateral Meeting with President Zelenksyy with US delegation.docx
S1 Bilateral Meeting with President Zelenksyyawl.docx
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UKR Ukraine Country Profile (UPDATED).docx

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I have sent the others to my gmail in case I cannot access remotely tomorrow.

Here is the Link (b) (5)

Paul Tumminia
Senior Advisor
Office of Europe and Eurasian Affairs
U.S. Department of Energy
Direct Dial: (202) 586-8036

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Action Office:	POL, EXBS
Info Office:	DAO_INFO, POL_INFO

MRN:	19 KYIV 806
Date/DTG:	May 17, 2019 / 171515Z MAY 19
From:	AMEMBASSY KYIV
Action:	WASHDC, SECSTATE *ROUTINE*
E.O.:	13526
TAGS:	PGOV, PREL, UA
Captions:	SENSITIVE
Subject:	UKRAINE: Presidential Inauguration Scene Setter and Look Ahead

1. (SBU) Secretary Perry and members of the U.S. Presidential Delegation, Embassy Kyiv warmly welcomes you to Ukraine for President-elect Volodymyr Zelenskyy's inauguration. The May 20 ceremony will close the first of several consequential chapters following Zelenskyy's historic 48-point landslide victory April 21 in unprecedented free and fair elections, and will open the next chapter in which Zelenskyy will build his team and attempt to advance an ambitious agenda in a system in which more formal power resides with the Rada (parliament) and Cabinet than with the President. Jockeying for advantage in this year's parliamentary elections was the backdrop of the negotiations that resulted in the snap May 20 inauguration, which likely preserved for Zelenskyy the option of triggering early elections in late July rather than late October should he so choose. Zelenskyy is expected to announce his appointments for key security, foreign affairs, and justice posts soon after inauguration, the first public confirmation of his policy direction on key U.S. priorities. Initial indications of Zelenskyy's policies appear broadly favorable to U.S. interests, particularly on anti-corruption and justice reforms, and recent polls show Ukrainians are following Zelenskyy's lead. With Ukraine facing another historic opportunity to take major steps forward and in the process validate Zelenskyy's election night assertion that Ukraine's democracy can be a model for other post-Soviet countries in which "everything is possible" U.S. engagement and support remains critical.

Snap Inauguration Opens a New Chapter: Zelenskyy Versus the Old Rada

2. (SBU) The Rada voted May 16 to hold president-elect Volodymyr Zelenskyy's inauguration Monday, May 20 at 10:00 am. As required by the Constitution and past precedent, the president elect will be sworn in officially by the Chair of the Constitutional Court in the Rada chamber before the full parliament, with a small number of key international dignitaries observing from

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the visitors' gallery. Ministry of Foreign Affairs Protocol, Rada leadership, and Zelenskyy team contacts all confirmed the May 16 official swearing-in would be the only inaugural event, laying to rest rumors of plans for a separate ceremonial inauguration to be scheduled at a later date to maximize international attendance. Immediately after the vote, Zelenskyy's communications director Dmytro Razumkov ridiculed the Rada for not selecting Zelenskyy's preferred date of Sunday, May 19. He criticized MPs for "annoying the Ukrainian people" by setting the date on a weekday, which could limit attendance by foreign VIPs and contribute to road traffic in Kyiv. While the date was only one day off Zelenskyy's preference of May 19, the message was clear: the old Rada was out of step and should heed Zelenskyy's overwhelming electoral mandate. It also created a pretext in the likely event the snap inauguration failed to meet expectations and the precedent of high-level international representation.

The Real Competition for Power Begins

3. (SBU) Posturing aside, Zelenskyy largely prevailed in the debate over the inauguration date, which itself was the first round in a high-stakes competition now underway with the legacy Rada over early elections, electoral reform, and the composition of a new government that will collectively determine whether Zelenskyy can translate his overwhelming electoral mandate into the consolidated institutional power necessary to implement his agenda. Ukraine's constitution places most power in the hands of the parliament, and its dual-executive system (President and Prime Minister) imposes significant checks on presidential power, requiring any president to command a parliamentary majority to advance a legislative agenda and appoint senior officials. The broad scope of President Poroshenko's powers was largely due to his ability to form and preserve a functional minority coalition government, which remarkably remained intact (with only one replacement of a prime minister) for the duration of his five-year term. In contrast, President Yushchenko was beholden to a fractious Rada and ultimately succumbed to competition with a strong Prime Minister Tymoshenko. Zelenskyy's ability to implement his ambitious agenda will depend largely on whether he can preserve a comparable level of presidential power that we have become accustomed to under Poroshenko, which in turn depends on commanding a Rada coalition of at least the scale and durability of Poroshenko's.

4. (SBU) Recent polls suggest a commanding Rada coalition is within Zelenskyy's grasp. A joint poll by the Rating Group, Center for Social Monitoring, and the Ukrainian Institute of Social Studies released May 16 shows Zelenskyy's Servant of the People party could receive up to 40 percent of the vote in the Rada elections, compared to about ten percent each for a rebooted Bloc Petro Poroshenko (BPP), Tymoshenko's Batkivshchyna, consolidated pro-Russian parties, and other combined pro-reform parties (including Hrytsenko, Smeshko, Groysman, and Vakarchuk), with ten percent distributed among small factions unlikely to surmount the five percent threshold required under current law to enter the Rada, and another 10 percent undetermined. If these proportions translated directly into Rada seats, Zelenskyy would lack an outright majority, but would have no shortage of options with which to form a majority coalition or collaborate in coalitions of convenience, and he would be unlikely to face any constellation of comparable opposing forces.

Snap Elections More Likely Despite Coalition Machinations, But Not Guaranteed

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5. (SBU) The snap inauguration appeared to preserve the potential for Zelenskyy to call early Rada elections, maximizing his coattails and avoiding the dissipation of his political momentum in the months ahead of parliamentary elections currently scheduled for October 27. Contacts generally concurred that Zelenskyy had adequate legal authority should he so choose, albeit by means of a flimsy legal mechanism. A previous court case determined the current ruling Rada coalition had been non-existent since February 28 because it had since failed to prove it maintained the requisite 226 seats to constitute a majority. Zelenskyy and faction heads could cite this case as a legal basis to dismiss the Rada and call early elections 60 days hence, by late July. Such a decree would have to be issued in a narrow window after Zelenskyy's inauguration May 20 and prior to May 27, since the constitution forbids early elections within six months of the end of the Rada session November 27. Zelenskyy faces a difficult political decision: early elections enable his nascent Servant of the People party to ride a wave of unprecedented popular support, but deprive it of the time needed to build the kind of local campaign infrastructure necessary to perform in 226 single-member district elections in addition to the national party list contest.

6. (SBU) Established political parties – including BPP, Batkivshchyna, and Opposition Bloc – likely desire early elections to piggyback on the campaign infrastructure they already deployed for the presidential elections, but fading junior coalition partner People's Front is making a last stand. Poroshenko and aligned former officials will lack immunity from Zelenskyy's inauguration until they win Rada seats, an uncomfortable interval they likely wish to minimize. The 50 percent of the Rada comprised of single-member district MPs (elected in specific constituencies rather than on a national party list) were also rumored to desire early elections to minimize the opportunity to pass electoral reform that could eliminate their seats. A complication arose May 17, the morning after the inauguration date announcement, when junior coalition partner Peoples Front, in a ploy to weaken the legal case for early elections, announced it was leaving the coalition, triggering a constitutionally mandated 30-day consultation period to form a new coalition before early elections could be called, running out the clock on the narrow May 20-27 window. This move by the leadership of Peoples Front, a constellation of deeply unpopular officials with only 0.5 percent support and dim Rada prospects, is unlikely to undermine the legal basis of the popular president-elect's claim that a coalition did not exist anyway, but it may create legal complications.

Electoral Reform Appealing and In Play, But Unlikely

7. (SBU) In parallel with the question of early elections, Zelenskyy's team and other factions have been exploring the potential for electoral reform prior to Rada elections, with a move towards a closed-list full party system gaining steam. This system would rid Ukraine of the notoriously corrupt single member district MPs who often leverage local influence to buy their seats for the criminal immunity they confer, which in turn facilitates their corrupt practices. Leading international and civil society organizations, including the International Foundation for Electoral Systems (IFES), believed a closed-list party system could be implemented before October elections notwithstanding the European best practice of avoiding electoral reform within a year of an election. Zelenskyy senior advisor Ihor Bohdan recently told IFES that while an open-list party system was the best option in the long-run, it would be

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too late to implement before October. He also speculated that a change to purely party list system that removes the single-member districts would not find sufficient support in the current Rada. The poor prospect of achieving such reforms ahead of the next Rada elections removed an incentive to forego early elections, but could be back in play if early elections are not called.

Composition of the Next Government And Zelenskyy's Agenda Hangs in the Balance

8. (SBU) The contest between Zelenskyy and the legacy Rada led by establishment politicians he defeated will dominate the political landscape for the next several months, and will not be resolved until a new Rada is elected, a coalition formed, and a prime minister and cabinet seated, which will determine Zelenskyy's ability to advance a coherent agenda. Zelenskyy's appointments will be a litmus test of his true intentions. Rumors about his potential choices appear favorable to a strong reform agenda, and his explanation for keeping his cards close to his chest to prevent regressive forces from undermining his candidates rings true. While the details of his policies remain sketchy, their broad outlines are generally favorable to U S interests. (b) (5)
(b) (5)

9. (SBU) Recent polls show Ukrainians are following Zelenskyy's lead. Asked to name the top five priorities for the new President, the top response was that he should submit to the Rada bills on lifting immunity from MPs, judges, and the President (53.7 percent). Substantial pluralities also favored ensuring stability of the national currency and banking system (33.7 percent) and an acceleration of investigations of high-profile corruption crimes (25.8 percent). At the same time, Zelenskyy's lack of specifics on the Minsk process and negotiations with Russia will be a challenge. The second most popular priority cited by Ukrainians was to start direct negotiations among Ukraine, Russia, and the so-called Donetsk and Luhansk Peoples' Republics (DPR and LPR) to achieve a ceasefire and return Donbas (40.9 percent). Only 13.1 percent favored increasing economic sanctions against Russia, and 9.9 percent favored intensifying talks on NATO membership, underscoring the desire to try something different from the Poroshenko years and the importance of continued U.S. engagement.

Signature:	YOVANOVITCH
Drafted By:	KYIV (b) (6)
Cleared By:	POL: (b) (6)
Approved By:	EXEC:Pennington, Joseph S (Kyiv)
Released By:	KYIV (b) (6)
Info:	EUROPEAN POLITICAL COLLECTIVE *ROUTINE*
XMT:	ST PETERSBURG, AMCONSUL

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Action Post: NONE
Dissemination Rule: POL, DAO_INFO, POL_INFO, EXBS

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DOCUMENT 2

From: Buchan, Samuel
To: Faseler, Hunter
Cc: Habansky, Sarah; Staff Secretary
Subject: Ukraine S1 Papers
Date: Sunday, May 19, 2019 12:31:12 AM
Attachments: S1 Bilateral Meeting with Foreign Minister Klimkin.docx
S1 Bilateral Meeting with President Petro Poroshenko.docx
S1 Bilateral Meeting with President Zelenksyy with US delegation.docx
S1 Bilateral Meeting with President Zelenksyyawl.docx
S1 Bilateral Meeting with Speaker Parubiy.docx
S1 Briefing memo on Baltics 3+1.docm
S1 Country Team Memo, Ukraine May 2019.docm
S1 Dinner Meetng Memo Sondland and Sefcovic May 2019.docm
S1 Meeting Memo DM Zerkal and DM Boyko.docx
Embassy Scenesetter.docx
UKR Ukraine Country Profile (UPDATED).docx

Hunter - As requested, attached are the outstanding papers for tomorrow, Monday, and Tuesday.

Let me know if you have any questions.

Best,
Sam

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From: Mapes, Thomas E.
To: Buchan, Samuel; Faseler, Hunter; Johnson, Matthew J.
Subject: FW: Ukraine S1 Papers
Date: Sunday, May 19, 2019 11:47:57 AM
Attachments:
S1 Bilateral Meeting with Foreign Minister Klimkin.docx
S1 Bilateral Meeting with President Petro Poroshenko.docx
S1 Bilateral Meeting with President Zelenksyy with US delegation.docx
S1 Bilateral Meeting with President Zelenksyyawl.docx
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Embassy Scenesetter.docx
UKR Ukraine Country Profile (UPDATED).docx

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these should all be good to go- unless sam has any issues

From: Tumminia, Paul <paul.tumminia@hq.doe.gov>
Date: Saturday, May 18, 2019, 5:34 PM
To: Lockwood, Andrea <andrea.lockwood@hq.doe.gov>, Mapes, Thomas E. <thomas.mapes@hq.doe.gov>, Buchan, Samuel <samuel.buchan@hq.doe.gov>, Bell, Heather (Embassy KYIV) (b) (6)
Cc: Sandoli, Robert <robert.sandoli@hq.doe.gov>, Lyon, Jennifer <jennifer.lyon@hq.doe.gov>, McKearin, Josh <josh.mckearin@hq.doe.gov>, Noel, Emily E <emily.noel@hq.doe.gov>, Paul Tumminia (b) (6)
Subject: Ukraine S1 Papers

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Paul Tumminia
Senior Advisor
Office of Europe and Eurasian Affairs
U.S. Department of Energy
Direct Dial: (202) 586-8036

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Action Office:	POL, EXBS
Info Office:	DAO_INFO, POL_INFO

MRN:	19 KYIV 806
Date/DTG:	May 17, 2019 / 171515Z MAY 19
From:	AMEMBASSY KYIV
Action:	WASHDC, SECSTATE *ROUTINE*
E.O.:	13526
TAGS:	PGOV, PREL, UA
Captions:	SENSITIVE
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8. (SBU) The contest between Zelenskyy and the legacy Rada led by establishment politicians he defeated will dominate the political landscape for the next several months, and will not be resolved until a new Rada is elected, a coalition formed, and a prime minister and cabinet seated, which will determine Zelenskyy's ability to advance a coherent agenda. Zelenskyy's appointments will be a litmus test of his true intentions. Rumors about his potential choices appear favorable to a strong reform agenda, and his explanation for keeping his cards close to his chest to prevent regressive forces from undermining his candidates rings true. While the details of his policies remain sketchy, their broad outlines are generally favorable to U.S. interests. (b) (5)

(b) (5)

9. (SBU) Recent polls show Ukrainians are following Zelenskyy's lead. Asked to name the top five priorities for the new President, the top response was that he should submit to the Rada bills on lifting immunity from MPs, judges, and the President (53.7 percent). Substantial pluralities also favored ensuring stability of the national currency and banking system (33.7 percent) and an acceleration of investigations of high-profile corruption crimes (25.8 percent). At the same time, Zelenskyy's lack of specifics on the Minsk process and negotiations with Russia will be a challenge. The second most popular priority cited by Ukrainians was to start direct negotiations among Ukraine, Russia, and the so-called Donetsk and Luhansk Peoples' Republics (DPR and LPR) to achieve a ceasefire and return Donbas (40.9 percent). Only 13.1 percent favored increasing economic sanctions against Russia, and 9.9 percent favored intensifying talks on NATO membership, underscoring the desire to try something different from the Poroshenko years and the importance of continued U.S. engagement.

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