



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

August 29, 2019

The Honorable Rick Perry
Secretary
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585

Re: OSC File No. DI-18-5859

Dear Secretary Perry:

Pursuant to my responsibilities as Special Counsel, I am referring to you for investigation whistleblower disclosures regarding the U.S. Department of Energy (DOE) Office of International Affairs (OIA). I have determined that there is a substantial likelihood that the whistleblower's allegations disclose violations of law, rule, or regulation; abuse of authority; a gross waste of funds; and gross mismanagement. A report of your investigation, including remedial actions if warranted, is due to the U.S. Office of Special Counsel (OSC) by October 28, 2019.

The whistleblower, [REDACTED], who consented to the release of his name, is a Foreign Affairs Analyst with the Office of Fossil Energy (OFE). [REDACTED] was detailed to DOE OIA from August through December 2015. During this time, the whistleblower was slated to fill the position left vacant by former DOE employee, William Bryan,¹ the primary alleged wrongdoer. The whistleblower also alleges wrongdoing by other members of DOE management, including current DOE employee [REDACTED]. Allegations to be investigated include:

- Mr. Bryan manipulated DOE energy policy to further personal business interests.
- Mr. Bryan utilized his position as a DOE Special Government Employee (SGE)² to develop his private business interests as president of the ValueBridge Energy Group (VBEG), an entity in the same sector in which Mr. Bryan was working as a government official.

¹ Mr. Bryan is the current presidential nominee for Homeland Security Under Secretary for Science and Technology.

² Defined at 18 U.S.C. § 202.

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- Mr. Bryan was not forthright in his sworn statements to Congress,³ including the following: (1) that he refrained from working in his capacity as president of VBEG while employed as a DOE SGE; (2) in mischaracterizing as strictly personal his ongoing association with ██████████ ██████████ a former DOE Ukrainian partner; and (3) in claiming ignorance of ██████████ employment by VBEG as an industry expert.
- ██████████ hindered U.S. interests when he disclosed proprietary U.S. government information on coal pricing to EIR Center's ██████████ ██████████ during government-assisted negotiations for the purchase of coal by Centrenergy, a Ukrainian state-owned power producer, from XCoal Energy and Resources, an American coal company.

Given the complex and serious nature of these allegations, I have provided a more thorough explanation of each allegation below. It is also my expectation that the party chosen to investigate these allegations will consult with ██████████ to obtain further details on his allegations.

Allegation 1: Mr. Bryan manipulated DOE energy policy to further personal business interests.

According to ██████████ Mr. Bryan headed an international Winter Action Plan (WAP) team in Ukraine to assist the country in averting interim energy crises during the 2014-2015 and 2015-2016 winter seasons. The WAP team was to develop a plan to help Ukraine achieve long-term energy independence and stability. According to a congressional statement by Mr. Bryan,⁴ the WAP team began working with the Kiev-based think tank EIR Center, founded by ██████████ and ██████████ at the recommendation of then-Deputy Prime Minister and now-Prime Minister, Volodymyr Groysman. The whistleblower alleges that the EIR center was used by ██████████ as a cover organization to promote the business interests of his company, DTEK, the largest energy producer in Ukraine. The whistleblower further alleges that DTEK's interests were at odds with U.S. interests in helping Ukraine eliminate monopolies and the influence of oligarchs in its energy sector.

The whistleblower alleges that, although likely not aware of the EIR Center's connections initially, Mr. Bryan became aware of the EIR Center's adversarial positions before the WAP team developed and published an energy preparedness plan for the 2015-2016 winter season.⁵ The whistleblower alleges that Mr. Bryan promoted the EIR Center's policy positions—to the detriment of American and Ukrainian interests in demonopolization of the energy sector—with the understanding that the EIR Center's

³ Senator Claire McCaskill, *Post-Hearing Questions for the Record*, Submitted to William N. Bryan (August 22, 2018). Exhibit 1.

⁴ *Post-Hearing Questions for the Record*, response to question 8.

⁵ *Fall-Winter 2015-2016 Preparedness and Sustainability Plan: Fuel and Energy Sector*.

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founders would help Mr. Bryan cultivate his personal commercial interests. For example, the whistleblower alleges that the 2015-2016 winter plan strongly promoted policies helpful to DTEK by exaggerating the costs of imported coal, projecting unrealized and unsupported extreme winter weather temperatures, and recommending the purchase of excess coal.⁶ Further, the whistleblower alleges Mr. Bryan continued to strongly advocate for utilizing EIR Center's services in the development of an anticipated 2016-2017 winter preparedness plan.

The whistleblower alleges that Mr. Bryan's work was not neutral. In support of this assertion, the whistleblower cited to Mr. Bryan's awareness of EIR Center's connections; the substance of the 2015-2016 winter plan; Bryan's close relationship with and defense of the EIR Center's founders; his later business decisions; and his concealment from Congress of his business efforts and contacts.

Allegation 2: Mr. Bryan utilized his government position to develop his private business interests

The whistleblower alleges that Mr. Bryan, as president of VBEG, used his position as a DOE SGE to engage in personal business development in the Ukrainian energy sector. Specifically, he alleges that Mr. Bryan chaired the March 2016 Power Grid Resilience Conference in Philadelphia, Pennsylvania to promote his personal business interests while still an SGE. Mr. Bryan's biography, featured in the flier for the conference, describes him as a retired federal employee rather than a current SGE. Exhibit 2. The whistleblower also alleges that Mr. Bryan was actively seeking business opportunities for VBEG in conjunction with the EIR Center during this time and later used knowledge he gained in his government capacity to further his private sector interests.

The whistleblower produced a September 2016 news article from the Lviv Chamber of Commerce and Industry, featuring Mr. Bryan, including his picture, featuring him for his work negotiating a deal for VBEG to build environmentally safe waste recycling plants in the Zhytomyr and Lviv regions of Ukraine.⁷ These plants were part of a waste-to-energy initiative and involved the very industry in which Mr. Bryan had functioned as an SGE. The whistleblower alleges Mr. Bryan had begun marketing VBEG's safe waste recycling plants during his final trip to Ukraine while still an SGE. The whistleblower alleges that Mr. Bryan's role in VBEG's negotiations constituted use of his public office for private gain in contravention of 5 C.F.R. § 2635.702.

Allegation 3: Mr. Bryan was not forthright in statements to Congress

⁶ The whistleblower alleges that Mr. Bryan failed to produce upon request the data underlying the temperature projections, upon which the recommendation to purchase significant coal reserves rested.

⁷ April 2016 news article authored by Natalya Yokovleva for the Lviv Chamber of Commerce and Industry.

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The whistleblower alleges that Mr. Bryan was not forthright in his August 22, 2018 congressional *Post-Hearing Questions for the Record*. First, in response to question 8, regarding the nature and extent of his relationship with ██████████ he did not mention any proposed business ventures he had with ██████████ and denied any “further official business endeavors” with him after DOE employ. Yet, the whistleblower alleges that after leaving DOE’s employ, Mr. Bryan, in his capacity as president of VBEG, contracted with a subsidiary of and subcontractor for Naftogaz, a Ukrainian state-owned oil and gas company, at the same time that ██████████ was the Government of Ukraine’s Special Envoy to Naftogaz. He also alleges that, in March 2017, VBEG hosted a small private presentation during the CERAWEEK Energy Conference in Houston, Texas to promote American investment in Ukraine’s energy sector. Promotional material for this event indicates that ██████████ was a featured speaker. Exhibit 3. While Mr. Bryan did acknowledge ██████████ simultaneous employment by Naftogaz subcontractor CabinetDN, he failed to acknowledge ██████████ position as Special Envoy to Naftogaz during the same period.

Second, in his response to question 13, Mr. Bryan writes that, despite becoming a VBEG employee in December 2015, he did no work for the company and received no salary or compensation until July 2016, when he ceased working as an SGE for DOE. In response to question 5, he indicates that he focused on the business development of the Energy Group but that it never went beyond the planning phase. As discussed above, the whistleblower alleges that Mr. Bryan sought to promote VBEG at conferences and obtain business opportunities for the company within Ukraine while employed as an SGE.

Third, in response to question 7, Mr. Bryan denied knowing that ██████████ the PNNL program manager on the WAP team, had ever been employed by VBEG. The whistleblower contends that VBEG’s small size, coupled with that fact that ██████████ name was on its website as one of its industry experts, renders Mr. Bryan’s denial not credible.

Allegation 4: ██████████ hindered U.S. interests when he disclosed proprietary U.S. government information on coal pricing to EIR Center

The whistleblower alleges that ██████████ became aware of pricing details in negotiations for the sale of American coal to Ukraine via XCoal Energy and Resources to Centrenergy and then improperly shared that information with EIR Center’s ██████████ ██████████ during government-assisted negotiations for the purchase of coal by Centrenergy, a Ukrainian state-owned power producer, from XCoal Energy and Resources, an American coal company.⁸ The whistleblower alleges that the success of

⁸ Alleged evidence of this leak includes screenshots of a conversation between ██████████ and others, indicating that he had obtained his knowledge from an inside source.

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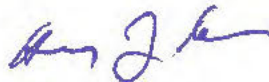
the deal was detrimental to DTEK interests in preventing diversification of coal resources.

Pursuant to my authority under 5 U.S.C. § 1213(c), I have concluded that there is a substantial likelihood that the information provided to OSC discloses a violation of law, rule, or regulation; abuse of authority; and gross mismanagement. Please note that specific allegations and references to specific violations of law, rule, or regulation are not intended to be exclusive. If, in the course of your investigation, you discover additional violations, please include your findings on these additional matters in the report to OSC. Per statutory requirements, I will review the report for sufficiency and reasonableness before sending copies of the report, along with the whistleblower's comments and any comments or recommendations I may have, to the President and congressional oversight committees, and make these documents publicly available.

Additional important requirements and guidance on the agency report are included in the Appendix, which can also be accessed online at <https://osc.gov/Pages/Resources-PublicFiles.aspx> If your investigators have questions regarding the statutory process or the report required under section 1213, please contact Elizabeth McMurray, Chief of the Retaliation and Disclosure Unit, at (202) 804-7089 for assistance. I am also available for any questions you may have.

As discussed above, your investigative report, including any remedial actions, if warranted, is due to OSC by October 28, 2019.

Sincerely,



Henry J. Kerner
Special Counsel

Enclosures

cc: The Honorable Teri Donaldson, Inspector General

APPENDIX

AGENCY REPORTS UNDER 5 U.S.C. § 1213

GUIDANCE ON 1213 REPORT

- OSC requires that your investigators interview the whistleblower at the beginning of the agency investigation when the whistleblower consents to the disclosure of his or her name.
- Should the agency head delegate the authority to review and sign the report, the delegation must be specifically stated and include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5).
- OSC will consider extension requests in 60-day increments when an agency evidences that it is conducting a good faith investigation that will require more time to complete.
- Identify agency employees by position title in the report and attach a key identifying the employees by both name and position. The key identifying employees will be used by OSC in its review and evaluation of the report. OSC will place the report without the employee identification key in its public file.
- Do not include in the report personally identifiable information, such as social security numbers, home addresses and telephone numbers, personal e-mails, dates and places of birth, and personal financial information.
- Include information about actual or projected financial savings as a result of the investigation as well as any policy changes related to the financial savings.
- Reports previously provided to OSC may be reviewed through OSC's public file, which is available here <https://osc.gov/Pages/Resources-PublicFiles.aspx>. Please refer to our file number in any correspondence on this matter.

RETALIATION AGAINST WHISTLEBLOWERS

In some cases, whistleblowers who have made disclosures to OSC that are referred for investigation pursuant to 5 U.S.C. § 1213 also allege retaliation for whistleblowing once the agency is on notice of their allegations. The Special Counsel strongly recommends the agency take all appropriate measures to protect individuals from retaliation and other prohibited personnel practices.

EXCEPTIONS TO PUBLIC FILE REQUIREMENT

OSC will place a copy of the agency report in its public file unless it is classified or prohibited from release by law or by Executive Order requiring that information be kept secret in the interest of national defense or the conduct of foreign affairs. 5 U.S.C. § 1219(a).

EVIDENCE OF CRIMINAL CONDUCT

If the agency discovers evidence of a criminal violation during the course of its investigation and refers the evidence to the Attorney General, the agency must notify the Office of Personnel Management and the Office of Management and Budget. 5 U.S.C. § 1213(f). In such cases, the agency must still submit its report to OSC, but OSC must not share the report with the whistleblower or make it publicly available. See 5 U.S.C. §§ 1213(f), 1219(a)(1).

**Senator Claire McCaskill
Post-Hearing Questions for the Record
Submitted to William N. Bryan**

**“Hearing to Consider the Nominations of William N. Bryan to be Under Secretary,
Directorate of Science & Technology, U.S. Department of Homeland Security and Peter T.
Gaynor to be Deputy Administrator, Federal Emergency Management Agency U.S.
Department of Homeland Security”
August 22, 2018**

1. Why is it a good idea to move the National Bio and Agro-Defense Facility from DHS to USDA?

Response: The proposed transfer of NBAF’s operational responsibility to USDA provides a more efficient and effective alignment of agency mission functions. The creation of a robust research and development (R&D) capability to support agro-defense has been the intention of many acts of Congress and Presidential Directives. In 2004, Homeland Security Presidential Directive 9 (HSPD-9) tasked the Secretaries of Agriculture and Homeland Security to “develop a plan to provide safe, secure, and state-of-the-art agriculture biocontainment laboratories that research and develop diagnostic capabilities for foreign animal and zoonotic diseases.” This was the genesis of the NBAF mission and the replacement laboratory for the Plum Island Animal Disease Center. The key mission activities to be conducted within NBAF are aligned to the ongoing USDA mission responsibilities as the Sector-Specific agency to control and eradicate any outbreak of a highly contagious or economically devastating animal/zoonotic (transmitted between animals and people) disease, or any outbreak of an economically devastating plant pest or disease; and, ensuring the safety and security of the commercial food supply under the National Response Framework. DHS remains committed to our statutory government wide coordination responsibilities for defending our food, agriculture and veterinary systems against terrorism and other high-consequence events. DHS performs this coordination with and in support of the USDA, as well as the Department of Health and Human Services, and the Environmental Protection Agency. Where DHS has identified a national security need, it will continue to partner and invest in the acceleration of technologies to protect the homeland.

2. What is DHS doing as a part of the NBAF transition to ensure that NBAF will maintain its national security prominence within USDA?

Response: Upon full operations of NBAF, DHS has a continued interest in the mission of protecting U.S. agriculture and maintaining NBAF as a national and international capability. DHS will continue to work with USDA, the interagency, and other stakeholders to address research and development priorities and scientific collaborations for foreign, emerging, and zoonotic diseases at NBAF. DHS and USDA expect to sign a memorandum of agreement this year that details the current strategy for DHS to complete the construction of NBAF, while USDA takes over responsibility for operational planning and future full operations of NBAF. This agreement will serve as the foundation for future

plans to ensure DHS has access to the NBAF to address emerging threats and perform needed research to respond to homeland security needs.

3. What will DHS do to ensure that USDA is well-equipped to operate NBAF at capacity with sufficient research funding, staffing, and capabilities?

Response: DHS remains committed to the success of the NBAF Program and the ongoing role of NBAF as a National security asset once the laboratory is fully operational. DHS will complete the construction and commissioning of NBAF and will continue to work with USDA to ensure the successful transition to full operational capability. DHS will be transferring its cadres of federal staff that are committed to the construction of NBAF as well as the contract awarded to support the operational stand-up of NBAF to USDA in FY19. These personnel and contract capabilities will provide some of the expertise and experience to USDA as USDA builds its own operational plan and staff. Additionally, DHS will continue to partner with USDA to invest in research and development in areas where DHS mission needs exist or when emergent needs materialize. Finally, DHS will continue to operate the Plum Island Animal Disease Center until NBAF is operational and partner with USDA to conduct the necessary research activities and leverage the scientific and operational expertise in preparation for the transition to NBAF.

4. You have put in motion a plan to eliminate HSARPA. While I am supportive of your efforts to make changes in line with the DHS reauthorization bill passed out of this committee, this is not the first time that a head of S&T has tried to reorganize to solve its problems. What is different this time?

Response: Realignment can be disruptive and should not be done just for the sake of change, but rather only when necessary to enable organizational effectiveness. Having had the unique opportunity to observe the organization and speak with customers and employees for over a year, it has become clear that improvements are needed. I believe the difference this time is that the revitalization is focused on creating a matrixed organization that is scalable and agile, and in turn able to be efficient and effective in the future regardless of resourcing levels or ever-changing customer mission needs. In the past, I believe organizational changes were made to realign resources around current customer mission needs – an approach I believe would only ensure the need for even more changes in the future as the customer needs change. If confirmed, I look forward to implementing the proposed revitalization crafted in close partnership with the S&T workforce to improve team unity and effectiveness moving forward.

5. How will you ensure that S&T doesn't continue to waste money on projects that don't result in technology and equipment that benefits DHS components?

Response: If confirmed, I will work to ensure efficient use of taxpayer dollars by making active customer engagement a critical element of how S&T does business. I will implement a project-based funding approach in which projects are funded only when there is a valid, prioritized requirement from the customer, and the customer has agreed to participate and remain engaged throughout the development lifecycle. We will also have a dedicated group

focused on transition and commercialization engaging in projects early on to ensure there is a valid pathway from R&D to acquisition and operational use by the components.

6. What is your plan to change the culture amongst S&T employees to ensure that they are doing work that will actually benefit DHS components?

Response: At the highest level, the key element of the culture change I seek to make is the recognition that first and foremost S&T is a customer-service organization. Our customers put their lives on the line every day to keep our nation safe, and it is our job to support them in this critical mission. If confirmed, I will implement a holistic approach to customer engagement and a matrixed structure that empowers teamwork and emphasizes accountability. With a closer connection to the customer, employees will also see the value of their work when they can truly understand and see the impact it has on our components.

7. Are you currently funded and staffed appropriately to handle the mission of providing testing and evaluation acquisition support?

Response: S&T is currently able to scale resources as necessary to handle the mission of providing testing and evaluation acquisition to support all Level 1 and non-delegated Level 2 acquisition programs. S&T also provides limited support to Level 3 programs and programs in pre-acquisition when requested. To support acquisitions at a lower level, additional resourcing may be needed and DHS Directives would need to be revised accordingly.

8. How do you intend to meet the rising need for testing and evaluation support based on the FY19 President's budget?

Response: S&T will prioritize within available resources to support major programs as required to meet the needs of the Chief Acquisition Officer and Component Heads.

9. What are the thresholds that DHS component projects must meet in order for S&T to provide services through the Capability Development Support Group? What resources would you need to provide those services for acquisitions at a lower level?

Response: Components are not compelled to utilize our services. S&T's Capability Development Support Group supports the Components upon request, providing support within available resources as well as additional scalable support with additional Component funding. As noted before, S&T provides support to all Level 1 and non-delegated Level 2 acquisition programs, in accordance with DHS Directives. S&T also provides limited support to Level 3 programs and programs in pre-acquisition when requested. To support acquisitions at a lower level, additional resourcing may be needed and DHS Directives would need to be revised accordingly.

10. What is the future of the Integrated Product Teams which are S&T coordinated? What is your view of the IPTs?

Response: The IPTs are a valuable resource. If confirmed, I will look to further advance the IPTs to become a more "requirements-driven" R&D function to better inform our investments, while maintaining the overall cross functional R&D coordination process amongst the Components.

11. What are the most important contributions S&T can make to improve the DHS and component acquisitions processes?

Response: The most important contribution I believe S&T can make is to help programs identify and manage the technical risks that impact operational capability. Support for our early engagement in the acquisition process is essential to meaningfully impact the major acquisitions early in the lifecycle to help the programs set the conditions for success. Beginning with requirements definition, and continuing through design and development, the S&T technical assessment and involvement in developmental test and evaluation is critical to improving the likelihood of favorable acquisition outcomes and is essential to delivering enhanced capabilities to Homeland Security Operators in the most effective and efficient manner.

Additional questions submitted by Senator McCaskill on behalf of Senator Duckworth.

1. Please confirm whether you served as the lead for the Ukrainian Winter Action Plan while an employee with the U.S. Department of Energy (DOE). If you were not the lead, please describe your relationship and work related to the Ukrainian Winter Action Plan.

Response: Yes. At the direction of DOE Secretary Ernest Moniz, I led an international team (G-7 nations) to support the Ukrainian Government in this effort.

2. Please confirm whether you served as DOE's lead for the Ukrainian Resilience Plan. If you were not the lead, please describe your relationship and work related to the Ukrainian Resilience Plan.

Response: Yes. At the direction of DOE Secretary Ernest Moniz, I led an international team (G-7 nations) to support the Ukrainian Government in this effort.

3. Please confirm whether you conducted official business using a personal email account, a commercial email account or any other non-governmental email account while serving at DOE and DHS. Explain why you used a non-governmental email account to conduct government business, when you used such an email account and confirm whether you took appropriate steps to archive all emails related to official activities with archiving officials at DOE and DHS.

Response: Not as a routine and only when absolutely necessary (when the government email/service was down) did I use my personal gmail account. During those rare moments, I cc'd my government address, in compliance with the Presidential and Federal Records Act, to ensure a complete record was captured on the government servers.

4. If you ever used a non-official or non-governmental email account while employed at DOE to hide activity, limit visibility into activity and engage in activity that may have created the appearance of, or constituted a real, conflict-of-interest – please describe all such occasions and provide copies of e-mail correspondence to the committee.

Response: No such activity was done with that intent. As previously mentioned, in the rare cases when a non-government email was used, I cc'd my government address in compliance with the Presidential and Federal Records Act. This was done to ensure a complete record was captured on the government servers.

5. Please describe in detail your relationship with Valuebridge International, including your current status with the company, and past work history with the company, including when you became President of the company, positions held with company and all clients.

Response: During my time at ValueBridge International as the President of the Energy Group, I focused on the business development of a new "Energy" vertical within the company. This effort never went beyond the planning phase because I decided to re-enter government service. I am no longer associated with ValueBridge.

6. Please confirm whether Valuebridge International has ever represented or worked with individuals or companies related to Ukraine, and provide a list of every Ukrainian government official, foreign national and business entity Valuebridge has contracted with, worked for, worked with or otherwise had a business relationship with. This list should include names, descriptions of the work performed, details on compensation and details on when and where such work was performed.

Response: ValueBridge was the sub-contractor to CabinetDn (a Public Relations firm in Brussels) for some work on behalf of Naftogaz (Ukrainian Gas Company). Naftogaz sought to increase their visibility on the world market and hired CabinetDn to set up events for them in the U.S. and across Europe. CabinetDn reached out to ValueBridge to make recommendations and provide logistics support for any U.S. event. In my role at ValueBridge, I assisted with suggestions for U.S. events. ValueBridge received a total of \$42k for the event and I received \$4,200 in compensation.

7. Please describe in detail your relationship with [REDACTED], including whether he worked at Valuebridge International. If [REDACTED] worked at, or worked with, Valuebridge International, please describe the dates of employment and his professional responsibilities.

Response: To my knowledge [REDACTED] never worked for ValueBridge. My limited relationship with [REDACTED] was during my time at DOE when he worked at Pacific Northwest National Lab (PNNL) as a Program Manager.

8. Please describe in detail your relationship with [REDACTED] including when you first met him and any subsequent contacts with this foreign national. Include descriptions

of your business relationship with [REDACTED] including dates of work, nature of work and conditions of work performed. If you never had a formal business relationship with [REDACTED] please describe any time you explored or considered a potential business relationship and explain why you did not finalize it.

Response: I was introduced to [REDACTED] in August of 2013 by then Ukrainian Vice Prime Minister Volodymyr Groysman (the current Prime Minister). I was leading a team to assist the Ukrainian Government in drafting an energy "Winter Action Plan." Because of the disparate energy data available, I asked Mr. Groysman who he would recommend I work with to validate information being provided to the international team. He strongly recommended [REDACTED] and [REDACTED] from the Energy Information Research Center (EIR Center). The EIR Center played a vital role in all my DOE efforts in Ukraine (Aug 2013-Jun 2016). We have maintained periodic contact (2-3 times per year) as friends but with no further official business endeavors.

9. Please describe in detail your relationship with [REDACTED] including when you first met him and any subsequent contacts with this foreign national. Please describe any assistance, direct or indirect, [REDACTED] provided you or Valuebridge International in representing any Ukraine official, past or present. Include a list of any clients [REDACTED] helped you service, with dates and descriptions of work performed.

Response: As described in question #8, I was introduced to [REDACTED] in August of 2013 by then Ukrainian Vice Prime Minister Volodymyr Groysman (the current Prime Minister). I was leading a team to assist the Ukrainian Government in drafting an energy "Winter Action Plan." Because of the disparate energy data available, I asked Mr. Groysman who he would recommend I work with to validate information being provided to the international team. He strongly recommended the Energy Information Research Center (EIR Center) led by [REDACTED] and a [REDACTED]. The EIR Center played a vital role in all my DOE efforts in Ukraine (Aug 2013-Jun 2016). I also consider [REDACTED] a friend but my contact with him is infrequent. [REDACTED] is the Director of the EIR Center and was also working with CabinetDn during the same time, but I have no knowledge of the nature of work they did as a sub-contractor. The only foreign client ValueBridge had was Naftogaz through CabinetDn for a brief period of time. [REDACTED] assisted with no other clients to my knowledge.

10. Please describe every instance where you performed work or acted as a foreign agent. Include any documents related to registrations under the Foreign Agents Registration Act (FARA) and affirm whether you are confident that you have always complied with FARA statutory requirements.

Response: The only instance was described in question #6, and was fully in compliance with FARA.

11. Please list all contacts of individuals with whom you discussed your appointment to serve in the U.S. Department of Homeland Security (DHS) under the Trump Administration. If

you discussed a potential appointment or role with any agency or any position in the Trump Administration with Paul Manafort, please describe in detail your discussions with Mr. Manafort and your past and current relationship with Mr. Manafort, including whether Mr. Manafort played a role in helping you secure your appointment at DHS.

Response: I joined the Department of Homeland Security in 2017 as a rehired annuitant career member of the Senior Executive Service. When later approached to serve in this appointment, I had discussions with the Secretary and the Administration Liaison to DHS. I've never had any interactions with Paul Manafort.

12. Please identify which individual or individuals from the President's campaign, transition team or Trump Organization appointed you into your current position at DHS.

Response: I joined the Department of Homeland Security in 2017 as a rehired annuitant career member of the Senior Executive Service to serve as the Deputy Under Secretary for Science and Technology at DHS.

13. Please provide a detailed timeline covering precisely how you exited Valuebridge International and how this relates to the process you took to join DHS.

Response: I exited ValueBridge in March 2017 after I expressed my willingness to come out of retirement and re-enter government service. I was re-hired in May 2017 as a career SES.

Timeline Facts:

- **Oct. 2015 became Special Gov't Employee (SGE), a part-time employee, which ended in June 2016.**
- **Dec. 2015 became ValueBridge employee (no salary/compensation) but postponed work until July 2016 when DOE work was completed as SGE.**
- **March 2017 left ValueBridge.**

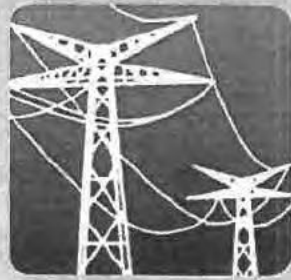
14. Please confirm whether you hold a security clearance, including the level of clearance, and share the dates on which periodic reinvestigations were conducted.

Response: I do hold a clearance. Official records state:

Clearance level: TS/SCI. Date of clearance: 05/12/17 (approved for TS). Date of last investigation: 07/01/13.

15. Please confirm whether you, or a close family member, have ever had any foreign financial interests (such as stocks, property, investments, bank accounts, ownership of corporate entities, corporate interests or businesses) in which you or they have direct control or direct ownership (Exclude financial interests in companies or diversified mutual funds that are publicly traded on a U.S. exchange).

Response: None



POWER GRID RESILIENCE

SCALABLE SOLUTIONS FOR PROTECTION, SURVIVABILITY, AND RESPONSE

March 21-23, 2016 • Philadelphia, PA

MEET THE CHAIRPERSON FOR POWER GRID RESILIENCE 2016



William N. Bryan
Former Deputy Assistant
Secretary of Energy,
Infrastructure Security &
Energy Restoration, President
ValueBridge Energy Group

Before his retirement in Oct 2015 as a Senior Executive with the U.S. Department of Energy, Mr. Bryan served as the **Senior Advisor for Energy Infrastructure Security in the Office of International Affairs (IA)**. IA responds to the most pressing global energy challenges, ranging from energy security and market volatility to impacts from climate change. With his primary focus on Ukraine, Mr. Bryan led several international delegations to assist Ukraine in **seeking energy solutions** to survive the winter months and actions necessary to achieve Energy Sector reforms in five years.

As a former Deputy Assistant Secretary for Infrastructure Security and Energy Restoration in DOE's Office of Electricity Delivery and Energy Reliability (OE), Mr. Bryan worked with the National Security Council, other U.S. government agencies, private industry and international partners to enhance the security and resiliency of critical energy infrastructure and facilitate the reconstruction and recovery of damaged or disrupted energy systems from a variety of threats and hazards.

SUPPORTING SECURITY PRIORITIES ACROSS THE ELECTRIC UTILITY SECTOR

- RELIABILITY Concerns and Strategies for Risk Mitigation
- ENHANCING Cyber-Physical Security Integration
- BUILDING Cross-Sector Security Coordination
- UNDERSTANDING the EMP threat
- Updates on the **NATIONAL TRANSFORMER STRATEGY**
- SOLUTIONS** for Reliability and Resilience of Power Infrastructure
- UNDERSTANDING THE GAPS:** Navigating the Regulatory Environment
- PREDICTING** and Preventing Cascading Failure

WE WILL ALSO TAKE AN IN-DEPTH LOOK AT:

- Grid Modernization
- Cost-Benefit Analysis of Physical Security Solutions
- Understanding the Insider Threat
- An "All-Hazards" Approach to Security
- Distributed Energy and Microgrid Strategies for Risk Mitigation
- Preparing for High Impact/Low Frequency events (HIALF)

Sponsors:



For more information please contact Chelsea Grant at 212-885-2664 or Chelsea.Grant@iqpc.com





Other Highlighted Speakers:



**The Honorable
Caitlin Durkovich**
Assistant Secretary
of Homeland Security
for Infrastructure
Protection
*Confirmed pending
DHS approval*

KEYNOTE ADDRESS: Increasing Resiliency in Critical Electrical Infrastructure

In May 2012, President Obama appointed Ms. Caitlin A. Durkovich Assistant Secretary for Infrastructure Protection (IP). In her role, she leads the Department's efforts to strengthen public-private partnerships and coordinate programs to protect the Nation's critical infrastructure, assess and mitigate risk, build resilience, and strengthen incident response and recovery. Ms. Durkovich has advanced the mission to secure and ensure the resiliency of the Nation's infrastructure through a number of milestones and accomplishments since her appointment. She helped lead the implementation of Executive Order (EO) 13636 Improving Critical Infrastructure Cybersecurity and Presidential Policy Directive (PPD)-21 Critical Infrastructure Security and Resilience, leveraging linkages between physical and cyber and focusing on the increasingly complex and interdependent nature of infrastructure. She directed the national effort to update and revise the National Infrastructure Protection Plan in 2013, focusing on the value of partnerships in building a unity of effort to achieve critical infrastructure security and resilience.



F. Edward Goetz
VP & Chief Security
Officer
Exelon Corporation

Session Title: Security Benchmarking for Critical Electrical Infrastructure : How Much is Enough?

Ed joined Exelon (Constellation Energy) in August 2009 and has responsibility for cyber and physical security across the enterprise. In this capacity, he was a contributing author to the 2011 National Infrastructure Advisory Council (NIAC) Study on Resilience. Prior to joining Exelon, he was the Chief Operating Officer of I2S, Inc., a professional services company whose clients included various agencies within the U.S. Intelligence Community from 2007 - 2009. After two years, he guided I2S through a successful M&A process, culminating in its sale. During his 20-plus-year tenure as an FBI Special Agent, Ed was detailed to the Central Intelligence Agency's (CIA) Counterterrorism Center, where among other counterterrorism operations he led the CIA team in the response to the August 7, 1998, bombing of the U.S. Embassy in Nairobi, Kenya. He was chief of the FBI's Legal Attaché Office in Germany from 2000-2005 and was instrumental in the 9/11 investigation of the Al-Qaeda terrorist cells in Germany. Ed also established and headed the FBI's Baghdad Office in 2005. Upon returning to the United States, he was put in charge of the FBI Baltimore Office's Counterterrorism, Counterintelligence and Cyber Programs. Before retiring, he was the Acting Section Chief of the Office of International Operations, FBI Headquarters, where he had responsibility for all FBI overseas offices.



Pamela A. Witmer
Commissioner
Pennsylvania Public
Utility Commission

Session Title: Understanding Cyber/Physical Risks to Utility Infrastructure

Pamela A. Witmer took the oath of office as a Pennsylvania Public Utility Commissioner on June 30, 2011. She was nominated to serve as Commissioner by Gov. Tom Corbett on June 7, 2011, and unanimously confirmed by the Senate on June 27, 2011. In February 2015, she was asked to serve on the Advisory Council for the North American Energy Standards Board. Witmer was also appointed to serve on the Communications Security, Reliability and Interoperability Council of the Federal Communications Commission and currently serves as an Eastern Interconnection States' Planning Council representative to the Eastern Interconnection Planning Council's Stakeholder Steering Committee.



Jeffrey Fuller, CISSP
Director, Cyber &
Physical Security
AES

Session Title: Substation Security Benchmarking

Mr. Fuller directs the Infrastructure Security Team for AES, including cyber security activities, physical security activities, contract security, security incident response plans, risk assessments, auditing activities and automation management while concentrating on strategic developments at Dayton Power and Light, Indianapolis Power and Light and 15 other business locations in the US. Designed and implemented internal and external cyber and physical policy and procedures to exceed the requirements for the NERC Critical Infrastructure Protection (CIP) Standards as well as various federal and industry (SOX and PCI) compliance requirements.



Emanuel Bernabeu,
Ph.D.
Manager, Applied
Solutions
PJM Interconnection

Session Title: Defining the Risks and Vulnerabilities to Critical Infrastructure

PJM is a regional transmission organization (RTO) that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia.



Chris Beck
VP for Policy and
Strategic Initiatives
Electric Infrastructure
Security (EIS) Council

Session Title: Emerging Threats : Black Sky Hazards & Best Practices for Grid Resilience

Dr. Beck is a technical and policy expert in several homeland security and national defense related areas including critical infrastructure protection, cybersecurity, science and technology development, WMD prevention and protection, and emerging threat identification and mitigation.



Dr. Erfan Ibrahim
Director, Cyber-
Physical Systems
Security & Resilience
National Renewable
Energy Laboratory

Session Title: Addressing Cyber-Physical Systems Security Challenges from Distributed Generation

In this cross-cutting role Dr. Ibrahim is collaborating across NREL's Science & Technology programs as well as other national labs, State & Federal Agencies, utilities, vendors, academia, integrators and individual subject matter experts to develop cyber-physical systems security testing methodologies and resilience best practices that will enable the safe and reliable integration of large scale Distributed Energy Resources onto the nation's electric grid.





MAIN CONFERENCE DAY ONE

Tuesday, March 22, 2016



0800 **Registration & Coffee**

0845 **Chairperson's Welcome and Opening Remarks**

0900 **KEYNOTE: Requirements to Protect Critical Electrical Infrastructure**

- ▶ Developing situational awareness capability to address functionality of electrical infrastructure
- ▶ Understanding the cascading consequences of infrastructure failures
- ▶ Growing and maturing the public-private partnership



The Honorable Caitlin Durkovich, Assistant Secretary for Infrastructure Protection, Department of Homeland Security

0945 **PANEL: CIP 14-1: How Much Security Is Enough?**

- ▶ Benchmarking security best practices
- ▶ Identifying and protecting key transmission infrastructure
- ▶ Assessing critical node sites



Edvard Gotsz, Vice President & Chief Security Officer, Exelon Corporation



Jeffrey Fuller, CISSP, Director, Cyber & Physical Security, AES



Dave Allan, Supervisor, Corporate Security, PNM Resources, Inc.

1030 **Demo Drive / Morning Networking & Refreshment**

1115 **National Transformer Strategy Update**

- ▶ Preparation for and rapid recovery from a high-impact, low-frequency (HILF) event
- ▶ Emergency spares program
- ▶ Risks associated with EHV transformers

1200 **Networking Luncheon**

1300 **Repair/Restore: A Pragmatic Approach to Balancing Preparedness vs Resiliency**

- ▶ Cost effective hazard mitigation
- ▶ Response challenges
- ▶ Security investment strategies

1345 **Threat Landscape: Emerging Threats to the Electric Grid**

- ▶ Understanding the threat
- ▶ Identifying and protecting critical infrastructure
- ▶ Assessing critical vulnerabilities



Dr. Chris Beck, Vice President for Policy and Strategic Initiatives, Electric Infrastructure Security (EIS) Council

1430 **Afternoon Networking & Refreshment Break**

1515 **Strategies for Addressing the Insider Threat**

- ▶ Vulnerability assessment
- ▶ Understanding risk profiles
- ▶ Mitigating the risk of insider attack

1600 **Grid Modernization: Building Adaptable Security Architecture**

- ▶ Minimizing environmental impacts, improving reliability
- ▶ Reducing costs and improving efficiency
- ▶ Advances in Smart Grid technology

1645 **Closing Remarks**

1700 **End of Main Conference Day One**



For more information please contact Chelsea Grant at 212-885-2664 or Chelsea.Grant@iqpc.com



Agenda

7:30 am Breakfast

8:00 am

Introduction

William Bryan, ValueBridge International

Impact of Ukraine on Energy Security in Europe

Nataliya Katser-Buchkovska, Member of Ukrainian Parliament, Head of the subcommittee on Sustainable Development, Strategy and Investments, Committee on Energy, Nuclear Policy and Security

Corporate Governance Reforms in Naftogaz

[REDACTED], Special envoy on government relations, Naftogaz of Ukraine

New Opportunities for Investment in Ukrainian Gas Production

Oleg Prokhorenko, CEO, Chairman of the Board, UGV

9:00 am

Q & A

9:30 am

Close

MEDIA ALERT

March 1, 2017

Contact: ABracey Deegan

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abraceydeegan@valuebridgeinc.com

**UKRAINE INTRODUCES NEW FACE OF ENERGY SECTOR AND NEW OPPORTUNITIES
FOR US O&G BUSINESSES**

WHAT: Ukrainian energy delegation will meet with U.S. business executives to discuss the future of the Ukrainian gas market and U.S. investment opportunities. Topics to be discussed include: energy security and diversity in Europe, the development of gas production in Ukraine and new opportunities for the U.S. oil and gas business.

WHO: Nataliya Katser-Buchkovska, Member of Ukrainian Parliament, Head of subcommittee on Sustainable Development, Strategy and Investments, Committee on Energy, Nuclear Policy and Security; Oleg Prokhorenko, Chairman of the Board, UkrGasVydobuvannya [REDACTED], Special envoy on government relations, Naftogaz of Ukraine.

WHEN: 7:30 - 9:30 AM on March 7, 2017

WHERE: Four Seasons Hotel, Highland Room, Houston Center, 1300 Lamar St, Houston, TX 77010

WHY: The Ukrainian gas market provides a unique opportunity for U.S. investors, services, technology suppliers, and equipment sellers. Ukraine's influence on energy security in Europe will impact future export of U.S. LNG and the oil and gas industry globally.

MORE: The primary attendees will be from the industry, including LNG companies and others in the oil and gas sector.

This material is distributed by ValueBridge International on behalf of Naftogaz. Additional information is available at the Department of Justice, Washington, DC

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CERAAweek Information

UKRAINIAN DELEGATION

6-7 MARCH 2017



Speaker bios:



Nataliya Katser-Buchkovska, Member of Ukrainian Parliament, Head of the Subcommittee on Sustainable Development, Strategy and Investments, Committee on Energy, Nuclear Policy and Security

Nataliya Katser-Buchkovska is a Member of the Ukrainian Parliament, and a member of Ukrainian People's Front Party. She serves as the head of several parliamentary groups including Attraction and Protection of Investments, Subcommittee on Sustainable Development, Strategy and Investments, and Committee on Energy, Nuclear Policy and Security. She holds master's degrees in law and economics from University of College London (UCL) and Ivan Franko National University of Lviv.



[REDACTED], Special Envoy on Government Relations of Naftogaz

[REDACTED] is an expert on energy industry in Ukraine, serving as Special Envoy on Government Relations at PJSC Naftogaz of Ukraine. [REDACTED] has long-term experience in development and implementation of large-scale energy projects, and strategic consulting in energy industry. He previously served as Deputy Minister of the Cabinet of Ministers of Ukraine and as Deputy Managing Director at Energy Industry Research Center (EIR Center). [REDACTED] holds a master's degree from Kyiv National University of Construction and Architecture.



Oleg Prokhorenko, CEO, Chairman of the Board at UkrGasVydobuvannya

Oleg Prokhorenko was appointed the Chairman of the Board of PJSC UkrGasVydobuvannya (the UGV). During his tenure, Mr. Prokhorenko had implemented world class strategic management practices, driving company development and restructuring. He received his Bachelor of Arts degree in Economics (with Honors) from Dartmouth College and his Masters in Public Policy from the J F Kennedy School of Government at Harvard University.