

AMENDMENT NO. _____ Calendar No. _____

Purpose: To subpoena certain Department of State documents and records.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. Res. _____

(title) _____

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the appropriate place in the resolving clause, in-
2 sert the following:

3 SEC. _____. Notwithstanding any other provision of
4 this resolution, pursuant to rules V and VI of the Rules
5 of Procedure and Practice in the Senate When Sitting on
6 Impeachment Trials—

7 (1) the Chief Justice of the United States,
8 through the Secretary of the Senate, shall issue a
9 subpoena to the Secretary of State commanding him
10 to produce, for the time period from January 1,
11 2019, to the present, all documents, communica-
12 tions, and other records within the possession, cus-

1 today, or control of the Department of State, refer-
2 ring or relating to—

3 (A) all meetings and calls between Presi-
4 dent Trump and the President of Ukraine, in-
5 cluding documents, communications, and other
6 records related to the scheduling of, preparation
7 for, and follow-up from the President’s April 21
8 and July 25, 2019 telephone calls, as well as
9 the President’s September 25, 2019 meeting
10 with the President of Ukraine in New York;

11 (B) the actual or potential suspension,
12 withholding, delaying, freezing, or releasing of
13 United States foreign assistance, military as-
14 sistance, or security assistance of any kind to
15 Ukraine, including but not limited to the
16 Ukraine Security Assistance Initiative (USAI)
17 and Foreign Military Financing (FMF), includ-
18 ing but not limited to all communications with
19 the White House, Department of Defense, and
20 the Office of Management and Budget, as well
21 as the Ukrainian government’s knowledge prior
22 to August 28, 2019, of any actual or potential
23 suspension, withholding, delaying, freezing, or
24 releasing of United States foreign assistance to
25 Ukraine, including all meetings, calls, or other

1 engagements with Ukrainian officials regarding
2 potential or actual suspensions, holds, or delays
3 in United States assistance to Ukraine;

4 (C) all documents, communications, notes,
5 and other records created or received by, Sec-
6 retary Michael R. Pompeo, Counselor T. Ulrich
7 Brechbuhl, former Special Representative for
8 Ukraine Negotiations Ambassador Kurt Volker,
9 Deputy Assistant Secretary George Kent, then-
10 United States Embassy in Ukraine Charge
11 d’Affaires William B. Taylor, and Ambassador
12 to the European Union Gordon Sondland, and
13 other State Department officials, relating to ef-
14 forts to—

15 (i) solicit, request, demand, induce,
16 persuade, or coerce Ukraine to conduct or
17 announce investigations;

18 (ii) offer, schedule, cancel, or withhold
19 a White House meeting for Ukraine’s
20 president; or

21 (iii) hold and then release military
22 and other security assistance to Ukraine;

23 (D) any meetings or proposed meetings at
24 or involving the White House that relate to
25 Ukraine, including but not limited to—

1 (i) President Zelensky's inauguration
2 on May 20, 2019, in Kiev, Ukraine, includ-
3 ing but not limited to President Trump's
4 decision not to attend, to ask Vice Presi-
5 dent Pence to lead the delegation, directing
6 Vice President Pence not to attend, and
7 the subsequent decision about the composi-
8 tion of the delegation of the United States;

9 (ii) a meeting at the White House on
10 or around May 23, 2019, involving, among
11 others, President Trump, then-Special
12 Representative for Ukraine Negotiations
13 Ambassador Kurt Volker, then-Energy
14 Secretary Rick Perry, and United States
15 Ambassador to the European Union Gor-
16 don Sondland, as well as any private meet-
17 ings or conversations with those individuals
18 before or after the larger meeting;

19 (iii) meetings at the White House on
20 or about July 10, 2019, involving Ukrain-
21 ian officials Andriy Yermak and
22 Oleksander Danylyuk and United States
23 Government officials, including, but not
24 limited to, then-National Security Advisor
25 John Bolton, Secretary Perry, Ambassador

1 Volker, and Ambassador Sondland, to in-
2 clude at least a meeting in Ambassador
3 Bolton's office and a subsequent meeting
4 in the Ward Room;

5 (iv) a meeting at the White House on
6 or around August 30, 2019, involving
7 President Trump, Secretary of State Mike
8 Pompeo, and Secretary of Defense Mark
9 Esper;

10 (v) a planned meeting, later cancelled,
11 in Warsaw, Poland, on or around Sep-
12 tember 1, 2019 between President Trump
13 and President Zelensky, and subsequently
14 attended by Vice President Pence; and

15 (vi) a meeting at the White House on
16 or around September 11, 2019, involving
17 President Trump, Vice President Pence,
18 and Mr. Mulvaney concerning the lifting of
19 the hold on security assistance for
20 Ukraine;

21 (E) all communications, including but not
22 limited to WhatsApp or text messages on pri-
23 vate devices, between current or former State
24 Department officials or employees, including
25 but not limited to Secretary Michael R.

1 Pompeo, Ambassador Volker, Ambassador
2 Sondland, Ambassador Taylor, and Deputy As-
3 sistant Secretary Kent, and the following:
4 President Zelensky, Andriy Yermak, or individ-
5 uals or entities associated with or acting in any
6 capacity as a representative, agent, or proxy for
7 President Zelensky before and after his election;

8 (F) all records specifically identified by
9 witnesses in the House of Representatives' im-
10 peachment inquiry that memorialize key events
11 or concerns, and any records reflecting an offi-
12 cial response thereto, including but not limited
13 to—

14 (i) an August 29, 2019 cable sent by
15 Ambassador Taylor to Secretary Pompeo;

16 (ii) an August 16, 2019 memorandum
17 to file written by Deputy Assistant Sec-
18 retary Kent; and

19 (iii) a September 15, 2019 memo-
20 randum to file written by Deputy Assistant
21 Secretary Kent;

22 (G) all meetings or calls, including but not
23 limited to all requests for or records of meet-
24 ings or telephone calls, scheduling items, cal-
25 endar entries, State Department visitor records,

1 and email or text messages using personal or
2 work-related devices, between or among—

3 (i) current or former State Depart-
4 ment officials or employees, including but
5 not limited to Secretary Michael R.
6 Pompeo, Ambassador Volker, and Amba-
7 sador Sondland; and

8 (ii) Rudolph W. Giuliani, Victoria
9 Toensing, or Joseph diGenova; and

10 (H) the curtailment or recall of former
11 United States Ambassador to Ukraine Marie
12 “Masha” Yovanovitch from the United States
13 Embassy in Kiev, including credible threat re-
14 ports against her and any protective security
15 measures taken in response; and

16 (2) the Sergeant at Arms is authorized to uti-
17 lize the services of the Deputy Sergeant at Arms or
18 any other employee of the Senate in serving the sub-
19 poena authorized to be issued by this section.