AMENDMENT NO. __________   Calendar No. ______

Purpose: To subpoena certain Office of Management and Budget documents and records.


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, insert the following:

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

7   (1) the Chief Justice of the United States, through the Secretary of the Senate, shall issue a subpoena to the Acting Director of the Office of Management and Budget commanding him to produce, for the time period from January 1, 2019,
to the present, all documents, communications, and
other records within the possession, custody, or con-
trol of the Office of Management and Budget, refer-
ring or relating to—

(A) the actual or potential suspension,
withholding, delaying, freezing, or releasing of
United States foreign assistance, military as-
sistance, or security assistance of any kind to
Ukraine, including but not limited to the
Ukraine Security Assistance Initiative (referred
to in this section as “USAI”) and Foreign Mili-
tary Financing (referred to in this section as
“FMF”), including but not limited to—

(i) communications among, between,
or referring to Director Michael John
“Mick” Mulvaney, Assistant to the Presi-
dent Robert Blair, Acting Director Russell
Vought, Associate Director Michael
Duffey, or any other Office of Management
and Budget employee;

(ii) communications related to re-
quests by President Trump for information
about Ukraine security or military assist-
ance and responses to those requests;
communications related to concerns raised by any Office of Management and Budget employee related to the legality of any hold on foreign assistance, military assistance, or security assistance to Ukraine;

(iv) communications sent to the Department of State regarding a hold or block on congressional notifications regarding the release of FMF funds to Ukraine;

(v) communications between—

(I) officials at the Department of Defense, including but not limited to Undersecretary of Defense Elaine McCusker; and

(II) Associate Director Michael Duffey, Deputy Associate Director Mark Sandy, or any other Office of Management and Budget employee;

(vi) all draft and final versions of the August 7, 2019, memorandum prepared by the National Security Division, International Affairs Division, and Office of General Counsel of the Office of Management and Budget about the release of for-
eign assistance, security assistance, or se-
curity assistance to Ukraine;

(vii) the Ukrainian government’s
knowledge prior to August 28, 2019, of
any actual or potential suspension, with-
holding, delaying, freezing, or releasing of
United States foreign assistance, military
assistance, or security assistance to
Ukraine, including all meetings, calls, or
other engagements with Ukrainian officials
regarding potential or actual suspensions,
holds, or delays in United States assistance
to Ukraine;

(B) communications, opinions, advice,
counsel, approvals, or concurrences provided by
any employee in the Office of Management and
Budget regarding the actual or potential sus-
pension, withholding, delaying, freezing, or re-
leasing of security assistance to Ukraine includ-
ing legality under the Impoundment Control
Act;

(C) Associate Director Michael Duffey tak-
ing over duties related to apportionments of
USAI or FMF from Deputy Associate Director
Mark Sandy or any other Office of Management and Budget employee;

(D) all meetings related to the security assistance to Ukraine including but not limited to interagency meetings on July 18, 2019, July 23, 2019, July 26, 2019, and July 31, 2019, including any directions provided to staff participating in those meetings and any readouts from those meetings;

(E) the decision announced on or about September 11, 2019, to release appropriated foreign assistance, military assistance, or security assistance to Ukraine, including but not limited to any notes, memoranda, documentation or correspondence related to the decision;

(F) all draft and final versions of talking points related to the withholding or release of foreign assistance, military assistance, or security assistance to Ukraine, including communications with the Department of Defense related to concerns about the accuracy of the talking points; and

(G) all meetings and calls between President Trump and the President of Ukraine, including documents, communications, and other
records related to the scheduling of, preparation for, and follow-up from the President’s April 21 and July 25, 2019, telephone calls, as well as the President’s September 25, 2019, meeting with the President of Ukraine in New York; and

(2) the Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or any other employee of the Senate in serving the subpoena authorized to be issued by this section.