

AMENDMENT NO. _____ Calendar No. _____

Purpose: To subpoena certain Office of Management and Budget 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, insert 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 Acting Director of the Office of
10 Management and Budget commanding him to
11 produce, for the time period from January 1, 2019,

1 to the present, all documents, communications, and
2 other records within the possession, custody, or con-
3 trol of the Office of Management and Budget, refer-
4 ring or relating to—

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

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

21 (ii) communications related to re-
22 quests by President Trump for information
23 about Ukraine security or military assist-
24 ance and responses to those requests;

1 (iii) communications related to con-
2 cerns raised by any Office of Management
3 and Budget employee related to the legal-
4 ity of any hold on foreign assistance, mili-
5 tary assistance, or security assistance to
6 Ukraine;

7 (iv) communications sent to the De-
8 partment of State regarding a hold or
9 block on congressional notifications regard-
10 ing the release of FMF funds to Ukraine;

11 (v) communications between—

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

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

20 (vi) all draft and final versions of the
21 August 7, 2019, memorandum prepared by
22 the National Security Division, Inter-
23 national Affairs Division, and Office of
24 General Counsel of the Office of Manage-
25 ment and Budget about the release of for-

1 eign assistance, security assistance, or se-
2 curity assistance to Ukraine;

3 (vii) the Ukrainian government's
4 knowledge prior to August 28, 2019, of
5 any actual or potential suspension, with-
6 holding, delaying, freezing, or releasing of
7 United States foreign assistance, military
8 assistance, or security assistance to
9 Ukraine, including all meetings, calls, or
10 other engagements with Ukrainian officials
11 regarding potential or actual suspensions,
12 holds, or delays in United States assistance
13 to Ukraine;

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

22 (C) Associate Director Michael Duffey tak-
23 ing over duties related to apportionments of
24 USAI or FMF from Deputy Associate Director

1 Mark Sandy or any other Office of Management
2 and Budget employee;

3 (D) all meetings related to the security as-
4 sistance to Ukraine including but not limited to
5 interagency meetings on July 18, 2019, July
6 23, 2019, July 26, 2019, and July 31, 2019,
7 including any directions provided to staff par-
8 ticipating in those meetings and any readouts
9 from those meetings;

10 (E) the decision announced on or about
11 September 11, 2019, to release appropriated
12 foreign assistance, military assistance, or secu-
13 rity assistance to Ukraine, including but not
14 limited to any notes, memoranda, documenta-
15 tion or correspondence related to the decision;

16 (F) all draft and final versions of talking
17 points related to the withholding or release of
18 foreign assistance, military assistance, or secu-
19 rity assistance to Ukraine, including commu-
20 nications with the Department of Defense re-
21 lated to concerns about the accuracy of the
22 talking points; and

23 (G) all meetings and calls between Presi-
24 dent Trump and the President of Ukraine, in-
25 cluding documents, communications, and other

1 records related to the scheduling of, preparation
2 for, and follow-up from the President's April 21
3 and July 25, 2019, telephone calls, as well as
4 the President's September 25, 2019, meeting
5 with the President of Ukraine in New York;
6 and
7 (2) the Sergeant at Arms is authorized to uti-
8 lize the services of the Deputy Sergeant at Arms or
9 any other employee of the Senate in serving the sub-
10 poena authorized to be issued by this section.