Purpose: To subpoena certain Department of Defense 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:

2 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—

3 (1) the Chief Justice of the United States, through the Secretary of the Senate, shall issue a subpoena to the Secretary of Defense commanding him to produce, for the time period from January 1, 2019, to the present, all documents, communications, and other records within the possession, cus-
tody, or control of the Department of Defense, referring or relating to—

(A) the actual or potential suspension, withholding, delaying, freezing, or releasing of United States foreign assistance, military assistance, or security assistance of any kind to Ukraine, including but not limited to the Ukraine Security Assistance Initiative (USAI) and Foreign Military Financing (FMF), including but not limited to—

(i) communications among or between officials at the Department of Defense, White House, Office of Management and Budget, Department of State, or Office of the Vice President;

(ii) documents, communications, notes, or other records created, sent, or received by Secretary Mark Esper, Deputy Secretary David Norquist, Undersecretary of Defense Elaine McCusker, and Deputy Assistant Secretary of Defense Laura Cooper, or Mr. Eric Chewning;

(iii) draft or final letters from Deputy Secretary David Norquist to the Office of Management and Budget; and
(iv) unredacted copies of all documents released in response to the September 25, 2019, Freedom of Information Act request by the Center for Public Integrity (tracking number 19-F-1934);

(B) the Ukrainian government’s knowledge prior to August 28, 2019, of any actual or potential suspension, withholding, delaying, freezing, or releasing of United States foreign assistance, military assistance, or security assistance to Ukraine, including but not limited to—

(i) communications received from the Department of State concerning the Ukrainian Embassy’s inquiries about United States foreign assistance, military assistance, and security assistance to Ukraine; and

(ii) communications received directly from the Ukrainian Embassy about United
States foreign assistance, military assistance, and security assistance to Ukraine;

(C) communications, opinions, advice, counsel, approvals, or concurrences provided by the Department of Defense, Office of Management and Budget, or the White House, on the legality of any suspension, withholding, delaying, freezing, or releasing of United States foreign assistance, military assistance, and security assistance to Ukraine;

(D) planned or actual meetings with President Trump related to United States foreign assistance, military assistance, or security assistance to Ukraine, including but not limited to any talking points and notes for Secretary Mark Esper’s planned or actual meetings with President Trump on August 16, August 19, or August 30, 2019;

(E) the decision announced on or about September 11, 2019, to release appropriated foreign assistance, military assistance, and security assistance to Ukraine, including but not limited to any notes, memoranda, documentation or correspondence related to the decision; and
(F) all meetings and calls between President Trump and the President of Ukraine, including but not limited to 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.