

AMENDMENT NO. _____ Calendar No. _____

Purpose: To subpoena certain Department of Defense 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 Defense commanding
10 him 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 Defense, refer-
2 ring or relating to—

3 (A) the actual or potential suspension,
4 withholding, delaying, freezing, or releasing of
5 United States foreign assistance, military as-
6 sistance, or security assistance of any kind to
7 Ukraine, including but not limited to the
8 Ukraine Security Assistance Initiative (USAI)
9 and Foreign Military Financing (FMF), includ-
10 ing but not limited to—

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

16 (ii) documents, communications,
17 notes, or other records created, sent, or re-
18 ceived by Secretary Mark Esper, Deputy
19 Secretary David Norquist, Undersecretary
20 of Defense Elaine McCusker, and Deputy
21 Assistant Secretary of Defense Laura Coo-
22 per, or Mr. Eric Chewning;

23 (iii) draft or final letters from Deputy
24 Secretary David Norquist to the Office of
25 Management and Budget; and

1 (iv) unredacted copies of all docu-
2 ments released in response to the Sep-
3 tember 25, 2019, Freedom of Information
4 Act request by the Center for Public Integ-
5 rity (tracking number 19-F-1934);

6 (B) the Ukrainian government's knowledge
7 prior to August 28, 2019, of any actual or po-
8 tential suspension, withholding, delaying, freez-
9 ing, or releasing of United States foreign assist-
10 ance, military assistance, or security assistance
11 to Ukraine, including but not limited to all
12 meetings, calls, or other engagements with
13 Ukrainian officials regarding potential or actual
14 suspensions, holds, or delays in United States
15 assistance to Ukraine, including but not limited
16 to—

17 (i) communications received from the
18 Department of State concerning the
19 Ukrainian Embassy's inquiries about
20 United States foreign assistance, military
21 assistance, and security assistance to
22 Ukraine; and

23 (ii) communications received directly
24 from the Ukrainian Embassy about United

1 States foreign assistance, military assist-
2 ance, and security assistance to Ukraine;

3 (C) communications, opinions, advice,
4 counsel, approvals, or concurrences provided by
5 the Department of Defense, Office of Manage-
6 ment and Budget, or the White House, on the
7 legality of any suspension, withholding, delay-
8 ing, freezing, or releasing of United States for-
9 eign assistance, military assistance, and secu-
10 rity assistance to Ukraine;

11 (D) planned or actual meetings with Presi-
12 dent Trump related to United States foreign as-
13 sistance, military assistance, or security assist-
14 ance to Ukraine, including but not limited to
15 any talking points and notes for Secretary
16 Mark Esper's planned or actual meetings with
17 President Trump on August 16, August 19, or
18 August 30, 2019;

19 (E) the decision announced on or about
20 September 11, 2019, to release appropriated
21 foreign assistance, military assistance, and se-
22 curity assistance to Ukraine, including but not
23 limited to any notes, memoranda, documenta-
24 tion or correspondence related to the decision;
25 and

1 (F) all meetings and calls between Presi-
2 dent Trump and the President of Ukraine, in-
3 cluding but not limited to documents, commu-
4 nications, and other records related to the
5 scheduling of, preparation for, and follow-up
6 from the President's April 21 and July 25,
7 2019 telephone calls, as well as the President's
8 September 25, 2019 meeting with the President
9 of Ukraine in New York; and
10 (2) the Sergeant at Arms is authorized to uti-
11 lize the services of the Deputy Sergeant at Arms or
12 any other employee of the Senate in serving the sub-
13 poena authorized to be issued by this section.