

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

The Honorable Michael R. Pompeo, Secretary of State, U.S. Department of State

To _____

You are hereby commanded to be and appear before the
Committee on Foreign Affairs

_____ of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: Rayburn House Office Building 2170, U.S. House of Representatives

Date: October 4, 2019

Time: 12:00 pm

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

To Any authorized staff member or U.S. Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 27 day of September, 2019.

Ernst L. Engel

Chairman or Authorized Member

Attest:

[Signature]
Clerk

SCHEDULE A

In accordance with the attached Definitions and Instructions, you, Secretary of State, Michael R. Pompeo, are hereby required to produce all documents and communications, from January 20, 2017 to the present, relating or referring to:

1. The potential or suggested investigations and legal cases referenced in the September 9, 2019 letter from Chairmen Engel, Schiff, and Cummings (attached as Exhibit 1), including but not limited to those relating to Paul Manafort, Serhiy Leshchenko, the "Black Ledger," Hunter Biden, and Burisma Holdings Ltd.;
2. Efforts by any U.S. persons, including but not limited to Rudolph W. Giuliani and individuals working in concert with Mr. Giuliani, including but not limited to Igor Fruman, Lev Parnas, and Semyon ("Sam") Kislin, to induce, compel, petition, press, solicit, suggest, or otherwise influence former or present Ukrainian government officials, politicians, or other persons of influence in Ukraine, or any persons or entities associated with or acting in any capacity as a representative, agent, or proxy for any such individuals, to investigate matters related to Burisma Holdings Ltd., or any U.S. persons or entities, including but not limited to Paul Manafort, Hunter Biden, Joseph Biden, the Democratic National Committee, or Hillary Clinton, as well as any responses by Ukrainian government officials, politicians, or other persons of influence, or any persons or entities associated with or acting in any capacity as a representative, agent, or proxy for any such individuals, concerning the same;
3. Communications between any current or former State Department officials or employees and Rudolph W. Giuliani, including any text messages using personal or work-related devices;
4. Communications between any current or former Trump Administration officials or employees and President Zelensky or any persons or entities associated with or acting in any capacity as a representative, agent, or proxy for President Zelensky, relating to paragraphs 2 and 12 of this Schedule;
5. Communications between or among any current or former Trump Administration officials or employees (including but not limited to the Vice President, the Secretary of State, Secretary of Energy, former National Security Advisor John Bolton, and Senior Advisor to the President Jared Kushner, Deputy Secretary John Sullivan, Under Secretary for Political Affairs David Hale, Assistant

Secretary of State for European Affairs A. Wess Mitchell, Acting Assistant Secretary of State for European Affairs Phillip Reeker, Charge de Affairs William Taylor, former U.S. Ambassador to Ukraine Marie “Masha” Yovanovitch, Counselor T. Ulrich Brechbuhl, as well as the aforementioned officials/employees’ immediate senior advisors and staff), as well as any briefing memoranda and/or talking points, relating to paragraphs 2 and 12 of this Schedule;

6. The removal of former U.S. Ambassador to Ukraine Marie “Masha” Yovanovitch;
7. A potential visit of President Zelensky to the United States;
8. A potential meeting between President Trump and President Zelensky in Poland on/about early September 2019;
9. President Zelensky’s inauguration on May 20, 2019, including but not limited to possible attendance of the Vice President and the Secretary of Energy;
10. President Trump’s April 21, 2019 call (“April 21 Call”) and July 25, 2019 call (“July 25 Call”) with Ukrainian President Volodymyr Zelensky, including all transcripts, notes, or other documents memorializing or summarizing the April 21 Call and the July 25 Call, as well as any communications with the White House, the Department of Justice, the Federal Bureau of Investigation, the Department of Energy, and the Office of the Director of National Intelligence relating or referring to the April 21 Call or the July 25 Call;
11. The identity of any individuals who listened to, participated in, assisted in preparation for, and/or received a readout (formally or informally, written or oral) of the April 21 Call and the July 25 Call; and
12. The actual or potential suspension, withholding, delaying, or releasing of foreign assistance of any kind, including security assistance, to Ukraine, including all communications with the White House, the Department of Defense, and the Office of Management and Budget relating to the same.

INSTRUCTIONS

In responding to the document request, please apply the instructions and definitions set forth below:

1. In complying with this request, you should produce all responsive documents in unredacted form that are in your possession, custody, or control or otherwise available to you, regardless of whether the documents are possessed directly by you.
2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual named in the request has been, or is currently, known by any other name, the request should be read also to include such other names under that alternative identification.
4. Each document should be produced in a form that may be copied by standard copying machines.
5. When you produce documents, you should identify the paragraph(s) and/or clause(s) in the Committee's request to which the document responds.
6. Documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. Indicate the office or division and person from whose files each document was produced.
7. Each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph(s) and/or clause(s) of the request to which the documents are responsive, should be provided in an accompanying index.
8. Responsive documents must be produced regardless of whether any other person or entity possesses non-identical or identical copies of the same document.
9. The Committee requests electronic documents in addition to paper productions. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, back up tape, or removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), you should immediately consult with Committee staff to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above.

10. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party.

11. If any document responsive to this request was, but no longer is, in your possession, custody or control, state:

- a. how the document was disposed of;
- b. the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
- c. the date of disposition;
- d. the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.

12. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.

13. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

14. The request is continuing in nature and applies to any newly discovered document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

15. All documents should be Bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, you should include a total page count for the entire production, including both hard copy and electronic documents.

16. Two sets of the documents should be delivered to the Committee, one set to the majority staff and one set to the minority staff in Room 2170 of the Rayburn House Office Building. You should consult with Committee majority staff regarding the method of delivery prior to sending any materials.

17. In the event that a responsive document is withheld on any basis, including a claim of privilege, you should provide a log containing the following information concerning every such document: (i) the reason the document is not being produced; (ii) the type of document; (iii) the general subject matter; (iv) the date, author and addressee; (v) the relationship of the author and addressee to each other; and (vi) any other description necessary to identify the document and to explain the basis for not producing the document. If a claimed privilege

applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

- (a) Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.
- (b) In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
- (c) Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.

18. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.

19. Upon completion of the document production, you must submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and (3) all documents identified during the search that are responsive have been produced to the Committee, identified in a log provided to the Committee, as described in (17) above, or identified as provided in (10), (11) or (12) above.

20. When representing a witness or entity before the Committee in response to a document request or request for transcribed interview, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

SCHEDULE DEFINITIONS

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded and whether original or copy, including, but not limited to, the following: memoranda; reports; expense reports; books; manuals; instructions; financial reports; data; working papers; records; notes; letters; notices; confirmations; telegrams; receipts; appraisals; pamphlets; magazines; newspapers; prospectuses; communications; contracts; cables; notations of any type of conversation; telephone call; meeting or other inter-office or intra-office communication; bulletins; emails; electronic messages (including, but not limited to, both government and commercial/personal email accounts, text messages, or messaging services such as WhatsApp, Signal, Viber, Facebook, Twitter, and/or Telegram), regardless of whether such records were created, modified, sent, or received on an official or personal address or device, as well as log files and metadata; printed matter; computer printouts; teletypes; invoices; transcripts; diaries; analyses; returns; summaries; minutes; bills; accounts; estimates; projections; comparisons; messages; correspondence; press releases; circulars; financial statements; reviews; opinions; offers; studies and investigations; questionnaires and surveys; and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto); and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures); and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. For the purposes of this request, “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutilation of records, including but not limited to emails and handwritten notes, as well as negligent or intentional handling which would foreseeably make such records incomplete or inaccessible. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “documents in your possession, custody or control” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

3. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

4. The terms "and" and "or" should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.

5. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The terms "referring" or "relating," with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

7. "You" or "your" means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.

8. The term "employee" means agent, borrowed employee, casual employee, consultant, de facto employee, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, contract employee, contractor, or any other type of service provider.

9. The term "Administration" means and refers to any department, agency, division, office, subdivision, entity, official, administrator, employee, attorney, agent, advisor, consultant, staff, or any other person acting on behalf or under the control or direction of the Executive Branch.

EXHIBIT 1

Congress of the United States
Washington, DC 20515

September 9, 2019

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Secretary:

The Committees on Foreign Affairs, Intelligence, and Oversight and Reform jointly request documents related to reported efforts by President Trump and his associates to improperly pressure the Ukrainian government to assist the President's bid for reelection.

A growing public record indicates that, for nearly two years,¹ the President and his personal attorney, Rudy Giuliani,² appear to have acted outside legitimate law enforcement and diplomatic channels to coerce the Ukrainian government into pursuing two politically-motivated investigations under the guise of anti-corruption activity. The first is a prosecution of Ukrainians who provided key evidence against Mr. Trump's convicted campaign manager Paul Manafort. That investigation aims to undercut the Mueller Report's overwhelming evidence that Russia interfered in the 2016 election to support Trump's campaign. The other case targets the son of former Vice President Joseph R. Biden, who is challenging Mr. Trump for the presidency in 2020.

As the 2020 election draws closer, President Trump and his personal attorney appear to have increased pressure on the Ukrainian government and its justice system in service of President Trump's reelection campaign, and the White House and the State Department may be abetting this scheme.³

¹ See tweet @realDonaldTrump, July 25, 2017 ("Ukrainian efforts to sabotage Trump campaign – 'quietly working to boost Clinton.' So where is the investigation A.G. @seanhannity") (online at: <https://twitter.com/realDonaldTrump/status/889788202172780544?s=20>). This tweet was also referenced by Special Counsel Robert Mueller in his investigation of President's Trump's possible obstruction of justice. See Mueller Report, Vol. II, at p 96, FN 660.

² See Victor Pinchuk Foundation, June 8, 2017, *107th Mayor of New York Rudy Giuliani Gave Public Lecture at the Invitation of the Victor Pinchuk Foundation*, noting the first publicly-reported meeting between Mr. Giuliani and Prosecutor General of Ukraine Petro Poroshenko (online at <https://pinchukfund.org/en/news/20207/>).

³ Kenneth P. Vogel and Andrew E. Kramer, *Giuliani Renews Push for Ukraine to Investigate Trump's Political Opponents*, N.Y. Times, August 21, 2019 (online at: <https://www.nytimes.com/2019/08/21/us/politics/giuliani-ukraine.html>).

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According to the Ukrainian government, in a July 25, 2019 call with Ukraine's President Volodymyr Zelenskyy, President Trump apparently focused on these investigations, telling President Zelenskyy that he is "convinced the new Ukrainian government will be able to quickly improve [the] image of Ukraine, [and] complete [the] investigation of corruption cases, which inhibited the interaction between Ukraine and the USA."⁴ The next day, Ambassador Kurt Volker, U.S. Special Representative for Ukraine, was dispatched to meet with President Zelenskyy.⁵ Days later, the President's personal attorney met Andriy Yermak, an aide to President Zelenskyy, in Spain, where the President's personal attorney, who has no official administration or diplomatic position, reportedly suggested a "possible heads of state meeting" between Presidents Trump and Zelenskyy⁶ and tweeted an accusation about former Vice President Biden's son.⁷ The State Department subsequently acknowledged that Ambassador Volker used his office to facilitate the meeting between the two.⁸ Although the State Department has insisted that President Trump's attorney is "a private citizen" who "does not speak on behalf of the U.S. Government," Mr. Yermak publicly stated that "it was not clear to him whether Mr. Giuliani was representing Mr. Trump in their talks."⁹

President Trump has also threatened to withhold¹⁰ more than \$250 million in security assistance that Congress has appropriated, the Pentagon supports,¹¹ and Ukraine desperately needs. Ukraine's sovereignty and territorial integrity are under assault from Russia and its proxies in illegally-occupied Ukrainian territory. If the President is trying to pressure Ukraine into choosing between defending itself from Russian aggression without U.S. assistance or

⁴ See Official Website of the President of Ukraine, *Volodymyr Zelenskyy had a phone conversation with President of the United States*, July 25, 2019 (online at: <https://www.president.gov.ua/en/news/volodimir-zelenskij-proviv-telefonnu-rozmovu-z-prezidentom-s-56617>).

⁵ See tweet by U.S. Embassy Kyiv, July 26, 2019, showing Ambassador Volker meeting with President Zelenskyy (online at: <https://twitter.com/USEmbassyKyiv/status/1154712337368190976?s=20>)

⁶ See Kenneth P. Vogel and Andrew E. Kramer, *supra* n. 3.

⁷ See tweet by Rudy Giuliani, August 3, 2019 from Santa Cruz del Retamar, Espana (online at: <https://twitter.com/RudyGiuliani/status/1157778959653842945?s=20>) ("The Politico coverup article doesn't mention the bribery of Ukraine Pres. by then VP Biden to get the case against his son dismissed. Nor does it explain the Chinese pay-off of \$1.5billion to Biden's useless fund. Joe took his son on AFII to get the investment. It stinks!!").

⁸ See State Department Spokesperson Statement, August 22, 2019 (online at: <https://twitter.com/kenvogel/status/1164666081501470727/photo/1>)

⁹ See Kenneth P. Vogel and Andrew E. Kramer, *supra* n. 3.

¹⁰ Caitlin Emma and Connor O'Brien, *Trump Holds Up Ukraine Military Aid Meant to Confront Russia*, Politico, August 29, 2019 (online at: <https://www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-1689531>).

¹¹ Bryan Bender, *Pentagon Wants Ukraine Military Aid to Continue*, Politico, August 29, 2019 (online at: <https://www.politico.com/story/2019/08/29/pentagon-wants-ukraine-military-aid-to-continue-1477957>).

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leveraging its judicial system to serve the ends of the Trump campaign, this would represent a staggering abuse of power, a boon to Moscow, and a betrayal of the public trust. That the State Department has apparently acted as a broker between President Trump's personal attorney and Ukrainian officials raises serious concerns that the Department is complicit in a corrupt scheme that undercuts U.S. foreign policy and national security interests in favor of the President's personal agenda.

Congress has a constitutionally-mandated obligation to conduct oversight, protect the sanctity of our elections, and ensure that the nation's diplomatic resources and foreign assistance are being deployed for the benefit of the United States, not the personal interests of the President. In order to fulfill this obligation and determine what legislative reform may be required, we request that the White House preserve all documents, communications, and other data ("records"), regardless of format, that may be required for the Committees' oversight and investigative duties relating to this subject. The term "records" is broad and includes both paper and electronic records.¹² Specifically, the State Department should:

1. identify and notify all current and former employees and contractors, subcontractors, consultants, and Special Government Employees who may have access to such records that they are to be preserved;
2. identify, record, and preserve any records which have been deleted or marked for deletion but are still recoverable; and
3. if it is the routine practice of any employee or contractor to destroy or otherwise alter such records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production, if requested.

In addition, we request that the Department produce to the Committees the following,¹³ no later than **Monday, September 16**:

¹² This includes emails, electronic messages (including, but not limited to, both government and commercial/personal email accounts, text messages, or messaging services such as WhatsApp, Signal, Viber, Facebook, Twitter, and/or Telegram), regardless of whether such records were created, modified, sent, or received on an official or personal address or device, as well as log files and metadata. For purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutilation of records, including but not limited to emails and handwritten notes, as well as negligent or intentional handling which would foreseeably make such records incomplete or inaccessible.

¹³ Any alternate spellings or transliterations of any names reference herein would also render a document responsive to these requests.

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1. Any and all correspondence sent to or received by the State Department from January 20, 2017 to the present related to or referring in any way to the potential or suggested investigations/legal cases referred to in this letter. This includes, but is not limited to, correspondence regarding or referring to Paul Manafort, Serhiy Leshchenko, the "Black Ledger," Hunter Biden, Burisma Holdings, former Ukrainian Prosecutor General Yuriy Lutsenko, or Presidential Aide Andriy Yermak in the context of these potential or suggested investigations/legal cases.
2. Any copies in the State Department's, custody, or control of the transcript of President Trump's July 25, 2019 call with Ukrainian President Zelenskyy (the "July 25 Call").
3. Any and all records generated or received by the State Department in connection with, or that refer or relate in any way to the July 25 Call.
4. A full list of any Department officials who participated in, assisted in preparation for, or received a readout of the July 25 Call.
5. Any and all records generated or received by Department officials with or referring to President Trump's personal attorney, Rudy Giuliani.
6. Any and all records generated or received by any State Department staff in connection with, or that refer or relate in any way to the actual or potential suspension of security assistance to Ukraine.

Relevant custodians for responsive records include, but are not limited to:

1. the Office of the Secretary, including the Policy Planning Staff, the Counselor;
2. the Office of the Deputy Secretary;
3. the Office of the Undersecretary for Political Affairs;
4. Ambassador Kurt Volker and the office of the Special Representative for Ukraine;
5. The Bureau of European Affairs; and
6. U.S. Embassy Kyiv.

The Committees are prepared to work with the Department to facilitate the production of these documents.

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Sincerely,



ELIOT L. ENGEL
Chairman
House Foreign Affairs Committee



ADAM SCHIFF
Chairman
House Permanent Select Committee
On Intelligence



ELIJAH E. CUMMINGS
Chairman
House Committee on Oversight and Reform