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# United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

September 24, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Secretary Pompeo:

I write seeking immediate details regarding the State Department's role in delaying security assistance to Ukraine and facilitating meetings between the President's personal attorney and Ukrainian officials to discuss a potential Ukrainian investigation intended to bolster the President's 2020 election prospects. I understand from State Department officials that the White House provided the Department with no official reason for delaying security assistance to Ukraine for almost three months, which is highly disconcerting. The Department has also refused to provide any clarification about its interactions with the President's personal attorney regarding Ukraine.

Executive branch agencies function to carry out the policies of an administration; they do not serve the president as an individual or as a political candidate. It is imperative, particularly under a president that appears willing to usurp the federal government for his own personal and political interests, that our institutions uphold the rule of law and fulfill their appropriate role in a functioning democracy. Yet at the moment, it remains an open question whether the Administration has altered its policy towards Ukraine or demanded specific action from a foreign nation to fulfill the President's expressed wishes about a domestic political opponent.

If the Department is facilitating efforts to condition foreign aid—appropriated by Congress—for reasons other than strategic or foreign policy interests of the United States, the circumstances and details of these efforts must be fully disclosed and explained to Congress. It remains unclear, on what basis, if any, these funds were delayed, as well as what the Department communicated to Ukraine about the delayed funds, which were then reinstated without explanation—and why the Department failed to communicate anything to Congress about this delay.

Similarly, the Department must be crystal clear about its role with regard to the President's personal lawyer, including arranging a meeting with Ukrainian government officials in Madrid last month. The Department has an obligation to make clear to Ukrainian officials, as well as other foreign governments, that the President's personal attorney is not an official representative of the U.S. government. Any perception that the State Department is giving its imprimatur or allowing Mr. Giuliani's private efforts to continue is highly problematic. Foreign governments must know who speaks with authority for our government.

I seek to understand how the Department has upheld these goals. To that end, and to assist the Senate Foreign Relations Committee in conducting its constitutional role in overseeing the State Department and matters of U.S. foreign policy, and to ascertain what legislative action may be necessary in response, please provide the following:

1. When and how you first learned \$141.5 million in foreign military assistance for Ukraine would not be immediately obligated, and the extent of your role in deciding to suspend that assistance;
2. Your understanding of the reasons for that delay, and documentation sufficient to demonstrate that understanding;
3. A detailed explanation of why funds were ultimately delayed, and who made that decision;
4. All records in the Department's custody or control<sup>[1]</sup> related to foreign military or security assistance for Ukraine received, originating from, sent, or created from September 1, 2018, up to and including the date of a complete response;
5. All records in the Department's custody or control related to efforts or requests to investigate any presidential candidates for the 2020 U.S. presidential election;
6. All records in the Department's custody or control between the Department and the White House; the Department and the NSC, and the Department and OMB relating to assistance to Ukraine, the President's personal attorney, or efforts or requests to investigate any presidential candidates for the 2020 U.S. presidential election, from September 1, 2018, up to and including the date of a complete response;
7. All records in the Department's custody or control with or related to the President's personal attorney, including but not limited to records related to any efforts by the Department to support or facilitate any activities and meetings with him, whether in the United States, Ukraine, or elsewhere; and relating to any of his meetings with Ukrainian officials;
8. A list of Department officials who were briefed by the President's personal attorney about his communications or meetings with any Ukrainian government officials; and
9. All records in the Department's custody or control related to the President's July 25 call with President Volodymyr Zelensky.

I appreciate your attention to this matter and request you respond by September 30, 2019.

Sincerely,



Robert Menendez  
Ranking Member

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<sup>[1]</sup> The term "record" throughout this request means any written, typed, recorded, graphic, printed, or audio material of any kind, including documents, memoranda, cables, letters, facsimiles, calendar items, spreadsheets; transcripts, notes, or minutes of any meetings, telephone conversations or discussions; and electronic communications and attachments thereto, including emails, text messages, instant messages, direct messages (such as messages over iMessage, WhatsApp, Signal, Viber, Facebook, or Twitter) regardless of whether maintained, sent, or received on a government or non-government (i.e. personal) account.