

Department of Defense Response to USAI-Related FOIA Request

Key Points

- American Oversight filed a Freedom of Information Act (FOIA) lawsuit in federal district court against the Department of Defense (DoD) and Office of Management and Budget (OMB) seeking certain communications relating to the Ukraine Security Assistance Initiative (USAI).
- On December 20, 2019, DoD produced the following five pages of documents pursuant to a joint status report filed with the court on December 9, 2019.
- This production is consistent with DoD's standard practice of invoking reasonably available exemptions under the FOIA statute.
- These exemptions include personnel privacy and Executive Branch deliberative process.

From: [Esper, Mark HON SD](#)
To: [Rood, John C HON OSD OUSD POLICY \(USA\)](#); [Chewning, Eric D SES OSD OUSD ATL \(USA\)](#); [Norquist, David HON SD](#)
Subject: A few follow ups from yesterday
Date: Saturday, August 31, 2019 10:06:33 AM

1. John: (b) (5). We can follow up in person on Tuesday

2. Eric: (b) (5)

3. David/John: (b) (5)

4. David: (b) (5)

5. Eric: (b) (5)

Thanks
MTE

Mark T. Esper, Ph.D.
Secretary of Defense

From: [Esper, Mark HON SD](#)
To: [Rood, John C HON OSD OUSD POLICY \(USA\)](#); [Chewning, Eric D SES OSD OUSD ATL \(USA\)](#); [Norquist, David HON SD](#); [Johnson, Justin SES SD](#)
Cc: [McCusker, Elaine A HON OSD OUSD C \(USA\)](#); [OSD Pentagon OUSD Policy List USDP MAs and SAs](#)
Subject: Re: Ukraine Assistance Funding
Date: Friday, August 16, 2019 2:24:25 PM

Got it. Thanks

MTE

Sent from Mobile Device

From: "Rood, John C HON OSD OUSD POLICY (USA)" (b) (6) >
Date: Friday, August 16, 2019 at 1:09:32 PM
To: "Esper, Mark HON SD" <(b) (6)>, "Chewning, Eric D SES OSD OUSD ATL (USA)" <(b) (6)>, "Norquist, David HON SD" (b) (6) >, "Johnson, Justin SES SD" (b) (6) >
Cc: "McCusker, Elaine A HON OSD OUSD C (USA)" (b) (6) >, "OSD Pentagon OUSD Policy List USDP MAs and SAs" (b) (6) >
Subject: RE: Ukraine Assistance Funding

Sec. Esper:

Below is a response from Elaine McCusker in the Comptroller's office to your question about apportionment. The email below has the key info. Please let me know if you have any other questions.--John--

From: McCusker, Elaine A HON OSD OUSD C (USA) (b) (6)
Sent: Friday, August 16, 2019 12:48 PM
To: Rood, John C HON OSD OUSD POLICY (USA) (b) (6)
Subject: RE: Ukraine Assistance Funding

John

We are not currently under apportionment restriction, but (b) (5) _____, which we did last night. Info attached (power point doc) was also provided to OMB specific to the requirement below.

Attached is the previous apportionment direction we had from OMB, which is how they control funds release to departments and agencies. (An apportionment is an “OMB-approved plan to use budgetary resources - 31 U.S.C. 1513(b); Executive Order 11541.”)

We received two consecutive obligation “pauses” like the one attached. (b) (5)

Wr,

EM

From: Duffey, Michael P. EOP/OMB <(b) (6)>
Sent: Monday, August 12, 2019 6:54 PM
To: McCusker, Elaine A HON OSD OUSD C (USA) (b) (6)
Cc: Ney, Paul C Jr HON OSD OGC (USA) (b) (6); Paoletta, Mark R. EOP/OMB (b) (6)
Subject: USAI Funds

Elaine – per our conversation this evening, DoD is authorized to proceed with all processes necessary to obligate the previously discussed \$61 million of funds in connection with the Ukraine Security Assistance Initiative. (b) (5)

(b) (5) Please provide us by Thursday (Aug 15th) with an estimated time frame for each contract or grant, specifically including the expected date of obligation for each of those contracts/grants. (b) (5)

Thank you.

Sincerely,

Mike

Mike Duffey

Associate Director for National Security Programs

Office of Management and Budget

The White House

(b) (6)

From: Esper, Mark HON SD (b) (6) >

Sent: Friday, August 16, 2019 11:58 AM

To: Chewning, Eric D SES OSD OUSD ATL (USA) (b) (6); Norquist, David HON SD (b) (6); Rood, John C HON OSD OUSD POLICY (USA)

(b) (6); Johnson, Justin SES SD (b) (6)

Subject: Ukraine Assistance Funding

(b) (5)

Please let me know soonest, as well as any other relevant facts.

Thanks

MTE

Mark T. Esper, Ph.D.

Secretary of Defense

Message (Digitally Signed)

From: Norquist, David HON SD (b) (6)
Sent: 10/1/2019 11:13:23 AM
To: McCusker, Elaine A HON OSD OUSD C (USA) [/O=EASF/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN(b) (6)]
Subject: Re: Year End
Attachments: smime.p7s

Got it. Thanks and well done. Stopped by to visit and the team seemed in good spirits.

Sent from Mobile Device

From: "McCusker, Elaine A HON OSD OUSD C (USA)" (b) (6) >
Date: Monday, September 30, 2019 at 8:00:32 PM
To: "Norquist, David HON SD" (b) (6) >
Subject: Year End

David

FYI - as I know you are still the CFO at heart:

Team obligated all of the \$2.5B Section 284.

USAI is coming in at about \$214.8M, so \$35.2M short. This money will be reappropriated as 19/20 money under the CR.

Got the final committee approval for the \$165M for AF/AFCENT (b) (5) this afternoon, along with a few other lower dollar items, so that funding is moving tonight as well.

A few other last minute sporty items that the team is handling with their usual expertise and humor.

Vr,
EM