

118TH CONGRESS
1ST SESSION

H. R. 4994

To establish officials and institutions for the strengthening of the partnership and cooperative transparency between the United States and Ukraine.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Mr. FITZPATRICK (for himself and Mr. QUIGLEY) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To establish officials and institutions for the strengthening of the partnership and cooperative transparency between the United States and Ukraine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Partnership and Coop-
5 erative Transparency with Ukraine Act” or the “PACT
6 with Ukraine Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Ukraine is a sovereign and independent
10 state and is endowed with the territorial integrity,

1 privileges, and rights of such a state under inter-
2 national law.

3 (2) Since the collapse of the Union of Soviet
4 Socialist Republics (USSR) and subsequent forma-
5 tion of the Russian Federation in 1991, associated
6 Russian individuals, agents, and state institutions
7 have systematically sought to undermine, threaten,
8 jeopardize, and violate the sovereignty and independ-
9 ence of Ukraine.

10 (3) The Russian Federation has since 2014 and
11 continues to conduct an illegal, unprovoked, full-
12 scale invasion and occupation of multiple regions
13 and areas of Ukraine.

14 (4) Ukraine has and continues to resiliently re-
15 sist the Russian Federation's invasion and occupa-
16 tion, preventing the Russian Federation from achiev-
17 ing its authoritarian and despotic objectives of con-
18 quering Ukraine and oppressing the Ukrainian peo-
19 ple.

20 (5) The armed forces committed by the Russian
21 Federation to invade and occupy Ukraine have and
22 continue to violate international law and human
23 rights by perpetrating war crimes, crimes against
24 humanity, and other atrocities in Ukraine and
25 against the people of Ukraine.

1 (6) The Russia Federation’s invasion and occu-
2 pation of Ukraine has created humanitarian and
3 economic crises with local, regional, and inter-
4 national impact and as such, has resulted in the ne-
5 cessity for the provision of aid and assistance to
6 Ukraine.

7 (7) The United States, alongside our European
8 allies and partners, have committed substantial
9 amounts of financial and material aid to Ukraine in
10 resounding support of its resistance against the Rus-
11 sian Federation’s invasion and occupation.

12 (8) Congress has a responsibility to conduct
13 oversight and ensure accountability of all Federal
14 appropriations, as well as actions taken by the Presi-
15 dent and the Administration in the course of ex-
16 pending Federal appropriations and the operation of
17 the Federal Government.

18 (9) Cooperative transparency with regard to the
19 financial and material aid provided by the United
20 States Government to Ukraine is essential to the
21 continuance of the strong partnership between the
22 United States and Ukraine, to the defense and in-
23 tegrity of Ukraine as a sovereign and independent
24 state, and to ensure an end to the Russian Federa-
25 tion’s invasion and occupation of Ukraine.

1 **SEC. 3. UNITED STATES SPECIAL ENVOY FOR PARTNER-**
2 **SHIP WITH UKRAINE.**

3 Title I of the State Department Basic Authorities Act
4 of 1956 (22 U.S.C. 2651a et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 64. UNITED STATES SPECIAL ENVOY FOR PARTNER-**
7 **SHIP WITH UKRAINE.**

8 “(a) IN GENERAL.—There is established within the
9 Department of State a Special Envoy for Partnership with
10 Ukraine (in this section referred to as the ‘Special
11 Envoy’).

12 “(b) NOMINATION; QUALIFICATIONS.—

13 “(1) NOMINATION.—The Special Envoy shall be
14 appointed by and report directly to the President.

15 “(2) QUALIFICATIONS.—The Special Envoy
16 should be an individual with—

17 “(A) detailed knowledge of the historical
18 dynamics between Ukraine and Russia; and

19 “(B) detailed experience, expertise, or
20 knowledge in the fields of diplomacy, economics,
21 or foreign relations.

22 “(c) DUTIES.—The Special Envoy shall—

23 “(1) in support of the official diplomatic pres-
24 ence of the United States in Ukraine, be responsible
25 for maintaining and bolstering the partnership be-

1 tween the people of Ukraine and the people of the
2 United States; and

3 “(2) serve as a primary advisor to the President
4 on—

5 “(A) matters relating to—

6 “(i) preserving the culture and herit-
7 age of the Ukrainian people;

8 “(ii) strengthening economic oppor-
9 tunity and prosperity in Ukraine;

10 “(iii) strategizing post-conflict recon-
11 struction in Ukraine;

12 “(iv) encouraging resilience and ac-
13 countability for Ukraine’s governmental
14 and societal institutions; and

15 “(v) promoting peace; and

16 “(B) such other matters that the President
17 shall determine necessary.

18 “(d) RANK AND STATUS OF AMBASSADOR.—The
19 Special Envoy shall have the rank of ambassador and shall
20 hold the office at the pleasure of the President.”.

21 **SEC. 4. COMMISSION ON COOPERATIVE TRANSPARENCY**
22 **WITH UKRAINE.**

23 (a) IN GENERAL.—There is established a commission
24 to be known as the “Commission on Cooperative Trans-

1 parency with Ukraine” (in this section referred to as the
2 “Commission”).

3 (b) PURPOSE.—The purpose of the Commission shall
4 be to maintain cooperative transparency with Ukraine by
5 examining, evaluating, and investigating various aspects
6 regarding financial and material aid that has and con-
7 tinues to be provided by the United States Government
8 to Ukraine.

9 (c) MEMBERSHIP.—

10 (1) IN GENERAL.—The Commission shall be
11 composed of 10 voting members who shall be respon-
12 sible for the business of the Commission, and 4 non-
13 voting members who shall act in a strictly advisory
14 capacity.

15 (2) VOTING MEMBERS.—The voting members of
16 the Commission shall be appointed as follows:

17 (A) One member shall be appointed by the
18 President who shall serve as chair of the Com-
19 mission.

20 (B) One member shall be appointed by the
21 Speaker of the House of Representatives who
22 shall serve as vice chairman of the Commission.

23 (C) Two members shall be appointed by
24 the majority leader of the House of Representa-
25 tives.

1 (D) Two members shall be appointed by
2 the minority leader of the House of Representa-
3 tives.

4 (E) Two members shall be appointed by
5 the majority leader of the Senate.

6 (F) Two members shall be appointed by
7 the minority leader of the Senate.

8 (3) NON-VOTING MEMBERS.—The non-voting
9 members of the Commission shall be appointed as
10 follows:

11 (A) The United States Special Envoy for
12 Ukraine established under section 64 of the
13 State Department Basic Authorities Act of
14 1956 (as added by section 3).

15 (B) One member of the Office of the In-
16 spector General of the United States Agency for
17 International Development, designated by the
18 Inspector General.

19 (C) One member of the Office of the In-
20 spector General of the Department of State,
21 designated by the Inspector General.

22 (D) One member of the Office of the In-
23 spector General of the Department of Defense,
24 designated by the Inspector General.

25 (d) QUALIFICATIONS.—

1 (1) IN GENERAL.—The voting members of the
2 Commission appointed under subsection (c)(1)—

3 (A) shall be individuals who are prominent
4 United States citizens with detailed experience,
5 expertise, and knowledge in defense, diplomacy,
6 economics, ethics, foreign relations, govern-
7 mental oversight and reform, or national intel-
8 ligence and security; and

9 (B) may not be officers or employees of
10 the Federal Government or any State or local
11 government.

12 (2) ADDITIONAL REQUIREMENT.—Not more
13 than five voting members of the Commission shall be
14 from the same political party.

15 (e) DEADLINE FOR APPOINTMENT.—All members of
16 the Commission shall be appointed or designated not later
17 than 90 days after the date of the enactment of this Act.

18 (f) DUTIES.—The Commission shall—

19 (1) examine the whole amount, type, and man-
20 ner of financial and material aid provided by the
21 United States Government to Ukraine;

22 (2) evaluate the efficiency, effectiveness, deliv-
23 ery, and impact of financial and material aid pro-
24 vided by the United States Government to Ukraine
25 and make recommendations for the improved effi-

1 ciency, effectiveness, delivery, and impact of such
2 aid; and

3 (3) investigate any misuse, abuse, or theft of fi-
4 nancial or material aid provided by the United
5 States Government to Ukraine and make rec-
6 ommendations for the elimination of any misuse,
7 abuse, or theft of such aid.

8 (g) REPORT.—The Commission shall—

9 (1) submit to Congress and make available to
10 the public on a quarterly basis a report on the find-
11 ings of the Commission; and

12 (2) upon request from any Member of Con-
13 gress, provide to such Member the findings of the
14 Commission.

15 (h) POWERS OF COMMISSION.—

16 (1) SUBPOENA POWER.—

17 (A) IN GENERAL.—In carrying out this
18 section, the Commission may require, by sub-
19 poena or otherwise, the attendance and testi-
20 mony of such witnesses and the production of
21 such books, records, correspondence, memoran-
22 dums, papers, and documents as the Commis-
23 sions deems necessary.

24 (B) ISSUANCE.—A subpoena may be
25 issued under this paragraph subsection only by

1 the agreement of the chair and the vice chair of
2 the Commission or by the affirmative vote of six
3 voting members of the Commission.

4 (C) SERVICE.—A subpoena may be served
5 by any person designated by chair of the Com-
6 mission, in consultation with the vice chair of
7 the Commission, or any such voting member of
8 the Commission designated by the chair in con-
9 sultation with the vice chair.

10 (2) HEARINGS AND EVIDENCE.—The Commis-
11 sion, or on the authority of the Commission, may for
12 the purpose of carrying out this section hold such
13 hearings, sit and act at such times and places, take
14 testimony, and receive such evidence as the Commis-
15 sion may deem advisable.

16 (3) OATHS.—The chair of the Commission, the
17 vice chair of the Commission, or any voting member
18 of the Commission designated by the chair may ad-
19 minister oaths to any witness.

20 (i) OPERATION OF COMMISSION.—

21 (1) INITIAL MEETING.—The Commission shall
22 meet and begin operations of the Commission as
23 soon as practicable, but in any case not later than
24 180 days after the date of the enactment of this Act.

1 (2) QUORUM.—After its initial meeting, the
2 Commission shall meet upon the call of the chair or
3 a majority of its voting members. Six voting mem-
4 bers of the Commission shall constitute a quorum.

5 (3) VACANCY.—Any vacancy in the Commission
6 shall not affect its powers but shall be filled in the
7 same manner in which the original appointment was
8 made and within 90 days of the vacancy.

9 (j) STAFF.—

10 (1) IN GENERAL.—Any Federal Government
11 employee may be detailed to the Commission without
12 reimbursement from the Commission, and such de-
13 tail shall be without interruption or loss of civil serv-
14 ice status or privilege.

15 (2) EXPERTS AND CONSULTANTS.—The Com-
16 mission may procure the services of experts and con-
17 sultants in accordance with section 3109 of title 5,
18 United States Code, at rates not to exceed the daily
19 equivalent of the annual rate of basic pay in effect
20 for a position at level IV of the Executive Schedule
21 under section 5315 of title 5, United States Code.

22 (k) NONAPPLICABILITY OF FEDERAL ADVISORY
23 COMMITTEE ACT.—The Federal Advisory Committee Act
24 (5 U.S.C. App.) shall not apply to the Commission.

1 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Commission, for the
3 purpose of carrying out the activities and duties of this
4 section, \$5,000,000 for each fiscal years 2024 through
5 2033.

6 **SEC. 5. UKRAINE OVERSIGHT INTERAGENCY WORKING**
7 **GROUP.**

8 (a) IN GENERAL.—The President is hereby re-
9 quested, and the Ukraine Oversight Interagency Working
10 Group established within the United States Agency for the
11 International Development is hereby directed, to submit
12 to the appropriate congressional committees and leader-
13 ship on a monthly basis a report on the combined efforts
14 of the United States Government in its provision of direct
15 and indirect financial and material aid to Ukraine.

16 (b) MATTERS TO BE INCLUDED.—The report re-
17 quired by subsection (a) shall include the following:

- 18 (1) The whole amount, type, and manner of—
19 (A) financial and material aid—
20 (i) provided by the United States Gov-
21 ernment to Ukraine; and
22 (ii) expended and utilized, respec-
23 tively, by Ukraine;

1 (B) material aid that has been damaged,
2 incapacitated, or destroyed in the course of nor-
3 mal operations in Ukraine; and

4 (C) material aid provided to United States
5 allies for the purposes of replacing material aid
6 provided by such allies to Ukraine.

7 (2) The amount of time between the date on
8 which financial and material aid was provided by the
9 United States Government to Ukraine and the date
10 on which the financial and material aid was ex-
11 pended and utilized, respectively.

12 (3) Any and all verified reports of misuse,
13 abuse, or theft of financial or material aid provided
14 by the United States Government to Ukraine.

15 (c) FORM.—The report required by subsection (a)
16 shall be submitted in an unclassified form, but may con-
17 tain a classified annex.

18 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
19 AND LEADERSHIP DEFINED.—In this section, the term
20 “appropriate congressional committees and leadership”
21 means—

22 (1) the Speaker and the minority leader of the
23 House of Representatives and the Committee on Ap-
24 propriations, the Committee on Armed Services, the
25 Committee on Foreign Affairs, and the Permanent

1 Select Committee on Intelligence of the House of
2 Representatives; and

3 (2) the majority leader and the minority leader
4 of the Senate and the Committee on Appropriations,
5 the Committee on Armed Services, the Committee
6 on Foreign Relations, and the Select Committee on
7 Intelligence of the Senate.

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