

118TH CONGRESS
1ST SESSION

S. 651

To establish the Office of the Special Inspector General for Ukraine Assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2023

Mr. HAWLEY (for himself and Mr. VANCE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish the Office of the Special Inspector General for Ukraine Assistance, and for other purposes.

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 “Special Inspector Gen-
5 eral for Ukraine Assistance Act”.

6 **SEC. 2. SPECIAL INSPECTOR GENERAL FOR UKRAINE AS-**
7 **SISTANCE.**

8 (a) PURPOSES.—The purposes of this section are as
9 follows:

1 (1) To provide for the independent and objec-
2 tive conduct and supervision of audits and investiga-
3 tions, including within the territory of Ukraine, re-
4 lating to the programs and operations funded with
5 amounts appropriated or otherwise made available
6 for the military and nonmilitary support of Ukraine.

7 (2) To provide for the independent and objec-
8 tive leadership and coordination of, and rec-
9 ommendations on, policies designed to prevent and
10 detect waste, fraud, and abuse in such programs and
11 operations described in paragraph (1).

12 (3) To provide for an independent and objective
13 means of keeping the Secretary of State, the Sec-
14 retary of Defense, and Congress fully and currently
15 informed about problems and deficiencies relating to
16 the administration of such programs and operations
17 and the necessity for and progress on corrective ac-
18 tion.

19 (b) OFFICE OF INSPECTOR GENERAL.—There is
20 hereby established the Office of the Special Inspector Gen-
21 eral for Ukraine Assistance to carry out the purposes set
22 forth in subsection (a).

23 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-
24 MOVAL.—

1 (1) APPOINTMENT.—The head of the Office of
2 the Special Inspector General for Ukraine Assistance
3 is the Special Inspector General for Ukraine Assist-
4 ance (in this section referred to as the “Inspector
5 General”), who shall be appointed by the President
6 with the advice and consent of the Senate.

7 (2) QUALIFICATIONS.—The appointment of the
8 Inspector General shall be made solely on the basis
9 of integrity and demonstrated ability in accounting,
10 auditing, financial analysis, law, management anal-
11 ysis, public administration, or investigations.

12 (3) DEADLINE FOR APPOINTMENT.—The ap-
13 pointment of an individual as Inspector General
14 shall be made not later than 30 days after the date
15 of the enactment of this Act.

16 (4) COMPENSATION.—The annual rate of basic
17 pay of the Inspector General shall be the annual rate
18 of basic pay provided for positions at level IV of the
19 Executive Schedule under section 5315 of title 5,
20 United States Code.

21 (5) PROHIBITION ON POLITICAL ACTIVITIES.—
22 For purposes of section 7324 of title 5, United
23 States Code, the Inspector General shall not be con-
24 sidered an employee who determines policies to be

1 pursued by the United States in the nationwide ad-
2 ministration of Federal law.

3 (6) REMOVAL.—The Inspector General shall be
4 removable from office in accordance with the provi-
5 sions of section 403(b) of title 5, United States
6 Code.

7 (d) ASSISTANT INSPECTORS GENERAL.—The Inspec-
8 tor General shall, in accordance with applicable laws and
9 regulations governing the civil service—

10 (1) appoint an Assistant Inspector General for
11 Auditing who shall have the responsibility for super-
12 vising the performance of auditing activities relating
13 to programs and operations supported by amounts
14 appropriated or otherwise made available for the
15 military and nonmilitary support of Ukraine; and

16 (2) appoint an Assistant Inspector General for
17 Investigations who shall have the responsibility for
18 supervising the performance of investigative activi-
19 ties relating to such programs and operations.

20 (e) SUPERVISION.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the Inspector General shall report directly
23 to, and be under the general supervision of, the Sec-
24 retary of State and the Secretary of Defense.

1 (2) INDEPENDENCE TO CONDUCT INVESTIGA-
2 TIONS AND AUDITS.—No officer of the Department
3 of Defense, the Department of State, or the United
4 States Agency for International Development shall
5 prevent or prohibit the Inspector General from initi-
6 ating, carrying out, or completing any audit or in-
7 vestigation related to amounts appropriated or oth-
8 erwise made available for the military and non-
9 military support of Ukraine or from issuing any sub-
10 poena during the course of any such audit or inves-
11 tigation.

12 (f) DUTIES.—

13 (1) OVERSIGHT OF MILITARY AND NON-
14 MILITARY SUPPORT OF UKRAINE.—It shall be the
15 duty of the Inspector General to conduct, supervise,
16 and coordinate audits and investigations of the
17 treatment, handling, and expenditure of amounts ap-
18 propriated or otherwise made available for the mili-
19 tary and nonmilitary support of Ukraine, and of the
20 programs, operations, and contracts carried out uti-
21 lizing such funds, including—

22 (A) the oversight and accounting of the ob-
23 ligation and expenditure of such funds;

24 (B) the monitoring and review of contracts
25 funded by such funds;

1 (C) the monitoring and review of the
2 transfer of such funds and associated informa-
3 tion between and among departments, agencies,
4 and entities of the United States and private
5 and nongovernmental entities;

6 (D) the maintenance of records on the use
7 of such funds to facilitate future audits and in-
8 vestigations of the use of such funds;

9 (E) the investigation of overpayments such
10 as duplicate payments or duplicate billing and
11 any potential unethical or illegal actions of Fed-
12 eral employees, contractors, or affiliated entities
13 and the referral of such reports, as necessary,
14 to the Department of Justice to ensure further
15 investigations, prosecutions, recovery of further
16 funds, or other remedies;

17 (F) the monitoring and review of all mili-
18 tary and nonmilitary activities funded by such
19 funds; and

20 (G) the tracking and monitoring of all le-
21 thal and nonlethal security assistance provided
22 by the United States, including a review of
23 compliance with all applicable end-use certifi-
24 cation requirements.

1 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

2 The Inspector General shall establish, maintain, and
3 oversee such systems, procedures, and controls as
4 the Inspector General considers appropriate to dis-
5 charge the duties under paragraph (1).

6 (3) DUTIES AND RESPONSIBILITIES UNDER

7 CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—In
8 addition to the duties specified in paragraphs (1)
9 and (2), the Inspector General shall also have the
10 duties and responsibilities of inspectors general
11 under chapter 4 of title 5, United States Code.

12 (4) COORDINATION OF EFFORTS.—In carrying
13 out the duties, responsibilities, and authorities of the
14 Inspector General under this section, the Inspector
15 General shall coordinate with, and receive the co-
16 operation of each of the following:

17 (A) The Inspector General of the Depart-
18 ment of Defense.

19 (B) The Inspector General of the Depart-
20 ment of State.

21 (C) The Inspector General of the United
22 States Agency for International Development.

23 (g) POWERS AND AUTHORITIES.—

24 (1) AUTHORITIES UNDER CHAPTER 4 OF TITLE
25 5, UNITED STATES CODE.—In carrying out the du-

1 ties specified in subsection (f), the Inspector General
2 shall have the authorities provided in section 406 of
3 title 5, United States Code, including the authorities
4 under subsection (e) of such section.

5 (2) AUDIT STANDARDS.—The Inspector General
6 shall carry out the duties specified in subsection
7 (f)(1) in accordance with section 404(b)(1) of title 5,
8 United States Code.

9 (h) PERSONNEL, FACILITIES, AND OTHER RE-
10 SOURCES.—

11 (1) PERSONNEL.—

12 (A) IN GENERAL.—The Inspector General
13 may select, appoint, and employ such officers
14 and employees as may be necessary for carrying
15 out the duties of the Inspector General, subject
16 to the provisions of title 5, United States Code,
17 governing appointments in the competitive serv-
18 ice, and the provisions of chapter 51 and sub-
19 chapter III of chapter 53 of such title, relating
20 to classification and General Schedule pay
21 rates.

22 (B) ADDITIONAL AUTHORITIES.—

23 (i) IN GENERAL.—Subject to clause
24 (ii), the Inspector General may exercise the
25 authorities of subsections (b) through (i) of

1 section 3161 of title 5, United States Code
2 (without regard to subsection (a) of that
3 section).

4 (ii) PERIODS OF APPOINTMENTS.—In
5 exercising the employment authorities
6 under subsection (b) of section 3161 of
7 title 5, United States Code, as provided
8 under clause (i) of this subparagraph—

9 (I) paragraph (2) of that sub-
10 section (relating to periods of appoint-
11 ments) shall not apply; and

12 (II) no period of appointment
13 may exceed the date on which the Of-
14 fice of the Special Inspector General
15 for Ukraine Assistance terminates
16 under subsection (o).

17 (2) EMPLOYMENT OF EXPERTS AND CONSULT-
18 ANTS.—The Inspector General may obtain services
19 as authorized by section 3109 of title 5, United
20 States Code, at daily rates not to exceed the equiva-
21 lent rate prescribed for grade GS–15 of the General
22 Schedule by section 5332 of such title.

23 (3) CONTRACTING AUTHORITY.—To the extent
24 and in such amounts as may be provided in advance
25 by appropriations Acts, the Inspector General may

1 enter into contracts and other arrangements for au-
2 dits, studies, analyses, and other services with public
3 agencies and with private persons, and make such
4 payments as may be necessary to carry out the du-
5 ties of the Inspector General.

6 (4) RESOURCES.—The Secretary of State or the
7 Secretary of Defense, as appropriate, shall provide
8 the Inspector General with—

9 (A) appropriate and adequate office space
10 at appropriate locations of the Department of
11 State or the Department of Defense, as the
12 case may be, in Ukraine or at an appropriate
13 United States military installation in the Euro-
14 pean theater, together with such equipment, of-
15 fice supplies, and communications facilities and
16 services as may be necessary for the operation
17 of such offices, and shall provide necessary
18 maintenance services for such offices and the
19 equipment and facilities located therein; and

20 (B) appropriate and adequate support for
21 audits, investigations, and related activities by
22 the Inspector General or assigned personnel
23 within the territory of Ukraine.

24 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

1 (A) IN GENERAL.—Upon request of the In-
2 spector General for information or assistance
3 from any department, agency, or other entity of
4 the Federal Government, the head of such enti-
5 ty shall, insofar as is practicable and not in
6 contravention of any existing law, furnish such
7 information or assistance to the Inspector Gen-
8 eral, or an authorized designee.

9 (B) REPORTING OF REFUSED ASSIST-
10 ANCE.—Whenever information or assistance re-
11 quested by the Inspector General is, in the
12 judgment of the Inspector General, unreason-
13 ably refused or not provided, the Inspector Gen-
14 eral shall report the circumstances to the Sec-
15 retary of State or the Secretary of Defense, as
16 appropriate, and to the appropriate congress-
17 sional committees without delay.

18 (i) REPORTS.—

19 (1) QUARTERLY REPORTS.—Not later than 30
20 days after the end of each fiscal-year quarter, the
21 Inspector General shall submit to the appropriate
22 congressional committees a report summarizing, for
23 the period of that quarter and, to the extent pos-
24 sible, the period from the end of such quarter to the
25 time of the submission of the report, the activities

1 during such period of the Inspector General and the
2 activities under programs and operations funded
3 with amounts appropriated or otherwise made avail-
4 able for the military and nonmilitary support of
5 Ukraine. Each report shall include, for the period
6 covered by such report, a detailed statement of all
7 obligations, expenditures, and revenues associated
8 with military and nonmilitary support of Ukraine,
9 including the following:

10 (A) Obligations and expenditures of appro-
11 priated funds.

12 (B) Operating expenses of agencies or enti-
13 ties receiving amounts appropriated or other-
14 wise made available for the military and non-
15 military support of Ukraine.

16 (C) In the case of any contract, grant,
17 agreement, or other funding mechanism de-
18 scribed in paragraph (2)—

19 (i) the amount of the contract, grant,
20 agreement, or other funding mechanism;

21 (ii) a brief discussion of the scope of
22 the contract, grant, agreement, or other
23 funding mechanism;

24 (iii) a discussion of how the depart-
25 ment or agency of the United States Gov-

1 ernment involved in the contract, grant,
2 agreement, or other funding mechanism
3 identified, and solicited offers from, poten-
4 tial individuals or entities to perform the
5 contract, grant, agreement, or other fund-
6 ing mechanism, together with a list of the
7 potential individuals or entities that were
8 issued solicitations for the offers; and

9 (iv) the justification and approval doc-
10 uments on which was based the determina-
11 tion to use procedures other than proce-
12 dures that provide for full and open com-
13 petition.

14 (D) An accounting comparison of—

15 (i) the military and nonmilitary sup-
16 port provided to Ukraine by the United
17 States; and

18 (ii) the military and nonmilitary sup-
19 port provided to Ukraine by other North
20 Atlantic Treaty Organization member
21 countries, including allied contributions to
22 Ukraine that are subsequently backfilled or
23 subsidized using United States funds.

24 (E) An evaluation of the compliance of the
25 Government of Ukraine with all requirements

1 for receiving United States funds, including a
2 description of any area of concern with respect
3 to the ability of the Government of Ukraine to
4 achieve such compliance.

5 (2) COVERED CONTRACTS, GRANTS, AGREE-
6 MENTS, AND FUNDING MECHANISMS.—A contract,
7 grant, agreement, or other funding mechanism de-
8 scribed in this paragraph is any major contract,
9 grant, agreement, or other funding mechanism that
10 is entered into by any department or agency of the
11 United States Government that involves the use of
12 amounts appropriated or otherwise made available
13 for the military and nonmilitary support of Ukraine
14 with any public or private sector entity for any of
15 the following purposes:

16 (A) To build or rebuild physical infrastruc-
17 ture of Ukraine.

18 (B) To establish or reestablish a political
19 or societal institution of Ukraine.

20 (C) To provide products or services to the
21 people of Ukraine.

22 (D) To provide lethal or nonlethal weap-
23 onry to Ukraine.

24 (E) To otherwise provide military or non-
25 military support to Ukraine.

1 (3) PUBLIC AVAILABILITY.—The Inspector
2 General shall publish on a publicly available internet
3 website each report under paragraph (1) of this sub-
4 section in English and other languages that the In-
5 spector General determines are widely used and un-
6 derstood in Ukraine.

7 (4) FORM.—Each report required under this
8 subsection shall be submitted in unclassified form,
9 but may include a classified annex if the Inspector
10 General considers it necessary.

11 (5) RULE OF CONSTRUCTION.—Nothing in this
12 subsection shall be construed to authorize the public
13 disclosure of information that is—

14 (A) specifically prohibited from disclosure
15 by any other provision of law;

16 (B) specifically required by Executive order
17 to be protected from disclosure in the interest
18 of national defense or national security or in
19 the conduct of foreign affairs; or

20 (C) a part of an ongoing criminal inves-
21 tigation.

22 (j) REPORT COORDINATION.—

23 (1) SUBMISSION TO SECRETARIES OF STATE
24 AND DEFENSE.—The Inspector General shall also

1 submit each report required under subsection (i) to
2 the Secretary of State and the Secretary of Defense.

3 (2) SUBMISSION TO CONGRESS.—

4 (A) IN GENERAL.—Not later than 30 days
5 after receipt of a report under paragraph (1),
6 the Secretary of State and the Secretary of De-
7 fense shall submit to the appropriate congress-
8 sional committees any comments on the matters
9 covered by the report. Such comments shall be
10 submitted in unclassified form, but may include
11 a classified annex if the Secretary of State or
12 the Secretary of Defense, as the case may be,
13 considers it necessary.

14 (B) ACCESS.—On request, any Member of
15 Congress may view comments submitted under
16 subparagraph (A), including the classified
17 annex.

18 (k) TRANSPARENCY.—

19 (1) REPORT.—Not later than 60 days after
20 submission to the appropriate congressional commit-
21 tees of a report under subsection (i), the Secretary
22 of State and the Secretary of Defense shall jointly
23 make copies of the report available to the public
24 upon request, and at a reasonable cost.

1 (2) COMMENTS ON MATTERS COVERED BY RE-
2 PORT.—Not later than 60 days after submission to
3 the appropriate congressional committees under sub-
4 section (j)(2)(A) of comments on a report under
5 subsection (i), the Secretary of State and the Sec-
6 retary of Defense shall jointly make copies of the
7 comments available to the public upon request, and
8 at a reasonable cost.

9 (l) WAIVER.—

10 (1) AUTHORITY.—The President may waive the
11 requirement under paragraph (1) or (2) of sub-
12 section (k) with respect to availability to the public
13 of any element in a report under subsection (i), or
14 any comment under subsection (j)(2)(A), if the
15 President determines that the waiver is justified for
16 national security reasons.

17 (2) NOTICE OF WAIVER.—The President shall
18 publish a notice of each waiver made under this sub-
19 section in the Federal Register no later than the
20 date on which a report required under subsection (i),
21 or any comment under subsection (j)(2)(A), is sub-
22 mitted to the appropriate congressional committees.
23 The report and comments shall specify whether
24 waivers under this subsection were made and with

1 respect to which elements in the report or which
2 comments, as appropriate.

3 (3) SUBMISSION OF COMMENTS.—The Presi-
4 dent may not waive under this subsection subpara-
5 graph (A) or (B) of subsection (j).

6 (m) DEFINITIONS.—In this section:

7 (1) AMOUNTS APPROPRIATED OR OTHERWISE
8 MADE AVAILABLE FOR THE MILITARY AND NON-
9 MILITARY SUPPORT OF UKRAINE.—The term
10 “amounts appropriated or otherwise made available
11 for the military and nonmilitary support of Ukraine”
12 means—

13 (A) amounts appropriated or otherwise
14 made available on or after January 1, 2022,
15 for—

16 (i) the Ukraine Security Assistance
17 Initiative under section 1250 of the Na-
18 tional Defense Authorization Act for Fiscal
19 Year 2016 (Public Law 11492; 129 Stat.
20 1608);

21 (ii) any foreign military financing
22 accessed by the Government of Ukraine;

23 (iii) the Presidential drawdown au-
24 thority under section 506(a) of the Foreign

1 Assistance Act of 1961 (22 U.S.C.
2 2318(a));

3 (iv) the defense institution building
4 program under section 332 of title 10,
5 United States Code;

6 (v) the building partner capacity pro-
7 gram under section 333 of title 10, United
8 States Code;

9 (vi) the International Military Edu-
10 cation and Training program of the De-
11 partment of State; and

12 (vii) the United States European
13 Command; and

14 (B) amounts appropriated or otherwise
15 made available on or after January 1, 2022, for
16 the military, economic, reconstruction, or hu-
17 manitarian support of Ukraine under any ac-
18 count or for any purpose not described in sub-
19 paragraph (A).

20 (2) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committees on Appropriations, the
24 Committee on Armed Services, the Committee
25 on Foreign Relations, and Committee on Home-

1 land Security and Governmental Affairs of the
2 Senate; and

3 (B) the Committees on Appropriations, the
4 Committee on Armed Services, the Committee
5 on Foreign Affairs, and the Committee on
6 Oversight and Accountability of the House of
7 Representatives.

8 (n) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated \$70,000,000 for fiscal year 2023 to
11 carry out this section.

12 (2) OFFSET.—The amount authorized to be ap-
13 propriated for fiscal year 2023 for the Ukraine Se-
14 curity Assistance Initiative is hereby reduced by
15 \$70,000,000.

16 (o) TERMINATION.—

17 (1) IN GENERAL.—The Office of the Special In-
18 spector General for Ukraine Assistance shall termi-
19 nate 180 days after the date on which amounts ap-
20 propriated or otherwise made available for the mili-
21 tary and nonmilitary support of Ukraine that are
22 unexpended are less than \$250,000,000.

23 (2) FINAL REPORT.—The Inspector General
24 shall, prior to the termination of the Office of the
25 Special Inspector General for Ukraine Assistance

1 under paragraph (1), prepare and submit to the ap-
2 propriate congressional committees a final forensic
3 audit report on programs and operations funded
4 with amounts appropriated or otherwise made avail-
5 able for the military and nonmilitary support of
6 Ukraine.

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