

118TH CONGRESS
1ST SESSION

H. R. 855

To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2023

Mr. WITTMAN (for himself, Mr. ISSA, Mr. BUCSHON, Mr. GRIFFITH, and Ms. STEFANIK) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid.

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 “Independent and Ob-
5 jective Oversight of Ukrainian Assistance Act”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to provide for the independent and objective
4 conduct and supervision of audits and investigations
5 relating to the programs and operations funded with
6 amounts appropriated or otherwise made available to
7 Ukraine for military, economic, and humanitarian
8 aid;

9 (2) to provide for the independent and objective
10 leadership and coordination of, and recommenda-
11 tions concerning, policies designed—

12 (A) to promote economic efficiency and ef-
13 fectiveness in the administration of the pro-
14 grams and operations described in paragraph
15 (1); and

16 (B) to prevent and detect waste, fraud,
17 and abuse in such programs and operations;
18 and

19 (3) to provide for an independent and objective
20 means of keeping the Secretary of State, the Sec-
21 retary of Defense, and the heads of other relevant
22 Federal agencies fully and currently informed
23 about—

24 (A) problems and deficiencies relating to
25 the administration of the programs and oper-
26 ations described in paragraph (1); and

1 (B) the necessity for, and the progress to-
2 ward implementing, corrective action related to
3 such programs.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) AMOUNTS APPROPRIATED OR OTHERWISE
7 MADE AVAILABLE FOR THE MILITARY, ECONOMIC,
8 AND HUMANITARIAN AID TO UKRAINE.—The term
9 “amounts appropriated or otherwise made available
10 for the military, economic, and humanitarian aid for
11 Ukraine” means amounts appropriated or otherwise
12 made available for any fiscal year—

13 (A) for the Ukraine Security Assistance
14 Initiative;

15 (B) for Foreign Military Financing fund-
16 ing for Ukraine; and

17 (C) under titles III and VI of the Ukraine
18 Supplemental Appropriations Act (division N of
19 Public Law 117–103).

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

23 (A) the Committee on Appropriations of
24 the Senate;

1 (B) the Committee on Armed Services of
2 the Senate;

3 (C) the Committee on Foreign Relations of
4 the Senate;

5 (D) the Committee on Appropriations of
6 the House of Representatives;

7 (E) the Committee on Armed Services of
8 the House of Representatives; and

9 (F) the Committee on Foreign Affairs of
10 the House of Representatives.

11 (3) OFFICE.—The term “Office” means the Of-
12 fice of the Special Inspector General for Ukrainian
13 Military, Economic, and Humanitarian Aid estab-
14 lished under section 4(a).

15 (4) SPECIAL INSPECTOR GENERAL.—The term
16 “Special Inspector General” means the Special In-
17 spector General for Ukrainian Military, Economic,
18 and Humanitarian Aid appointed pursuant to sec-
19 tion 4(b).

20 **SEC. 4. ESTABLISHMENT OF OFFICE OF THE SPECIAL IN-**
21 **SPECTOR GENERAL FOR UKRAINIAN MILI-**
22 **TARY, ECONOMIC, AND HUMANITARIAN AID.**

23 (a) IN GENERAL.—There is hereby established the
24 Office of the Special Inspector General for Ukrainian Mili-

1 tary, Economic, and Humanitarian Aid to carry out the
2 purposes set forth in section 2.

3 (b) APPOINTMENT OF SPECIAL INSPECTOR GEN-
4 ERAL.—The head of the Office shall be the Special Inspec-
5 tor General for Ukrainian Military, Economic, and Hu-
6 manitarian Aid, who shall be appointed by the President.
7 The first Special Inspector General shall be appointed not
8 later than 30 days after the date of the enactment of this
9 Act.

10 (c) QUALIFICATIONS.—The appointment of the Spe-
11 cial Inspector General shall be made solely on the basis
12 of integrity and demonstrated ability in accounting, audit-
13 ing, financial analysis, law, management analysis, public
14 administration, or investigations.

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

20 (e) PROHIBITION ON POLITICAL ACTIVITIES.—For
21 purposes of section 7324 of title 5, United States Code,
22 the Special Inspector General is not an employee who de-
23 termines policies to be pursued by the United States in
24 the nationwide administration of Federal law.

1 (f) REMOVAL.—The Special Inspector General shall
2 be removable from office in accordance with section 3(b)
3 of the Inspector General Act of 1978 (5 U.S.C. App.).

4 **SEC. 5. ASSISTANT INSPECTORS GENERAL.**

5 The Special Inspector General, in accordance with
6 applicable laws and regulations governing the civil service,
7 shall appoint—

8 (1) an Assistant Inspector General for Audit-
9 ing, who shall supervise the performance of auditing
10 activities relating to programs and operations sup-
11 ported by amounts appropriated or otherwise made
12 available for military, economic, and humanitarian
13 aid to Ukraine; and

14 (2) an Assistant Inspector General for Inves-
15 tigation, who shall supervise the performance of in-
16 vestigative activities relating to the programs and
17 operations described in paragraph (1).

18 **SEC. 6. SUPERVISION.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (b), the Special Inspector General shall report directly to,
21 and be under the general supervision of, the Secretary of
22 State and the Secretary of Defense.

23 (b) INDEPENDENCE TO CONDUCT INVESTIGATIONS
24 AND AUDITS.—No officer of the Department of Defense,
25 the Department of State, the United States Agency for

1 International Development, or any other relevant Federal
2 agency may prevent or prohibit the Special Inspector Gen-
3 eral from—

4 (1) initiating, carrying out, or completing any
5 audit or investigation related to amounts appro-
6 priated or otherwise made available for the military,
7 economic, and humanitarian aid to Ukraine; or

8 (2) issuing any subpoena during the course of
9 any such audit or investigation.

10 **SEC. 7. DUTIES.**

11 (a) **OVERSIGHT OF MILITARY, ECONOMIC, AND HU-**
12 **MANITARIAN AID TO UKRAINE PROVIDED AFTER FEB-**
13 **RUARY 24, 2022.**—The Special Inspector General shall
14 conduct, supervise, and coordinate audits and investiga-
15 tions of the treatment, handling, and expenditure of
16 amounts appropriated or otherwise made available for
17 military, economic, and humanitarian aid to Ukraine, and
18 of the programs, operations, and contracts carried out uti-
19 lizing such funds, including—

20 (1) the oversight and accounting of the obliga-
21 tion and expenditure of such funds;

22 (2) the monitoring and review of reconstruction
23 activities funded by such funds;

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

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

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

9 (6) the monitoring and review of the effective-
10 ness of United States coordination with the Govern-
11 ment of Ukraine, major recipients of Ukrainian refu-
12 gees, partners in the region, and other donor coun-
13 tries;

14 (7) the investigation of overpayments (such as
15 duplicate payments or duplicate billing) and any po-
16 tential unethical or illegal actions of Federal employ-
17 ees, contractors, or affiliated entities; and

18 (8) the referral of reports compiled as a result
19 of such investigations, as necessary, to the Depart-
20 ment of Justice to ensure further investigations,
21 prosecutions, recovery of funds, or other remedies.

22 (b) OTHER DUTIES RELATED TO OVERSIGHT.—The
23 Special Inspector General shall establish, maintain, and
24 oversee such systems, procedures, and controls as the Spe-

1 cial Inspector General considers appropriate to discharge
2 the duties described in subsection (a).

3 (c) CONSULTATION.—The Special Inspector General
4 shall consult with the appropriate congressional commit-
5 tees before engaging in auditing activities outside of
6 Ukraine.

7 (d) DUTIES AND RESPONSIBILITIES UNDER INSPEC-
8 TOR GENERAL ACT OF 1978.—In addition to the duties
9 specified in subsections (a) and (b), the Special Inspector
10 General shall have the duties and responsibilities of in-
11 spectors general under the Inspector General Act of 1978
12 (5 U.S.C. App.).

13 (e) COORDINATION OF EFFORTS.—In carrying out
14 the duties, responsibilities, and authorities of the Special
15 Inspector General under this Act, the Special Inspector
16 General shall coordinate with, and receive cooperation
17 from—

18 (1) the Inspector General of the Department of
19 Defense;

20 (2) the Inspector General of the Department of
21 State;

22 (3) the Inspector General of the United States
23 Agency for International Development; and

24 (4) the Inspector General of any other relevant
25 Federal agency.

1 **SEC. 8. POWERS AND AUTHORITIES.**

2 (a) **AUTHORITIES UNDER INSPECTOR GENERAL ACT**
3 **OF 1978.**—In carrying out the duties specified in section
4 7, the Special Inspector General shall have the authorities
5 provided under section 6 of the Inspector General Act of
6 1978, including the authorities under subsection (e) of
7 such section.

8 (b) **AUDIT STANDARDS.**—The Special Inspector Gen-
9 eral shall carry out the duties specified in section 7(a) in
10 accordance with section 4(b)(1) of the Inspector General
11 Act of 1978.

12 **SEC. 9. PERSONNEL, FACILITIES, AND OTHER RESOURCES.**

13 (a) **PERSONNEL.**—The Special Inspector General
14 may select, appoint, and employ such officers and employ-
15 ees as may be necessary for carrying out the duties of the
16 Special Inspector General, subject to the provisions of—

17 (1) chapter 33 of title 5, United States Code,
18 governing appointments in the competitive service;
19 and

20 (2) chapter 51 and subchapter III of chapter
21 53 of such title, relating to classification and Gen-
22 eral Schedule pay rates.

23 (b) **EMPLOYMENT OF EXPERTS AND CONSULT-**
24 **ANTS.**—The Special Inspector General may obtain the
25 services of experts and consultants in accordance with sec-
26 tion 3109 of title 5, United States Code, at daily rates

1 not to exceed the equivalent rate prescribed for grade GS–
2 15 of the General Schedule under section 5332 of such
3 title.

4 (c) CONTRACTING AUTHORITY.—To the extent and
5 in such amounts as may be provided in advance by appro-
6 priations Acts, the Special Inspector General may—

7 (1) enter into contracts and other arrangements
8 for audits, studies, analyses, and other services with
9 public agencies and with private persons; and

10 (2) make such payments as may be necessary
11 to carry out the duties of the Special Inspector Gen-
12 eral.

13 (d) RESOURCES.—The Secretary of State or the Sec-
14 retary of Defense, as appropriate, shall provide the Special
15 Inspector General with—

16 (1) appropriate and adequate office space at ap-
17 propriate locations of the Department of State or
18 the Department of Defense, as appropriate, in
19 Ukraine or in European partner countries;

20 (2) such equipment, office supplies, and com-
21 munications facilities and services as may be nec-
22 essary for the operation of such offices; and

23 (3) necessary maintenance services for such of-
24 fices and the equipment and facilities located in such
25 offices.

1 (e) ASSISTANCE FROM FEDERAL AGENCIES.—

2 (1) IN GENERAL.—Upon request of the Special
3 Inspector General for information or assistance from
4 any department, agency, or other entity of the Fed-
5 eral Government, the head of such entity shall, to
6 the extent practicable and not in contravention of
7 any existing law, furnish such information or assist-
8 ance to the Special Inspector General or an author-
9 ized designee.

10 (2) REPORTING OF REFUSED ASSISTANCE.—

11 Whenever information or assistance requested by the
12 Special Inspector General is, in the judgment of the
13 Special Inspector General, unreasonably refused or
14 not provided, the Special Inspector General shall im-
15 mediately report the circumstances to—

16 (A) the Secretary of State or the Secretary
17 of Defense, as appropriate; and

18 (B) the appropriate congressional commit-
19 tees.

20 **SEC. 10. REPORTS.**

21 (a) QUARTERLY REPORTS.—Not later than 30 days
22 after the end of each quarter of each fiscal year, the Spe-
23 cial Inspector General shall submit to the appropriate con-
24 gressional committees, the Secretary of State, and the
25 Secretary of Defense a report that—

1 (1) summarizes, for the applicable quarter, and
2 to the extent possible, for the period from the end
3 of such quarter to the date on which the report is
4 submitted, the activities during such period of the
5 Special Inspector General and the activities under
6 programs and operations funded with amounts ap-
7 propriated or otherwise made available for military,
8 economic, and humanitarian aid to Ukraine; and

9 (2) includes, for applicable quarter, a detailed
10 statement of all obligations, expenditures, and reve-
11 nues associated with military, economic, and human-
12 itarian activities in Ukraine, including—

13 (A) obligations and expenditures of appro-
14 priated funds;

15 (B) a project-by-project and program-by-
16 program accounting of the costs incurred to
17 date for military, economic, and humanitarian
18 aid to Ukraine, including an estimate of the
19 costs to be incurred by the Department of De-
20 fense, the Department of State, the United
21 States Agency for International Development,
22 and other relevant Federal agencies to complete
23 each project and each program;

24 (C) revenues attributable to, or consisting
25 of, funds provided by foreign nations or inter-

1 national organizations to programs and projects
2 funded by any Federal department or agency
3 and any obligations or expenditures of such rev-
4 enues;

5 (D) revenues attributable to, or consisting
6 of, foreign assets seized or frozen that con-
7 tribute to programs and projects funded by any
8 Federal department or agency and any obliga-
9 tions or expenditures of such revenues;

10 (E) operating expenses of entities receiving
11 amounts appropriated or otherwise made avail-
12 able for military, economic, and humanitarian
13 aid to Ukraine; and

14 (F) for any contract, grant, agreement, or
15 other funding mechanism described in sub-
16 section (b)—

17 (i) the dollar amount of the contract,
18 grant, agreement, or other funding mecha-
19 nism;

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

23 (iii) a discussion of how the Federal
24 department or agency involved in the con-
25 tract, grant, agreement, or other funding

1 mechanism identified, and solicited offers
2 from, potential individuals or entities to
3 perform the contract, grant, agreement, or
4 other funding mechanism, including a list
5 of the potential individuals or entities that
6 were issued solicitations for the offers; and
7 (iv) the justification and approval doc-
8 uments on which the determination to use
9 procedures other than procedures that pro-
10 vide for full and open competition was
11 based.

12 (b) COVERED CONTRACTS, GRANTS, AGREEMENTS,
13 AND FUNDING MECHANISMS.—A contract, grant, agree-
14 ment, or other funding mechanism described in this sub-
15 section is any major contract, grant, agreement, or other
16 funding mechanism that is entered into by any Federal
17 department or agency that involves the use of amounts
18 appropriated or otherwise made available for the military,
19 economic, or humanitarian aid to Ukraine with any public
20 or private sector entity—

21 (1) to build or rebuild the physical infrastruc-
22 ture of Ukraine;

23 (2) to establish or reestablish a political or soci-
24 etal institution of Ukraine;

1 (3) to provide products or services to the people
2 of Ukraine; or

3 (4) to provide security assistance to Ukraine.

4 (c) PUBLIC AVAILABILITY.—The Special Inspector
5 General shall publish each report submitted pursuant to
6 subsection (a) on a publicly available internet website in
7 English, Ukrainian, and Russian.

8 (d) FORM.—Each report required under subsection
9 (a) shall be submitted in unclassified form, but may in-
10 clude a classified annex if the Special Inspector General
11 determines that a classified annex is necessary.

12 (e) SUBMISSION OF COMMENTS TO CONGRESS.—
13 During the 30-day period beginning on the date a report
14 is received under subsection (a), the Secretary of State
15 and the Secretary of Defense may submit comments to
16 the appropriate congressional committees, in unclassified
17 form, regarding any matters covered by the report that
18 the Secretary of State or the Secretary of Defense con-
19 sider appropriate. Such comments may include a classi-
20 fied annex if the Secretary of State or the Secretary of
21 Defense considers such annex to be necessary.

22 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to authorize the public disclosure
24 of information that is—

1 (1) specifically prohibited from disclosure by
2 any other provision of law;

3 (2) specifically required by Executive order to
4 be protected from disclosure in the interest of de-
5 fense or national security or in the conduct of for-
6 eign affairs; or

7 (3) a part of an ongoing criminal investigation.

8 **SEC. 11. TRANSPARENCY.**

9 (a) REPORT.—Except as provided in subsection (c),
10 not later than 60 days after receiving a report under sec-
11 tion 10(a), the Secretary of State and the Secretary of
12 Defense shall jointly make copies of the report available
13 to the public upon request and at a reasonable cost.

14 (b) COMMENTS.—Except as provided in subsection
15 (c), not later than 60 days after submitting comments
16 pursuant to section 10(e), the Secretary of State and the
17 Secretary of Defense shall jointly make copies of such
18 comments available to the public upon request and at a
19 reasonable cost.

20 (c) WAIVER.—

21 (1) AUTHORITY.—The President may waive the
22 requirement under subsection (a) or (b) with respect
23 to availability to the public of any element in a re-
24 port submitted pursuant to section 10(a) or any
25 comments submitted pursuant to section 10(e) if the

1 President determines that such waiver is justified
2 for national security reasons.

3 (2) NOTICE OF WAIVER.—The President shall
4 publish a notice of each waiver made under para-
5 graph (1) in the Federal Register not later than the
6 date of the submission to the appropriate congres-
7 sional committees of a report required under section
8 10(a) or any comments under section 10(e). Each
9 such report and comments shall specify whether a
10 waiver was made pursuant to paragraph (1) and
11 which elements in the report or the comments were
12 affected by such waiver.

13 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-
15 priated \$20,000,000 for fiscal year 2023 to carry out this
16 Act.

17 (b) OFFSET.—The amount appropriated under the
18 heading “ASSISTANCE FOR EUROPE, EURASIA, AND CEN-
19 TRAL ASIA” in title III of the Department of State, For-
20 eign Operations, and Related Programs Appropriations
21 Act, 2022 (division K of Public Law 117–103) is reduced
22 by \$20,000,000.

23 **SEC. 13. TERMINATION.**

24 (a) IN GENERAL.—The Office shall terminate on the
25 day that is 180 days after the date on which amounts ap-

1 appropriated or otherwise made available for the reconstruc-
2 tion of Ukraine that are unexpended are less than
3 \$250,000,000.

4 (b) FINAL REPORT.—Before the termination date re-
5 ferred to in subsection (a), the Special Inspector General
6 shall prepare and submit to the appropriate congressional
7 committees a final forensic audit report on programs and
8 operations funded with amounts appropriated or otherwise
9 made available for the military, economic, and humani-
10 tarian aid to Ukraine.

○