

AMENDMENT TO RULES COMMITTEE PRINT 117-

54

OFFERED BY MR. CLYDE OF GEORGIA

Page 815, line 24, strike “\$1,000,000,000” and insert “\$980,000,000”.

At the end of title LVIII, insert the following:

1 **SEC. 5806. SPECIAL INSPECTOR GENERAL FOR UKRAINIAN**
2 **MILITARY AID.**

3 (a) **PURPOSES.**—The purposes of this section are the
4 following:

5 (1) To provide for the independent and objec-
6 tive conduct and supervision of audits and investiga-
7 tions relating to the amounts appropriated or other-
8 wise made available for programs and operations re-
9 lated to military aid to Ukraine.

10 (2) To provide for the independent and objec-
11 tive leadership and coordination of, and rec-
12 ommendations on, policies designed to—

13 (A) promote economic efficiency and effec-
14 tiveness in the administration of the amounts
15 described in paragraph (1); and

1 (B) prevent and detect waste, fraud, and
2 abuse of such amounts.

3 (3) To provide for an independent and objective
4 means of informing the Secretary of State and the
5 Secretary of Defense about problems and defi-
6 ciencies relating to the administration of such
7 amounts and the necessity for and progress on cor-
8 rective action.

9 (b) OFFICE OF INSPECTOR GENERAL.—There is es-
10 tablished an office to be known as the “Office of the Spe-
11 cial Inspector General for Ukrainian Military Aid” (in this
12 section referred to as the “Office”) to carry out the pur-
13 poses described in subsection (a).

14 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-
15 MOVAL.—

16 (1) APPOINTMENT.—Not later than 30 days
17 after the date of the enactment of this Act, the
18 President shall appoint a head of the Office to be
19 known as the “Special Inspector General for Ukrain-
20 ian Military Aid” (in this section referred to as the
21 “Inspector General”). The President may appoint as
22 the Inspector General the individual who serves as
23 the Special Inspector General for Afghanistan Re-
24 construction.

1 (2) QUALIFICATIONS.—The President shall ap-
2 point to serve as the Inspector General under para-
3 graph (1) an individual with integrity and dem-
4 onstrated ability in accounting, auditing, financial
5 analysis, law, management analysis, public adminis-
6 tration, or investigations.

7 (3) COMPENSATION.—The Inspector General
8 shall be paid at the rate of basic pay provided for
9 level IV of the Executive Schedule.

10 (4) EXEMPTION FROM PROHIBITION ON POLITI-
11 ICAL ACTIVITIES.—The Inspector General is not an
12 employee as such term is defined in section 7324 of
13 title 5, United States Code.

14 (5) REMOVAL.—The Inspector General may be
15 removed from office under section 3(b) of the In-
16 spector General Act of 1978 (5 U.S.C. App.).

17 (d) ASSISTANT INSPECTORS GENERAL.—The Inspec-
18 tor General, in accordance with applicable laws and regu-
19 lations governing the civil service, shall appoint—

20 (1) an assistant inspector general, to be known
21 as the “Assistant Inspector General for Auditing”,
22 to supervise the performance of auditing activities
23 relating to the amounts described in subsection
24 (a)(1); and

1 (2) an assistant inspector general, to be known
2 as the “Assistant Inspector General for Investiga-
3 tions”, to supervise the performance of investigative
4 activities relating to such amounts.

5 (e) SUPERVISION.—

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

10 (2) INDEPENDENCE TO CONDUCT INVESTIGA-
11 TIONS AND AUDITS.—No officer of the Department
12 of Defense, the Department of State, or the United
13 States Agency for International Development shall
14 prevent or prohibit the Inspector General from initi-
15 ating, carrying out, or completing any audit or in-
16 vestigation related to the amounts described in sub-
17 section (a)(1) or from issuing any subpoena during
18 any such audit or investigation.

19 (f) DUTIES.—

20 (1) OVERSIGHT OF UKRAINIAN MILITARY
21 AID.—The Inspector General shall conduct, super-
22 vise, and coordinate audits and investigations of the
23 treatment, handling, and expenditure of the amounts
24 described in subsection (a)(1), and of the programs,

1 operations, and contracts carried out using such
2 amounts, including by doing the following:

3 (A) Oversight and accounting of the obli-
4 gations and expenditures related to such
5 amounts.

6 (B) Monitoring and review of military aid
7 funded by such amounts.

8 (C) Monitoring and review of contracts
9 funded by such amounts.

10 (D) Monitoring and review of the transfer
11 of such amounts and associated information be-
12 tween and among departments, agencies, and
13 entities of the United States and private and
14 nongovernmental entities.

15 (E) Maintenance of records on the use of
16 such amounts to facilitate future audits and in-
17 vestigations of the use of such amounts.

18 (F) Investigation of overpayment of such
19 amounts, including duplicate payments, dupli-
20 cate billing, and any other unethical or illegal
21 action by a Federal employee, contractor, or af-
22 filiated entity.

23 (G) Referral of a report, as necessary, to
24 the Department of Justice to ensure further in-

1 vestigation, prosecution, recovery, or any other
2 remedy related to such amounts.

3 (H) Any other oversight related to such
4 amounts as the Inspector General determines
5 appropriate.

6 (2) ADDITIONAL DUTIES AND RESPONSIBIL-
7 ITIES UNDER INSPECTOR GENERAL ACT OF 1978.—
8 The Inspector General shall have the duties and re-
9 sponsibilities of inspectors general described in the
10 Inspector General Act of 1978 (5 U.S.C. App.).

11 (3) COORDINATION OF EFFORTS.—In carrying
12 out the duties, responsibilities, and authorities of the
13 Inspector General under this section, the Inspector
14 General shall coordinate with each of the following:

15 (A) The Inspector General of the Depart-
16 ment of Defense.

17 (B) The Inspector General of the Depart-
18 ment of State.

19 (C) The Inspector General of the United
20 States Agency for International Development.

21 (g) POWER AND AUTHORITY.—

22 (1) AUTHORITY UNDER INSPECTOR GENERAL
23 ACT OF 1978.—In carrying out the duties described
24 in subsection (f), the Inspector General shall have

1 the authority described in section 6 of the Inspector
2 General Act of 1978 (5 U.S.C. App.).

3 (2) AUDIT STANDARDS.—The Inspector General
4 shall carry out the duties described in subsection
5 (f)(1) in accordance with section 4(b)(1) of the In-
6 spector General Act of 1978.

7 (h) PERSONNEL, FACILITIES, AND OTHER RE-
8 SOURCES.—

9 (1) PERSONNEL.—The Inspector General, sub-
10 ject to title 5, United States Code, may select, ap-
11 point, and employ officers and employees as the In-
12 spector General determines appropriate to carry out
13 the duties described in subsection (f).

14 (2) EMPLOYMENT OF EXPERTS AND CONSULT-
15 ANTS.—The Inspector General may employ experts
16 or consultants under section 3109 of title 5, United
17 States Code, at daily rates not to exceed the rate for
18 grade GS–15 of the General Schedule under section
19 5332 of such title.

20 (3) CONTRACTING AUTHORITY.—Subject to the
21 availability of appropriations, the Inspector General
22 may enter into contracts and other arrangements for
23 audits, studies, analyses, and other services with
24 public agencies and with private persons, and make
25 payments related to such contracts and arrange-

1 ments, as the Inspector General determines appro-
2 priate to carry out the duties described in subsection
3 (f).

4 (4) RESOURCES.—The Secretary of State or the
5 Secretary of Defense, at the appropriate locations in
6 the Department of State, the Department of De-
7 fense, or Ukraine, shall provide the Inspector Gen-
8 eral with—

9 (A) offices;

10 (B) equipment and communications facili-
11 ties and services for the operation of such of-
12 fices; and

13 (C) maintenance services for such offices,
14 equipment, and facilities.

15 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

16 (A) IN GENERAL.—Upon the request of
17 the Inspector General for information or assist-
18 ance from any department, agency, or other en-
19 tity of the United States Government, the head
20 of such entity shall, to the extent practicable,
21 provide such information or assistance to the
22 Inspector General or to a designee authorized
23 by the Inspector General.

24 (B) REPORTING OF REFUSED ASSIST-
25 ANCE.—If the Inspector General determines

1 any information or assistance described in sub-
2 paragraph (A) was unreasonably refused or
3 withheld, the Inspector General shall imme-
4 diately report such unreasonable refusal or
5 withholding to the Secretary of State or the
6 Secretary of Defense, as appropriate, and to the
7 appropriate congressional committees.

8 (6) USE OF PERSONNEL, FACILITIES, AND
9 OTHER RESOURCES OF THE OFFICE FOR RECON-
10 STRUCTION OF AFGHANISTAN.—Upon the request of
11 the Inspector General, the Special Inspector General
12 for Afghanistan Reconstruction may—

13 (A) detail to the Office, on a reimbursable
14 basis, any of the personnel of the Office of the
15 Special Inspector General for Afghanistan Re-
16 construction; and

17 (B) provide to the Office, on a reimburs-
18 able basis, any of the facilities or other re-
19 sources of the Office of the Special Inspector
20 General for Afghanistan Reconstruction.

21 (i) QUARTERLY REPORTS.—

22 (1) IN GENERAL.—Not later than 30 days after
23 the last day of each quarter of a fiscal year, the In-
24 spector General shall submit to the Secretary of
25 State, the Secretary of Defense, and the appropriate

1 congressional committees a quarterly report summa-
2 rizing the activities of the Inspector General and the
3 activities of the programs and operations funded by
4 the amounts described in subsection (a)(1) during
5 such quarter (and, to the extent practicable, during
6 the period beginning on the day after the last day
7 of such quarter and ending on the date of the sub-
8 mission of the report), which shall contain a detailed
9 statement of the obligations, expenditures, and reve-
10 nues related to the amounts described in subsection
11 (a)(1), including the following:

12 (A) An accounting of the costs incurred by
13 each program and operation funded by the
14 amounts described in subsection (a)(1) and the
15 estimate of the Department of Defense, the De-
16 partment of State, and the United States Agen-
17 cy for International Development, as appro-
18 priate, of the costs that will be incurred to fund
19 each such program and operation until such
20 program and operation is complete.

21 (B) Revenues attributable to or consisting
22 of funds provided by foreign nations or inter-
23 national organizations to programs and projects
24 funded by any department, agency, or other en-

1 tity of the United States Government, and any
2 obligations or expenditures of such revenues.

3 (C) Revenues attributable to or consisting
4 of foreign assets seized or frozen that con-
5 tribute to programs and projects funded by any
6 department, agency, or other entity of the
7 United States Government, and any obligations
8 or expenditures of such revenues.

9 (D) Operating expenses of agencies or enti-
10 ties receiving the amounts described in sub-
11 section (a)(1).

12 (E) In the case of any contract, grant,
13 agreement, or other funding mechanism de-
14 scribed in paragraph (2), the following:

15 (i) The amount of such contract,
16 grant, agreement, or other funding mecha-
17 nism.

18 (ii) A brief discussion of the scope of
19 such contract, grant, agreement, or other
20 funding mechanism.

21 (iii) A discussion of how the depart-
22 ment, agency, or other entity of the United
23 States Government involved in such con-
24 tract, grant, agreement, or other funding
25 mechanism identified and solicited offers

1 from individuals or entities to perform
2 such contract, grant, agreement, or other
3 funding mechanism, including a list of
4 each individual or entity that received a so-
5 licitation of an offer.

6 (iv) Any justification and approval
7 documents such department, agency, or
8 other entity of the United States Govern-
9 ment used to determine to use procedures
10 other than procedures that provide for full
11 and open competition.

12 (2) COVERED CONTRACTS, GRANTS, AGREE-
13 MENTS, AND FUNDING MECHANISMS.—A contract,
14 grant, agreement, or other funding mechanism de-
15 scribed in this paragraph is any major contract,
16 grant, agreement, or other funding mechanism that
17 is entered into by any department, agency, or other
18 entity of the United States Government with any
19 public or private sector entity that involves the use
20 of the amounts described in subsection (a)(1) for
21 any of the following purposes:

22 (A) To build or rebuild the physical infra-
23 structure of Ukraine.

24 (B) To establish or reestablish a political
25 or societal institution of Ukraine.

1 (C) To provide products or services to the
2 people of Ukraine.

3 (3) PUBLICATION.—The Inspector General shall
4 publish each quarterly report required by paragraph
5 (1) on a publicly available website in English and
6 other languages the Inspector General determines
7 are widely used and understood in Ukraine.

8 (4) FORM.—Each quarterly report required by
9 paragraph (1) shall be submitted in unclassified
10 form but may include a classified annex as the In-
11 spector General determines necessary.

12 (5) WAIVER.—Each quarterly report required
13 by paragraph (1) shall state whether the President
14 waived under subsection (k)(1) the publication re-
15 quirement described in paragraph (3) with respect to
16 any matter described in such report.

17 (6) RULE OF CONSTRUCTION.—Nothing in this
18 subsection may be construed to authorize the public
19 disclosure of information that is—

20 (A) prohibited from disclosure by any
21 other provision of law;

22 (B) required by Executive order to be pro-
23 tected from disclosure in the interest of national
24 defense or national security or in the conduct of
25 foreign affairs; or

1 (C) part of an ongoing criminal investiga-
2 tion.

3 (j) COMMENT ON QUARTERLY REPORTS BY SEC-
4 RETARY OF STATE AND SECRETARY OF DEFENSE.—

5 (1) SUBMISSION TO CONGRESS.—Not later than
6 30 days after receiving a quarterly report required
7 by subsection (j)(1), the Secretary of State or the
8 Secretary of Defense may submit to the appropriate
9 congressional committees a comment on any matter
10 described in such report.

11 (2) FORM.—Each comment described in para-
12 graph (1) shall be submitted in unclassified form but
13 may include a classified annex as the Secretary of
14 State or the Secretary of Defense determines nec-
15 essary.

16 (3) PUBLICATION.—Not later than 60 days
17 after submitting a comment described in paragraph
18 (1), the Secretary of State or the Secretary of De-
19 fense shall make such comment publicly available
20 upon request and at a reasonable cost.

21 (4) WAIVER.—Each comment described in
22 paragraph (1) shall state whether the President
23 waived under subsection (k)(1) the publication re-
24 quirement described in paragraph (3) with respect to
25 any matter described in such comment.

1 (k) WAIVER.—

2 (1) IN GENERAL.—The President may waive a
3 publication requirement described in subsection
4 (i)(3) or (j)(3), with respect to any matter described
5 in a quarterly report required by subsection (i)(1) or
6 in a comment submitted under subsection (j)(1), if
7 the President determines such waiver is justified by
8 national security interests.

9 (2) NOTICE OF WAIVER.—The President shall
10 publish a notice of each waiver made under para-
11 graph (1) in the Federal Register on the same date
12 on which a quarterly report is required to be sub-
13 mitted by subsection (i)(1) or a comment is sub-
14 mitted under subsection (j)(1).

15 (l) TERMINATION.—

16 (1) IN GENERAL.—The Office shall terminate
17 180 days after the date on which the amounts de-
18 scribed in subsection (a)(1) that have not been spent
19 equal less than \$50,000,000.

20 (2) FINAL REPORT.—Prior to the termination
21 of the Office under paragraph (1), the Inspector
22 General shall prepare and submit to the appropriate
23 congressional committees a final forensic audit re-
24 port on the programs and operations funded by the
25 amounts described in subsection (a)(1).

1 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$20,000,000 for fiscal year 2023.

4 (n) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committees on Appropriations, Armed
8 Services, Foreign Relations, and Homeland Security
9 and Governmental Affairs of the Senate; and

10 (2) the Committees on Appropriations, Armed
11 Services, Foreign Affairs, and Oversight and Reform
12 of the House of Representatives.

