

**AMENDMENT TO RULES COMM. PRINT 118-10**  
**OFFERED BY MR. ROY OF TEXAS**

Strike section 1222 and insert the following:

1 **SEC. \_\_\_\_ . SPECIAL INSPECTOR GENERAL FOR UKRAINE AS-**  
2 **SISTANCE.**

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

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

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

16 (3) To provide for an independent and objective  
17 means of keeping the Secretary of State, the Sec-  
18 retary of Defense, and Congress fully and currently  
19 informed about problems and deficiencies relating to  
20 the administration of such programs and operations

1 and the necessity for and progress on corrective ac-  
2 tion.

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

7 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-  
8 MOVAL.—

9 (1) APPOINTMENT.—The head of the Office of  
10 the Special Inspector General for Ukraine Assistance  
11 is the Special Inspector General for Ukraine Assist-  
12 ance (in this section referred to as the “Inspector  
13 General”), who shall be appointed by the President  
14 with the advice and consent of the Senate.

15 (2) QUALIFICATIONS.—The appointment of the  
16 Inspector General shall be made solely on the basis  
17 of integrity and demonstrated ability in accounting,  
18 auditing, financial analysis, law, management anal-  
19 ysis, public administration, or investigations.

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

24 (4) COMPENSATION.—The annual rate of basic  
25 pay of the Inspector General shall be the annual rate

1 of basic pay provided for positions at level IV of the  
2 Executive Schedule under section 5315 of title 5,  
3 United States Code.

4 (5) PROHIBITION ON POLITICAL ACTIVITIES.—  
5 For purposes of section 7324 of title 5, United  
6 States Code, the Inspector General shall not be con-  
7 sidered an employee who determines policies to be  
8 pursued by the United States in the nationwide ad-  
9 ministration of Federal law.

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

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

17 (1) appoint an Assistant Inspector General for  
18 Auditing who shall have the responsibility for super-  
19 vising the performance of auditing activities relating  
20 to programs and operations supported by amounts  
21 appropriated or otherwise made available for the  
22 military and nonmilitary support of Ukraine; and

23 (2) appoint an Assistant Inspector General for  
24 Investigations who shall have the responsibility for

1 supervising the performance of investigative activi-  
2 ties relating to such programs and operations.

3 (e) SUPERVISION.—

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

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

19 (f) DUTIES.—

20 (1) OVERSIGHT OF MILITARY AND NON-  
21 MILITARY SUPPORT OF UKRAINE.—It shall be the  
22 duty of the Inspector General to conduct, supervise,  
23 and coordinate audits and investigations of the  
24 treatment, handling, and expenditure of amounts ap-  
25 propriated or otherwise made available for the mili-

1 tary and nonmilitary support of Ukraine, and of the  
2 programs, operations, and contracts carried out uti-  
3 lizing such funds, including—

4 (A) the oversight and accounting of the ob-  
5 ligation and expenditure of such funds;

6 (B) the monitoring and review of contracts  
7 funded by such funds;

8 (C) the monitoring and review of the  
9 transfer of such funds and associated informa-  
10 tion between and among departments, agencies,  
11 and entities of the United States and private  
12 and nongovernmental entities;

13 (D) the maintenance of records on the use  
14 of such funds to facilitate future audits and in-  
15 vestigations of the use of such funds;

16 (E) the investigation of overpayments such  
17 as duplicate payments or duplicate billing and  
18 any potential unethical or illegal actions of Fed-  
19 eral employees, contractors, or affiliated entities  
20 and the referral of such reports, as necessary,  
21 to the Department of Justice to ensure further  
22 investigations, prosecutions, recovery of further  
23 funds, or other remedies;

1 (F) the monitoring and review of all mili-  
2 tary and nonmilitary activities funded by such  
3 funds; and

4 (G) the tracking and monitoring of all le-  
5 thal and nonlethal security assistance provided  
6 by the United States, including a review of  
7 compliance with all applicable end-use certifi-  
8 cation requirements.

9 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

10 The Inspector General shall establish, maintain, and  
11 oversee such systems, procedures, and controls as  
12 the Inspector General considers appropriate to dis-  
13 charge the duties under paragraph (1).

14 (3) DUTIES AND RESPONSIBILITIES UNDER  
15 CHAPTER 4 OF TITLE 5, UNITED STATES CODE.—In  
16 addition to the duties specified in paragraphs (1)  
17 and (2), the Inspector General shall also have the  
18 duties and responsibilities of inspectors general  
19 under chapter 4 of title 5, United States Code.

20 (4) COORDINATION OF EFFORTS.—In carrying  
21 out the duties, responsibilities, and authorities of the  
22 Inspector General under this section, the Inspector  
23 General shall coordinate with, and receive the co-  
24 operation of each of the following:

1 (A) The Inspector General of the Depart-  
2 ment of Defense.

3 (B) The Inspector General of the Depart-  
4 ment of State.

5 (C) The Inspector General of the United  
6 States Agency for International Development.

7 (g) POWERS AND AUTHORITIES.—

8 (1) AUTHORITIES UNDER CHAPTER 4 OF TITLE  
9 5, UNITED STATES CODE.—In carrying out the du-  
10 ties specified in subsection (f), the Inspector General  
11 shall have the authorities provided in section 406 of  
12 title 5, United States Code, including the authorities  
13 under subsection (e) of such section.

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

18 (h) PERSONNEL, FACILITIES, AND OTHER RE-  
19 SOURCES.—

20 (1) PERSONNEL.—

21 (A) IN GENERAL.—The Inspector General  
22 may select, appoint, and employ such officers  
23 and employees as may be necessary for carrying  
24 out the duties of the Inspector General, subject  
25 to the provisions of title 5, United States Code,

1 governing appointments in the competitive serv-  
2 ice, and the provisions of chapter 51 and sub-  
3 chapter III of chapter 53 of such title, relating  
4 to classification and General Schedule pay  
5 rates.

6 (B) ADDITIONAL AUTHORITIES.—

7 (i) IN GENERAL.—Subject to clause  
8 (ii), the Inspector General may exercise the  
9 authorities of subsections (b) through (i) of  
10 section 3161 of title 5, United States Code  
11 (without regard to subsection (a) of that  
12 section).

13 (ii) PERIODS OF APPOINTMENTS.—In  
14 exercising the employment authorities  
15 under subsection (b) of section 3161 of  
16 title 5, United States Code, as provided  
17 under clause (i) of this subparagraph—

18 (I) paragraph (2) of that sub-  
19 section (relating to periods of appoint-  
20 ments) shall not apply; and

21 (II) no period of appointment  
22 may exceed the date on which the Of-  
23 fice of the Special Inspector General  
24 for Ukraine Assistance terminates  
25 under subsection (o).



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

7           (3) CONTRACTING AUTHORITY.—To the extent  
8           and in such amounts as may be provided in advance  
9           by appropriations Acts, the Inspector General may  
10          enter into contracts and other arrangements for au-  
11          dits, studies, analyses, and other services with public  
12          agencies and with private persons, and make such  
13          payments as may be necessary to carry out the du-  
14          ties of the Inspector General.

15          (4) RESOURCES.—The Secretary of State or the  
16          Secretary of Defense, as appropriate, shall provide  
17          the Inspector General with—

18                 (A) appropriate and adequate office space  
19                 at appropriate locations of the Department of  
20                 State or the Department of Defense, as the  
21                 case may be, in Ukraine or at an appropriate  
22                 United States military installation in the Euro-  
23                 pean theater, together with such equipment, of-  
24                 fice supplies, and communications facilities and  
25                 services as may be necessary for the operation

1 of such offices, and shall provide necessary  
2 maintenance services for such offices and the  
3 equipment and facilities located therein; and

4 (B) appropriate and adequate support for  
5 audits, investigations, and related activities by  
6 the Inspector General or assigned personnel  
7 within the territory of Ukraine.

8 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

9 (A) IN GENERAL.—Upon request of the In-  
10 spector General for information or assistance  
11 from any department, agency, or other entity of  
12 the Federal Government, the head of such enti-  
13 ty shall, insofar as is practicable and not in  
14 contravention of any existing law, furnish such  
15 information or assistance to the Inspector Gen-  
16 eral, or an authorized designee.

17 (B) REPORTING OF REFUSED ASSIST-  
18 ANCE.—Whenever information or assistance re-  
19 quested by the Inspector General is, in the  
20 judgment of the Inspector General, unreason-  
21 ably refused or not provided, the Inspector Gen-  
22 eral shall report the circumstances to the Sec-  
23 retary of State or the Secretary of Defense, as  
24 appropriate, and to the appropriate congres-  
25 sional committees without delay.

1 (i) REPORTS.—

2 (1) QUARTERLY REPORTS.—Not later than 30  
3 days after the end of each fiscal-year quarter, the  
4 Inspector General shall submit to the appropriate  
5 congressional committees a report summarizing, for  
6 the period of that quarter and, to the extent pos-  
7 sible, the period from the end of such quarter to the  
8 time of the submission of the report, the activities  
9 during such period of the Inspector General and the  
10 activities under programs and operations funded  
11 with amounts appropriated or otherwise made avail-  
12 able for the military and nonmilitary support of  
13 Ukraine. Each report shall include, for the period  
14 covered by such report, a detailed statement of all  
15 obligations, expenditures, and revenues associated  
16 with military and nonmilitary support of Ukraine,  
17 including the following:

18 (A) Obligations and expenditures of appro-  
19 priated funds.

20 (B) Operating expenses of agencies or enti-  
21 ties receiving amounts appropriated or other-  
22 wise made available for the military and non-  
23 military support of Ukraine.

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

4 (i) the amount of the contract, grant,  
5 agreement, or other funding mechanism;

6 (ii) a brief discussion of the scope of  
7 the contract, grant, agreement, or other  
8 funding mechanism;

9 (iii) a discussion of how the depart-  
10 ment or agency of the United States Gov-  
11 ernment involved in the contract, grant,  
12 agreement, or other funding mechanism  
13 identified, and solicited offers from, poten-  
14 tial individuals or entities to perform the  
15 contract, grant, agreement, or other fund-  
16 ing mechanism, together with a list of the  
17 potential individuals or entities that were  
18 issued solicitations for the offers; and

19 (iv) the justification and approval doc-  
20 uments on which was based the determina-  
21 tion to use procedures other than proce-  
22 dures that provide for full and open com-  
23 petition.

24 (D) An accounting comparison of—

1 (i) the military and nonmilitary sup-  
2 port provided to Ukraine by the United  
3 States; and

4 (ii) the military and nonmilitary sup-  
5 port provided to Ukraine by other North  
6 Atlantic Treaty Organization member  
7 countries, including allied contributions to  
8 Ukraine that are subsequently backfilled or  
9 subsidized using United States funds.

10 (E) An evaluation of the compliance of the  
11 Government of Ukraine with all requirements  
12 for receiving United States funds, including a  
13 description of any area of concern with respect  
14 to the ability of the Government of Ukraine to  
15 achieve such compliance.

16 (2) COVERED CONTRACTS, GRANTS, AGREE-  
17 MENTS, AND FUNDING MECHANISMS.—A contract,  
18 grant, agreement, or other funding mechanism de-  
19 scribed in this paragraph is any major contract,  
20 grant, agreement, or other funding mechanism that  
21 is entered into by any department or agency of the  
22 United States Government that involves the use of  
23 amounts appropriated or otherwise made available  
24 for the military and nonmilitary support of Ukraine

1 with any public or private sector entity for any of  
2 the following purposes:

3 (A) To build or rebuild physical infrastruc-  
4 ture of Ukraine.

5 (B) To establish or reestablish a political  
6 or societal institution of Ukraine.

7 (C) To provide products or services to the  
8 people of Ukraine.

9 (D) To provide lethal or nonlethal weap-  
10 onry to Ukraine.

11 (E) To otherwise provide military or non-  
12 military support to Ukraine.

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

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

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

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

3 (B) specifically required by Executive order  
4 to be protected from disclosure in the interest  
5 of national defense or national security or in  
6 the conduct of foreign affairs; or

7 (C) a part of an ongoing criminal inves-  
8 tigation.

9 (j) REPORT COORDINATION.—

10 (1) SUBMISSION TO SECRETARIES OF STATE  
11 AND DEFENSE.—The Inspector General shall also  
12 submit each report required under subsection (i) to  
13 the Secretary of State and the Secretary of Defense.

14 (2) SUBMISSION TO CONGRESS.—

15 (A) IN GENERAL.—Not later than 30 days  
16 after receipt of a report under paragraph (1),  
17 the Secretary of State and the Secretary of De-  
18 fense shall submit to the appropriate congres-  
19 sional committees any comments on the matters  
20 covered by the report. Such comments shall be  
21 submitted in unclassified form, but may include  
22 a classified annex if the Secretary of State or  
23 the Secretary of Defense, as the case may be,  
24 considers it necessary.

1 (B) ACCESS.—On request, any Member of  
2 Congress may view comments submitted under  
3 subparagraph (A), including the classified  
4 annex.

5 (k) TRANSPARENCY.—

6 (1) REPORT.—Not later than 60 days after  
7 submission to the appropriate congressional commit-  
8 tees of a report under subsection (i), the Secretary  
9 of State and the Secretary of Defense shall jointly  
10 make copies of the report available to the public  
11 upon request, and at a reasonable cost.

12 (2) COMMENTS ON MATTERS COVERED BY RE-  
13 PORT.—Not later than 60 days after submission to  
14 the appropriate congressional committees under sub-  
15 section (j)(2)(A) of comments on a report under  
16 subsection (i), the Secretary of State and the Sec-  
17 retary of Defense shall jointly make copies of the  
18 comments available to the public upon request, and  
19 at a reasonable cost.

20 (l) WAIVER.—

21 (1) AUTHORITY.—The President may waive the  
22 requirement under paragraph (1) or (2) of sub-  
23 section (k) with respect to availability to the public  
24 of any element in a report under subsection (i), or  
25 any comment under subsection (j)(2)(A), if the



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

3 (2) NOTICE OF WAIVER.—The President shall  
4 publish a notice of each waiver made under this sub-  
5 section in the Federal Register no later than the  
6 date on which a report required under subsection (i),  
7 or any comment under subsection (j)(2)(A), is sub-  
8 mitted to the appropriate congressional committees.  
9 The report and comments shall specify whether  
10 waivers under this subsection were made and with  
11 respect to which elements in the report or which  
12 comments, as appropriate.

13 (3) SUBMISSION OF COMMENTS.—The Presi-  
14 dent may not waive under this subsection subpara-  
15 graphs (A) or (B) of subsection (j).

16 (m) DEFINITIONS.—In this section:

17 (1) AMOUNTS APPROPRIATED OR OTHERWISE  
18 MADE AVAILABLE FOR THE MILITARY AND NON-  
19 MILITARY SUPPORT OF UKRAINE.—The term  
20 “amounts appropriated or otherwise made available  
21 for the military and nonmilitary support of Ukraine”  
22 means—

23 (A) amounts appropriated or otherwise  
24 made available on or after January 1, 2022,  
25 for—

1 (i) the Ukraine Security Assistance  
2 Initiative under section 1250 of the Na-  
3 tional Defense Authorization Act for Fiscal  
4 Year 2016 (Public Law 11492; 129 Stat.  
5 1608);

6 (ii) any foreign military financing  
7 accessed by the Government of Ukraine;

8 (iii) the presidential drawdown au-  
9 thority under section 506(a) of the Foreign  
10 Assistance Act of 1961 (22 U.S.C.  
11 2318(a));

12 (iv) the defense institution building  
13 program under section 332 of title 10,  
14 United States Code;

15 (v) the building partner capacity pro-  
16 gram under section 333 of title 10, United  
17 States Code;

18 (vi) the International Military Edu-  
19 cation and Training program of the De-  
20 partment of State; and

21 (vii) the United States European  
22 Command; and

23 (B) amounts appropriated or otherwise  
24 made available on or after January 1, 2022, for  
25 the military, economic, reconstruction, or hu-

1           manitarian support of Ukraine under any ac-  
2           count or for any purpose not described in sub-  
3           paragraph (A).

4           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
5           TEES.—The term “appropriate congressional com-  
6           mittees” means—

7                   (A) the Committees on Appropriations, the  
8                   Committee on Armed Services, the Committee  
9                   on Foreign Relations, and Committee on Home-  
10                  land Security and Governmental Affairs of the  
11                  Senate; and

12                   (B) the Committees on Appropriations, the  
13                   Committee on Armed Services, the Committee  
14                   on Foreign Affairs, and the Committee on  
15                   Oversight and Accountability of the House of  
16                  Representatives.

17           (n) AUTHORIZATION OF APPROPRIATIONS.—

18                   (1) IN GENERAL.—There is authorized to be  
19                   appropriated \$70,000,000 for fiscal year 2024 to  
20                   carry out this section.

21                   (2) OFFSET.—The amount authorized to be ap-  
22                   propriated for fiscal year 2024 for the Ukraine Se-  
23                   curity Assistance Initiative is hereby reduced by  
24                   \$70,000,000.

25           (o) TERMINATION.—

1           (1) IN GENERAL.—The Office of the Special In-  
2           specter General for Ukraine Assistance shall termi-  
3           nate 180 days after the date on which amounts ap-  
4           propriated or otherwise made available for the mili-  
5           tary and nonmilitary support of Ukraine that are  
6           unexpended are less than \$250,000,000.

7           (2) FINAL REPORT.—The Inspector General  
8           shall, prior to the termination of the Office of the  
9           Special Inspector General for Ukraine Assistance  
10          under paragraph (1), prepare and submit to the ap-  
11          propriate congressional committees a final forensic  
12          audit report on programs and operations funded  
13          with amounts appropriated or otherwise made avail-  
14          able for the military and nonmilitary support of  
15          Ukraine.

