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

Strike section 1222 and insert the following:

SEC. ___. SPECIAL INSPECTOR GENERAL FOR UKRAINE ASSISTANCE.

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

(1) To provide for the independent and objective conduct and supervision of audits and investigations, including within the territory of Ukraine, relating to the programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

(2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to prevent and detect waste, fraud, and abuse in such programs and operations described in paragraph (1).

(3) To provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations.
and the necessity for and progress on corrective action.

(b) Office of Inspector General.—There is hereby established the Office of the Special Inspector General for Ukraine Assistance to carry out the purposes set forth in subsection (a).

(c) Appointment of Inspector General; Removal.—

(1) Appointment.—The head of the Office of the Special Inspector General for Ukraine Assistance is the Special Inspector General for Ukraine Assistance (in this section referred to as the “Inspector General”), who shall be appointed by the President with the advice and consent of the Senate.

(2) Qualifications.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) Deadline for Appointment.—The appointment of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

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

(5) Prohibition on Political Activities.—
For purposes of section 7324 of title 5, United
States Code, the Inspector General shall not be con-
sidered an employee who determines policies to be
pursued by the United States in the nationwide ad-
ministration of Federal law.

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

(d) Assistant Inspectors General.—The Inspect-
ator General shall, in accordance with applicable laws and
regulations governing the civil service—

(1) appoint an Assistant Inspector General for
Auditing who shall have the responsibility for superv-
ising the performance of auditing activities relating
to programs and operations supported by amounts
appropriated or otherwise made available for the
military and nonmilitary support of Ukraine; and

(2) appoint an Assistant Inspector General for
Investigations who shall have the responsibility for
supervising the performance of investigative activities relating to such programs and operations.

(e) Supervision.—

(1) In general.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) Independence to conduct investigations and audits.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military and non-military support of Ukraine or from issuing any subpoena during the course of any such audit or investigation.

(f) Duties.—

(1) Oversight of military and non-military support of Ukraine.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the mili-
tary and nonmilitary support of Ukraine, and of the
programs, operations, and contracts carried out util-
izing such funds, including—

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

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

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

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

(E) the investigation of overpayments such
as duplicate payments or duplicate billing and
any potential unethical or illegal actions of Fed-
eral employees, contractors, or affiliated entities
and the referral of such reports, as necessary,
to the Department of Justice to ensure further
investigations, prosecutions, recovery of further
funds, or other remedies;
(F) the monitoring and review of all military and nonmilitary activities funded by such funds; and

(G) the tracking and monitoring of all lethal and nonlethal security assistance provided by the United States, including a review of compliance with all applicable end-use certification requirements.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—

The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

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

(4) COORDINATION OF EFFORTS.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of each of the following:
(A) The Inspector General of the Department of Defense.

(B) The Inspector General of the Department of State.

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

(g) Powers and Authorities.—

(1) Authorities under chapter 4 of title 5, United States Code.—In carrying out the duties specified in subsection (f), the Inspector General shall have the authorities provided in section 406 of title 5, United States Code, including the authorities under subsection (e) of such section.

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

(h) Personnel, Facilities, and Other Resources.—

(1) Personnel.—

(A) In General.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code,
governing appointments in the competitive service, and the provisions of chapter 51 and sub-
chapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) ADDITIONAL AUTHORITIES.—

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

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

(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Ukraine Assistance terminates under subsection (o).
(2) **EMPLOYMENT OF EXPERTS AND CONSULTANTS.**—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) **CONTRACTING AUTHORITY.**—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

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

(A) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as the case may be, in Ukraine or at an appropriate United States military installation in the European theater, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation
of such offices, and shall provide necessary
maintenance services for such offices and the
equipment and facilities located therein; and

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

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

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

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

(1) **Quarterly Reports.**—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with military and nonmilitary support of Ukraine, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the military and non-military support of Ukraine.
(C) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

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

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

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(D) An accounting comparison of—
(i) the military and nonmilitary support provided to Ukraine by the United States; and

(ii) the military and nonmilitary support provided to Ukraine by other North Atlantic Treaty Organization member countries, including allied contributions to Ukraine that are subsequently backfilled or subsidized using United States funds.

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

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.
with any public or private sector entity for any of
the following purposes:

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

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

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

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

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

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

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

(5) RULE OF CONSTRUCTION.—Nothing in this
subsection shall be construed to authorize the public
disclosure of information that is—
(A) specifically prohibited from disclosure by any other provision of law;

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

(C) a part of an ongoing criminal investigation.

(j) REPORT COORDINATION.—

(1) Submission to secretaries of state and defense.—The Inspector General shall also submit each report required under subsection (i) to the Secretary of State and the Secretary of Defense.

(2) Submission to congress.—

(A) In general.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees any comments on the matters covered by the report. Such comments shall be submitted in unclassified form, but may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.
(B) Access.—On request, any Member of Congress may view comments submitted under subparagraph (A), including the classified annex.

(k) Transparency.—

(1) Report.—Not later than 60 days after submission to the appropriate congressional committees of a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request, and at a reasonable cost.

(2) Comments on Matters Covered by Report.—Not later than 60 days after submission to the appropriate congressional committees under subsection (j)(2)(A) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly make copies of the comments available to the public upon request, and at a reasonable cost.

(l) Waiver.—

(1) Authority.—The President may waive the requirement under paragraph (1) or (2) of subsection (k) with respect to availability to the public of any element in a report under subsection (i), or any comment under subsection (j)(2)(A), if the
President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (i), or any comment under subsection (j)(2)(A), is submitted to the appropriate congressional committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(3) SUBMISSION OF COMMENTS.—The President may not waive under this subsection subparagraphs (A) or (B) of subsection (j).

(m) DEFINITIONS.—In this section:

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

(A) amounts appropriated or otherwise made available on or after January 1, 2022,
(i) the Ukraine Security Assistance Initiative under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1608);

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

(iii) the presidential drawdown authority under section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a));

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

(v) the building partner capacity program under section 333 of title 10, United States Code;

(vi) the International Military Education and Training program of the Department of State; and

(vii) the United States European Command; and

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

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

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

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

(n) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(o) TERMINATION.—
(1) IN GENERAL.—The Office of the Special Inspector General for Ukraine Assistance shall terminate 180 days after the date on which amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine that are unexpended are less than $250,000,000.

(2) FINAL REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Ukraine Assistance under paragraph (1), prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.