

AMENDMENT TO RULES COMM. PRINT 118-36
OFFERED BY MS. SHERRILL OF NEW JERSEY

At the end of subtitle D of title XII, add the following:

1 **SEC. 12 . REPORT RELATING TO PROVISION OF CERTAIN**
2 **INFORMATION IN CONNECTION WITH RUS-**
3 **SIAN INVASION OF UKRAINE AND RESULTING**
4 **CONFLICT.**

5 (a) REPORT.—

6 (1) SUBMISSION.—Not later than 120 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense, in coordination with the Secretary
9 of State and the Director of National Intelligence,
10 shall submit to the appropriate congressional com-
11 mittees a report on the use and effectiveness of cov-
12 ered information lawfully provided by the United
13 States Government to the Government of Ukraine
14 and the governments of other partner countries in
15 Europe in connection with the Russian invasion of
16 Ukraine and the resulting conflict.

17 (2) MATTERS.—The report under paragraph
18 (1) shall address, in particular, the use and effec-
19 tiveness of classified, unclassified, and downgraded

1 covered information in written, verbal, and visual
2 forms, respectively, provided by the United States
3 Government to the foreign governments referred to
4 in such paragraph and shall include, at a minimum,
5 the following:

6 (A) An assessment of the effect and value
7 of the covered information so provided since
8 September 2021 in achieving the national secu-
9 rity, national defense, and foreign policy objec-
10 tives of the United States with respect to the
11 Russian invasion of Ukraine and the resulting
12 conflict.

13 (B) An assessment of—

14 (i) whether such provision by the
15 United States Government of covered in-
16 formation to, or use of such provided cov-
17 ered information by, such foreign govern-
18 ments has resulted in tangible national se-
19 curity, national defense, or foreign policy
20 benefits to the United States or the foreign
21 partners of the United States, including
22 any improved international relations, new
23 bilateral or multilateral programs, or other
24 actions demonstrating acceptance of
25 United States foreign policy objectives,

1 such as through participation in security
2 assistance and cooperation efforts, coordi-
3 nation of new policies, or issuing compat-
4 ible statements regarding foreign relations;

5 (ii) the effect and value of the lawful
6 provision of covered information by the
7 United States Government with respect to
8 the success of the Government of Ukraine
9 (including the Armed Forces of Ukraine
10 and the intelligence services of Ukraine) in
11 making decisions regarding the response
12 to, responding to, and defending against
13 the Russian invasion of Ukraine and the
14 resulting conflict; and

15 (iii) the ability of, and methods used
16 by, the Government of Ukraine and other
17 countries supporting Ukraine to safeguard
18 covered information and any new insights
19 derived from the passage of information
20 during the Russian invasion of Ukraine
21 and the resulting conflict.

22 (C) An assessment of—

23 (i) best practices regarding the dis-
24 semination of covered information by the
25 United States Government to the foreign

1 governments referred to in paragraph (1)
2 over the course of the Russian invasion of
3 Ukraine and resulting conflict and how
4 such best practices may be applied to fu-
5 ture crises outside of Europe; and

6 (ii) any plans or recommendations by
7 the Secretary of Defense regarding the fu-
8 ture provision of covered information to
9 the Government of Ukraine in connection
10 with such invasion and resulting conflict.

11 (D) An assessment of the internal proc-
12 esses and procedures of the Department of De-
13 fense, Department of State, and elements of the
14 intelligence community, respectively, governing
15 the dissemination of covered information to the
16 Government of Ukraine and partner countries
17 in Europe, including a description of—

18 (i) the specific types of materials dis-
19 seminated; and

20 (ii) how, if at all, such processes, pro-
21 cedures, and types of information dissemi-
22 nated changed over the course of the Rus-
23 sian invasion of Ukraine and the resulting
24 conflict to meet the national security, na-

1 tional defense, and foreign policy objectives
2 of the United States.

3 (E) An assessment of the applicability of
4 such processes, procedures, and types of cov-
5 ered information to be used by combatant com-
6 mands other than the United States European
7 Command, and any recommendations by the
8 Secretary of Defense to support the develop-
9 ment of a repeatable, secure, and appropriately
10 expeditious process for similar dissemination ef-
11 forts during peacetime, in the lead-up to a con-
12 flict, and in the immediate stages of a future
13 conflict in Europe or in the areas of responsi-
14 bility of such other combatant commands.

15 (F) An assessment of—

16 (i) how open-source covered informa-
17 tion provided to the Government of
18 Ukraine has supported the objectives of
19 such Government vis a vis the Russian in-
20 vasion of Ukraine and the resulting con-
21 flict;

22 (ii) how the Secretary of Defense re-
23 views and selects open-source covered in-
24 formation for use and prepares such infor-

1 mation to be provided to the Government
2 of Ukraine; and

3 (iii) how the review, selection, and use
4 of open-source information for provision to
5 foreign partners of the United States
6 might differ in a future crisis.

7 (G) A description of any new authorities or
8 resources, or improvements to existing authori-
9 ties or resources, that may further address any
10 of the matters under subparagraphs (A)
11 through (F).

12 (3) FORM.—The report under paragraph (1)
13 may be submitted in classified form, but if so sub-
14 mitted, shall include an unclassified annex.

15 (b) BRIEFING.—

16 (1) BRIEFING REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Secretary of Defense shall provide to the appropriate
19 congressional committees a briefing on the matters
20 covered by the report under paragraph (1).

21 (2) CLOSED NATURE.—Any briefing under this
22 subsection may be a closed briefing, consistent with
23 the protection of intelligence sources and methods.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “appropriate congressional com-
2 mittees” means—

3 (A) the Committee on Armed Services, the
4 Committee on Foreign Affairs, and the Perma-
5 nent Select Committee on Intelligence of the
6 House of Representatives; and

7 (B) the Committee on Armed Services, the
8 Committee on Foreign Relations, and the Select
9 Committee on Intelligence of the Senate.

10 (2) The term “covered information” means any
11 information, regardless of whether such information
12 is classified or unclassified, that relates to the Rus-
13 sian invasion of Ukraine, the resulting conflict, or
14 other associated matters (including such information
15 originating from the Department of Defense and in-
16 telligence information) and is provided by the United
17 States Government for the purpose of supporting
18 any national security, national defense, or foreign
19 policy objective of the United States vis a vis such
20 invasion, resulting conflict, or associated matters.

21 (3) The term “intelligence community” has the
22 meaning given that term in section 3 of the National
23 Security Act of 1947 (50 U.S.C. 3003).

