

REQUESTING THE PRESIDENT AND DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT, RESPECTIVELY, TO THE HOUSE OF REPRESENTATIVES COPIES OF ALL DOCUMENTS INDICATING ANY PLANS FOR CURRENT OR FUTURE MILITARY ASSISTANCE TO UKRAINE AND DOCUMENTS INDICATING WHETHER ANY UNITED STATES ARMED FORCES, INCLUDING SPECIAL OPERATIONS FORCES, ARE CURRENTLY DEPLOYED IN UKRAINE

MAY 2, 2023.—Referred to the House Calendar and ordered to be printed

Mr. MCCAUL, from the Committee on Foreign Affairs,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H. Res. 300]

The Committee on Foreign Affairs, to whom was referred the resolution (H. Res. 300) requesting the President and directing the Secretary of Defense to transmit, respectively, to the House of Representatives copies of all documents indicating any plans for current or future military assistance to Ukraine and documents indicating whether any United States Armed Forces, including special operations forces, are currently deployed in Ukraine, having considered the same, reports favorably thereon without amendment and recommends that the resolution be agreed to.

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## SUMMARY

House Resolution 300 requests the President, and directs the Secretary of Defense to transmit, respectively, to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of all documents in the possession of the President or the Secretary of Defense, respectively, indicating any plans for current or future military assistance to Ukraine and documents indicating whether any United States Armed Forces, including special operations forces, are currently deployed in Ukraine.

## BACKGROUND

According to House rules and precedents, House Resolution 300 qualifies for consideration as a resolution of inquiry. Although the resolution does not have the requisite cosponsors typically required for committee action under Committee rules (25 cosponsors, including 10 committee members), clause 7 of rule XIII of the Rules of the House requires the Committee to act on resolutions of inquiry within 14 legislative days.

The Committee is committed to—and is in the process of—conducting vigorous oversight of the congressionally-appropriated security, humanitarian, and economic assistance to Ukraine being provided by the Department of State and United States Agency for International Development (USAID). It is unfortunate that this resolution was drafted and introduced without regard for the robust oversight already underway. It is also unfortunate that some misunderstand strong oversight as somehow at odds with strong U.S. support for Ukraine’s self-defense against Vladimir Putin’s brutal, illegal invasion. To the contrary, such oversight is critical for maintaining strong U.S. support, and for ensuring that such support is effective.

The Committee is advancing transparency and accountability not only to fulfill its constitutionally mandated responsibility to conduct oversight of our constituents’ taxpayer dollars, but also to sustain U.S. and allied support for Ukraine. The American people have a right to know how U.S. assistance responding to Russia’s war in Ukraine is being spent, and how the safeguards in place are ensuring that there is no fraud, waste, or misuse involving American taxpayer money.

The Committee’s first classified briefing of the 118th Congress with the Biden Administration was on Russia’s unprovoked war of aggression against Ukraine. The Chairman then led a Congressional Delegation to Poland and Ukraine from February 19–23 of this year to receive a firsthand perspective of how U.S. assistance to Ukraine is being used to support a Ukrainian victory as soon as possible. The delegation met with the 101st Airborne Division, USAID’s Disaster Assistance Response Team in Poland, Embassy Kyiv staff, and President Zelenskyy in Ukraine, to deepen its understanding of the transparency and accountability mechanisms the U.S. has in place to track U.S. weapon systems sent to the frontlines, and to ensure that our non-security assistance reaches its intended beneficiaries. The delegation was encouraged to learn that, to date, no significant acts of fraud or misuse involving U.S. assistance have occurred.

The Subcommittee on Europe's first official activity of the 118th Congress was a briefing with State Department and USAID officials on the transparency and accountability safeguards in place for U.S. aid to Ukraine. The briefing focused on U.S. humanitarian and economic assistance, particularly the accountability mechanisms and planned audits for the \$22.9 billion in direct budget support, as well as U.S. diplomatic efforts to encourage greater assistance to Ukraine from U.S. allies and partners.

On March 29, the Committee held a hearing with the inspectors general from the Department of Defense, Department of State, and USAID to hear their assessments of the transparency and accountability mechanisms the Administration has put in place for U.S. assistance to Ukraine. In this hearing, Members also discussed the inspectors' general Joint Strategic Oversight Plan for monitoring, tracking, and accounting for the totality of assistance provided to Ukraine. This was the first time any of the inspectors general have appeared publicly before this Committee since the beginning of Russia's full-scale invasion of Ukraine on February 24, 2022. Importantly, each inspectors general reported there had been no significant misuse of U.S. assistance to date.

Likewise, Committee staff have organized biweekly briefings with Administration officials to discuss updates on the war and U.S. support for Ukraine. Committee staff have also requested briefings from the Department of State and USAID on each advance notification of how the Administration plans to spend U.S. government-provided assistance to ensure that every dollar of American taxpayer funding directly contributes to Ukraine's war effort and that the relevant oversight mechanisms are functioning.

Finally, Committee staff actively review the reporting requirements and the implementation of oversight mandated by the approximately 40 oversight provisions across the four Ukraine supplementals and Fiscal Year 2023 appropriations and defense policy bills. These provisions include requirements to report to Congress on every U.S. weapon sent to Ukraine, and the accountability mechanisms in place to ensure these systems are used as intended.

Moreover, the small U.S. military presence in Ukraine, along with providing embassy security, is critical to the U.S. defense attach's efforts to monitor the U.S. weapons provided to Ukraine. To be clear, U.S. forces are not fighting Russia's forces. Instead, they are on the frontlines of U.S. oversight efforts.

However, the Administration continues to fail to answer critical questions about the end goal for U.S. assistance to Ukraine. A pledge to "support Ukraine for as long as it takes" is, unfortunately, not a strategy. Moreover, the Committee remains frustrated by the Administration's opaque and constantly changing rationales for refusing to provide Ukraine with critical weapon systems, such as ATACMS, which would help Ukraine win the war quickly and avert a bloody stalemate which will benefit Vladimir Putin and ultimately cost taxpayers more.

The Foreign Affairs Committee is dedicated to pursuing clarity on all of these issues to ensure that U.S. assistance is funding a sound strategy, and to maintain robust Congressional oversight. House Resolution 300 is consistent with that aim.

## COMMITTEE CONSIDERATION AND VOTE

On April 26, 2023, the committee marked up House Resolution 300 pursuant to notice, in open session. The committee agreed to a motion to report the resolution favorably to the House by a record vote of 22 ayes to 20 noes.

On the vote to report H. Res. 300 to the House favorably:

Voting aye (22): McCaul, Smith, Issa, Wagner, Mast, Buck, Burchett, Green, Barr, R. Jackson (TX), Y. Kim (CA), Huizenga, Hill, Davidson, Baird, Kean, Lawler, Mills, McCormick, Moran, James, Self.

Voting no (20): Meeks, Sherman, Keating, Cicilline, Bera, Castro, Titus, Wild, Phillips, Allred, A. Kim (NJ), Jacobs, Manning, Cherfilus-McCormick, Stanton, Dean, Moskowitz, J. Jackson (IL), Costa, Crow.

## OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with clause 3(c)(1) of rule XIII of the rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the House of Representatives, are incorporated in the “Background” section of this report, above.

## NEW BUDGET AUTHORITY, TAX EXPENDITURES, AND FEDERAL MANDATES

Clause 3(c)(2) of House rule XIII and the Unfunded Mandates Reform Act (Public Law 104–4) are inapplicable because House Resolution 300 does not provide new budget authority or increased tax expenditures.

## DIRECTED RULE MAKING

Pursuant to clause 3(c)(5) of House rule XIII, the committee notes that House Resolution 300 contains no directed rule-making provisions.

## NON-DUPLICATION OF FEDERAL PROGRAMS

Clause 3(c)(5) of House rule XIII is not applicable to this resolution, as it is not a bill or joint resolution that establishes or reauthorizes a federal program.

## PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of House rule XIII is not applicable to this resolution, as it is not a measure that authorizes funding.

## CONGRESSIONAL ACCOUNTABILITY ACT

House Resolution 300 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

## NEW ADVISORY COMMITTEES

House Resolution 300 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

House Resolution 300 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House rule XXI.

SECTION-BY-SECTION ANALYSIS

The resolution is comprised of a single clause identifying materials being requested from the President and the Secretary of State.

## DISSENTING VIEWS

In a political effort to grandstand and malign the Biden Administration's support for Ukraine against Russia's brutal and unprovoked invasion, the sponsors of H. Res. 300 are jeopardizing our national security, that of our European allies and Ukrainian military partners, as well as millions of Ukrainian civilians. Legislatively mandating the public disclosure of all current and future U.S. military plans in support of Ukraine's military is the height of irresponsibility shrouded in a reckless and misguided abuse of legislative prerogative.

The House Foreign Affairs Committee has consistently spearheaded thorough and responsible oversight of Congressionally appropriated security assistance to Ukraine. Likewise, the Administration is proactively providing regular briefings, documentation, and justifications for assistance to Ukraine to the committees of jurisdiction—and to the entire Congress—to facilitate Congress' legislative and oversight responsibilities. The Department of State, Department of Defense, and U.S. Agency for International Development have provided advance notification and detailed breakdowns of how American taxpayer funding would be spent ahead of each and every tranche of U.S. government-provided assistance.

On dozens of occasions, the Administration has briefed Members of Congress on all manner of detail regarding ongoing and planned security assistance to Ukraine. In addition, the Departments of Defense and State have consistently provided Congressional Committees scores of documents and detailed records on the types of security assistance, weapons, and military hardware delivered to Ukraine including quantities, variants, and delivery timelines since early 2022. All these materials are available to members as are details on U.S. personnel in Ukraine. To the extent possible and when feasible, such assistance is described publicly by Administration officials and released in writing.

The Departments of Defense and State, via the U.S. Embassy in Kyiv, conduct thorough oversight and end-use monitoring (EUM) to account for security assistance provided to Ukraine. To ensure further safeguards are in place, in October 2022 the Administration established an interagency plan to counter any potential illicit diversion of weapons. This effort focuses on strengthening the ability of Ukrainian and neighboring country forces to account for and safeguard arms and ammunitions during transfer, storage, and deployment. On top of these efforts, the Office of the Defense Attaché and Office of Defense Cooperation (Ukraine) have conducted multiple EUM visits in Ukraine in both central and austere storage and field locations to cross-check U.S. records of items provided with items in Ukraine's possession. Since early 2022 Ukrainian forces continue to use a variety of tools to track and share comprehensive inventory details with DoD.

In addition to the Administration's own ongoing efforts on monitoring and accountability, Inspectors General overseeing the Departments of Defense and State have established a joint oversight and investigative effort to monitor, track, and account for the totality of assistance provided to Ukraine—including military support—as well as assess for themselves the established safeguards on such assistance. The leaders of the integrated Inspectors General effort have kept Congress regularly apprised of their work and findings, including as recently as March 2023 in public testimony before this Committee. In that testimony and accompanying report, the Inspectors General concluded that they “have not yet substantiated significant waste, fraud, or abuse” of U.S. assistance to Ukraine. Committee Democrats remain firmly in favor of these rigorous and unprecedented oversight efforts as U.S. assistance continues to be provided to Ukraine in furtherance of our shared national security objectives against Russia's brutal, unprovoked invasion of Ukraine.

The sponsors of this resolution, however, have elected to ignore the many opportunities made available to participate in constructive and regular Congressional oversight of the Biden Administration's effort to support Ukraine and instead have launched a political exercise that risks endangering our ongoing military efforts and those of our courageous Ukrainian partners. We already know the sponsor's calloused intent—made clear a few weeks ago by his ‘Ukraine Fatigue’ resolution calling for an end to all U.S. assistance to the country. By attempting to legislatively force the disclosure of all current and future U.S. military plans in support of Ukraine's defense against Russia's brutal onslaught—including sensitive details on the presence of U.S. personnel in Ukraine—the sponsors of this measure play directly into Putin's hands and jeopardize the very lives of those with whom we are standing. Passage of this measure would represent a gift to Putin and his Kremlin cronies and provide them visibility into future plans that our military and intelligence leaders strive to protect at all costs. Such details would be welcomed throughout the Russian military and security services in the furtherance of their genocidal campaign against the Ukrainian people and undermine critical ongoing U.S.—Ukrainian military cooperation.

While Committee Democrats remain steadfast and committed to robust military support for Ukraine in defense of its citizens and democracy—as well as associated oversight and transparency efforts—H. Res. 300 is a condemnable partisan political ploy and the height of legislative irresponsibility that jeopardizes the national security of the United States, of our European allies and partners, as well as the courageous Ukrainian people.

Sincerely,

GREGORY W. MEEKS,  
*Ranking Member.*