

RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT AND DIRECTING
THE SECRETARY OF DEFENSE AND SECRETARY OF STATE TO TRANS-
MIT, RESPECTIVELY, CERTAIN DOCUMENTS TO THE HOUSE OF REP-
RESENTATIVES RELATING TO CONGRESSIONALLY APPROPRIATED
FUNDS TO THE NATION OF UKRAINE FROM JANUARY 20, 2021 TO FEB-
RUARY 24, 2023

MARCH 27, 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. 158]

The Committee on Foreign Affairs, to whom was referred the res-
olution (H. Res. 158) of inquiry requesting the President and direct-
ing the Secretary of Defense and Secretary of State to transmit, re-
spectively, certain documents to the House of Representatives rel-
ating to congressionally appropriated funds to the nation of
Ukraine from January 20, 2021 to February 24, 2023, having con-
sidered the same, reports favorably thereon without amendment
and recommends that the resolution be agreed to.

CONTENTS

	Page
Summary	2
Background	2
Committee Consideration and Vote	4
Oversight Findings and Recommendations	4
New Budget Authority, Tax Expenditures, and Federal Mandates	4
Directed Rule Making	4
Non-Duplication of Federal Programs	5
Performance Goals and Objectives	5
Congressional Accountability Act	5
New Advisory Committees	5
Earmark Identification	5
Section-by-Section Analysis	5
Dissenting Views	6

SUMMARY

House Resolution 158 requests the President, and directs the Secretary of State 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, charts, or tables, including notes from meetings, audio recordings, records (including telephone and email records), correspondence, and other communications, and any financial statements detailing purchases, recipients, and government expenditures to the extent that any such one or more items are within the possession of the President or Secretaries aforementioned, respectively, and refer or relate to congressionally appropriated funds directed to the nation of Ukraine—whether in regard to military, civilian, or financial aid—between January 20, 2021 to February 24, 2023.

BACKGROUND

According to House rules and precedents, House Resolution 158 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, 2023 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. Later this month, the Committee will hold 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 will also have the opportunity to evaluate the inspectors' general Joint Strategic Oversight Plan for monitoring, tracking, and accounting for the totality of assistance provided to Ukraine. This will be 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.

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 advanced 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.

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.

Notably, this resolution requests information from the Administration starting on January 20, 2021—more than a full year before Russia's unprovoked war of aggression began. Congress needs to closely examine the Administration's failure of deterrence leading up to Russia's full-scale invasion so that, in the future, such brutal wars of aggression can be deterred by American strength, not encouraged by American weakness. Thus the Committee also intends to conduct oversight to obtain detailed answers regarding critical administration decisions that preceded the February 24, 2022 Russian invasion, including:

- The administration's flawed decision to agree to a clean, five-year extension of the New START Treaty mere days after President Biden was sworn in, a unilateral concession to Putin which gave him exactly what he wanted and demanded nothing in return;

- the administration’s decision to waive congressionally-mandated sanctions on the Nord Stream 2 pipeline, threatening the credibility of Western sanctions at a critical juncture;
- how the surrender to the Taliban and the disastrous, unconditional withdrawal of U.S. troops from Afghanistan emboldened Vladimir Putin and damaged U.S. credibility with our allies, partners, and adversaries alike; and
- the failure of the administration to provide significant security assistance to Ukraine or impose severe sanctions on the Putin regime in the months leading up to Russia’s full-scale invasion, despite tens of thousands of Russian troops amassing on Ukraine’s borders and intelligence indicating that the invasion was imminent.

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 158 is consistent with that aim.

COMMITTEE CONSIDERATION AND VOTE

On March 24, 2023, the committee marked up House Resolution 158 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 26 ayes to 20 noes.

On the vote to report H. Res. 158 to the House favorably:

Voting aye (26): McCaul, Smith, Wilson, Perry, Issa, Wagner, Mast, Burchett, Green, Barr, R. Jackson (TX), Y. Kim (CA), Salazar, Huizenga, Radewagen, Hill, Davidson, Baird, Waltz, Kean, Lawler, Mills, McCormick, Moran, James, Self.

Voting no (20): Meeks, Connolly, Keating, Cicilline, Bera, Titus, Lieu, Wild, Phillips, Allred, A. Kim (NJ), Jacobs, Manning, Cherfilus-McCormick, Stanton, Dean, J. Jackson (IL), Kamlager-Dove, Crow, Schneider.

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 158 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 158 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 158 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 158 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

House Resolution 158 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

Rather than engaging in constructive oversight through the various mechanisms at Congress' disposal and through the legislative process, the sponsors of H. Res. 158 are politicizing oversight, as evidenced by the cosponsors' decision to request documentation dating only back to the beginning of the Biden Administration. This timeline fails to consider the significant U.S. assistance provided to Ukraine for almost a decade to withstand sustained malign Kremlin influence and armed aggression.

The House Foreign Affairs Committee has consistently spearheaded thorough oversight of congressionally appropriated political-military, humanitarian, and economic assistance to Ukraine for decades. Likewise, the Administration has voluntarily and regularly provided briefings, documentation, and justifications for assistance to Ukraine to the committees of jurisdiction—and to the Congress—in an effort to facilitate Congress' legislative and oversight responsibilities. The Department of State (State), Department of Defense (DOD), and U.S. Agency for International Development (USAID) have provided advance notification and detailed breakdowns of how American taxpayer funding would be spent ahead of every tranche of U.S. government-provided assistance. Additionally, Executive Branch officials and the State, DOD, and USAID Inspectors General have briefed the Committee on their detailed plan to monitor, track, and account for the totality of assistance provided to Ukraine—as well as to assess for themselves the established safeguards on U.S. assistance. Committee Democrats are firmly in favor of these unprecedented oversight efforts as U.S. assistance continues to be provided to Ukraine, including the Committee's upcoming hearing with the State, DOD, and USAID inspectors general on their efforts to monitor Ukraine assistance. Such oversight is important not only to deter potential waste, fraud, or abuse in the provision of U.S. assistance, but also to ensure that the assistance supports the United States' national security objectives.

Since Russia's February 2022 renewed invasion of Ukraine, the Committee has held dozens of public briefings, hearings, and closed briefings on the war in Ukraine and related issues at the Member level. State, often with participation from the DOD—has provided Committee Staff, on a biweekly basis and totaling over 25 separate engagements, updates on the status of the war as well as on U.S., ally, and partner assistance efforts to Ukraine. Additionally, State and USAID have briefed Committee staff on nearly 20 occasions on non-security assistance to Ukraine and the operating status of Embassy Kyiv. Altogether, the Administration has engaged on more than 60 occasions with the Congress at the staff and Member level about the war in Ukraine, the assistance the United States is providing, assistance our allies and partners are providing, and related security issues. This includes several hearings and briefings

at the Cabinet-level or Deputy-level. This regular series of briefings and information exchanges between the executive and legislative branches and the relevant inspectors general has continued unabated since the 117th Congress and is unprecedented.

The very sponsors of this resolution of inquiry—including Members of this Committee—and others launching attacks on the transparency of the Biden Administration’s response to the war in Ukraine have failed to participate actively in many of the briefings and other opportunities made available to learn about the U.S. strategy to support Ukraine to defeat Russia. Furthermore, their public comments minimize the threat posed by the Kremlin to U.S. national security and bluntly assert that the Biden Administration’s vital assistance to Ukraine should cease. Such attempts to politicize Ukraine oversight—including through unfounded claims in this report attempting to blame President Biden for President Putin’s unprovoked, unjustified war—only strengthen Russia’s hand. While Committee Democrats will remain engaged in rigorous oversight of U.S. funding to support Ukraine and our other allies and partners, H. Res. 158 is a dangerous fishing expedition that chooses partisanship over responsible oversight and transatlantic unity.

Sincerely,

GREGORY W. MEEKS,
Ranking Member.

○