

119TH CONGRESS
1ST SESSION

S. _____

To establish the Office of the Inspector General for Ukraine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish the Office of the Inspector General for Ukraine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Inspector General for
5 Ukraine Act”.

6 **SEC. 2. INSPECTOR GENERAL FOR UKRAINE.**

7 (a) OFFICE OF INSPECTOR GENERAL.—There is
8 hereby established the Office of the Inspector General for
9 Ukraine.

1 (b) APPOINTMENT OF INSPECTOR GENERAL; RE-
2 MOVAL.—

3 (1) APPOINTMENT.—The head of the Office of
4 the Inspector General for Ukraine is the Inspector
5 General for Ukraine (in this section referred to as
6 the “Inspector General”), who shall be appointed by
7 the President with the advice and consent of the
8 Senate.

9 (2) QUALIFICATIONS.—The appointment of the
10 Inspector General shall be made solely on the basis
11 of integrity and demonstrated ability in accounting,
12 auditing, financial analysis, law, management anal-
13 ysis, public administration, or investigations.

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

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

23 (5) PROHIBITION ON POLITICAL ACTIVITIES.—
24 For purposes of section 7324 of title 5, United
25 States Code, the Inspector General shall not be con-

1 sidered an employee who determines policies to be
2 pursued by the United States in the nationwide ad-
3 ministration of Federal law.

4 (c) ASSISTANT INSPECTORS GENERAL.—The Inspec-
5 tor General shall, in accordance with applicable laws and
6 regulations governing the civil service—

7 (1) appoint an Assistant Inspector General for
8 Auditing who shall have the responsibility for super-
9 vising the performance of auditing activities relating
10 to programs and operations supported by amounts
11 appropriated or otherwise made available for the
12 military and nonmilitary support of Ukraine; and

13 (2) appoint an Assistant Inspector General for
14 Investigations who shall have the responsibility for
15 supervising the performance of investigative activi-
16 ties relating to such programs and operations.

17 (d) SUPERVISION.—

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

22 (2) INDEPENDENCE TO CONDUCT INVESTIGA-
23 TIONS AND AUDITS.—No officer of the Department
24 of Defense, the Department of State, or the United
25 States Agency for International Development shall

1 prevent or prohibit the Inspector General from initi-
2 ating, carrying out, or completing any audit or in-
3 vestigation related to amounts appropriated or oth-
4 erwise made available for the military and non-
5 military support of Ukraine or from issuing any sub-
6 poena during the course of any such audit or inves-
7 tigation.

8 (e) DUTIES.—

9 (1) OVERSIGHT OF MILITARY AND NON-
10 MILITARY SUPPORT OF UKRAINE.—It shall be the
11 duty of the Inspector General to conduct, supervise,
12 and coordinate audits and investigations of the
13 treatment, handling, and expenditure of amounts ap-
14 propriated or otherwise made available for the mili-
15 tary and nonmilitary support of Ukraine, and of the
16 programs, operations, and contracts carried out uti-
17 lizing such funds, including—

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

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

22 (C) the monitoring and review of the
23 transfer of such funds and associated informa-
24 tion between and among departments, agencies,

1 and entities of the United States and private
2 and nongovernmental entities;

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

6 (E) the investigation of overpayments such
7 as duplicate payments or duplicate billing and
8 any potential unethical or illegal actions of Fed-
9 eral employees, contractors, or affiliated entities
10 and the referral of such reports, as necessary,
11 to the Department of Justice to ensure further
12 investigations, prosecutions, recovery of further
13 funds, or other remedies;

14 (F) the monitoring and review of all mili-
15 tary and nonmilitary activities funded by such
16 funds; and

17 (G) the tracking and monitoring of all le-
18 thal and nonlethal security assistance provided
19 by the United States, including a review of
20 compliance with all applicable end-use certifi-
21 cation requirements.

22 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

23 The Inspector General shall establish, maintain, and
24 oversee such systems, procedures, and controls as

1 the Inspector General considers appropriate to dis-
2 charge the duties under paragraph (1).

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

9 (4) COORDINATION OF EFFORTS.—In carrying
10 out the duties, responsibilities, and authorities of the
11 Inspector General under this section, the Inspector
12 General shall coordinate with, and receive the co-
13 operation of each of the following:

14 (A) The Inspector General of the Depart-
15 ment of Defense.

16 (B) The Inspector General of the Depart-
17 ment of State.

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

20 (f) POWERS AND AUTHORITIES.—

21 (1) AUTHORITIES UNDER CHAPTER 4 OF TITLE
22 5, UNITED STATES CODE.—In carrying out the du-
23 ties specified in subsection (e), the Inspector General
24 shall have the authorities provided in section 406 of

1 title 5, United States Code, including the authorities
2 under subsection (e) of such section.

3 (2) AUDIT STANDARDS.—The Inspector General
4 shall carry out the duties specified in subsection
5 (d)(1) in accordance with section 404(b)(1) of title
6 5, United States Code.

7 (g) PERSONNEL, FACILITIES, AND OTHER RE-
8 SOURCES.—

9 (1) PERSONNEL.—

10 (A) IN GENERAL.—The Inspector General
11 may select, appoint, and employ such officers
12 and employees as may be necessary for carrying
13 out the duties of the Inspector General, subject
14 to the provisions of title 5, United States Code,
15 governing appointments in the competitive serv-
16 ice, and the provisions of chapter 51 and sub-
17 chapter III of chapter 53 of such title, relating
18 to classification and General Schedule pay
19 rates.

20 (B) ADDITIONAL AUTHORITIES.—

21 (i) IN GENERAL.—Subject to clause
22 (ii), the Inspector General may exercise the
23 authorities of subsections (b) through (i) of
24 section 3161 of title 5, United States Code

1 (without regard to subsection (a) of that
2 section).

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

8 (I) paragraph (2) of that sub-
9 section (relating to periods of appoint-
10 ments) shall not apply; and

11 (II) no period of appointment
12 may exceed the date on which the Of-
13 fice of the Inspector General for
14 Ukraine terminates under subsection
15 (n).

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

22 (3) CONTRACTING AUTHORITY.—To the extent
23 and in such amounts as may be provided in advance
24 by appropriations Acts, the Inspector General may
25 enter into contracts and other arrangements for au-

1 audits, studies, analyses, and other services with public
2 agencies and with private persons, and make such
3 payments as may be necessary to carry out the du-
4 ties of the Inspector General.

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

8 (A) appropriate and adequate office space
9 at appropriate locations of the Department of
10 State or the Department of Defense, as the
11 case may be, in Ukraine or at an appropriate
12 United States military installation in the Euro-
13 pean theater, together with such equipment, of-
14 fice supplies, and communications facilities and
15 services as may be necessary for the operation
16 of such offices, and shall provide necessary
17 maintenance services for such offices and the
18 equipment and facilities located therein; and

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

23 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

24 (A) IN GENERAL.—Upon request of the In-
25 spector General for information or assistance

1 from any department, agency, or other entity of
2 the Federal Government, the head of such enti-
3 ty shall, insofar as is practicable and not in
4 contravention of any existing law, furnish such
5 information or assistance to the Inspector Gen-
6 eral, or an authorized designee.

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

16 (h) REPORTS.—

17 (1) QUARTERLY REPORTS.—Not later than 30
18 days after the end of each fiscal-year quarter, the
19 Inspector General shall submit to the appropriate
20 congressional committees a report summarizing, for
21 the period of that quarter and, to the extent pos-
22 sible, the period from the end of such quarter to the
23 time of the submission of the report, the activities
24 during such period of the Inspector General and the
25 activities under programs and operations funded

1 with amounts appropriated or otherwise made avail-
2 able for the military and nonmilitary support of
3 Ukraine. Each report shall include, for the period
4 covered by such report, a detailed statement of all
5 obligations, expenditures, and revenues associated
6 with military and nonmilitary support of Ukraine,
7 including the following:

8 (A) Obligations and expenditures of appro-
9 priated funds.

10 (B) Operating expenses of agencies or enti-
11 ties receiving amounts appropriated or other-
12 wise made available for the military and non-
13 military support of Ukraine.

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

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

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

22 (iii) a discussion of how the depart-
23 ment or agency of the United States Gov-
24 ernment involved in the contract, grant,
25 agreement, or other funding mechanism

1 identified, and solicited offers from, poten-
2 tial individuals or entities to perform the
3 contract, grant, agreement, or other fund-
4 ing mechanism, together with a list of the
5 potential individuals or entities that were
6 issued solicitations for the offers; and

7 (iv) the justification and approval doc-
8 uments on which was based the determina-
9 tion to use procedures other than proce-
10 dures that provide for full and open com-
11 petition.

12 (D) An accounting comparison of—

13 (i) the military and nonmilitary sup-
14 port provided to Ukraine by the United
15 States; and

16 (ii) the military and nonmilitary sup-
17 port provided to Ukraine by other North
18 Atlantic Treaty Organization member
19 countries, including allied contributions to
20 Ukraine that are subsequently backfilled or
21 subsidized using United States funds.

22 (E) An evaluation of the compliance of the
23 Government of Ukraine with all requirements
24 for receiving United States funds, including a
25 description of any area of concern with respect

1 to the ability of the Government of Ukraine to
2 achieve such compliance.

3 (2) COVERED CONTRACTS, GRANTS, AGREE-
4 MENTS, AND FUNDING MECHANISMS.—A contract,
5 grant, agreement, or other funding mechanism de-
6 scribed in this paragraph is any major contract,
7 grant, agreement, or other funding mechanism that
8 is entered into by any department or agency of the
9 United States Government that involves the use of
10 amounts appropriated or otherwise made available
11 for the military and nonmilitary support of Ukraine
12 with any public or private sector entity for any of
13 the following purposes:

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

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

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

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

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

24 (3) PUBLIC AVAILABILITY.—The Inspector
25 General shall publish on a publicly available internet

1 website each report under paragraph (1) of this sub-
2 section in English and other languages that the In-
3 spector General determines are widely used and un-
4 derstood in Ukraine.

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

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

12 (A) specifically prohibited from disclosure
13 by any other provision of law;

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

18 (C) a part of an ongoing criminal inves-
19 tigation.

20 (i) REPORT COORDINATION.—

21 (1) SUBMISSION TO SECRETARIES OF STATE
22 AND DEFENSE.—The Inspector General shall also
23 submit each report required under subsection (h) to
24 the Secretary of State and the Secretary of Defense.

25 (2) SUBMISSION TO CONGRESS.—

1 (A) IN GENERAL.—Not later than 30 days
2 after receipt of a report under paragraph (1),
3 the Secretary of State and the Secretary of De-
4 fense shall submit to the appropriate congress-
5 sional committees any comments on the matters
6 covered by the report. Such comments shall be
7 submitted in unclassified form, but may include
8 a classified annex if the Secretary of State or
9 the Secretary of Defense, as the case may be,
10 considers it necessary.

11 (B) ACCESS.—On request, any Member of
12 Congress may view comments submitted under
13 subparagraph (A), including the classified
14 annex.

15 (j) TRANSPARENCY.—

16 (1) REPORT.—Not later than 60 days after
17 submission to the appropriate congressional commit-
18 tees of a report under subsection (h), the Secretary
19 of State and the Secretary of Defense shall jointly
20 make copies of the report available to the public
21 upon request, and at a reasonable cost.

22 (2) COMMENTS ON MATTERS COVERED BY RE-
23 PORT.—Not later than 60 days after submission to
24 the appropriate congressional committees under sub-
25 section (i)(2)(A) of comments on a report under sub-

1 section (h), the Secretary of State and the Secretary
2 of Defense shall jointly make copies of the comments
3 available to the public upon request, and at a rea-
4 sonable cost.

5 (k) WAIVER.—

6 (1) AUTHORITY.—The President may waive the
7 requirement under paragraph (1) or (2) of sub-
8 section (j) with respect to availability to the public
9 of any element in a report under subsection (h), or
10 any comment under subsection (i)(2)(A), if the
11 President determines that the waiver is justified for
12 national security reasons.

13 (2) NOTICE OF WAIVER.—The President shall
14 publish a notice of each waiver made under this sub-
15 section in the Federal Register no later than the
16 date on which a report required under subsection
17 (h), or any comment under subsection (i)(2)(A), is
18 submitted to the appropriate congressional commit-
19 tees. The report and comments shall specify whether
20 waivers under this subsection were made and with
21 respect to which elements in the report or which
22 comments, as appropriate.

23 (3) SUBMISSION OF COMMENTS.—The Presi-
24 dent may not waive under this subsection subpara-
25 graph (A) or (B) of subsection (i)(2).

1 (l) DEFINITIONS.—In this section:

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

8 (A) amounts appropriated or otherwise
9 made available on or after January 1, 2022,
10 for—

11 (i) the Ukraine Security Assistance
12 Initiative under section 1250 of the Na-
13 tional Defense Authorization Act for Fiscal
14 Year 2016 (Public Law 11492; 129 Stat.
15 1608);

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

18 (iii) the Presidential drawdown au-
19 thority under section 506(a) of the Foreign
20 Assistance Act of 1961 (22 U.S.C.
21 2318(a));

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

1 (v) the building partner capacity pro-
2 gram under section 333 of title 10, United
3 States Code;

4 (vi) the International Military Edu-
5 cation and Training program of the De-
6 partment of State; and

7 (vii) the United States European
8 Command; and

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

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

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

23 (B) the Committees on Appropriations, the
24 Committee on Armed Services, the Committee
25 on Foreign Affairs, and the Committee on

1 Oversight and Government Reform of the
2 House of Representatives.

3 (m) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated \$70,000,000 for fiscal year 2025 to
6 carry out this section.

7 (2) OFFSET.—The amount authorized to be ap-
8 propriated for fiscal year 2025 for the Economic
9 Support Fund for Ukraine under title IV of the
10 Ukraine Security Supplemental Appropriations Act,
11 2024 (Public Law 118–50; 138 Stat. 913) is hereby
12 reduced by \$70,000,000.

13 (n) TERMINATION.—

14 (1) IN GENERAL.—The Office of the Inspector
15 General for Ukraine shall terminate on the date that
16 is 5 years after the date of the enactment of this
17 Act.

18 (2) FINAL REPORT.—The Inspector General
19 shall, prior to the termination of the Office of the
20 Inspector General for Ukraine under paragraph (1),
21 prepare and submit to the appropriate congressional
22 committees a final forensic audit report on programs
23 and operations funded with amounts appropriated or
24 otherwise made available for the military and non-
25 military support of Ukraine.