

# Congress of the United States

## Washington, DC 20515

September 21, 2023

The Honorable Shalanda Young  
Director  
Office of Management and Budget  
725 Seventeenth Street NW  
Washington, DC 20503

Dear Director Young,

We are in receipt of your August 10, 2023 request for additional supplemental appropriations, in which you ask Congress to provide another \$24 billion in security, economic, and humanitarian assistance related to the war in Ukraine.<sup>1</sup>

Since Russia's 2022 invasion of Ukraine, the United States has appropriated \$114 billion in supplemental funding for Ukraine and "countries impacted by the situation in Ukraine."<sup>2</sup> However, this amount does not reflect the full picture, which includes transferred and reprogrammed funds. The administration has requested additional authority to transfer and reprogram funds in all five of its supplemental requests.<sup>3</sup> The vast majority of Congress remains unaware of how much the United States has spent to date in total on this conflict, information which is necessary for Congress to prudently exercise its appropriations power. It is difficult to envision a benign explanation for this lack of clarity.

The Department of Defense's recent \$6.2 billion accounting error on Ukraine Presidential Drawdown Authorities (PDA) further underscores the need for greater transparency from the administration.<sup>4</sup> When an executive department's accounting mechanism may be altered or replaced to permit the provision of an additional \$6 billion in defense articles or services to foreign governments (out of, very roughly, an overall authority of \$25 billion), the Congress cannot make an accurate determination of the value of articles it might transmit to a foreign entity when voting on PDA limitations.

The Senate also recently passed the National Defense Authorization Act (NDAA), a bill which authorized the Ukraine Security Assistance Initiative for three more years, and provided an

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<sup>1</sup> Letter regarding critical funding needs for FY 2024, August 10, 2023, available at:

<https://www.whitehouse.gov/wp-content/uploads/2023/08/Final-Supplemental-Funding-Request-Letter-and-Technical-Materials.pdf>

<sup>2</sup> Rep. Bishop and Senator Vance letter to OMB, January 19, 2023, available at: <https://www.vance.senate.gov/wp-content/uploads/2023/01/Vance-And-Bishop-Letter-To-OMB.pdf>

<sup>3</sup> For instance, the administration's March 2 supplemental request states, "we are requesting the flexibility to utilize all of the U.S. Government's tools to respond to this situation by requesting transfers between accounts for the purposes of helping the Ukrainian people and countering Russian aggression." Or, on page 10 of the latest request, "That any transfer authority provided herein is in addition to any other transfer authority provided by law..."

<sup>4</sup> Reuters, Pentagon Ukraine accounting error revised up to \$6.2 billion, June 20, 2023, available at: <https://www.reuters.com/world/us/pentagons-ukraine-accounting-error-revised-up-62-billion-2023-06-20/>

authorization of \$300 million for the program in fiscal year 2024.<sup>5</sup> The House version of the legislation also authorizes the program at \$300 million in fiscal year 2024.<sup>6</sup> You have asked for \$5 billion for this program, 15 times more than either of these figures.<sup>7</sup> Neither the House Statement of Administration Policy on the NDAA nor the Senate Statement of Administration Policy on the NDAA or the addendum filed 9 days later mention that the authorized figure was insufficient.<sup>8,9,10</sup> Disjuncture between authorization and appropriation figures of this magnitude makes a mockery of the NDAA's authorization process, which has occurred for 62 years consecutively.<sup>11</sup>

Your request cites President Biden's pledge that "we will stand with Ukraine as it defends its sovereignty for as long as it takes." Andrew Desiderio of *PunchBowl News* has received a background quote from a senior administration official stating the White House "won't be bashful about going back to the Congress beyond the first quarter of next year."<sup>12</sup> He stated that the official "[s]tresses this [funding request] is only for [Quarter] 1."<sup>13</sup> These statements imply an open-ended commitment to supporting the war in Ukraine of an indeterminate nature, based on a strategy that is unclear, to achieve a goal yet to be articulated to the public or the Congress.

The American people deserve to know what their money has gone to. How is the counteroffensive going? Are the Ukrainians any closer to victory than they were 6 months ago? What is our strategy, and what is the president's exit plan? What does the administration define as victory in Ukraine? What assistance has the United States provided Ukraine under Title 10? It would be an absurd abdication of congressional responsibility to grant this request without knowing the answers to these questions. For these reasons—and certainly until we receive answers to the questions above and others forthcoming—we oppose the additional expenditure for war in Ukraine included in your request.

Sincerely,

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<sup>5</sup> National Defense Authorization Act, Senate Engrossed Amendment, July 27, 2023, available at: <https://www.congress.gov/118/bills/hr2670/BILLS-118hr2670eas.pdf>

<sup>6</sup> National Defense Authorization Act, House, July 14, 2023, available at: <https://www.congress.gov/bill/118th-congress/house-bill/2670/text/eh>

<sup>7</sup> Letter regarding critical funding needs for FY 2024, August 10, 2023 available at: <https://www.whitehouse.gov/wp-content/uploads/2023/08/Final-Supplemental-Funding-Request-Letter-and-Technical-Materials.pdf>

<sup>8</sup> Statement of Administration Policy, S. 2226 National Defense Authorization Act for Fiscal Year 2024, July 18, 2023, available at: [https://www.whitehouse.gov/wp-content/uploads/2023/07/S-2226\\_NDAA-SAP-7.18.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/07/S-2226_NDAA-SAP-7.18.pdf)

<sup>9</sup> Statement of Administration Policy, H.R. 2670 National Defense Authorization Act for Fiscal Year 2024, July 10, 2023 available at: <https://www.whitehouse.gov/wp-content/uploads/2023/07/H.R.-2670-NDAA.pdf>

<sup>10</sup> Follow-on to Statement of Administration Policy, July 27, 2023, available at: <https://www.whitehouse.gov/wp-content/uploads/2023/07/S2226-NDAA-SAP-Followon.pdf>

<sup>11</sup> Senate Committee on Armed Services, Summary of the Fiscal Year 2023 National Defense Authorization Act available at: [https://www.armed-services.senate.gov/imo/media/doc/fy23\\_ndaa\\_agreement\\_summary.pdf](https://www.armed-services.senate.gov/imo/media/doc/fy23_ndaa_agreement_summary.pdf)

<sup>12</sup> Andrew Desiderio, Punchbowl News, Twitter, available at: <https://twitter.com/AndrewDesiderio/status/1689713230308925440>

<sup>13</sup> *Ibid.*



JD Vance  
United States Senator



Chip Roy  
Member of Congress



Rand Paul, M.D.  
United States Senator



Mike Lee  
United States Senator



Mike Braun  
United States Senator



Roger Marshall, M.D.  
United States Senator



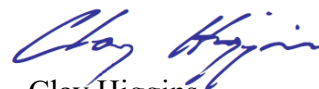
Tommy Tuberville  
United States Senator



Roger Williams  
Member of Congress



Paul A. Gosar, D.D.S.  
Member of Congress



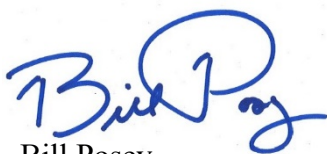
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Bill Posey  
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Warren Davidson  
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Eli Crane  
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Anna Paulina Luna  
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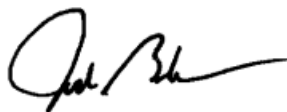
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Lance Gooden  
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Andy Ogles  
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Mary E. Miller  
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Andy Biggs  
Member of Congress



Byron Donalds  
Member of Congress



Russell Fry  
Member of Congress



Michael Cloud  
Member of Congress

A handwritten signature in dark ink, appearing to read "Troy Nehls". The signature is fluid and cursive, with the first name "Troy" and last name "Nehls" clearly distinguishable.

Troy Nehls  
Member of Congress

CC:

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500