

# United States Senate

WASHINGTON, DC 20510

November 18, 2019

The Honorable Mark Esper  
Secretary of Defense  
The Pentagon  
Washington, D.C. 20301

Dear Secretary Esper:

On November 15, the Department of Defense informed the defense oversight committees that \$35.2 million of the \$250 million in Ukraine Security Assistance Initiative (USAI) funds, which had been subject to the hold by the Office of Management and Budget at the direction of the White House, remain unspent. Due to the White House-ordered delay, these funds would have expired had Congress not intervened to extend the availability of these fiscal year 2019 funds. We seek your immediate attention to accelerating this program.

That fiscal year 2019 USAI aid remains unspent is a direct contradiction to the false assertions made by officials outside of the Department of Defense that the White House hold on Ukraine funds had no practical effect. In reality, the hold on USAI funds by the Office of Management and Budget at the direction of the White House is why these funds remain in the U.S. Treasury, rather than with Ukraine as Congress intended. We seek additional clarification on why the delays persist for aid to a close partner of the United States.

The delay is not without consequence. According to data provided by the Department, \$15.5 million of the unspent funds are intended for lethal equipment and radars. As you recall, Congress was notified in a letter dated February 28, 2019, that the Pentagon proposed a total of \$53 million in aid for these and similar items. Nearly nine months later, we find that nearly a quarter of the proposed lethal assistance funding remains unused.

Speeding the delivery of this critical aid, which Congress specifically appropriated to improve the security of Ukraine, is important to affirm our commitment to Ukraine in the wake of the chaotic, undisciplined, and deeply concerning approach the Administration has taken toward our important partner. This issue takes on additional urgency because of the pressing battlefield requirements of the Ukrainian security forces to counter Russian-sponsored aggression – requirements that we believe you fully recognize are critical to the success of U.S. security interests in Europe.

The conflict in Eastern Ukraine remains dire. According to publicly-available reports, more Ukrainian security forces have been killed combating Russian aggression in the past five years than the number of American and coalition troops lost in eighteen years of fighting in Afghanistan. These casualties continue to grow on a daily basis: according to the [Los Angeles Times](#), 25 Ukrainian service members were killed by Russian-backed forces between July and October of this year. Further, some of those Ukrainians were killed by mortars – the type of

indirect fire that the AN/TQP-37 Firefinder radar is intended to detect. According to data provided by the Department, the unspent USAI funds include \$5.6 million in spare parts for this radar system.

Given the dire situation, we ask you to intervene to speed the delivery of the remaining 2019 USAI aid. We seek to know how quickly this aid can be delivered, and urge you to provide a plan for how the Department can accelerate spending on the fiscal year 2020 USAI, including funds available under the current continuing resolution.

In addition, we ask that you take steps to improve the Department's responsiveness to oversight of USAI and related matters. The Department is apparently requiring every request for information from Congress relating to the USAI be subject to a lengthy review by the Office of the General Counsel. For example, the document provided to Congress on November 15 was a partial response to numerous routine oversight questions asked by staff of the Appropriations Committees on September 24. The Department has yet to indicate when the remaining questions will be addressed, and these delays are unjustified.

We appreciate your personal attention to these important matters, and request a response by November 25, 2019.

Sincerely,



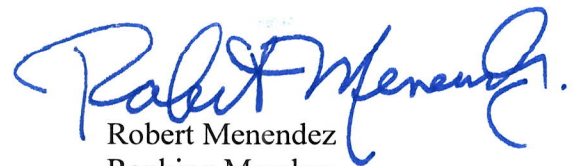
Richard J. Durbin  
Vice Chairman  
Subcommittee on Defense



Patrick Leahy  
Vice Chairman  
Committee on Appropriations



Jack Reed  
Ranking Member  
Committee on Armed Services



Robert Menendez  
Ranking Member  
Committee on Foreign Relations

cc: Mr. Russell Vought  
Acting Director  
Office of Management and Budget