



## **UPDATED - H.R. 7691 - Ukraine Supplemental Appropriations Act, 2022 (Rep. DeLauro, D-CT)**

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**\*\*\*UPDATE: This Legislative Bulletin has been updated to include information on the rule and manager's amendment.\*\*\***

### **FLOOR SCHEDULE:**

Expected to be considered on May 10, 2022 under a [rule](#).

The rule would self-execute a [manager's amendment](#) that would increase drawdown replenishment funding by \$304 million.

### **TOPLINE SUMMARY:**

[H.R. 7691](#) is a supplemental appropriations bill that, according to the Appropriations Committee, would provide nearly \$40 billion in new funding in response to Russia's invasion of Ukraine.

A section by section from the House Appropriations Committee can be found [here](#).

### **COST:**

There is no Congressional Budget Office (CBO) cost estimate available at this time. According to the Appropriations Committee, the bill would provide nearly \$40 billion in new funding.

### **CONSERVATIVE VIEWS:**

Conservatives may be pleased that the bill demonstrates the fact that Putin's invasion of Ukraine, and accompanied death and human suffering, must be opposed by the United States and the international community. It also reflects the intense support for the heroic response of the people of Ukraine and the fact that opposing Putin's aggression is a critical component the U.S. security interests. To this end, the bill would provide approximately \$24 billion in additional security and military assistance. Conservatives may be pleased that COVID-19 funding is not attached.

Notwithstanding such support for the people of Ukraine and opposition to Putin's unjustifiable invasion, Conservatives may still have concerns with the bill. Conservatives may be concerned at the prospect of borrowing an additional \$40 billion at a time of record debt and inflation. For comparison, that is nearly the annual budget of DHS's Customs and Border Protection, Coast Guard,

TSA, and ICE combined. Conservatives may believe that the spending in the bill should be offset, or that spending on humanitarian assistance should come from existing funding.

Conservatives may be concerned that the bill was posted to docs.house.gov at around 3pm today and will receive a vote tonight.

Conservatives may believe that additional supplemental Ukraine funding should be contingent on the Biden administration producing a strategic [plan with Congressional input](#). Conservatives may believe that passage of this measure may demonstrate an open-ended commitment from Congress to future funding requests from the Biden administration.

Some conservatives may also be concerned with language in the bill that would extend certain benefits, including resettlement assistance, entitlement programs, and other refugee benefits to Ukraine nationals that are paroled into the United States. As [CRS explains](#), “The parole provision in the Immigration and Nationality Act (INA) gives the Secretary of the Department of Homeland Security (DHS) discretionary authority to “parole into the United States temporarily *under such conditions as he may prescribe* only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States.” Conservatives may also be concerned the bill contains no specific termination date for these benefits and would rely on whatever vetting process is “to the satisfaction of” the DHS Secretary. This language is very similar to that included in the first Afghanistan [supplemental bill](#). It does exclude language that was included in the Afghan bill that made Afghan parolees automatically eligible for a REAL ID driver’s license or ID card, the exclusion of which may please conservatives.

*Other individual concerns with the legislation are noted in the Detailed Summary & Analysis section below.*

## **DETAILED SUMMARY & ANALYSIS**

### **Title I**

**Department of Justice:** This section would appropriate \$67 million to hire additional temporary personnel and cover temporary expenses at the Department of Justice to “...investigate, seize, detain, forfeit, inventory, safeguard, maintain, advertise, sell, or dispose of any property, real or personal, tangible or intangible, related to Russian aggression.”

### **Title II**

**Military Personnel:** This section would appropriate funds to support American military personnel stationed overseas to respond to the conflict. Specifically, it would appropriate \$12.75 million, \$37,500, \$675,000 and \$1.59 million to the Army, Navy, Marine Corps, and Air Force, respectively. This includes funding for hazard duty pay.

**Operation and Maintenance:** This section would appropriate funds for operation and maintenance costs related to the U.S. response to the situation in Ukraine. Specifically, it would appropriate \$1.5 billion, \$940 million, \$195 million, and \$800,000 for the Army, Navy, Air Force and Space Force, respectively.

The section also includes an additional \$14.95 billion for Defense-wide operation and maintenance costs, with \$6 billion earmarked to be used for the [Ukrainian Security Assistance Initiative](#), specifically, “training; equipment; lethal assistance; logistics support; supplies and services; salaries and stipends; sustainment; and intelligence support to the military and national security forces of Ukraine....” These funds would be available pursuant to the terms provided in [section 8139 of the recent omnibus](#): “to provide assistance, including training; equipment; lethal assistance; logistics support, supplies and services; *salaries and stipends*; sustainment; and intelligence support to the military and national security forces of Ukraine, and to other forces or groups recognized by and under the authority of the Government of Ukraine, including governmental entities within Ukraine, engaged in resisting Russian aggression against Ukraine, for replacement of any weapons or articles provided to the Government of Ukraine from the inventory of the United States, and to recover or dispose of equipment procured using funds made available in this section in this or prior Acts.”

\$8.746 billion of the \$14.95 billion could be transferred to other accounts to be used for replacing weapons provided to Ukraine by the U.S. Government and reimbursement for defense services, education and training provided to Ukraine and foreign countries supporting Ukraine. The Department of Defense (DoD) would be required to notify the House and Senate Armed Services committees of these transfers at least 15 days beforehand, with any unnecessary transfers eligible to be transferred back.

**Procurement:** This section would provide procurement funds for the Army. Specifically, the bill would appropriate \$350.97 million for Army missile procurement, \$255,000 for procurement of weapons and tracked combat vehicles, \$45,000 to procure ammunition, and \$113.4 million for “Other Procurement.”

This section would provide \$1.25 million in procurement funds for the Navy. It would also provide \$28.5 million in Aircraft procurement funds for the Air Force and \$155.382 million in “Other Procurement” for the Air Force. This section would also provide \$24.218 million for Defense-wide procurement. The bill would provide \$600 million for purchases under the Defense Production Act.

**Research, Development, Test and Evaluation:** This section would provide funding for research, development, test and evaluation costs. Specifically, it would provide \$128.7 million, \$43 million, and \$119.815 million through September 30, 2023 for the Army, Navy, and Air Force, respectively. This section would also provide \$72.1 million for defense-wide RDTE to be available through September 30, 2023.

**Revolving and Management Funds:** This section would inject \$965,000 into Defense Working Capital Funds

**Other Department of Defense Programs:** This section would provide \$13.9 million in funding for the Defense Health Program.

### **General Provisions**

**Sec. 201:** This section would make an additional \$500 million available to DoD and it could transfer the funding to various accounts for Army missile procurement, ammunition procurement for the Navy and Marine Corps, weapons procurement for the Navy, missile procurement for the Air Force, and ammunition procurement for the Air Force. Funds could only be used for procurement of critical munitions to increase stocks at DoD. These funds could not be transferred until 60 days after the DoD notifies the Armed Services committees of both houses. This section would require the details of any

transfer to be shared with the House and Senate Armed Services committees at least 30 days before it took effect.

**Sec. 202:** This section would make \$50 million available to be transferred to the Defense-wide research, development, test and evaluation account. This funding could only be used for program protection strategies for DoD systems that may be exported overseas, to design features that would enable these systems to be exported and to augment interoperability of these systems with systems in friendly foreign countries. These funds could not be transferred until 60 days after the DoD notifies the Armed Services Committees of both houses. This section would require the details of any transfer to be shared with the House and Senate Armed Services Committees at least 30 days before it took effect.

**Sec. 203:** This section would increase the statutory limit on logistics support, supplies, and services that the U.S. can provide to foreign countries in a fiscal year from \$450 million to \$950 million.

**Sec. 204:** This section would require the DoD Inspector General to review how the DoD spends funds appropriated in this bill and provide a report to the House and Senate Armed Services Committees within 120 days of enactment.

**Sec. 205:** This section would require the Secretary of Defense and the Secretary of State to submit a report within 45 days to relevant Congressional committees on steps being taken to account for Defense articles designated for Ukraine. This report would emphasize any measures that require heightened end-use monitoring and how the Departments are ensuring that articles are delivered to correct recipients and used for intended purposes.

**Sec. 206:** This section would require the Secretary of Defense and the Secretary of State to submit a report to the House Committees on Appropriations, Armed Services, and Foreign Affairs and the Senate Committees on Appropriations, Armed Services, and Foreign Relations every 30 days summarizing security assistance provided to Ukraine since the Russian invasion.

### **Title III – Independent Agencies**

**Nuclear Regulatory Commission:** This section would provide \$2 million for regulatory and tactical support.

### **Title IV – Department of Health and Human Services**

**Centers for Disease Control and Prevention:** This section would provide \$54 million for public health and disease detection activities as well as medical support and screening related to populations displaced from Ukraine, domestically and internationally.

*Conservatives may be weary of providing \$54 million to the CDC, which has been exposed as a politically motivated agency.*

**Administration for Children and Families:** This section would provide an additional \$900 million for refugee and entrant assistance activities for Ukrainians displaced by the conflict. The funding could be used to partner with nonprofits that provide wrap-around services, housing and medical assistance, legal assistance and case management assistance.

### **Ukraine Parole and Benefits Provisions**

The bill would make Ukraine nationals or citizens that: (1) completed DHS background checks “to the satisfaction of” DHS and (2) were paroled into the US between Feb 24, 2022 – Sep 30, 2023 or are a family member (spouse, child, or parent, legal guardian or *caregiver* to an unaccompanied minor) that was paroled into the US after September 30, 2023 eligible for certain benefits, including resettlement assistance, entitlement programs, and other refugee benefits. Resettlement assistance, entitlement programs, and other refugee benefits would be available to parolees the extent they are legally available to refugees. *The bill contains no specific termination date for these benefits.*

This section includes clarifying language stating that the bill does not automatically entitle Ukrainians paroled into the U.S. lawful permanent resident status. However, the bill contains language clarifying that a parolee is not precluded from seeking any immigration benefits to which they would potentially be eligible in addition to the benefits described above.

This section would prohibit application of Sec 421(a) of the Personal Responsibility and Work Opportunity Reconciliation Act, which generally requires consideration of the wealth of a spouse or sponsor in determining the parolees’ eligibility and the amount of benefits of an alien for any Federal means-tested public benefits program.

*Conservatives may be concerned that this language is designed to boost welfare benefits for parolees regardless of wealth of their spouse or sponsor.*

## **Title V – Department of State and Related Agency**

*Conservatives may note that the last Ukraine supplemental funding bill provided \$6.8 billion in funding to the State Department and USAID for responding to the situation in Ukraine. Also, according to USAID, the US has thus far committed or obligated \$688 million as of May 5, 2022 in humanitarian assistance for Ukraine.*

### **Department of State**

**Diplomatic Programs:** This section would provide \$190 million for diplomatic programs at the State Department through September 30, 2024.

According to CRS, “Within SFOPS, the Diplomatic Programs account is the main operating appropriation of the State Department. It funds programs and functions including most domestic and overseas Foreign Service and Civil Service salaries; public diplomacy programs; and diversity and inclusion programs.”

*Conservatives may be concerned that about the size of this appropriation, particularly in light of the broad scope of the account.*

**Capital Investment Fund:** This section would provide \$10 million for the Capital Investment Fund.

**Office of Inspector General:** This section would provide \$4 million for the Inspector General at the State Department.

**Embassy Security, Construction, Maintenance:** This section would provide \$100 million for embassy security, construction and maintenance.

### **United States Agency for International Development (USAID)**

**Funds Appropriated to the President – Operating Expenses:** This section would provide \$17 million for operating expenses.

**Office of Inspector General:** This section would provide \$1 million to the USAID Office of Inspector General.

**Bilateral Economic Assistance – Funds Appropriated to the President, International Disaster Assistance:** This section would provide \$4.348 billion for humanitarian assistance in Ukraine and countries affected by the invasion, including emergency food and shelter, and for assistance for [“other vulnerable populations and communities.”](#) This assistance could be provided through local and international NGOs.

*Conservatives may question what the term other vulnerable populations and communities means to the Biden administration.*

**Economic Support Fund:** This section would provide \$8.766 billion to the Economic Support Fund. This section would reserve \$760 million for food security.

According to [CRS](#), “Programs funded through the Economic Support Fund (ESF) account may be indistinguishable from those funded through other development assistance accounts, but are implemented in countries of strategic significance to the United States, and often intended to promote the political and economic stability of U.S. allies. ESF also provides direct budget support to foreign governments and to support sovereign loan guarantees.”

Other language in this bill would allow appropriations for the “Economic Support Fund” to be used to provide direct assistance for the Ukrainian government. It would require matching funds “...to the maximum extent practicable.”

*Conservatives may be concerned with regard to the broad uses of the ESF and the size of funding provided to it in this bill. They may note Ukraine has experienced corruption problems.*

**Migration and Refugee Assistance:** This section would provide \$350 million for humanitarian assistance in Ukraine – including assistance for Ukrainian refugees and to support “other vulnerable populations and communities.”

**International Security Assistance – International Narcotics Control and Law Enforcement:** This section would provide \$400 million to fight human trafficking and collect evidence of war crimes committed by Russia.

**Nonproliferation, Anti-Terrorism, Demining and Related Programs:** This section would provide \$100 million for non-proliferation, anti-terrorism, demining and related programs.

**Foreign Military Financing Program:** This section would provide \$4 billion in financing for the Ukrainian military through September 30, 2024.

**Multilateral Assistance – International Financial Institutions – Contribution to the European Banks for Reconstruction and Development:** This Section would direct the Secretary of the Treasury to deposit \$500 million European Bank for Reconstruction and Development. Funds would go toward humanitarian assistance in Ukraine.

**Global Agriculture and Food Security Program:** This section would provide \$150 million for the Global Agriculture and Food Security Program.

## **General Provisions**

**Sec 501:** This section would increase for FY 2022 the limit on the ability of the President to drawdown defense articles, defense services and military and education training to provide military assistance from \$100 million to \$11 billion.

**Sec 502:** This section would increase for FY 2022 the limit on funding to aid through transfer of arms to Ukraine from \$250 million to \$1 billion. This section would also increase the limit of aid through exports of arms that can be provided to a single country from \$50 million to \$200 million. This section would also increase the aggregate limit on aid that can be achieved through both sale and transfer of arms to one country from \$500 million to \$1 billion. Finally, this section would increase the aggregate limit on arms sales and transfers from \$1 billion to \$1.75 billion.

**Sec. 503:** This section would increase the limit on funding for peacekeeping operations under the Foreign Assistance Act, including reimbursements to the Department of Defense for funding such activities, from \$25 million to \$100 million.

**Sec. 504:** This section would extend by two years direct loan authority under section 23 of the Arms Export Control Act that is provided to Ukraine or NATO allies.

This section would also allow Ukraine to use funds received through the Foreign Military Financing Program to obtain defense articles, defense services, or design and construction services not sold by the United States under the Arms Export Control Act.

**Sec. 505:** This section would allow funding for Diplomatic Programs, deposits in the Capital Investment Fund, funding for Embassy Security, Construction, and Maintenance, and funding for Operating Expenses to be transferred to Educational and Cultural Exchange Programs.

*Conservatives may question why it is necessary to transfer money for cultural exchange purposes.*

This section would allow Economic Support Fund appropriations to be used for assistance to Europe, Eurasia, and Central Asia in response to the Russian invasion. Specifically, funds could be transferred to “Transition Initiatives” and “Complex Crisis Fund” accounts, which support USAID’s efforts to promote democratic values through local partnerships and its ability to respond unforeseen conflicts overseas, respectively.

This section would allow funding for International Narcotics Control and Law Enforcement, Nonproliferation, Anti-terrorism, Demining and Related Programs, and the Foreign Military Financing Program’ to be merged with other funds appropriated in the bill.

**Sec. 506:** This section would require a joint report from the Secretary of State and the Administrator of USAID on planned use of appropriations within 30 days of enactment. This section would require the same report from the Secretary of Treasury for planned use of appropriations to the Multilateral Assistance Account. These reports would need to be updated ever 60 days through September 30, 2024 and every 120 days following that date until all funds are spent.

**Sec 507:** This section would allow appropriations for the “Economic Support Fund” to be used to provide direct assistance for the Ukrainian government. It would require matching funds “...to the maximum extent practicable.”

This section would require any cash assistance to be accompanied by a memorandum of understanding (MOU) on how it will be used. This section would require certain safeguards for the transparent and accountable use of funds and direct the Secretary of State and the USAID Administrator to report to the House and Senate Appropriations Committees what safeguards will be put in place for the transfer of cash assistance to the Ukrainian government at least 15 days prior to the initial transfer. This report would be updated every six months.

This section would require the Secretary of State and the USAID Administrator to report on direct cash assistance to the Ukrainian government within 90 days of enactment and every 90 days after that until September 30, 2025.

## **Title VI**

### **General Provisions**

**Sec. 601:** This section would provide \$20 million to the [Bill Emerson Humanitarian Commodity Trust](#), which provides emergency humanitarian food assistance.

**Sec. 602:** This section would provide an addition \$52 million to the Department of Treasury to respond to the situation in Ukraine.

**Sec. 603:** This section would authorize a \$174,000 payment to Anne Garland Walton, the beneficiary of the late Rep. Don Young (R-AK)

**Sec. 604:** This section would clarify that funding for intelligence operations in this bill are deemed to be authorized by the National Security Act of 1974.

### **COMMITTEE ACTION:**

The bill was posted to docs.house.gov at around 3pm today and will receive a vote tonight.

### **ADMINISTRATION POSITION:**

President Biden has pushed for [speedy enactment of this legislation](#) .

### **CONSTITUTIONAL AUTHORITY:**

A Statement of Constitutional Authority is not available.