

United States Senate
WASHINGTON, DC 20510

October 17, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Lloyd Austin
Secretary
Department of Defense

Dear Secretary Austin:

According to a Department of Defense (DoD) Inspector General (IG) report titled, *The DoD's Accountability of Equipment Provided to Ukraine*, non-U.S. weaponry was, at one point, stolen from Ukraine fighters by criminals, volunteer fighters, and arms traffickers.¹ I write to better understand the tracking mechanisms the DoD has in place to ensure U.S.-provided military equipment does not end up in the wrong hands.

The U.S. has sent billions of dollars' worth of defense equipment and services to Ukraine. According to the OIG report, as of August 2022, the U.S. sent over 1,400 stinger anti-aircraft systems, over 6,500 Javelin anti-armor systems, 126 Howitzers and up to 486,000 155mm artillery rounds, over 10,000 grenade launchers and small arms, 75,000 sets of body armor and helmets, and much more to Ukraine.² DoD IG claims this equipment did not receive proper oversight, which is backed up by statements from DoD officials.³

The report stated, in part, that the IG "found that the DoD was unable to provide end-use monitoring (EUM) in accordance with DoD policy because of limited U.S. presence in Ukraine."⁴ Although the IG report did not provide evidence of U.S.-provided equipment being diverted, the lack of monitoring certainly increases the risk that it will occur, especially in light of the fact diversion has occurred with non-U.S.-provided equipment. For example, a Russian organized crime group "joined a volunteer battalion using forged...documents and procured weapons" including, a grenade launcher, machine gun, and more than 1,000 rounds of ammunition in order to "conduct destabilizing activities."⁵ Further, a fraudulent humanitarian aid organization was found selling a "cache of [bulletproof] vests worth \$17,000" rather than distributing them to Ukrainian fighters as they were supposed to do.⁶

¹ Department of Defense Office of Inspector General, DODIG-2023-002 *The DoD's Accountability of Equipment Provided to Ukraine*, (Oct. 6, 2022), [https://media.defense.gov/2023/Jul/21/2003265375/-1/-1/1/DODIG-2023-002%20\(REDACTED\).PDF](https://media.defense.gov/2023/Jul/21/2003265375/-1/-1/1/DODIG-2023-002%20(REDACTED).PDF)

² See *Id.* (Appendix B of the report contains a detailed list of defense articles and services provided to Ukraine at the time of the report.).

³ *Id.* See also, Katie Lillis, et al., *What happens to weapons sent to Ukraine? The US doesn't really know*, CNN POLITICS, (Apr. 19, 2022), <https://www.cnn.com/2022/04/19/politics/us-weapons-ukraine-intelligence/index.html> (A senior defense official told CNN, "I couldn't tell you where [US-provided, high-powered weaponry] are in Ukraine and whether the Ukrainians are using them at this point.").

⁴ DODIG-2023-002, *supra* note 1.

⁵ *Id.* at 7-8.

⁶ *Id.* at 8.

The report also provides additional accounts of volunteer battalion members illegally storing more than “60 rifles and almost 1,000 rounds of ammunition...presumably for sale on the black market,” and a group of arms traffickers selling weapons and ammunition stolen from the front lines.⁷ Since this report, the U.S. has increased the amount of military equipment sent to Ukraine; however, it is unclear if a commensurate increase in oversight has occurred.⁸

Reportedly, some oversight efforts have been improved since the IG report. For example, according to the former Under Secretary of Defense for Policy, Colin Kahl, the U.S. resumed on-site inspections of Ukrainian weapons depots and provided the Ukrainians with tracking systems, including scanners and software shortly after the report was released.⁹ The IG report mentions that DoD “has made some efforts to mitigate the inability to conduct in-person” monitoring although it does not specify those efforts.¹⁰ However, DoD IG has also indicated that oversight of U.S.-provided weaponry continues to be an issue as recent as May and June of this year.¹¹ Robust, comprehensive oversight of deliveries of U.S. material does not exist.

It is imperative that the government properly oversees how taxpayer funds and military equipment, supported by the taxpayer, have been used and that the equipment is not trafficked to arm our enemies. So that Congress may conduct oversight of the DoD’s tracking mechanisms for military equipment, please answer the following questions no later than October 31, 2023:

1. Does the DoD currently have on-the-ground access to U.S.-provided weapons deliveries in Ukraine? If so, how many U.S. personnel are involved in Ukraine and how do they track U.S. equipment? Please provide all records.¹² If not, why not?

⁷ *Id.*

⁸ See U.S. Department of State, *U.S. Security Cooperation with Ukraine Fact Sheet*, BUREAU OF POLITICAL-MILITARY AFFAIRS, (Sep. 21, 2023), <https://www.state.gov/u-s-security-cooperation-with-ukraine/> (Detailing air defense, fires, ground maneuver, aircraft and unmanned aerial systems, anti-armor and small arms, maritime, and other capabilities the U.S. has sent Ukraine.).

⁹ Natasha Bertrand and Haley Britzky, *Pentagon watchdog finds some Western weaponry sent to Ukraine was stolen before being recovered last year*, CNN POLITICS, (July 21, 2023), <https://www.cnn.com/2023/07/20/politics/pentagon-watchdog-report-ukraine-weaponry/index.html>.

¹⁰ DODIG-2023-002, *supra* note 1.

¹¹ See Department of Defense Office of Inspector General, DODIG-2023-074 *Management Advisory: DoD Review and Update of Defense Articles Requiring Enhanced End-Use Monitoring*, (May 19, 2023)

<https://media.defense.gov/2023/May/23/2003227988/-1/-1/1/DODIG-2023-074.PDF> (Finding the Defense Security Cooperation Agency lacked proper practices to keep the list of Enhanced End-Use Monitoring (EEUM)-designed defense articles up-to-date.); and Department of Defense Office of Inspector General, DODIG-2023-090 *Management Advisory: Sufficiency of Staffing at Logistics Hubs in Poland for Conducting Inventories of Items Requiring Enhanced End-Use Monitoring*, (June 28, 2023) <https://media.defense.gov/2023/Jun/29/2003251177/-1/-1/1/DODIG-2023-090.PDF> (Finding the DoD is “not fully conducting inventories of all EEUM defense articles before they are transferred to Ukraine” because “Office of Defense Cooperation-Ukraine (ODC-Ukraine) personnel were not always physically present to conduct [inventory intake] of all EEUM designated articles” at the logistics hubs in Poland and “U.S. military personnel stationed at those logistics hubs stated they were not fully aware of which defense articles required EEUM.”).

¹² “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (regardless if they resulted in final documents).

2. How much U.S.-provided weaponry to Ukraine is unaccounted for? Please provide all records.
3. What steps have you taken to ensure U.S.-provided weaponry is not sold on the black market or by other illicit means?
4. What is the current chain of custody for U.S.-provided weaponry to Ukraine? Please provide all records.
5. Please provide a detailed description of how the tracking system given to Ukraine is being used to ensure U.S.-provided weaponry to Ukraine is not stolen, sold, or otherwise diverted. Please provide all records.
6. With respect to the DoD IG's statement that "some efforts to mitigate the inability to conduct in-person" monitoring have been implemented, what are those efforts?

In keeping with Executive Order 13526, please segregate all unclassified materials within the classified documents, and provide all unclassified information directly to the committee, and provide a classified addendum to the Office of Senate Security. Although the committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions.

Thank you for your attention to this important matter. If you have any questions, please contact Jace Pimentel at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget