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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

September 24, 2019

The Honorable Steve Linick
Inspector General
U.S. Department of State
Office of the Inspector General
SA-39
1700 North Moore Street
Arlington, VA 22209

Dear Inspector General Linick:

I request that you immediately open an investigation into the Trump Administration's withholding of \$141 million in foreign military assistance to Ukraine.

In a highly unusual move and without any legitimate explanation, earlier this year, \$141.5 million in foreign military assistance funds designated for Ukraine was blocked. This came despite a recommendation in June by the Department of State that the funds be obligated. Just over two months later, without explanation, the funds were released by the Office of Management and Budget (OMB) and the Department was able to move forward with the obligation. The release of funds occurred within days of a disclosure by the Intelligence Community Inspector General to Congress of a whistleblower complaint, now believed to be related to the President's communications with Ukrainian officials, and congressional inquiries into the circumstances and content of the administration's communications with Ukrainian President Volodymyr Zelensky. The release also came as a Senate Appropriations Subcommittee was preparing to vote to force the administration to release the funds.

Congress specifically earmarked and appropriated the \$141.5 million in programming under Foreign Military Financing for Ukraine in Fiscal Year 2019. These funds are designed to help Ukraine's Armed Forces defend against Russian aggression and improve maritime security in the Black Sea. The bill that appropriated these funds received majority votes in the House and Senate and was signed into law by the President.

According to public reports and administration officials, the funds were held by OMB, perhaps at the President's direction. Yet Congress has not been made aware of any substantive review of security assistance to Ukraine, or any legitimate policy reason that the funds directed by Congress for these particular purposes should be withheld. Moreover, if the President withheld the funds to extract commitments by the Ukrainian government to take action against a political opponent of the president, it would constitute an unacceptable abuse of power and subversion of U.S. foreign policy and foreign assistance funds under the purview of the State Department for the personal use of the President.

I therefore request that you urgently examine the circumstances surrounding the decision to withhold these funds. This review should include, at a minimum, an examination of:

1. The extent to which the Department was involved in any decision or effort to withhold foreign military assistance funds;
2. When and how the Department first learned foreign military assistance funds for Ukraine would not be immediately obligated;
3. The reasons provided by the Office of Management and Budget for blocking the obligation of funds in question to Ukraine;
4. Whether the Department or the Administration conducted any review of Ukraine assistance during the period the funds were withheld;
5. What the Department communicated to Ukraine officials about these funds;
6. Why the funds were blocked and then ultimately released;
7. Whether the Department communicated, internally or externally, including with U.S. or Ukrainian officials, about efforts or requests to investigate any presidential candidates for the 2020 U.S. presidential election;
8. Whether applicable laws and Department procedures were followed; and
9. Communications between the White House and the Department, and OMB and the Department, regarding any of the above topics.

Please contact my staff to discuss the scope of this review and additional details. I look forward to hearing from you promptly on this matter.

Sincerely,



Robert Menendez
Ranking Member