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Department of State, Foreign Operations, and Related Programs (SFOPS) Supplemental Funding for Ukraine: In Brief

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Introduction

As of November 15, 2022, the Biden Administration had submitted to Congress four emergency supplemental funding requests to address the crisis caused by Russia's renewed invasion of Ukraine in 2022. Congress, in turn, has enacted three emergency supplemental measures—the March 2022 Ukraine Supplemental Appropriations Act, 2022 (FY2022 USAA; P.L. 117-103, Div. N); the May 2022 Additional Ukraine Supplemental Appropriations Act, 2022 (FY2022 AUSAA; P.L. 117-128); and the September 2022 Ukraine Supplemental Appropriations Act, 2023 (FY2023 USAA; P.L. 117-180, Div. B).

In total, Congress has appropriated $66 billion for supplemental funding for Ukraine in FY2022 and FY2023. Such funding has supported foreign assistance for Ukraine and other countries affected by the war, U.S. European Command operations and related support for the U.S. military, and administration and operations of other U.S. government agencies that have responded to Russia's 2022 invasion of Ukraine, including funding for legal enforcement, sanctions implementation, and Ukrainian refugee and entrant assistance.

Of the total amount appropriated for supplemental funding for Ukraine, Congress has appropriated more than $30 billion (approximately 46%) for the Department of State, Foreign Operations, and Related Programs (SFOPS) accounts. SFOPS funding has supported a range of activities, including direct financial support for the Government of Ukraine, humanitarian assistance, security assistance, and civilian agency operations in support of program administration and oversight.

This report focuses on requested and appropriated funding for Department of State, Foreign Operations, and Related Programs (SFOPS) appropriations accounts and replaces CRS Insight IN11877, *Supplemental Funding for Ukraine: Department of State, Foreign Operations, and Related Programs (SFOPS)*.[1]

For more information on security assistance to Ukraine, including the use of presidential drawdown authority, see CRS In Focus IF12040, *U.S. Security Assistance to Ukraine*. For CRS coverage on other issues relating to Russia's war against Ukraine, see CRS Report R47054, *Russia's 2022 Invasion of Ukraine: Related CRS Products*.

March 2 Emergency Supplemental Request and FY2022 USAA

On March 2, 2022, the Biden Administration submitted to Congress a request for $5 billion in emergency supplemental funding for SFOPS appropriations accounts to address the crisis caused by Russia's 2022 invasion of Ukraine.[2] Such funds were requested as part of a broader package that would have provided a total of $10 billion for Ukraine and $22.5 billion for response activities related to the Coronavirus Disease 2019 (COVID-19) pandemic.

The $5 billion for SFOPS was requested among four appropriations accounts to "bolster U.S. security and economic assistance to Ukraine as well as regional allies and partners" and to "support lifesaving humanitarian assistance, including emergency food assistance, and additional support for vulnerable populations and communities." The Administration also proposed

[1] For CRS coverage of regular SFOPS appropriations for FY2022 and FY2023, see CRS Report R46935, *Department of State, Foreign Operations, and Related Programs: FY2022 Budget and Appropriations*, and CRS Report R47070, *Department of State, Foreign Operations, and Related Programs: FY2023 Budget and Appropriations*.

[2] See letter from OMB Acting Director Shalanda Young to Speaker of the House Nancy Pelosi, at https://www.whitehouse.gov/wp-content/uploads/2022/03/COVID-and-Ukraine-Supplemental-Funding-Request-Pelosi.pdf.

increased flexibility for SFOPS funding through changes to existing authorities, new transfer authorities to move funds between SFOPS accounts, and authority to reprogram (i.e., to move funds within an account) both FY2022 and prior-year funds. The Administration asserted that these changes would afford it "maximum flexibility in supporting Ukraine, our European allies and partners, and other emergent global needs."

Congress enacted the FY2022 USAA on March 15, 2022. The measure included a total of $13.6 billion, $6.8 billion of which was for 12 SFOPS appropriations accounts (**Table 1**).[3] The legislation also included certain new authorities, primarily related to Presidential Drawdown Authority and other security assistance (**Table 2**).[4] SFOPS funds were appropriated to support a range of activities in Ukraine and "in countries impacted by the situation in Ukraine." The majority of the $6.8 billion (60%) was enacted for humanitarian assistance, including "the provision of emergency food and shelter," both for displaced Ukrainians and "for other vulnerable populations and communities."[5] The remaining SFOPS funds comprised economic assistance—including direct financial support for the government of Ukraine—security assistance, and support to U.S. government agencies responding to the war.

April 28 Emergency Supplemental Funding Request and FY2022 AUSAA

The Administration's April 28 request to Congress called for $14.76 billion in emergency supplemental funding for SFOPS accounts, out of a total of $33 billion sought for Ukraine and the region.[6] The SFOPS request included funding for purposes beyond the March 2 request, including to "help food insecure countries around the world" and to "work through the international financial institutions to support Ukraine and other countries impacted by the crisis." As with the March 2 request, the Administration also proposed amending certain authorities.

Congress enacted the FY2022 AUSAA on May 21, 2022. The $40.1 billion measure included $18.946 billion for SFOPS appropriations accounts (**Table 1**), as well as certain new authorities, similar to those provided in the FY2022 USAA (**Table 2**).[7] Nearly half of the appropriated SFOPS funds were for the Economic Support Fund (ESF), including direct financial support for the government of Ukraine.[8] A portion of ESF was also designated "to prevent and respond to

[3] The FY2022 USAA also included $6.5 billion for Department of Defense (DOD) appropriations accounts, $100 million for Food for Peace international food aid, and about $172 million in funding for administration and operations of other U.S. government agencies that have responded to Russia's 2022 invasion of Ukraine.

[4] For more on Presidential Drawdown Authority and security assistance provided for Ukraine, see CRS In Focus IF12040, *U.S. Security Assistance to Ukraine*, by Christina L. Arabia, Andrew S. Bowen, and Cory Welt.

[5] For more on the humanitarian and refugee crisis caused by the war, see CRS Insight IN11882, *Humanitarian and Refugee Crisis in Ukraine*, by Rhoda Margesson and Derek E. Mix.

[6] See letter from OMB Acting Director Shalanda Young to Speaker of the House Nancy Pelosi, at https://www.whitehouse.gov/wp-content/uploads/2022/04/FY_2022_Emergency_Supplemental_Assistance-to-Ukraine_4.28.2022.pdf.

[7] The FY2022 AUSAA also included $20.1 billion for DOD appropriations accounts, $900 million for carrying out U.S. refugee and entrant assistance activities in support of Ukrainian nationals, and $195 million in funding for administration and operations of other U.S. government agencies that have responded to Russia's 2022 invasion of Ukraine.

[8] Unlike in the FY2022 USAA, which noted the use of direct financial support in the ESF appropriation itself, the FY2022 AUSAA made such funds available in the General Provisions: Section 507(a) stated that ESF funds "may be made available for direct financial support for the Government of Ukraine, and such funds shall be matched, to the maximum extent practicable, by sources other than the United States Government."

food insecurity," in addition to emergency food assistance provided via humanitarian assistance accounts.[9] Humanitarian and security assistance each comprised nearly a quarter of the appropriated SFOPS funds; the remaining funding was appropriated for U.S. government agencies responding to the war and selected multilateral efforts.

September 2 Emergency Supplemental Funding Request and FY2023 USAA

In its September 2 Continuing Resolution (CR) Appropriations Issues transmittal to Congress, the Administration requested a total of $11.7 billion for "Critical Needs in Ukraine," including $4.5 billion in SFOPS funding in the form of ESF for direct financial support to Ukraine.[10] The transmittal also included requested anomalies for the potential CR, as well as supplemental funding for COVID-19, monkeypox, and domestic disaster assistance. In addition to the proposed funding, the SFOPS request for Ukraine included amending certain authorities, such as a proposed expansion of countries eligible for Foreign Military Financing funding beyond NATO countries.

Congress enacted the Ukraine Supplemental Appropriations Act, 2023 (FY2023 USAA; P.L. 117-180, Div. B), on September 30, 2022, as part of the FY2023 CR that funds the government through December 16, 2022. The measure provides the requested $4.5 billion in ESF for direct financial support for Ukraine (**Table 1**),[11] out of a total of $12.3 billion, as well as one of the requested authorities (**Table 2**).[12]

November 15 Emergency Supplemental Funding Request

On November 15, the Administration submitted to Congress a request for $37.7 billion in FY2023 emergency supplemental funding for Ukraine.[13] The transmittal also included a proposed $10 billion for the COVID-19 pandemic and other public and global health activities. Of the funds requested for the Ukraine response, the Administration requested $14.5 billion for SFOPS accounts (**Table 1**). The Administration requested the majority of SFOPS funding—$13.045 billion—for the Economic Support Fund to support a range of activities. These activities include direct budget support ($9.9 billion), economic stabilization and recovery ($1.5 billion), and energy security ($1.1 billion), among others. Other SFOPS funds were requested for security assistance ($905 million), humanitarian assistance ($500 million), and the Transition Initiatives program ($50 million). As with prior requests, the Administration also proposed amending certain authorities, including those related to Presidential Drawdown Authority and other security

[9] In a June 2022 Fact Sheet, the State Department noted, "The U.S. Government is investing $760 million to combat the effects of high food, fuel, and fertilizer prices – now being driven up by Putin's war – in those countries that need it most." U.S. Embassy in Ukraine, "President Biden and G7 Leaders Announce Further Efforts to Counter Putin's Attack on Food Security," press release, June 28, 2022.

[10] Office of Management and Budget, *FY 2023 Continuing Resolution (CR) Appropriations Issues*, September 2, 2022.

[11] Notably, Section 1302(a) directs that ESF funds "shall" be made available for direct financial support for the Government of Ukraine. In the FY2022 USAA and AUSAA, Congress directed that such funds "may" be made available. According to the House Office of the Legislative Counsel, "The term 'shall' means that an action is required; the term 'may' means that it is permitted but not required." House Office of the Legislative Counsel, *Drafting Legislation*, at https://legcounsel.house.gov/holc-guide-legislative-drafting#VIIB.

[12] Additional funds were provided in the FY2023 USAA for DOD ($7.8 billion) and Department of Energy ($35 million) appropriations accounts.

[13] See letter from OMB Director Shalanda Young to Speaker of the House Nancy Pelosi, Attachment 2. Ukraine Assistance Needs at https://www.whitehouse.gov/wp-content/uploads/2022/11/FY-2023-Supplemental-funding-request-for-COVID-19-and-Ukraine.pdf.

assistance (**Table 2**). The Administration argued that such authorities would increase its flexibility to "match resources with evolving needs."

Table 1. SFOPS Emergency Supplemental Appropriations for Ukraine: Administration Requests and Enacted Appropriations

(In millions of dollars of budget authority)

Appropriations Account	March 2 Request	FY2022 USAA Enacted	April 28 Request	FY2022 AUSAA Enacted	Sept. 2 Request	FY2023 USAA Enacted	Nov. 15 Request
Dept. of State Diplomatic Programs	—	125	—	190	—	—	—
Dept. of State Capital Investment Fund	—	—	—	10	—	—	—
Dept. of State Office of Inspector General	—	4	—	4	—	—	—
Embassy Security, Construction, and Maintenance	—	—	—	110	—	—	—
U.S. Agency for Global Media	—	25	—	—	—	—	—
USAID Operating Expenses	—	25	—	17	—	—	—
USAID Office of Inspector General	—	4	—	1	—	—	—
International Disaster Assistance	2,000	2,650	700	4,348	—	—	250
Transition Initiatives	—	120	—	—	—	—	50
Economic Support Fund	1,750	647	8,760	8,766	4,500	4,500	13,045
Assistance for Europe, Eurasia and Central Asia	—	1,120	—	—	—	—	—
Migration and Refugee Assistance	750	1,400	150	350	—	—	250
International Narcotics Control and Law Enforcement (INCLE)	—	30	400	400	—	—	300
Nonproliferation, Anti-terrorism, Demining and Related Programs (NADR)	—	—	100	100	—	—	105
Foreign Military Financing (FMF)	500	650	4,000	4,000	—	—	500
European Bank for Reconstruction and Development	—	—	500	500	—	—	—

Appropriations Account	March 2 Request	FY2022 USAA Enacted	April 28 Request	FY2022 AUSAA Enacted	Sept. 2 Request	FY2023 USAA Enacted	Nov. 15 Request
Global Agriculture and Food Security Program	—	—	150.00	150.00	—	—	—
Total	**5,000**	**6,800**	**14,760**	**18,946**	**4,500**	**4,500**	**14,500**

Source: Letter from OMB Acting Director Shalanda Young; P.L. 117-103; Addendum A: Detailed Funding Request, Assistance to Ukraine; P.L. 117-128; FY2023 Continuing Resolution (CR) Appropriations Issues; P.L. 117-180; Letter from OMB Director Shalanda Young, Attachment 2. Ukraine Assistance Needs.

Table 2. Selected SFOPS Authorities: Administration Requests and Enacted

March 2 Request	FY2022 USAA Enacted
Amend Section 506(a)(1) of the Foreign Assistance Act of 1961 (FAA; P.L. 87-195) to raise the maximum value of defense article drawdowns by $1.2 billion (the original cap was $100 million).	Amended Section 506(a)(1) to raise the drawdown authority to a total of $3.0 billion.
Amend Section 614 of the FAA (special authority to provide assistance in situations of vital national security interest) to increase authority by $250 million.	Amended Section 614(a)(4)(A)(ii) of the FAA to increase authority from $250 million to $500 million. Also amended Section 614(a)(4)(C) to adjust existing limitations to higher dollar amounts.
Amend Sections 516(f) and 516(g)(1) of the FAA (on excess defense articles [EDA]). (The Administration did not cite such sections specifically in its request but proposed waiving both the notification requirement and the $500 million limit on the provision of EDA).	Allows for the President to transfer EDA to "Ukraine and to allies and partners in Europe" pursuant to Section 516 without regard to the notification requirements in Sections 516(f)(1) and 516(g).
Authority to "reprogram FY2022 and prior-year funds for Ukraine regardless of existing appropriations directives."	Provides transfer authorities among accounts, which are "in addition to any other transfer authority provided by law."
April 28 Request	**FY2022 AUSAA Enacted**
Amend Section 506(a)(1) of the FAA to raise the drawdown maximum by $5.0 billion.	Amends Section 506(a)(1) to raise the drawdown maximum to $11.0 billion.
Amend Section 614 of the FAA to increase authority by $500 million.	Amends Section 614(a)(4)(A)(ii) of the FAA to increase authority to $1.0 billion. Also amends Section 614(a)(4)(C) to adjust existing limitations to higher dollar amounts.
Amend Section 7035(b)(5) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (P.L. 117-103, Div. K) to increase the Special Defense Acquisition Fund obligations cap by $1.0 billion.	N/A
September 2 Request	**FY2023 USAA Enacted**
Amend Section 2606(a) of the FY2022 USAA to authorize FMF loans for "countries impacted by the situation in Ukraine" (an expansion from "North Atlantic Treaty Organization (NATO) allies").	N/A
Amend Section 506(a)(1) of the FAA to raise the drawdown maximum to $3.7 billion for FY2023.	Amends Section 506(a)(1) of the FAA to raise the drawdown maximum to $3.7 billion for FY2023.
November 15 Request	
Amend Section 2606(a) of the FY2022 USAA to authorize FMF loans for "major Non-North Atlantic Treaty Organization allies" (an expansion from "North Atlantic Treaty Organization (NATO) allies") and increase the authorization ceiling on loan and guaranteed loan gross principal obligations to $8 billion.	
Amend Section 506(a)(1) of the FAA to raise the drawdown maximum to $10.7 billion for FY2023.	

	Amend Sections 614(a)(4)(A)(ii), 614(a)(4)(C), 552(c)(2), and 506(a)(2) of the FAA to increase respective funding caps. According to the request, such actions would increase flexibility for assistance to Ukraine.

Source: Letter from OMB Acting Director Shalanda Young; P.L. 117-103; Addendum A: Detailed Funding Request, Assistance to Ukraine; P.L. 117-128; FY2023 Continuing Resolution (CR) Appropriations Issues; P.L. 117-180; Letter from OMB Director Shalanda Young, Attachment 2. Ukraine Assistance Needs.

Note: For more information on the use of Sections 506(a)(1) and 614(a)(4)(A)(ii) of the FAA, see CRS In Focus IF12040, *U.S. Security Assistance to Ukraine*, by Christina L. Arabia, Andrew S. Bowen, and Cory Welt.

Outlook

To date, congressional support for emergency supplemental funding for Ukraine generally has been broad and bipartisan. Debate of each bill has been affected by the legislative vehicle to which the measure has been attached and by selected domestic considerations. Congressional priorities for aid to Ukraine may also change in the 118th Congress. Some Members of Congress and newly elected Members of Congress have signaled varying levels of support for continuing to provide similar levels of assistance for Ukraine. For example, Representative Kevin McCarthy, who was nominated to serve as Speaker of the House in the 118th Congress, reportedly said Americans facing an economic recession are "not going to write a blank check to Ukraine."[14]

Congress debated the FY2022 USAA within the context of the Consolidated Appropriations Act, 2022 (P.L. 117-103), as well as the Biden Administration's request for supplemental funding to combat COVID-19. News organizations reported bipartisan congressional support for emergency supplemental funding for Ukraine, but there appeared to be disagreement over how such funds should be allocated.[15] Some Members advocated for more funding for defense purposes, while others recommended a greater emphasis on humanitarian and economic assistance for Ukrainians in need.[16] The requested funds to combat COVID-19 also affected consideration of the broader appropriations measure; some lawmakers questioned the need and requested further justification for new COVID-19-related funding.[17]

Considered as a stand-alone bill, the FY2022 AUSAA sparked debate, particularly in the Senate, about the measure's overall funding level and oversight mechanisms. Eleven Senators voted against the FY2022 AUSAA, with some citing concerns that the bill "neglects priorities at home"[18] or should be "offset with cuts"[19] to prioritize domestic concerns. Others raised concerns that the supplemental funds for Ukraine would not have adequate oversight and proposed amendments to the measure. One proposal would have expanded the Office of the Special Inspector General for Afghanistan Reconstruction (SIGAR) to become the Office of the Special

[14] Farnoush Amiri and Kevin Freking, "McCarthy: No 'blank check' for Ukraine if GOP wins majority," Associated Press, October 18, 2022.

[15] Catie Edmonson and Emily Cochrane, "The Biden administration asks Congress for $10 billion to support Ukraine," *New York Times*, March 3, 2022.

[16] Tony Romm, "Democrats, Republicans eye large Ukraine aid package, new punishments against Russia," *Washington Post*, March 1, 2022.

[17] See, for example, Letter from Senator Mitt Romney et al. to President Joseph R. Biden, March 2, 2022.

[18] Senator Josh Hawley, "Hawley Blasts $40 billion in Ukraine Aid: 'Not in America's Interests,'" press release, May 16, 2022.

[19] Senator Mike Braun, "Senator Braun Statement on $40 Billion Ukraine Spending Package," press release, May 18, 2022.

Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid;[20] another proposal would have established a new Office of the Special Inspector General for Ukrainian Military, Economic, and Humanitarian Aid.[21] Neither amendment was adopted in the final law.

The FY2023 USAA was not a primary subject of debate as Congress considered the CR package. Members instead focused debate on the broader supplemental request, which included proposed funds for COVID-19, monkeypox, and domestic disaster relief, as well as general government funding issues and the utility of CRs.[22]

As the war in Ukraine continues and Congress works to finalize FY2023 appropriations legislation while also looking ahead to the 118th Congress, Members may debate additional funding to address the crisis. The Administration has requested that Congress include supplemental funding in an omnibus appropriations measure that funds the government for the rest of FY2023 and is enacted before December 16, when the current CR expires.[23] However, Members may consider additional funding or authorization language in stand-alone supplemental measures or as part of another CR.

In addition to considering the legislative vehicle for potential funding, Members may debate the amount of funding in a potential supplemental package, as well as the distribution of such funds across appropriations accounts. While some have expressed support for Ukraine at the Administration's proposed levels, others have expressed concern that the Administration is prioritizing aid to Ukraine over domestic issues and have advocated for reduced funding for the country.[24] Others have raised questions about the rate of U.S. spending on Ukraine and—if the United States continues to fund the response at the current rate—whether the Administration may request additional funds in FY2023.[25]

According to reports, some Members appear poised to revive debate on oversight and accountability mechanisms that surfaced during consideration of the FY2022 AUSAA. When questioned on House Republicans' priorities for aid to the country, House Foreign Affairs Committee Ranking Member Representative Michael McCaul stated, "We're not going to write a blank check without oversight and accountability, which my committee will be providing."[26] The statement was consistent with a July 2022 letter from both McCaul and Senate Foreign Relations Committee Ranking Member Senator James Risch that expressed concern about potential gaps in oversight of the Ukraine assistance and noncompliance with congressional directives, and asked for "rigorous adherence to statutory oversight standards and requirements."[27]

[20] S.Amdt. 5040.

[21] S.Amdt. 5041.

[22] See, for example, Kevin Freking and Lisa Mascaro, "GOP gives thumbs down to Biden's $47B emergency request," Associated Press, September 7, 2022; Mychael Schnell, "House GOP calls for 'no' vote on CR," *The Hill*, September 28, 2022.

[23] Letter from OMB Director Shalanda Young.

[24] Erik Wasson and Daniel Flatley, "McCarthy Warns GOP May Cut Back Ukraine Aid If Party Wins House," Bloomberg, October 19, 2022.

[25] John M. Donnelly, "Complicated path ahead for Ukraine aid request," *CQ*, November 15, 2022.

[26] Wasson and Flatley, "McCarthy Warns GOP May Cut Back Ukraine Aid If Party Wins House." McCaul made the statement after being asked to clarify Minority Leader McCarthy's statement on the topic.

[27] Letter from James E. Risch, Senate Foreign Relations Committee Ranking Member, and Michael T. McCaul, House Foreign Affairs Committee Ranking Member, to Antony Blinken, Secretary of State, July 28, 2022.

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