

# Congress of the United States

## Washington, DC 20515

March 18, 2024

The Honorable Lloyd Austin  
Secretary  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

Dear Secretary Austin,

We write to express concern about recent reports that the Biden administration has “sent \$10 billion worth of weapons to Ukraine that it still does not have the money to replace”<sup>1</sup> and is sending even more weapons to Ukraine despite this.

To date, the Biden administration has announced 55 discrete drawdowns of more than \$24 billion worth of weapons from U.S. stocks for Ukraine.<sup>23</sup> Congress, through four supplemental appropriations bills, has provided the administration with authority to make these drawdowns as well as with funding to replenish U.S. weapons stocks. It has long been suspected that there was a deficit between what Congress provided in replenishment funds and what it would cost to actually replace these weapons. This situation may have been exacerbated by an accounting policy change DOD made in mid-2023, which resulted in the administration’s effectively undervaluing the cost of sending U.S. weapons to Ukraine and the restoration of \$6.2 billion of drawdown authority (which the administration began using later that year). Following the administration’s accounting change, several senators sent a letter asking “If DOD intends to use net book value going forward, but still needs to replace equipment for U.S. stocks based on replacement value, how does DOD propose to fund the full replacement cost?”<sup>4</sup> We now have confirmation that DOD has “not been able to, with the funding we have to date [...] replenish everything we’ve already given to Ukraine.”<sup>5</sup>

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<sup>1</sup> Lara Seligman, “Pentagon needs Congress to hand over \$10B to replace weapons sent to Ukraine,” Politico, March 11, 2024. Available at: <https://www.politico.com/news/2024/03/11/pentagon-weapons-ukraine-congress-00146287>

<sup>2</sup> Christina L. Arabia, Andrew S. Bowen, and Cory Welt, “U.S. Security Assistance to Ukraine,” Congressional Research Service, updated February 15, 2024. Available at: <https://crsreports.congress.gov/product/pdf/IF/IF12040#:~:text=On%20February%2013%2C%202024%2C%20the,%2495.3%20billion%20in%20total%20funding.>

<sup>3</sup> Oren Liebermann, Haley Britzky, and Natasha Bertrand, “Biden admin announces new weapons package for Ukraine following months of warnings there was no money left,” CNN, March 12, 2024. Available at: <https://www.cnn.com/2024/03/12/politics/us-announces-weapons-package-ukraine/index.html>

<sup>4</sup> Letter from Senator Josh Hawley, et. al. to DOD Secretary Lloyd Austin, July 10, 2023. Available at: <https://www.hawley.senate.gov/sites/default/files/2023-07/Hawley-et-al-Letter-to-Austin-Ukraine-Aid.pdf>

<sup>5</sup> Lara Seligman, “Pentagon needs Congress to hand over \$10B to replace weapons sent to Ukraine,” Politico, March 11, 2024. Available at: <https://www.politico.com/news/2024/03/11/pentagon-weapons-ukraine-congress-00146287>

While more than \$4 billion worth of this “restored” presidential drawdown authority remains available,<sup>6</sup> no new drawdowns for Ukraine were publicly noticed from December 2023 to March 11, 2024.<sup>7</sup> “DOD announced in December that it would be unable to send new weapons to Kyiv until Congress approves Biden’s supplemental request,” according to Politico.<sup>8</sup> As late as March 2024, it was reported that the “DOD comptroller says US doesn’t want to tap into the \$4B account that could give Ukraine more weapons, because there’s no \$\$ to replenish US stockpiles.”<sup>9</sup>

DOD now appears to be reversing course. Under questioning from Senator Roger Marshall, OMB Director Shalanda Young admitted at a congressional hearing that “if we believe we can do [another drawdown package] without affecting U.S. readiness, uh, in a detrimental way, we absolutely will.”<sup>10</sup> Just hours later, the Biden administration announced another Ukraine aid package worth up to \$300 million.<sup>11</sup> CNN had previously reported that “officials said the department could go ahead and [use] part of that \$4 billion even without finding money internally that could be used to replenish it,” noting that “the Pentagon had previously been reluctant to spend any of that remaining money without assurances it would be reimbursed by Congress [...] because taking from DOD stockpiles with no plan to replenish that equipment could impact US military readiness.”<sup>12</sup> According to Politico, “there are worries, too, about shortfalls in U.S. weapons if officials are not able to replenish DOD’s stocks.”<sup>13</sup> This echoes similar concerns previously expressed by other officials. For instance, the commander of US Air Forces in Europe has warned that “we’re giving a lot of munitions away to the Ukrainians — which I think is exactly what we need to do — but now we’re getting dangerously low and sometimes, in some cases even too low, that we don’t have enough.”<sup>14</sup>

NBC divulged that some officials remain “wary of the idea [of drawing down U.S. stockpiles without replenishment funds] because it could put the U.S. military’s stockpiles below levels that are considered necessary for sufficient readiness,” but explained that “after months of protecting

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<sup>6</sup> Ibid.

<sup>7</sup> “Presidential Drawdown Authority (PDA) Announcements,” Under Secretary of Defense (Comptroller), accessed March 12, 2024. Available at: [https://comptroller.defense.gov/Budget-Execution/pda\\_announcements/](https://comptroller.defense.gov/Budget-Execution/pda_announcements/)

<sup>8</sup> Lara Seligman, “Pentagon needs Congress to hand over \$10B to replace weapons sent to Ukraine,” Politico, March 11, 2024. Available at: <https://www.politico.com/news/2024/03/11/pentagon-weapons-ukraine-congress-00146287>

<sup>9</sup> Paul McLeary (@paulmcleary), post on x.com, March 7, 2024. Available at:

<https://twitter.com/paulmcleary/status/1765802969230971140?s=20>

<sup>10</sup> Senate Budget Committee Hearing, “The President’s Fiscal Year 2025 Budget Proposal,” March 12, 2024.

Available at: <https://www.budget.senate.gov/hearings/the-presidents-fiscal-year-2025-budget-proposal>

<sup>11</sup> Oren Liebermann, Haley Britzky, and Natasha Bertrand, “Biden admin announces new weapons package for Ukraine following months of warnings there was no money left,” CNN, March 12, 2024. Available at: <https://www.cnn.com/2024/03/12/politics/us-announces-weapons-package-ukraine/index.html>

<sup>12</sup> Natasha Bertrand and Oren Liebermann, “Pentagon considering tapping last source of Ukraine military funding as Congress stalls on additional aid,” CNN, February 28, 2024. Available at:

<https://www.cnn.com/2024/02/28/politics/pentagon-considering-tapping-last-source-ukraine-funding/index.html#:~:text=The%20Pentagon%20is%20weighing%20whether,multiple%20defense%20officials%20told%20CNN.>

<sup>13</sup> Lara Seligman, “Pentagon needs Congress to hand over \$10B to replace weapons sent to Ukraine,” Politico, March 11, 2024. Available at: <https://www.politico.com/news/2024/03/11/pentagon-weapons-ukraine-congress-00146287>

<sup>14</sup> Michael Marrow, “US, NATO weapons stockpile ‘dangerously low’: USAF General,” Breaking Defense, July 12, 2023. Available at: <https://breakingdefense.com/2023/07/us-nato-weapons-stockpile-dangerously-low-usaf-general/>

stockpiles in the name of readiness, Pentagon officials are now warming to accepting some risk to U.S. readiness to keep Ukraine in the fight.”<sup>15</sup> One should question whether this risk is acceptable, especially if it is indeed undertaken “without guarantees of when [weapons will] be replenished”<sup>16</sup> but also in light of reporting that the administration is considering tapping “Pentagon reserves” of “around \$200 million in US Army funding to provide Ukraine immediate support”<sup>17</sup> and DOD Comptroller McCord’s September 2023 comment that “Failure to replenish our military services on a timely basis could harm our military’s readiness [...] Some have suggested that the Department could still execute the mission and support Ukraine’s needs if we were given permission to transfer funds from inside a short-term CR from our own needs to fund more security assistance. I want to be clear, the Department does not support that approach, which will create unacceptable risk to us.”<sup>18</sup>

We worry that the reportedly “furious effort at the White House to find any possible support for Ukraine” is leading the administration to further deplete U.S. weapons stocks, divert funds from critical priorities, compromise military readiness, and impose additional financial burdens on American taxpayers.<sup>19</sup> We request answers to the following questions by March 30, 2024:

1. Why was “the first time officials have acknowledged that the U.S. is already in a \$10 billion hole when it comes to backfilling its stocks” in March 2024?<sup>20</sup>
2. Why did the administration reverse its position on using the remaining presidential drawdown authority to send more U.S. weapons to Ukraine without replenishment funding?
3. CNN reported that “newfound savings - the result of ‘good negotiations’ and ‘bundling funding across different things,’ according to a second senior defense official - provided the Pentagon with an additional \$300 million to use as replenishment funding.”<sup>21</sup> Why were these alleged “newfound savings” put towards more Ukraine aid instead of the administration’s \$10 billion stock replenishment deficit?

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<sup>15</sup> Courtney Kube et. al., “Biden officials weigh giving Ukraine weapons without replacing U.S. stocks right away or waiting for Congress funds,” NBC News, February 28, 2024. Available at:

<https://www.nbcnews.com/politics/national-security/biden-ukraine-weapons-without-replacing-us-stocks-waiting-congress-rcna140748>

<sup>16</sup> Ibid.

<sup>17</sup> Alberto Nardelli and Jennifer Jacobs, “US Weighs Tapping Army Funds for Ukraine as Aid Bill Stalls,” Bloomberg, March 6, 2024. Available at: <https://www.bloomberg.com/news/articles/2024-03-06/us-weighs-tapping-army-funds-for-ukraine-as-aid-bill-stalls>

<sup>18</sup> DOD Comptroller McCord letter to House Minority Leader Jeffries, September 29, 2023. Available at: <https://democrats-appropriations.house.gov/sites/democrats.appropriations.house.gov/files/DOD%20Letter%20to%20%20Congressional%20Leaders%20on%20Ukraine%20Assistance%20%28Jeffries%29.pdf>

<sup>19</sup> Alberto Nardelli and Jennifer Jacobs, “US Weighs Tapping Army Funds for Ukraine as Aid Bill Stalls,” Bloomberg, March 6, 2024. Available at: <https://www.bloomberg.com/news/articles/2024-03-06/us-weighs-tapping-army-funds-for-ukraine-as-aid-bill-stalls>

<sup>20</sup> Lara Seligman, “Pentagon needs Congress to hand over \$10B to replace weapons sent to Ukraine,” Politico, March 11, 2024. Available at: <https://www.politico.com/news/2024/03/11/pentagon-weapons-ukraine-congress-00146287>

<sup>21</sup> Oren Liebermann, Haley Britzky, and Natasha Bertrand, “Biden admin announces new weapons package for Ukraine following months of warnings there was no money left,” CNN, March 12, 2024. Available at: <https://www.cnn.com/2024/03/12/politics/us-announces-weapons-package-ukraine/index.html>

4. What is the maximum amount of presidential drawdown authority the administration is contemplating using to aid Ukraine in the absence of another supplemental funding bill?
5. At what point does the administration believe further drawing down U.S. weapons stocks for Ukraine will compromise military readiness, if not now?
6. What proportion of critical U.S. munitions stocks have been dispatched to Ukraine under Presidential Drawdown Authority, to include in particular: (a) 155mm artillery shells; (b) Patriot interceptors; (c) GMLRS; (d) ATACMS; (e) Javelin missiles?
7. How long will it take to fully replenish U.S. weapons stocks drawn down to aid Ukraine, in total and for: (a) 155mm artillery shells; (b) Patriot interceptors; (c) GMLRS; (d) ATACMS; (e) Javelin missiles?

Thank you for your attention to this matter.

Sincerely,



JD Vance  
United States Senator



Roger Marshall, M.D.  
United States Senator



Marjorie Taylor Greene  
Member of Congress

CC:

The Honorable Shalanda Young  
Director  
Office of Management and Budget  
725 Seventeenth Street NW  
Washington, DC 20503

The Honorable Michael McCord  
Undersecretary of Defense (Comptroller)  
U.S. Department of Defense  
1100 Defense Pentagon  
Washington, DC 20301