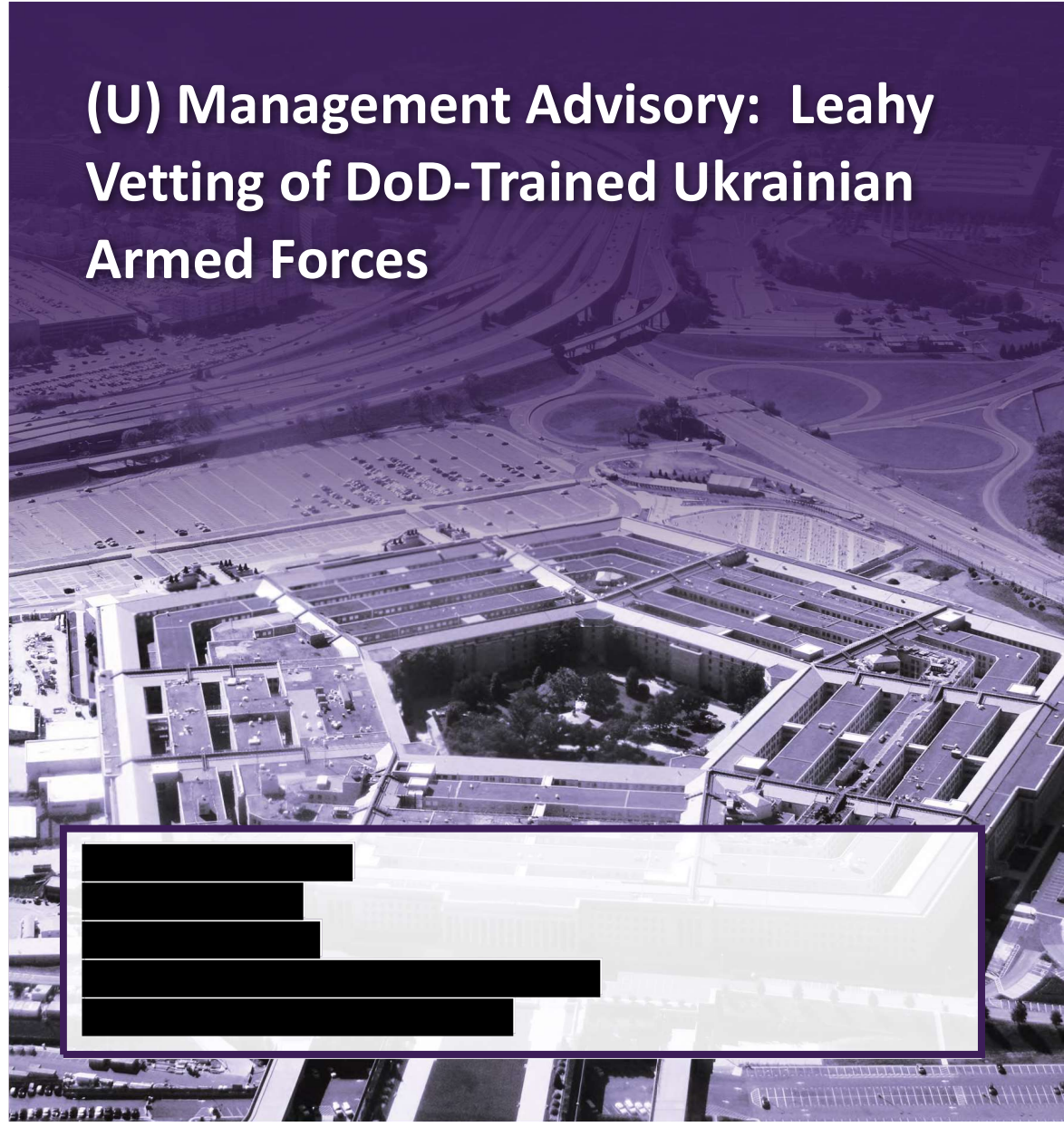




# INSPECTOR GENERAL

*U.S. Department of Defense*

JANUARY 17, 2024



## (U) Management Advisory: Leahy Vetting of DoD-Trained Ukrainian Armed Forces

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE







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**OFFICE OF INSPECTOR GENERAL**  
**DEPARTMENT OF DEFENSE**  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VIRGINIA 22350-1500

January 17, 2024

MEMORANDUM FOR COMMANDER, U.S. EUROPEAN COMMAND

SUBJECT: (U) Management Advisory: Leahy Vetting of DoD-Trained Ukrainian Armed Forces  
(Report No. DODIG-2024-046)

(U) The purpose of this management advisory is to inform U.S. European Command (USEUCOM) officials responsible for Leahy vetting of concerns that we identified with how the DoD ensures and documents that Leahy vetting occurred for Ukrainian Armed Forces (UAF) units that sent personnel to attend DoD training. We identified these concerns as part of our ongoing oversight pertaining to the DoD's training of the UAF. Specifically, neither the Office of Defense Cooperation–Kyiv (ODC-Kyiv) nor Security Assistance Group-Ukraine (SAG-U) officials could verify which Leahy-vetted UAF units and commanders were authorized to send their personnel to specific training events or whether the UAF personnel who arrived for training were assigned to a Leahy-vetted UAF unit. In addition, the ODC-Kyiv generally did not submit units and commanders for vetting at the battalion level or lower as recommended by Department of State guidance. Prior reports in this series addressed specialized training of the UAF and the classification and handling of information related to the mission of training the UAF. The last report in this series, which is currently underway, will address the Patriot missile system and collective training for the UAF. We conducted the work on this advisory with integrity, objectivity, and independence, as required by the Council of the Inspectors General on Integrity and Efficiency's Quality Standards for Federal Offices of Inspector General.

(U) We provided a draft of this advisory to USEUCOM officials, and requested official management comments describing actions that USEUCOM would take in response to recommendations 1a, 1b, and 1c. We considered management's comments on the draft and included comments in the final advisory.

(U) This management advisory contains one closed recommendation and two recommendations that we consider resolved and open. Please provide us documentation showing that you have completed all agreed-upon actions to implement the recommendations. Therefore, within 90 days please provide us your response concerning specific actions in process or completed on the recommendations. Please send your response to either [followup@dodig.mil](mailto:followup@dodig.mil) if unclassified or [rfunet@dodig.smil.mil](mailto:rfunet@dodig.smil.mil) if classified SECRET.

[REDACTED]

(U) If you have any questions, please contact me at [REDACTED]. We appreciate the cooperation and assistance received during the performance of our oversight projects, which resulted in this advisory.

FOR THE INSPECTOR GENERAL:



Richard B. Vasquez  
Assistant Inspector General for Audit  
Readiness and Global Operations

# (U) Introduction

## (U) Background

### (U) *The Leahy Laws*

(U) The Leahy Laws refer to statutory provisions that prohibit the U.S. Government from providing assistance to a unit of a foreign security force (generally, the police and military) when the Secretaries of Defense or State have credible information that the unit committed a gross violation of human rights (GVHR), or when such credible information is available to them.<sup>1</sup> Examples of GVHR include torture, extrajudicial killing, enforced disappearance, and rape. The Leahy Laws apply to both the Department of State (DoS) and the DoD, and the United States Code establishes requirements specific to each agency.<sup>2</sup> For example, the DoS and DoD Leahy Laws both prohibit using funds for any training, equipment, or other assistance for a foreign security force unit if that unit committed a GVHR. Unlike the DoS Leahy Law, the DoD Leahy Law allows assistance to such forces in instances when U.S. equipment or other assistance is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.

(U) The DoD issued memorandums in August 2014 and February 2015 that include guidance on implementing the DoD Leahy Law.<sup>3</sup> The 2014 memorandum provides guidance on the terms used in the DoD Leahy Law, gives an overview of DoD authorities and DoD-funded activities affected by the Leahy Law, and states that the DoS will use its International Vetting and Security Tracking System cloud database (INVESTc) to vet foreign security forces in advance of the DoD providing DoD-funded training, equipment, or other assistance. For the remainder of this advisory, we use the term “Leahy vetting” to refer to the background check process that the DoS and DoD implemented to meet the intent of DoD guidance and statutory provisions. The 2015 memorandum supplements the 2014 memorandum and provides additional guidance on steps foreign security forces units that committed a GVHR must take to regain eligibility for DoD-funded assistance.

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<sup>1</sup> (U) Section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. § 2378d) and Section 362, title 10, United States Code.

<sup>2</sup> (U) The DoS Leahy Law requirements are located in section 620M of the Foreign Assistance Act of 1961 (22 U.S.C. § 2378d); whereas the DoD Leahy Law requirements are located in 10 U.S.C § 362.

<sup>3</sup> (U) Secretary of Defense memorandum, “Implementation of Section 8057, DoD Appropriations Act, 2014 (division C of Public Law 113-76) (“the DoD Leahy law”),” August 18, 2014. Secretary of Defense memorandum “Additional Guidance on Implementation of Section 8057(b), DoD Appropriations Act, 2014 (Division C of Public Law 113-76) (“the DoD Leahy law”) and New or Fundamentally Different Units,” February 10, 2015.



[REDACTED]

***(U) Leahy Vetting Procedures for UAF Attending DoD Training***

(U) DoD training of the UAF increased after the full-scale Russian invasion of Ukraine in February 2022. The DoD funded this training through sources including Presidential Drawdown Authority and the Ukraine Security Assistance Initiative. According to United States Code and DoD guidance, UAF units and commanders of UAF personnel scheduled to receive training require Leahy vetting approval from the DoS before the UAF personnel can receive training. The U.S. European Command (USEUCOM) oversees the Office of Defense Cooperation–Kyiv (ODC-Kyiv), which is the security cooperation organization responsible for collecting information from the UAF and submitting it to the DoS to perform unit-level Leahy vetting of UAF units and the commanders assigned to the units.<sup>5</sup> The following sequence of steps summarizes DoS standard operating procedures for conducting unit-level Leahy vetting for UAF units sending personnel to DoD training.

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

<sup>4</sup> (U) U.S. Department of State, U.S. Embassy Kyiv, Ukraine, “Standard Operating Procedure: Post Leahy Vetting,” 2022. In this title, “Post” refers to the Embassy Kyiv, not to procedures that should occur after Leahy Vetting is complete.

<sup>5</sup> [REDACTED] A security cooperation organization is located in a foreign country and is responsible for security assistance functions such as administrative support, including issuing travel orders, performing liaison duties with the host nation, and initiating Leahy vetting.

<sup>6</sup> [REDACTED]





4. [Redacted]  
[Redacted]  
[Redacted]
5. [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]<sup>7</sup>

[Redacted] Each time a foreign unit is scheduled to receive U.S. training, equipment, or assistance, the unit must submit required Leahy vetting data (see Step 1) and DoS personnel at the Embassy are required to check INVESTc to determine whether the unit was previously vetted. [Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

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<sup>7</sup> (U) The Joint Multinational Training Group–Ukraine is the U.S. Army Component that coordinates UAF training. SAG-U did not form until November 2022, so a Joint Multinational Training Group–Ukraine official received the participant lists until SAG-U assumed this responsibility.



# (U) Weaknesses in Leahy Vetting Procedures for UAF Units Limit the DoD's Ability to Ensure Compliance with DoD Leahy Law Requirements

(U) During our audit of the DoD's training of the UAF, we observed three internal control weaknesses in how the DoD documented that Leahy vetting occurred for UAF units that sent personnel to attend DoD training and ensured that units and commanders were Leahy vetted at the appropriate unit level.<sup>8</sup> Specifically:

- (U) neither ODC-Kyiv nor SAG-U officials could verify which Leahy-vetted UAF units were authorized to send their personnel to specific training events;
- (U) SAG-U officials could not verify that the UAF personnel who arrived for training were assigned to a Leahy-vetted UAF unit; and
- (U) ODC-Kyiv generally submitted units and commanders for vetting at the brigade or regiment level instead of at the battalion level or lower, as recommended in DoS guidance.

(U) The purpose of the DoD Leahy Law is to ensure that the DoD does not use appropriated funds to provide assistance to a unit that committed a GVHR. However, the internal control weaknesses we identified increased the risk that the DoD used, or could use, appropriated funds to train a unit that might have committed a GVHR, resulting in a violation of the Leahy Law. Furthermore, units at the battalion level or lower that committed GVHRs may have gone undetected during the Leahy vetting process because ODC-Kyiv generally did not submit UAF units at those unit levels, which are the levels at which the DoS recommends documenting GVHR reports. While ODC-Kyiv updated its process for tracking Leahy vetting after we identified its inability to provide information to demonstrate full compliance with the Leahy Law, we made recommendations to address our ongoing concerns with Leahy vetting compliance and documentation.

## ***(U) Weaknesses Exist in ODC-Kyiv's Process for Matching Leahy-Vetted Units with Training Events That Personnel from Those Units Were Authorized to Attend***

As part of our audit of the DoD's training of the UAF, we attempted to verify that the units and commanders to which UAF personnel were assigned were Leahy vetted prior to those personnel starting training, as required by the DoD Leahy Law. In December 2022, we selected a nonstatistical sample of 45 training events that

<sup>8</sup> (U) Report No. DODIG-2023-086, "Audit of DoD Training of Ukrainian Armed Forces," June 13, 2023.



[REDACTED] [REDACTED] Then we requested that U.S. Army Europe and Africa and ODC-Kyiv officials provide the dates when the DoS vetted the units and commanders to which those UAF personnel belonged.<sup>9</sup>

(U) A U.S. Army Europe and Africa official collected information from ODC-Kyiv and provided it to the audit team, but the data did not enable us to verify that the units and commanders who sent personnel to the 45 training events in our sample were Leahy vetted and approved before the training. Specifically, we received the following information in response to our request for information.

- (U) ODC-Kyiv provided a list of Leahy-vetted UAF units and commanders and their Leahy vetting approval dates.
- (U) ODC-Kyiv also provided its “training tracker,” as seen in Figure 1, that listed the name of each training event and an “Approved” notation to reflect that a UAF unit and commander was Leahy vetted and approved to send personnel to the training.

(U) However, these documents did not contain sufficient information for us to complete our analysis because the training events listed in ODC-Kyiv’s training tracker did not name which UAF unit sent personnel to each training event. Without the unit name, we could not use the list of Leahy-vetted units and commanders and their approval dates to confirm whether the DoS vetted the unit before the training start date. Figure 1 is an excerpt from ODC-Kyiv’s training tracker showing the fields of information that ODC-Kyiv monitored.

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<sup>9</sup> (U) The mission of U.S. Army Europe and Africa is to provide ready, combat-credible land forces to deter and if necessary, defeat aggression from any potential adversary in Europe and Africa. Initially, U.S. Army Europe and Africa was the lead Army command responsible for overseeing U.S. security assistance to Ukraine, but the DoD established the SAG-U in November 2022 to assume that responsibility.

[REDACTED]

Figure 1. Excerpt from ODC-Kyiv's Training Tracker

The Tracker does not specify the corresponding Leahy-vetted UAF unit for each training event.

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

(U) Source: The ODC-Kyiv.

[REDACTED]

[REDACTED] We explained the limitations with the data we received to ODC-Kyiv officials and once again requested the dates when the DoS vetted the units to which the UAF personnel in our sample of 45 training events belonged. ODC-Kyiv officials stated they could not fulfill our request because they did not have data linking the Leahy-vetted units to the training events. [REDACTED]

[REDACTED] The UAF subsequently identified training events for specific unit personnel to attend and resubmitted those units to ODC-Kyiv for Leahy vetting as required. However, ODC-Kyiv did not have a process for tracking which units were approved to attend specific training events. Consequently, ODC-Kyiv could not verify whether the UAF personnel who attended the 45 DoD training events in our sample belonged to a unit that was Leahy vetted before the training start date, as required by the DoD Leahy Law. Unless ODC-Kyiv vetted 100 percent of the UAF units, a risk existed that a unit or commander who committed a GVHR would receive DoD training, which violates the DoD Leahy Law.<sup>10</sup>

(U) In addition to ODC-Kyiv not being able to reconcile the Leahy-vetted UAF units with the courses their personnel were approved to attend, the DoD could not confirm whether the personnel who actually attended DoD training belonged to a vetted unit. This occurred because the UAF submitted participant lists to SAG-U that did not include the unit to which the participants belonged. Therefore, the participant list did not contain a data field (unit name) that allowed SAG-U and ODC-Kyiv to reconcile their information and verify whether the UAF participants who arrived for DoD training belonged to the specific unit that was Leahy vetted and approved to attend the training.

[REDACTED] Finally, we observed that ODC-Kyiv did not facilitate unit-level Leahy vetting at the battalion level and below as recommended by DoS guidance. [REDACTED]

[REDACTED]<sup>11</sup> An ODC-Kyiv official stated that ODC-Kyiv requested that the UAF provide brigade-level information for Leahy vetting instead of battalion-level information to reduce the number of units that were pre-vetted. A Ukraine brigade or regiment generally consists of three or more battalions, and we observed that Leahy vetting occurred at the brigade or regiment level for [REDACTED] that the DoS vetted. If the brigade-level data that ODC-Kyiv submitted to the DoS did not include the battalions associated with each brigade, then there is a risk that a UAF battalion or below-level unit that committed a GVHR will not be identified during the Leahy vetting process. Figure 2 shows the different unit levels and illustrates the level at which UAF units were vetted in comparison to the levels at which the DoS recommends.

<sup>10</sup> (U) The United Nations issued a report in March 2023 stating it identified 91 cases of enforced disappearance and arbitrary detentions committed by UAF and Ukrainian law enforcement agencies. The United Nations report refers to Ukrainian armed forces as comprising all actors fighting on behalf of Ukraine, and not just the UAF. United Nations Human Rights Office of the High Commissioner Ukraine, "Report on the Human Rights Situation in Ukraine" March 24, 2023.

<sup>11</sup> [REDACTED]

(U) Figure 2. Illustration of UAF Unit Levels Submitted by ODC-Kyiv for Leahy Vetting

(U)

Unit	Composed of:
Brigade or Regiment	3 to 5 Battalions Up to 5,000 soldiers
Battalion	4 to 6 Companies Up to 1,000 soldiers
Company	3 to 4 Platoons Up to 200 soldiers
Platoon	2 to 3 Squads Up to 36 soldiers
Squad	4 to 10 soldiers

Unit level at which UAF units generally were Leahy vetted

Unit levels at which the DoS SOP recommends vetting UAF units

(U)

(U) Source: The DoD OIG.

(U) An ODC-Kyiv senior official stated that all of the UAF units that they submitted to the DoS for Leahy vetting have been approved; however, by not submitting units at the recommended level, the DoS may not have had sufficient information to locate credible evidence of GVHR associated with the units and commanders at the battalion level and below.

***(U) ODC-Kyiv Actions Taken in Response to the DoD OIG's Data Request***

█ In June 2023, ODC-Kyiv officials stated that after realizing they did not have the information necessary to respond to our data request, they updated their process for tracking Leahy vetting. Specifically, ODC-Kyiv officials explained that after the DoS enters a batch into INVESTc for vetting, INVESTc assigns a unique tracking number to the batch. █

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█ We requested, received, and analyzed supporting documentation for this corrective action. Figure 3 contains an excerpt of the updated training tracker fields. This updated process appears to correct the internal control weakness that we identified. However, ODC-Kyiv did not document this new internal control in a standard operating procedure.



Figure 3. Excerpt from ODC-Kyiv's Updated Training Tracker

New fields used to track unit-level batches



[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

(U) Source: The ODC-Kyiv.





As discussed, we also have ongoing concerns about the [REDACTED] Without knowing the units UAF personnel attending DoD training are assigned to, the DoD is limited in its ability to verify its compliance with the Leahy Law.

## **(U) Conclusion**

We determined that [REDACTED] in response to our inquiry improved ODC-Kyiv's ability to track which UAF units received Leahy vetting approval and were authorized to send their personnel to specific training events. However, ODC-Kyiv officials did not have updated standard operating procedures that formalized this new process. Without formalizing this new process in a standard operating procedure, the risk increases that during times of staff turnover, personnel may not continue to follow ODC-Kyiv improvements in the Leahy procedures.

Furthermore, because [REDACTED]

Collectively, these issues indicate that personnel in USEUCOM subordinate commands are limited in their ability to ensure that the DoD is in full compliance with Leahy vetting requirements. We made one recommendation to improve the DoD's ability to ensure its compliance with the Leahy law.

## **(U) Recommendation, Management Comments, and Our Response**

### ***(U) Recommendation***

**(U) We recommend that the Commander, U.S. European Command, direct the Office of Defense Cooperation-Kyiv and the Security Assistance Group-Ukraine to:**

- a. (U) Submit Ukrainian Armed Forces units and commanders for Leahy vetting at the battalion level and below, identify which Ukrainian Armed Forces units were approved to attend DoD training but were not Leahy vetted at the battalion level or below, and resubmit those units to the Department of State for Leahy vetting.**

### ***(U) U.S. European Command Comments***

(U) The USEUCOM Russia and Ukraine Division Chief, responding for the USEUCOM Commander, disagreed with the recommendation, stating that USEUCOM assesses existing processes and procedures are consistent with regulation, Embassy-Kyiv standard operating procedures, and realities of the operational environment. Resubmitting units previously cleared at the brigade level will not achieve the recommended outcomes for the following reasons.

- (U) Reconstruction and reorganization of units due to battlefield losses. Ukrainian units are being reorganized as they take casualties, and returning to past vetting will not adequately reflect what was true at the time of original unit vetting. The EMB-Kyiv Standard Operating Procedure has directed that units be vetted to the lowest level of operational command and control. The Standard Operating Procedure does not prescribe vetting level (for example, brigade), even though it recommends battalion level. For every invitation, ODC requests the personally identifiable information for the commander along with the unit details for the legal Leahy Vetting process.
- (U) Operational security practiced by UAF. The UAF practices strict operational security of their losses and reorganization and would not be able to provide more information on reconstitution of units that existed at the time of vetting, due to Ukrainian martial law.
- (U) Volume of units vetted and participants trained in the past 19 months. In the past 12 months alone, the ODC has vetted almost 1,000 units for approximately 18,000 trainees, with no increase in staffing to either ODC-Kyiv or DoS vetters.

### ***(U) Our Response***

(U) Although the Division Chief disagreed with the recommendation, the details provided in his response show that portions of this recommendation are now overcome by events. For example, due to the ongoing changes in the composition of UAF units, we agree that it is no longer feasible to “identify which Ukrainian Armed Forces units were approved to attend DoD training but were not Leahy vetted at the battalion level or below, and resubmit those units to the Department of State for Leahy vetting.” Furthermore, we acknowledge that ongoing changes to the composition of UAF units as described by the Division Chief can impact the level at which UAF units are submitted for vetting. Therefore, the ODC-Kyiv’s current process of vetting at the brigade or battalion level for each training event, and requesting personally identifiable information for the commander along with the unit details is appropriate, and the recommendation is closed.

- b. (U) Ensure compliance with the DoD Leahy Law by collecting the information the Security Assistance Group-Ukraine needs to verify that Ukrainian Armed Forces personnel who arrive for DoD training belong to a Leahy-vetted unit.**

### ***(U) U.S. European Command Comments***

(U) The USEUCOM Russia and Ukraine Division Chief, responding for the USEUCOM Commander, did not agree or disagree with the recommendation. The Division Chief stated that while SAG-U is involved with aligning and tracking training, SAG-U does not itself execute the training, thus does not confirm Leahy vetting. ODC-Kyiv communicates the Leahy vetting requirement to the General Staff and then the General Staff designates units to be trained and provides Leahy vetting information. ODC-Kyiv relies on UAF to send trainees from the vetted units that have been designated for the training. Participant lists do not normally annotate unit, as UAF tries to keep operational security.

### *(U) Our Response*

(U) Although the Division Chief stated that the SAG-U did not confirm the Leahy vetting status of UAF personnel who arrive for training, he noted in the response to Recommendation 1.c that ODC-Kyiv can add an additional column titled “unit” on participant lists. This action meets the intent of this recommendation because adding this information will remove the need for reliance on the UAF and allow for verification or confirmation of the Leahy vetting status of the personnel arriving for training. Therefore, this recommendation is resolved but will remain open. We will close this recommendation once USEUCOM provides an example of a training event participant list that includes the unit title for UAF attendees.

- c. **(U) Develop, document, and implement internal controls to ensure that before attending training, Ukrainian Armed Forces personnel are assigned to units and commanders, at the battalion level or below, that received Leahy vetting and approval.**

### *(U) U.S. European Command Comments*

(U) The USEUCOM Russia and Ukraine Division Chief, responding for the USEUCOM Commander, did not agree or disagree with the recommendation. The Division Chief stated that this information is already captured on every Leahy vetting batch. However, ODC-Kyiv can add an additional column titled “unit” on participant lists to address these recommendations.

### *(U) Our Response*

█ The Division Chief’s comments partially addressed the recommendation. As discussed in the “ODC-Kyiv Actions Taken in Response to the DoD OIG’s Data Request” section of this report, we determined that ODC-Kyiv officials have already developed and implemented new internal controls for tracking Leahy vetting information. ODC-Kyiv officials stated they updated their internal training tracker, and they can now identify which UAF unit was vetted for a specific training event and provide the unit’s Leahy vetting approval date. ODC-Kyiv, however, did not provide a copy of written guidance that documents these process improvements. Therefore, this recommendation is resolved but will remain open. We will close this recommendation once the U.S. European Command provides a copy of ODC-Kyiv’s updated guidance that requires █  
█



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