**Oversight DA**

**2AC---SC Uniqueness**

**SC big high**

**RAND 19** [RAND; "Taking Stock of RAND's Security Cooperation Research"; Published: 2019; Accessed: 6-25-2022; https://www.rand.org/ard/topics/security-cooperation.html; KL]

The type of security cooperation that DoD deploys depends on the objective at hand and capabilities of the partner nation. DoD tends to deploy building partner capacity programs and security force assistance to less developed partner nations in an effort to improve their tactical and operational capabilities, while defense institution building initiatives are used in similar contexts to strengthen ministries of defense at the strategic level. On the other hand, programs aimed at interoperability tend to be targeted at more-developed allies. DoD conducts about 3,000 to **4,000** **s**ecurity **c**ooperation events **each year** in **more than 130** countries, while total U.S. assistance to foreign militaries and police forces runs from $15 billion to $20 billion per year. **S**ecurity **c**ooperation activities touch **tens of thousands** of foreign security forces around the world every year. What do we know about security cooperation? Are the strategic and operational goals of the enterprise being met? Does security cooperation "work"? If so, under what conditions?

**2AC---Oversight Uniqueness**

**Oversight is dead.**

**Khan 21** [Alyssa Khan, Research Associate at Digital Forensic Research Lab; "Rethinking War Powers: Options for Reestablishing Congressional Authority Over US Foreign Policy"; Marcellus Policy Analysis; Published: Fall 2021; Accessed: 6-23-2022; https://jqas.org/wp-content/uploads/2022/02/Kann-Analysis1.pdf; KL]

American military actions—**most not subject** to **public scrutiny** or **congressional accountability**—have occurred in **at least 20 countries** in **20 years**. These military operations have been made possible through **increasingly broad** presidential war powers, despite the fact that the Constitution reserved most war powers for Congress. In addition to over half a million lives lost in these military operations and trillions spent, this executive encroachment on war powers has eroded governmental accountability, civil rights, democratic institutions, and the role of the public and Congress in war making.

This executive overreach in military affairs has occurred in a **variety** of ways, particularly through Congress’ passage of the **2001** and **2002** Authorizations for Use of Military Force (**AUMF**). Yet many scholars have described a **broader trend** in the past **several decades** of increasing executive power in military affairs, such as presidents justifying **unilateral operations** through their inherent authorities as president and through international organizations.

**Oversight low---warmaking**

**Shackelford 21** [ELIZABETH SHACKELFORD, U.S. diplomat; “To Stop Endless Wars, Biden Needs to Give Up Some Power”; Feb 09, 2021; DOA: 6/23/22; <https://slate.com/news-and-politics/2021/02/biden-aumf-endless-forever-wars.html>; Lowell-ES]

Several of the operations launched under the 2001 AUMF target the Islamic State, a terrorist organization that did not even exist in 2001. Nearly all have resulted in civilian casualties and high financial costs, and most have incurred U.S. troop casualties as well. **None was subjected to the congressional oversight that our Constitution envisioned would raise the bar for lethal action and keep us out of wars of choice.**

The danger of the steady expansion of executive war-making authority was on full display a year ago with the Trump administration’s strike against Iranian Gen. Qassem Soleimani. Congress called foul, passing a law requiring congressional authorization for any further military action against Iran, but that effort provided cold comfort in the wake of the provocative attack. Congress’ attempt to enforce its oversight failed even to reach the threshold necessary to escape a veto. Biden has the power to insulate America from future risks of an unpredictable executive wielding war power independently, but only if he chooses to do so.

**The impacts non-uq - Presidents circumvent the WPR today**

**FCNL 22** [The Friends Committee on National Legislation, FCNL Education Fund, and Friends Place on Capitol Hill are national nonprofit, nonpartisan Quaker organizations working collectively to advance peace, justice, and environmental stewardship. https://www.fcnl.org/updates/2022-06/war-powers-resolution-activist-guide]//LP

Even with the War Powers Act written into law, the president and Congress have been at odds in regards to the proper division of war powers post-1973. U.S. presidents have consistently said that the War Powers Act is an unconstitutional infringement on the executive branch’s powers. President Reagan used the military without congressional authorization in Grenada. President George H.W. Bush did get authorization for the first Gulf War but asserted that he did not need permission from Congress to go to war. The use of military force over the decades has cost Americans and humanity at large millions of lives and trillions of dollars. Constitutional scholars have argued that Bush’s 1989 invasion of Panama did not comply with the requirements under the War Powers Act and was not authorized by Congress, in accordance with Article I of the Constitution. Similarly, in 1998 President Clinton sent troops to Kosovo to conduct an extensive air campaign without Congressional authorization. One week after the attacks on September 11, 2001, Congress passed an Authorization for the Use of Military Force (AUMF) against the “nations, organizations, or persons” who planned, aided, or committed the attacks, as well as anyone who harbored those nations, organizations or persons. This law paved the way for President George W. Bush and the three subsequent presidents to send U.S. forces not only to Afghanistan but also to Pakistan, Somalia, Syria, Yemen, and other nations as part of the War on Terror. After more than two decades, the terror threats to the United States and its allies look very different from those at the time of the attacks on September 11. According to the Department of Homeland Security, the vast majority of attempted terrorist attacks since 2011 have emanated from domestic groups rather than foreign ones. The 2001 AUMF has been used as grounds for the use of military force against groups like the Islamic State of Iraq and Syria (ISIS), Al Qaeda, and Al Shabaab, despite the fact that these groups were formed many years after the attacks on September 11. Many in Congress now support a sunset of the 2001 “War on Terror” AUMF and a repeal of the 2002 AUMF that authorized the war in Iraq. But while expressing the desire to repeal and replace these laws and end endless wars, the Biden administration has not articulated a coherent strategy that would actually do so. The use of military force –both authorized and unauthorized – over the decades has cost Americans and humanity at large millions of lives and trillions of dollars. It has also contributed to the destabilization of multiple countries, an expanding refugee crisis, accelerating climate devastation, and the rise of new terror groups, all of which have made the United States and people around the globe less secure.

**2AC---CMR Uniqueness**

**CMR collapsed. Military’s prestige is inevitable.**

**Brooks** et al. **21** [RISA BROOKS is Allis Chalmers Associate Professor of Political Science at Marquette University, a Nonresident Senior Associate at the Center for Strategic and International Studies, and an Adjunct Scholar at West Point’s Modern War Institute; JIM GOLBY is a Senior Fellow at the Clements Center for National Security at the University of Texas at Austin, an Adjunct Senior Fellow at the Center for a New American Security, and a co-host of the podcast Thank You for Your Service. He is a retired U.S. Army officer; HEIDI URBEN is an Adjunct Associate Professor in Georgetown University’s Security Studies Program, a Nonresident Senior Associate at the Center for Strategic and International Studies, and an Adjunct Scholar at West Point’s Modern War Institute. She is a retired U.S. Army officer; Published: May/June 2021; Accessed: 4-13-2021; "Crisis of Command"; Foreign Affairs; https://www.foreignaffairs.com/articles/united-states/2021-04-09/national-security-crisis-command; KL]

PARADISE LOST

Evidence of the decline in civilian control over the military **isn’t hard** to find. Over the last few decades, senior military leaders have regularly **thwart**ed or **delay**ed presidential decisions on military policy. In 1993, Colin Powell, the chairman of the Joint Chiefs of Staff, helped block President Bill Clinton from ending the policy that banned gays from the military, resulting in the now defunct “don’t ask, don’t tell” compromise. Both President Barack **Obama** and **Trump** complained that officers **boxed them in**—limiting military options and leaking information—and forced them to grudgingly accept **troop surges** they did not support. Obama’s generals signaled that they would accept nothing less than an aggressive counterinsurgency in Afghanistan—despite White House opposition. Obama later fired Stanley McChrystal, then commander of U.S. forces in Afghanistan, after members of the general’s staff disparaged White House officials in remarks to a reporter. Trump, for his part, saw senior military leaders push back against his orders to withdraw troops from Afghanistan and Syria. Although these moves were signature campaign promises, Trump eventually backed off when military leaders told him they couldn’t be done and that the policies would harm national security.

Of course, senior military leaders do not always get everything they want, but they often get more than they should. Their power also extends beyond headline-grabbing decisions about overseas deployments or troop reductions. The military’s influence manifests hundreds of times a day through **bureaucratic maneuvers** inside the Pentagon, in policy discussions in the White House, and during testimony on Capitol Hill. These mundane interactions, perhaps more than anything else, **steer decision-making** away from civilians in the Office of the Secretary of Defense and toward uniformed personnel. Inside the Pentagon, for instance, military leaders often preempt the advice and analysis of civilian staff by sending their proposals straight to the secretary of defense, bypassing the byzantine clearance process that non-uniformed staffers must navigate.

There are signs of the erosion of civilian control outside the Pentagon, as well. Congress too **rarely demands** that the military bow to civilian authority, instead weighing in **selectively** and for **partisan** reasons. During the Obama administration, for example, some commentators and at least one member of Congress suggested that Martin Dempsey, the chairman of the Joint Chiefs of Staff, should resign in protest over the president’s management of the campaign to defeat the Islamic State, also known as ISIS. The goal was to use Dempsey’s role as the president’s chief military adviser as leverage in a partisan battle over Obama’s foreign policy. Under Trump, many Democrats cheered on the retired and active-duty generals who pushed back against the president’s decisions. These “adults in the room” included James Mattis (the secretary of defense), John Kelly (the secretary of homeland security and then White House chief of staff), and H. R. McMaster (Trump’s national security adviser). At the extreme, some of Trump’s opponents even urged senior military leaders to contemplate removing Trump from office. In August 2020, two well-known retired army officers, John Nagl and Paul Yingling, penned an open letter to Mark Milley, the chairman of the Joint Chiefs of Staff, telling him to do just that if the president refused to leave office after losing the 2020 election. Although these efforts may have comforted those concerned about Trump’s erratic policies, they undermined civilian control by suggesting that it was the military’s job to keep the executive in check. When politicians endorse military insubordination that serves their interests, they do long-term damage to the principle of civilian primacy.

Oversight itself has also become **politicized**. Politicians increasingly turn to those with military experience to **run the Pentagon**. Trump decided to appoint a former general, Mattis, as secretary of defense, and Biden did the same, putting **Lloyd Austin** in the post. In both cases, Congress had to waive a requirement that officers be retired for at least **seven years** before serving in the department’s top job. The rule, which had been broken only once before, is designed to prioritize leaders with distance from the mindset and social networks associated with military service. Ideally, defense secretaries should be comfortable operating as civilians—not soldiers. Mattis’s and Austin’s nominations, and subsequent confirmations, therefore represent a break with over **seven decades** of law and tradition, beginning with the 1947 reforms, stipulating that the secretary of defense cannot be a recently retired general.

There is no obvious reason to think that those with military experience are better suited to controlling the military on behalf of Congress or the president—and plenty of reasons to suspect the opposite. In the military, soldiers are taught to follow orders, not scrutinize their implications, as a cabinet official should. Military personnel, moreover, are ideally taught to stay out of partisan debates, whereas the secretary’s job demands well-honed political skill and experience. Yet as Mattis’s and Austin’s appointments show, military service is becoming a litmus test for Pentagon policy jobs traditionally held by civilians, and this is true even at lower levels.

Meanwhile, the public is failing to insist that elected leaders hold the military to account. Many Americans would rather put troops on a pedestal and admire the military from afar. Repeating the mantra “Support our troops” has become a substitute for the patriotic duty of questioning the institution those troops serve. Large numbers of citizens are now reluctant to even offer their opinions in response to survey questions about the military, let alone to criticize military leaders. In a 2013 YouGov survey, for instance, 25 to 30 percent of the nonveterans asked consistently chose “I don’t know” or “no opinion” in response to questions about the military.

At best, these trends immunize the military from scrutiny; at worst, they give it a pass to behave with impunity. An October 2017 White House press conference epitomized this exceptionalism: during a discussion of Trump’s condolence call to the widow of a slain soldier, Kelly, who had served in the military for more than four decades and whose own son was killed fighting in Afghanistan, refused to call on journalists who didn’t know someone who had had a family member killed in combat. Sarah Huckabee Sanders, the White House press secretary, later admonished journalists for daring to question Kelly. Debating “a four-star Marine general,” she said, was “highly inappropriate.”

ORIGIN STORY

Part of the decline in civil-military relations can be blamed on **institutional changes**. As the United States became a global power, elected leaders developed a bureaucratic structure to manage the military on a day-to-day basis. When it became clear at the start of the Cold War that the U.S. defense establishment had become too large for the president and the legislature to control on their own, Congress passed the National Security Act of 1947. The law established what would eventually become the Department of Defense and placed at its head a civilian secretary of defense, who would bring experience managing bureaucratic and domestic politics. That person would have the exclusive job of ensuring that the military’s activities aligned with the nation’s goals as determined by its elected political leaders. And Congress granted the secretary a civilian staff composed of individuals who could draw on their experiences in government, business, and academia.

But in 1986, Congress unintentionally undid much of this work. That year, it overhauled the 1947 law by passing the Goldwater-Nichols Department of Defense Reorganization Act, which shifted power and resources away from civilian leaders and to their military counterparts. Since that law passed, large, **well-resourced** military staffs have **displaced** civilians in the Pentagon and across the rest of the government. Today, for example, ambassadors and other civilian officials frequently depend on the military’s regional combatant commands for resources, including planes and logistical support, necessary to do their jobs. Regional combatant commanders also have responsibilities that cross national boundaries, giving them de facto diplomatic authority and frequent contact not only with their military counterparts overseas but also with foreign government leaders. The military officials who govern security assistance and cooperation programs have also grown in number and influence, further sidelining their civilian counterparts in the State Department.

It is a truism in national security discourse that diplomats are underfunded relative to the military. Even former defense secretaries, including Mattis and Robert Gates, have warned Congress of the risks of underfunding the State Department. But no one ever does much about it. Without a serious attempt at rebalancing, the military’s personnel and resource advantages will only further undermine civilian control, giving the military extra speed and capacity that it can leverage during bureaucratic fights to make and implement policy.

At the same time, there has also been a hollowing out of the processes of civilian control within the Department of Defense itself. In recent years, the Pentagon has faced immense difficulties recruiting, retaining, and managing the civilian professional staff responsible for overseeing the uniformed military. These challenges are the result of underinvestment in the civilian workplace. There is little systematic training to prepare civilian officials for their responsibilities, and they are often thrown into the deep end of the Pentagon and left to sink or swim. In contrast, service members benefit from thorough professional military education programs and other developmental opportunities throughout their careers.

By 2018, this situation had deteriorated to a point where the bipartisan National Defense Strategy Commission, a congressionally appointed panel, concluded that a lack of civilian voices in national security decision-making was “undermining the concept of civilian control.” To be sure, these problems became more acute during the Trump administration, when the Pentagon was littered with acting officials and unfilled positions. But the civilian bench was shallow long before Trump took over.

PLAYING POLITICS

**Partisan polarization** has also undermined civilian control. **After 9/11**, the public’s esteem for the military spiked, and politicians noticed. Elected leaders became increasingly willing to disregard civil-military norms, avoid serious oversight and accountability, and encourage military insubordination to score political points against their political opponents.

Today, politicians on both sides of the aisle capitalize on the military’s **prestige** to shield themselves from criticism and attack their rivals—often a cost-free strategy, given the military’s popularity. During campaigns, candidates often claim that troops prefer them over their opponent; in 2020, a Trump ad featured the tagline “Support our troops,” and Biden cited a Military Times poll to suggest that it was he who enjoyed their support. Candidates regularly seek the endorsement of retired generals and even use them as partisan attack dogs. At the 2016 Republican National Convention, the Trump adviser Michael Flynn, who had then been out of the military for just two years, criticized Trump’s opponent, Hillary Clinton, and encouraged the crowd to chant “Lock her up!” As president, Trump repeatedly delivered partisan speeches in front of uniformed audiences, once telling officers at MacDill Air Force Base, “We had a wonderful election, didn’t we? And I saw those numbers—and you like me, and I like you.” In over-the-top campaign videos, some post-9/11 veterans running for office use their experience as a means of dividing those who served from those who did not. In 2020, the Republican Texas congressman and former Navy SEAL Dan Crenshaw released an Avengers-themed ad entitled “Texas Reloaded” that featured attack helicopters, fighter jets, and Crenshaw himself parachuting out of a plane.

More frequently ignored, however, are the less egregious moments of politicization, such as presidents donning bomber jackets and flight suits in public speeches to military audiences or venturing to West Point to make major foreign policy addresses rather than to a civilian university. All these actions reinforce the belief that military service is superior to other kinds of public service.

Even though politicians try to gain electoral advantage through such behavior, what they are ultimately doing is damaging their own authority. By lionizing the armed forces, politicians teach the public to expect elected officials to make concessions to military leaders or defer to them on important decisions. This same dynamic motivates civilian leaders to encourage officers to serve as “the adults in the room,” resist or oppose their partisan opponents’ policies, or resign in protest against a lawful order from an elected president. Although there may be short-term advantages to such behavior (assuming, of course, that the military leaders are correct), it subverts the broader principle that civilians get to pursue the policies they were elected to carry out.

The military has also played a role in the degradation of civilian control. For one thing, its nonpartisan ethic is in decay. Whereas the majority of senior military officers did not identify with a political party as late as 1976, nearly three-quarters do so today, according to surveys of senior officers attending various war colleges conducted between 2017 and 2020. Many service members are comfortable airing their partisan political commentary on social media to wide audiences, an outspokenness that would have made past generations of soldiers blush. Retired generals involved in politics—especially through campaign endorsements—reinforce to those in uniform that the military is riven by partisan divides. Senior military leaders have largely failed to address this behavior, either looking the other way or attributing it to a few bad apples. Their silence, however, normalizes partisanship in the military, with those in uniform concluding that it is acceptable to openly pick political sides. Recent surveys of senior active-duty officers found that roughly one-third had observed their colleagues make or share disparaging comments about elected officials on social media.

Service members also make civilian control that much harder when they act as if they are superior to their civilian counterparts. Research consistently shows that many in the military believe that their decision to serve in uniform makes them morally superior to those Americans who did not make that choice. According to a 2020 survey by the research institution NORC, this sense of superiority extends even to their views of those Americans whose jobs also entail significant risks—including doctors fighting the pandemic and diplomats serving in combat zones or in hardship assignments. At the extreme, military personnel question the legitimacy of the civilians who oversee them, especially if they suspect that those leaders don’t share their partisan views.

Another factor undermining civilian authority is the military’s attachment to the notion that it should have exclusive control over what it views as its own affairs. This concept, endorsed by the political scientist Samuel Huntington, contends that the military has a right to push back when civilians attempt to interfere in military matters. According to this view, autonomy is a right, not a privilege. But military and political affairs are not as distinct as many officers have been led to believe, and the experience of other countries suggests that alternative models are just as plausible: throughout Europe, for example, military leaders are accustomed to much more intrusive oversight than their U.S. counterparts.

HOLLYWOOD TREATMENT

Trends in **American culture** underpin many of these problems. Americans increasingly **fetishize** the armed forces and believe that the only true patriots are those in uniform. According to Gallup polling, the public consistently has **more confidence** in the military than in **any other** national institution. That admiration, coupled with declining trust and confidence in civilian organizations, means that large segments of the population think that those in uniform should run the military, and maybe even the **country itself**.

This adoration has grown in part out of efforts to bring the military out of its post-Vietnam malaise. In 1980, Edward Meyer, the army chief of staff, declared his force a “hollow army,” and that same year, an operation intended to rescue U.S. hostages in Iran ended in disaster, showing the public just how depleted its armed forces had become. While Congress attempted to rectify the situation by ramping up military spending, the military cannily worked to rehabilitate its image through popular culture. In the 1980s, the Pentagon cooperated with big-budget movies such as Top Gun, a practice it has continued to the present with such superhero films as Captain Marvel. By conditioning its cooperation and provision of equipment on approval of the script, the military learned that it could influence storylines and enhance its brand.

Another contributing problem is the military’s tendency to recruit heavily from particular subsections of American society. With few calls for shared sacrifice or national mobilization during the wars in Afghanistan and Iraq, the majority of the public had little to do besides thank the troops for their service. The military, meanwhile went to great lengths to honor soldiers with patriotic displays centered on the nobility of military service, notably during college and professional sporting events. These trends all reinforced the notion that military service members were truly exceptional—better, different, and more selfless than the civilians who cheered them on.

**2AC---Ukraine Thumper**

**Ukraine thumps.**

**Yousif 22** [Elias Yousif, TLDR. Research Analyst, Conventional Defense, Stimson. More quals. Research Analyst with the Stimson Center’s Conventional Defense Program. His research focuses on the global arms trade and arms control, issues related to remote warfare and use of force, and international security cooperation and child soldiers prevention. Prior to joining the Stimson Center, Elias was the Deputy Director of the Security Assistance Monitor at the Center for International Policy where he analyzed the impact of U.S. arms transfer and security assistance programs on international security, U.S. foreign policy, and global human rights practices. Elias was previously a Campaigns and Research Officer with Crisis Action in Beirut, Lebanon, where he worked on advocacy and policy proposals to improve civilian protection, humanitarian access, and conflict resolution in Syria, Yemen, and South Sudan. He also worked with Crisis Action in Washington, D.C. as a Campaigns and Advocacy Associate, where he advised on U.S. policy related to civilian harm in the Middle East and Sub-Saharan Africa. Elias received his BA from American University; "Ukraine to Set Record for U.S. Security Assistance • Stimson Center"; Stimson Center; Published: 5-23-2022; Accessed: 6-25-2022; https://www.stimson.org/2022/ukraine-to-set-record-for-u-s-security-assistance/; KL]

Less than halfway through the year, the May 19, 2022 passage of more than $41 billion in emergency funding for Ukraine positions the country to become the largest single recipient of U.S. security sector assistance in 2022. The latest funding includes at least $6 billion in direct military aid to Ukraine, and billions more for Ukraine and other European partners. Altogether, even a conservative estimate places the value of the military assistance Ukraine will receive in 2022 as **equivalent** to what the U.S. provided **Afghanistan**, **Israel**, and **Egypt** in FY2020 **combined**.

In the aftermath of Russia’s 2014 annexation of Crimea, Ukraine had already become the most significant recipient of U.S. security assistance in Europe, receiving $2.7 billion in American military aid between 2014 and 2021. But now, those totals are being quickly eclipsed as the United States and its western allies rush billions of dollars worth of weaponry to Kyiv.

The unprecedented sum reflects both the strategic earthquake resulting from Russia’s invasion as well as the West’s evolving assessment of Ukraine’s prospects in its fight with Moscow. With such enormous quantities of weaponry now making their way to Ukraine, it’s worth reflecting on the evolution of this extraordinary surge in international military assistance and its consequences.

What’s Been Committed to Ukraine Since the February 24, 2022 Invasion

After Russia crossed into Ukraine on February 24, 2022, the United States massively expanded its security assistance efforts and began making use of emergency authorities to expedite the transfer of weaponry and equipment to the country. Since February 2022, the United States has provided $3.9 billion in security sector assistance to Ukraine. In short, in less than three months between February and April 2022, the United States provided one billion more in security assistance than it did in the seven years between 2014 and 2021.

The United States has provided a wide range of weapons and equipment. According to U.S. government reports, as of May 6th, United States had committed the following:

* More than 1,400 Stinger anti-aircraft systems
* 5,500 Javelin anti-armor systems
* 14,000 other anti-armor weapon systems
* 700 Switchblade drones and an undisclosed number of Phoenix Ghost Tactical Drones
* 16 helicopters
* Hundreds of High Mobility Multipurpose Wheeled Vehicles
* 90 155mm Howitzer artillery pieces and nearly 200,000 shells
* 200 armored personnel carriers
* 7,000 small arms
* 50 million rounds of small arms ammunition

The vast quantity of weapons and equipment provided to Ukraine totals over $3.8 billion so far and excludes the billions in military related assistance in the emergency supplemental passed by Congress on May 19. The new funding package adds an additional $6 billion for the Ukraine Security Assistance Initiative – the Ukraine-specific program that funds defense acquisition for the government in Kyiv – and an additional $4 billion in Foreign Military Financing for Ukraine and other European allies. Additionally, the bill adds $9.05 billion to replenish U.S. weapons stockpiles depleted by a series of transfers to Ukraine and other neighboring states. The bill also raises the **statutory limit** for what the President is permitted to transfer from existing U.S. weapons stockpiles to $11 billion, providing another pool of equipment that the President can draw from.

Arriving at an **exact total** for military aid committed to Ukraine in the aftermath of this bill’s passage is **challenging**. Much of the assistance is being made available to Ukraine and “and countries impacted by the situation in Ukraine.” In addition, the funding for stockpile replenishment may not represent the exact equivalent of military hardware that has already been transferred to Kyiv. Nevertheless, estimates of the **aggregate value** of military aid committed to Kyiv would likely make Ukraine the **largest yearly** U.S. security assistance recipient of the **21st century**.

The Evolution of U.S. Security Assistance to Ukraine

Changes in the scale, scope, and makeup of U.S. security assistance over the first four months of the conflict in Ukraine reflect shifting war imperatives, political realities, and appraisals of potential conflict outcomes.

The earliest days of the war following Russia’s invasion in February 2022 were characterized by positional urban fighting and small unit tactics. The United States, Kyiv, and other international partners were focused on equipping forces defending key urban areas with weaponry that could be quickly delivered and used without significant sustainment or training need. The result was thousands of shoulder-fired anti-armor and anti-air missiles, thousands of small arms, and millions of rounds of small arms ammunition pouring into the country. Just over two weeks after the beginning of the conflict, by March 16, 2022, U.S.-origin equipment committed to Ukraine included:

* 600 Stinger anti-aircraft systems
* 2,600 Javelin anti-armor systems
* Tactical drones
* 200 shotguns
* 200 machine guns
* 40 million rounds of small arms ammunition
* 1 million grenade, mortar, and artillery rounds

While the United States did provide a handful of rotary aircraft and armored personnel carriers, much like Ukraine’s other military patrons, Washington was acutely concerned that the provision of more advanced or heavy weaponry could provoke an escalation from Moscow. In striking the balance of providing weapons to help Ukraine defend itself, Washington sought to test the limits of assistance without sparking a wider war or a direct retaliation from the Kremlin, especially as President Putin rattled his nuclear saber. Those sensitivities were on full display after a surprise proposal from Poland to transfer some of its Soviet-era fighter jets to Ukraine in exchange for new U.S. aircraft was shot down by the Biden Administration for fear it was too direct an incitement of Russian animosity.

Those calculations changed in late March, as stiff Ukrainian resistance and failures in the Russian assault allowed Kyiv to withstand much of the Kremlin’s initial offensive, especially around the capital. Incapable of managing their stretched logistics and maintaining pressure around so many axes of advance, Russia elected to withdraw from significant portions of the country and re-orient their war effort toward seizing the country’s east and, potentially, coastal south.

The battlefield transition also catalyzed a transition in Washington’s view of the conflict and the nature of its security assistance to Ukraine. Strategically, it crystallized assessments that Ukraine and its government would survive the conflict with significant territory under its control and could potentially reclaim some areas it lost to Russia in the conflict’s initial phase. With the imminent and existential threat relatively at bay, and with somewhat more generous time horizons, new opportunities to consider security packages with more advanced weaponry with longer lead times became viable.

Additionally, a battle for Ukraine’s east represents a fundamentally different operational context. Far from the positional urban fighting that Ukraine was able to master early on, the famed Eurasian steppe presents new advantages for Russia. Shorter supply lines, a more concentrated frontline, and open terrain that advantages Russia’s mechanized armor and long-range heavy firepower will create significant tactical challenges for Ukrainian defenders. As Ukraine’s foreign minister put it to a NATO gathering, “the battle for Donbas will remind you of the Second World War with large operations, thousands of tanks, armored vehicles, planes, artillery.”

Accordingly, in this new phase of the conflict, the United States has dramatically enhanced its security assistance to Ukraine, expanding to newer, more advanced weapons systems that speak to the particular battlefield realities of this new phase in the war. With battlefield outcomes now being determined by the accuracy and range of heavy weaponry, the U.S. has committed additional artillery, air defense systems, advanced radar systems, more rotary aircraft, and a slew of never before seen drones that will see some of their first combat in Ukraine. The change reflects both the new battlefield challenges Ukraine will face in the Donbas, but also the view from Washington that Russia’s warnings against providing additional weaponry to Kyiv are mostly rhetorical.

In addition, the United States has expanded its assistance in non-material but strategically significant ways. Perhaps most important has been Washington’s provision of real-time intelligence to Ukrainian forces. Reports suggest that Ukraine has made use of the information to target high-ranking Russian military officials and to sink Russia’s famed Black Sea flagship, the Moskva. The U.S. has also begun providing training to Ukrainian troops on some of the new weapon systems they are set to receive, though the training continues to take place outside of Ukraine.

Extraordinary Authorities

Since 2014, the United States has relied on a handful of conventional **s**ecurity **c**ooperation and assistance authorities to support Ukraine’s defense and security forces, including Foreign Military Financing, International Military Education and Training, and the purpose-built Ukraine Security Assistance Initiative. These programs followed typical Congressional appropriations processes and reflected a more methodical approach to building Ukrainian security capacity.

However, current events have changed the **traditional** assistance model. In late 2021, as the U.S. intelligence community became convinced that a Russian invasion was imminent, the United States faced a new urgency to shore up Ukrainian defenses against the substantially more developed military might of the Kremlin. The Biden Administration reached for **new** and **exceptional** tools to get hardware to Ukrainians quickly.

The most prominent of those exceptional tools has been the **Presidential Drawdown Authority**, which allows the **Executive Branch** to **take weapons**, ammunition, and other materiel from existing U.S. stocks and provide them to other countries **without congressional authorization**. The Biden Administration has invoked the authority **ten times** for Ukraine since August 2021. To put that in context, a 2016 Government Accountability Office report found that the authority was invoked just **11** times between 2011 and 2015. The authority offers some advantages in the current context, including reducing lead times for materiel from months or years to days and weeks.

Additionally, in March 2022, the President invoked an emergency authority under the **Arms Export Control Act**, which allows the Executive Branch to **bypass** the statutorily mandated **congressional notification** process and **proceed immediately** with an international arms sale or export. The authority requires the Executive to certify that an emergency exists that creates a national security imperative for the immediate sale or export of defense articles or services without the typical 15-30 pause for notification and congressional consideration. The authority has only been invoked on a handful of occasions, including in 2019 when President Trump controversially used it to transfer munitions and other defense articles to members of the Saudi-led coalition fighting in Yemen without congressional notification and despite strong congressional opposition.

Congress has also passed an updated version of the World War II-era **Lend Lease Act**, authorizing the Administration to provide military equipment to Ukraine and other countries in the region on an **indefinite basis** and without the need to come back to Congress for **additional funding**. During the Second World War, President Franklin D. Roosevelt used the statute to arm Britain and, to a lesser degree, Russia.

In addition, with the passage of the most recent 41 billion dollar package, the President has now submitted and been granted two emergency supplemental funding requests to Congress amounting to more than $**54 billion** related to Ukraine including at least $32.3 billion for European theatre defense and **security assistance**.

Conclusion

The war in Ukraine has fundamentally shifted the focus of U.S. military assistance. For the first time in the 21st century, the largest recipient of U.S. security assistance is not in the Middle East or Central Asia, but in Europe. The war in Ukraine has become the defining foreign policy priority of the Biden Administration, and with a growing consensus in Western capitals that the end to the war is nowhere in sight, it is likely that the volume of military assistance the United States provides to Ukraine will continue to climb.

**2AC---No Link**

**Normal means involves Congressional oversight.**

**Committee on Armed Services 19** [Committee on Armed Services U.S. House of Representatives; "Oversight Plan for the 116th **Congress**"; Published: 2019; Accessed: 6-25-2022; https://armedservices.house.gov/\_cache/files/b/2/b236a61e-6d45-40cd-9ad8-bc99b83dfa3b/AE1FC7A607C9432146B32AF84E99181B.hasc-oversight-plan-for-the-116th-congress.pdf; KL]

**Emerging Threats** and **S**ecurity **C**ooperation

The United States faces a complex array of threats to national security in the political, economic, military, and social domains. State and non-state actors are increasingly leveraging rapid advances in technology to pose **new** and **evolving** threats, particularly in the realm of space, **cyberspace**, proliferation of weapons of mass destruction, high performance **computing**, and other emerging and disruptive technologies. Furthermore, threats to national security are no longer isolated to state or non-state actors. As identified by the intelligence community, infectious disease outbreaks and climate change threaten security and stability around the globe and have significant implications for U.S. national security as well as military operations.

The committee will conduct oversight of numerous **cross-cutting** Department of Defense activities central to addressing these emerging and unforeseen threats, including oversight of countering weapons of mass destruction programs, counterterrorism operations, humanitarian assistance operations, and **s**ecurity **c**ooperation.

Further, the committee will conduct oversight of security cooperation and **building partner capacity** (BPC) programs in the 116th Congress. The **N**ational **D**efense **A**uthorization **A**ct for Fiscal Year 2017 (Public Law 114-328) contained **comprehensive reform** of the authorities, funding, programs, and oversight of security cooperation. The committee will monitor and evaluate the implementation of these security cooperation provisions to ensure that they are sufficient to **meet requirements**, **properly executed**, and consistent with **national security** objectives. The committee will also review and act upon additional reforms, as appropriate.

The committee will maintain oversight of the Department's activities in theaters where security cooperation is the primary means of achieving U.S. objectives, such as Africa and Central and South America. Additionally, the committee will continue to examine the Department's coordination within the interagency to ensure the range of the Department’s activities occurring in Africa contribute to U.S. national security objectives. The committee will examine the issues affecting U.S. national security in Central and South America, including illicit trafficking and transnational organized crime. The committee is particularly concerned about instability in Central America.

**2AC---AT: Human Rights Link**

**No link to NATO.**

PN = partner nation

**Bushley 17** [U.S. Army Capt. Adam Bushley, Rule of Law attorney for Task Force Wolverine, 86th Infantry Brigade Combat Team; "Governance: The Missing Ingredient in Security Cooperation"; U.S. Army Command and General Staff College; Published: 2017; Accessed: 6-18-2022; https://apps.dtic.mil/sti/pdfs/AD1038564.pdf; KL]

As stated previously, **CRS research** found that regardless of the strategic objective sought, the programs implemented in fragile or failing states were almost universally the least successful programs.189 Likewise, they also found the opposite to be true—the **higher the degree** of good governance and legitimacy in a partner nation’s institutions, the greater the likelihood of a successful SC/SA program.190 Therefore, if SC/SA efforts focused on strengthening defense institutions, power structures, incentives, the rules of the game, and norms and behaviors, long-term U.S. SC/SA objectives could be more **effectively achieved** with a PN with a more **legitimate** and **accountable** defense institution.

**2AC---Military Turn**

**The best diplomacy is a strong military. Oversight destroys US leadership. Extinction.**

**O’Rourke 22** [Ronald O'Rourke, Specialist in Naval Affairs; "Renewed Great Power Competition: Implications for Defense—Issues for Congress"; Congressional Research Service; Published: 2-10-2022; Accessed: 6-23-2022; https://apps.dtic.mil/sti/pdfs/AD1159700.pdf; KL]

Maintaining U.S. Superiority in Conventional Weapon Technologies

As part of the renewed emphasis on capabilities for high-end conventional warfare, DOD officials have expressed concern that **U.S. superiority** in conventional weapon technologies has **narrowed** or in some cases even been **eliminated** by **China** and (in certain areas) **Russia**. In response, DOD has taken a number of actions in recent years that are intended to help maintain or **regain U.S. superiority** in conventional weapon technologies, including increased research and development funding for new militarily applicable technologies such as artificial intelligence (AI), autonomous unmanned weapons, hypersonic weapons, directed-energy weapons, biotechnology, and quantum technology. 68 A February 2, 2022, press report stated:

The Pentagon’s research and engineering chief is crafting a new strategy for investment in 14 critical technology areas, writing in a new memo that “creative application” of emerging concepts is key to maintaining an edge over adversaries.

The Feb. 1 memo, first reported by Inside Defense, does not lay out a timeline for when the strategy will be complete, but notes the work will be informed by the 2022 National Defense Strategy and structured around three pillars: Mission focus, foundation building and succeeding through teamwork.

“Successful competition requires imagining our military capability as an **ever-evolving collective**, not a static inventory of weapons in development or sustainment,” Undersecretary of Defense for Research and Engineering Heidi Shyu wrote in the memo, obtained by C4ISRNET. “In many cases, **effective** competition benefits from **sidestepping** symmetric arms races and instead comes from the **creative application** of new concepts with **emerging** science and **technology**.”

The technologies identified in the memo ranges from “seed areas”—like quantum science, **biotechnology**, advanced materials and future-generation wireless technology—to commercially available capabilities such as **artificial intelligence**, space, microelectronics, integrated networks, renewable energy, human-machine interfaces and advanced computing and software.

The memo also highlights technology needs that are specific to the Defense Department, including hypersonic weapons, directed energy, **cyber** and integrated sensing.

“By focusing efforts and investments into these 14 critical technology areas, the department will accelerate transitioning key capabilities to the military services and combatant commands,” Shyu writes. “As the department’s strategy evolves and technologies change, the department will update its critical technology priorities.”69

Innovation and Speed of U.S. Weapon System Development and Deployment

In addition to the above-mentioned efforts for maintaining U.S. superiority in conventional weapon technologies, DOD is placing new emphasis on innovation and speed in weapon system development and deployment, so as to more quickly and effectively transition new weapon technologies into fielded systems. The 2018 NDS places states

Deliver performance at the speed of relevance. Success no longer goes to the country that develops a new technology first, but rather to the one that better integrates it and adapts its way of fighting. Current processes are not responsive to need; the Department is overoptimized for exceptional performance at the expense of providing timely decisions, policies, and capabilities to the warfighter. Our response will be to prioritize speed of delivery, continuous adaptation, and frequent modular upgrades. We must not accept cumbersome approval chains, wasteful applications of resources in uncompetitive space, or overly risk-averse thinking that impedes change. Delivering performance means we will shed outdated management practices and structures while integrating insights from business innovation.70

The individual military services have taken various actions in recent years to increase innovation and speed in their weapon acquisition programs. Some of these actions make use of special acquisition authorities provided by Congress in recent years that are intended in part to reduce the time needed to transition new weapon technologies into fielded systems, including Other Transaction Authority (OTA) and what is known as Section 804 Middle Tier authority.71

On January 23, 2020, DOD released a new defense acquisition framework, called the Adaptive Acquisition Framework, that is intended to substantially accelerate the DOD’s process for developing and fielding new weapons.72 In previewing the new framework in October 2019, DOD described it as “the most transformational acquisition policy change we’ve seen in decades.” 73

Some observers argue that DOD is not doing enough or moving **quickly** enough to generate and implement innovations in response to **great power competition**, and have proposed steps for doing more or moving more quickly.74 **<<<FOOTNOTE 74 BEGINS>>>** 74 See, for example, Elaine McCusker and Emily Coletta, “Is the U.S. Military Ready to Defend Taiwan?” National Interest, February 6, 2022; Christopher Zember, “Change How OTAs Are Used to Make Them an Essential Tool Against China,” Breaking Defense, February 3, 2022; Robert A. McDonald Sr., M. Sam Araki, and Robert Wilkie, “These Seven Principles Could Help DoD Acquisition in the Face of the China Threat,” Defense News, February 1, 2022; Daniel K. Lim, “Startups and the Defense Department’s Compliance Labyrinth,” War on the Rocks, January 3, 2022; Mike Brest, “Chinese Military Progress ‘Stunning’ While US Slowed by ‘Brutal’ Bureaucracy, Joint Chief Warns,” Washington Examiner, October 28, 2021; Sandra Erwin, “Hyten Blasts ‘Unbelievably’ Slow DoD Bureaucracy as China Advances Space Weapons,” Space News, October 28, 2021; Alex Marquardt and Oren Liebermann, “Senior US General Warns China’s Military Progress Is ‘Stunning’ as US Is Hampered by ‘Brutal’ Bureaucracy,” CNN, October 28, 2021; Meghann Myers, “Risk Aversion and Secrecy Are Costing US Its Military Advantage, No. 2 General Says,” Military Times, October 8, 2021; Ryan Tracy, “As Google, Microsoft and Amazon Seek Bigger Defense Role, Some Are Leery,” Wall Street Journal, September 7, 2021; Peter Spiegel, “How America Found Itself Fighting the Last War—Again,” Financial Times, August 18, 2021; Arnold Punaro, “Book Excerpt: Pruning The Acquisition Kudzu,” Breaking Defense, July 29, 2021; Mike Glenn, “Pentagon Must Pick Up the Pace to Counter China, Top General Warns,” Washington Times, July 26, 2021; Bryan Clark and Dan Patt, “Give Combatant Commanders the Tools to Innovate,” Defense News, July 13, 2021; Elaine McCusker and Dan Patt, “Faster Weapon Buys: Try Evolutionary Innovation,” Breaking Defense, July 2, 2021; Melissa Flagg and Jack Corrigan, “Ending Innovation Tourism, Rethinking the U.S. Military’s Approach to Emerging Technology Adoption,” Center for Security and Emerging Technology (CSET), July 2021, 22 pp.; Michèle A. Flournoy, “America’s Military Risks Losing Its Edge, How to Transform the Pentagon for a Competitive Era,” Foreign Affairs, May/June 2021; Missy Ryan, “The U.S. System Created the World’s Most Advanced Military. Can It Maintain an Edge?” Washington Post, April 1, 2021; Chris Dougherty, “Want an Agile Pentagon? Don’t Go Chasing ‘Waterfalls,’ Four-Year Strategy Reviews Aren’t Good Enough. Biden’s Pentagon Should Take a Page from Software Firms,” Defense One, March 22, 2021; Matthew Beinart, “Pentagon Needs New Acquisition Authorities To Stay Ahead In AI Tech Race, Commission Officials Say,” Defense Daily, March 12, 2021; Joe Gould, “Pentagon Processes ‘Antithetical’ to AI Development, Former Google CEO Warns,” C4ISRNet, March 12, 2021; Bill Greenwalt, “Competing in Time: How DoD Is Losing The Innovation Race To China, Despite Reforms, the Pentagon and Congress Have Failed to Break Out of a Cold War, CentralPlanning Model That’s Stifled Innovation.,” Breaking Defense, March 9, 2021; Joe Gould, “Pentagon’s Dated Budget Process Too Slow to Beat China, New Report Says,” Defense News, February 25, 2021; Sydney J. Freedberg Jr., “Experts Tell Congress How To Turn Innovation Into Reality,” Breaking Defense, February 23, 2021; Bryan Clark and Dan Patt, “The Pentagon Needs Budget Agility to Compete with China,” Defense One, February 12, 2021; Nate Ashton, “Urgently Needed: Tech-Savvy Defense Leaders,” Defense News, February 10, 2020; William Greenwalt and Dan Patt, Competing in Time: Ensuring Capability Advantage and Mission Success through Adaptable Resource Allocation, Hudson Institute, February 2021, 64 pp.**<<<FOOTNOTE 74 ENDS>>>** A January 2020 GAO report on weapon system reliability in defense acquisition, however, states

DOD has taken steps to **accelerate** weapon system development, and **decision-making** authority has been **delegated** to the military services. In an environment emphasizing speed, without senior leadership focus on a broader range of key reliability practices, DOD runs the risk of delivering less reliable systems than promised to the warfighter and spending more than anticipated on rework and maintenance of major weapon systems. 75

DOD officials and other observers argue that to facilitate greater **innovation** and **speed** in weapon system development and deployment, U.S. defense acquisition policy and the **oversight paradigm** for assessing the success of acquisition programs will need to be **adjusted** to place a **greater emphasis** on innovation and speed as measures of merit in defense acquisition policy, alongside more traditional measures of merit such as minimizing cost growth, schedule delays, and problems in testing. As a consequence, they argue, defense acquisition policy and the oversight paradigm for assessing the success of acquisition programs should place **more emphasis** on time as a **risk factor** and feature **more experimentation**, **risk-taking**, and **tolerance of failure** during development, with a lack of failures in testing potentially being viewed in some cases not as an indication of success, but of inadequate innovation or speed of development.76 **<<<FOOTNOTE 76 BEGINS>>>** 76 See, for example, Tate Nurkin, “To Catch China and Russia in Hypersonic Race, US Must Embrace Risk Now,” Breaking Defense, February 9, 2022; Corey Dickstein, “Vice Chairman Nominee Says US Military Must Adapt New Tech Faster to Compete with China, Russia,” Stars and Stripes, December 8, 2021; Sam LaGrone, “Eliminating ‘Risk Aversion’ Key to Weapons Development, Says Vice Chair Nominee Grady,” USNI News, December 8, 2021; Bryan Clark, “Pentagon And Congress Risk Bungling Drive To Modernize U.S. Military,” Forbes, July 8, 2020; John Grady, “Officials: U.S. Must Move Faster in Testing and Fielding Hypersonics, 5G Networks,” USNI News, June 30, 2020; Michèle A. Flournoy and Gabrielle Chefitz, “Breaking the Logjam: How the Pentagon Can Build Trust with Congress,” Defense News, April 1, 2020; Ankit Panda, “Getting Critical Technologies Into Defense Applications,” National Interest, February 1, 2020; Ankit Panda, “Critical Technologies and Great Power Competition,” Diplomat, January 29, 2020; Michael Rubin, “The Simple Reason Why America Could Lose the Next Cold War to Russia or China,” National Interest, January 14, 2020; George Franz and Scott Bachand, “China and Russia Beware: How the Pentagon Can Win the Tech Arms Race,” National Interest, November 29, 2019; Scott Maucione, “Special Report: Failure Is an Option for DoD’s Experimental Agency, But How Much?” Federal News Week, October 30, 2019; Sydney J. Freedberg Jr., “**Stop Wasting Time** So We Can **Beat** China: DoD R&D Boss, Griffin,” Breaking Defense, August 9, 2018. **<<<FOOTNOTE 76 ENDS>>>**

Mobilization Capabilities for Extended-Length Conflict

The renewal of great power competition has led to an **increased emphasis** in discussions of U.S. defense on U.S. mobilization capabilities for an **extended-length** conflict.77 The term mobilization is often used to refer specifically to preparations for activating U.S. military reserve force personnel and inducting additional people into the Armed Forces. In this report, it is used more broadly, to refer to various activities, including those relating to the ability of the industrial base to support U.S. military operations in a larger-scale, extended-length conflict against China or Russia. Under this broader definition, mobilization capabilities include but are not limited to capabilities for

• inducting and training additional military personnel to expand the size of the force or replace personnel who are killed or wounded;

• producing new weapons and supplies to replace those expended in the earlier stages of a conflict, and delivering those weapons and supplies to distantly deployed U.S. forces in a timely manner;

• repairing battle damage to ships, aircraft, and vehicles;

• replacing satellites or other support assets that are lost in combat; and

• manufacturing spare parts and consumable items.

Some observers have expressed concern about the adequacy of U.S. mobilization capabilities, particularly since this was not a major defense-planning concern during the 20 to 25 years of the post-Cold War era, and have recommended various actions to improve those capabilities. 78 **<<<FOOTNOTE 78 BEGINS>>>** 78 See, for example, Maiya Clark, “Revitalizing the National Defense Stockpile for an Era of Great-Power Competition,” Heritage Foundation, January 4, 2022; Hal Brands and Michael Beckley, “Washington Is Preparing for the Wrong War With China, A Conflict Would Be Long and Messy,” Foreign Affairs, December 16, 2021; Seth Cropsey and Harry Halem, “The U.S. Is **Wholly Unequipped** to Resupply Forces in a **Great-Power Conflict**,” Defense News, October 21, 2021; Marcus Weisgerber, “Digital Engineering Could Speed Wartime Arms Production,” Defense One, June 8, 2021; Government Accountability Office, Navy Ships[:] Timely Actions Needed to Improve Planning and Develop Capabilities for Battle Damage Repair, GAO-21-246, June 2021, 46 pp.; Tristan Abbey, “America’s Stockpiles Are Hardly Strategic,” Defense One, February 9, 2021; Mark Cancian and Adam Saxton, “US War Surge Production Too Slow, CSIS Finds,” Breaking Defense, January 19, 2021; Robert “Jake” Bebber, “State of War, State of Mind: Reconsidering Mobilization in the Information Age, Pt. 1,” Center for International Maritime Security (CIMSEC), January 11, 2021 (drawn from Robert “Jake” Bebber, “State of War, State of Mind: Reconsidering Mobilization in the Information Age,” Journal of Political Risk, October 20, 2020); Mark F. Cancian, Adam Saxton, Owen Helman, Lee Ann Bryan, and Nidal Morrison, Industrial Mobilization: Assessing Surge Capabilities, Wartime Risk, and System Brittleness, Center for Strategic and International Studies (CSIS), January 2021, 57 pp.; Ryan Pickrell, “China Is the World’s Biggest Shipbuilder, and Its Ability to Rapidly Produce New Warships Would Be a ‘Huge advantage’ in a Long Fight with the US, Experts Say,” Business Insider, September 8, 2020; Marcus Weisgerber, “US Shipyards Lack Needed Repair Capacity, Admiral Says,” Defense One, August 27, 2020; Megan Eckstein, “Lack of U.S. Warship Repair Capacity Worrying Navy,” USNI News, August 26, 2020; Paul McLeary, “Navy Plans For Wartime Ship Surge; Looks To Small Commercial Yards,” Breaking Defense, August 25, 2020; David Barno and Nora Bensahel, “Preparing for the next Big War,” War on the Rocks, January 26, 2016; Robert Haddick, “Competitive Mobilization: How Would We Fare Against China?” War on the Rocks, March 15, 2016; David Barno and Nora Bensahel, “Mirages of War: Six Illusions from Our Recent Conflicts,” War on the Rocks, April 11, 2017; Mark Cancian, “Long Wars and Industrial Mobilization,” War on the Rocks, August 8, 2017; Joseph Whitlock, “The Army’s Mobilization Problem,” U.S. Army War College War Room, October 13, 2017; Alan L. Gropman, “America **Needs to Prepare** for a Great Power War,” National Interest, February 7, 2018; Elsa B. Kania and Emma Moore, “The US Is Unprepared to Mobilize for Great Power Conflict,” Defense One, July 21, 2019. See also William Greenwalt, Leveraging the National Technology Industrial Base to Address Great-Power Competition: The Imperative to Integrate Industrial Capabilities of Close Allies, Atlantic Council, April 2019, 58 pp. **<<<FOOTNOTE 78 ENDS>>>** On April 24, 2019, the National Commission on Military, National, and Public Service, a commission created by the FY2017 National Defense Authorization Act (S. 2943/P.L. 114-328 of December 23, 2016),79 held two hearings on U.S. mobilization needs and how to meet them.80 DOD officials are now focusing more on actions to improve U.S. mobilization capabilities.81 A February 2, 2022, press report stated:

If a war against a major adversary breaks out, it’s going to require the military to resupply troops at a pace it hasn’t seen in a long time, Air Force Gen. Jacqueline Van Ovost, head of U.S. Transportation Command, said on Wednesday [February 2].

And to keep up with that frenetic tempo, TRANSCOM is going to have to use machine learning and artificial intelligence to streamline its logistics operations, Van Ovost said in an online conversation hosted by the Center for Strategic and International Studies.

“We can’t afford to sift through reams and reams of data” in a major war, Van Ovost said. “We really do need to apply machine learning and artificial intelligence to turn that data into knowledge, for which we can make decisions. Creating that decision advantage is going to give us that time and space and options for senior leaders to come up with different options to reduce risk, to increase effectiveness.”

Van Ovost said American allies and partners, as well as its potential competitors, are already making fast progress in these areas, and the U.S. must do the same at all levels to be more effective and efficient....

Van Ovost expressed interest in recent work studying the feasibility of using rockets to rapidly move large cargo loads anywhere in the world. TRANSCOM has signed research agreements with companies such as SpaceX and xArc to see how the technology might work, including cargo loading and determining flight frequency.82

**2AC---Polarization Turn**

**Polarization makes congressional oversight ineffective**

**Friedrichs and Tama 3/11**/22 [Gordon Friedrichs, postdoctoral researcher at the Chair for Multi-Level Governance at the Department of Political Science at Freiburg University AND Jordan Tama, Provost Assoc Professor at School of International Service at American University; March 11, 2022; DOA: 6/23/22; “Polarization and US foreign policy: key debates and new findings” <https://doi.org/10.1057/s41311-022-00381-0>; Lowell-ES]

Domestic polarization not only affects the policymaking process but also the way policies become implemented. Scholars of US foreign policy have shown that over time, **the highly contentious forces of domestic politics in some policy areas, such as international economics, have incentivized the president to rely more heavily on other instruments, such as military deployments** and defense procurement (Milner and Tingley 2015). Others have shown that partisan incentives have reduced presi- dents’ use of force abroad and influenced how presidents carry out military operations (Howell and Pevehouse, 2007; Kriner 2010). Meanwhile, others have found that greater prospects for legislative success incline the president to engage in more high-risk military interventions and fewer humanitarian interventions (Marshall and Prins 2016). In addition, **studies on presidential use of executive agreements suggest that domestic polarization inclines presidents to advance their agenda unilaterally** (Caruson and Farrar-Myers 2007; Amirfar and Singh 2018).

Polarization also influences the effectiveness of US foreign policy execution. As some scholars have argued, **polarization has limited the rally-around-the-flag effect in response to external security threats** (Myrick 2021). In addition, political and material costs for the execution of certain partisan foreign policies and visions of international order have increased in times of domestic polarization (Bafumi and Parent 2012; Kreps et al. 2018). As a consequence of the widening gap domestically for a cohesive strategy, the executive branch is more incentivized to politicize US foreign policy through wedge-issues to weaken political opposition (Snyder et al. 2009). **This, in turn, has contributed to a polarization of US relationships with allies and partners** (Drezner 2018).

**2AC---Morale Turn**

**Congressional oversight is bad for policy implementation because it undermines agency morale**

**Marvel and McGrath 16** [John Marvel is an associate professor in the Schar School of Policy and Government, where he teaches courses on organization theory and public administration. Rob McGrath is an Associate Professor and Director of Undergraduate Programs at the Schar School, George Mason University. He holds a PhD in political science from the University of Iowa and a BA from Saint Peter’s College in his native New Jersey and spent two years (2013-2015) as a Robert Wood Johnson Foundation Scholar in Health Policy Research at the University of Michigan. “Congress as manager”{ Journal of Public Policy https://www.jstor.org/stable/pdf/26775351.pdf?refreqid=excelsior%3Ae8b3afaa1639be3c927190917a3a1dd8&ab\_segments=&origin=]//LP

Part of the job of any manager, in any organisational setting, is to motivate employees. Doing so involves cultivating employee work attitudes (e.g. job satisfaction, organisational commitment) and behaviours (e.g. arriving to work on time, aiding coworkers) that are thought to be associated with individual- and organisational-level performance. In exercising its oversight function, however, Congress is not necessarily interested in doing these things. Instead, it is primarily interested in ensuring federal agencies’ responsiveness to legislative preferences.4 However, in pursuing responsiveness, Congress can unwittingly harm agency morale. Before fully developing this argument below, we define the empirical focus of our study – agency morale – and discuss its importance for agency performance. We use the term “agency morale” to denote agency employees’ collective feelings of autonomy and job satisfaction. Theory and evidence from the organisational behaviour literature suggest that, at the individual level, both of these traits are positively related to job performance. In a meta-analysis of 312 independent samples, Judge et al. (2001) found a correlation between job satisfaction and job performance of 0.30. Similarly, in a meta-analysis of 101 independent samples, Spector (1986) found a correlation between autonomy and job performance of 0.26. In fact, these correlations likely underestimate the total impact of job satisfaction and autonomy on performance, given that both are associated with numerous other work attitudes and behaviours that are themselves related to performance. These include, for instance, organisational commitment, role conflict, role ambiguity, emotional distress, absenteeism, turnover intention and actual turnover (Spector 1986; Mathieu and Zajac 1990; Tett and Meyer 1993; Meyer et al. 2002; Riketta 2002). Theories of public sector organisational effectiveness and political control pay special attention to autonomy. The former typically emphasises autonomy’s salutary operational qualities: it allows agencies to use their expertise to solve pressing implementation problems, make and execute decisions quickly, and pursue their missions in an administratively rational manner (see, e.g. Wilson 1989; Wolf 1993; Meier 1997; Rainey and Steinbauer 1999; Brewer and Selden 2000). These theories also assume that autonomy has motivational benefits at the employee level. Individuals – particularly individuals with high levels of formal education and professional training – value autonomy and work harder when it is given to them (see, e.g. Gagné and Deci 2005). In contrast, theories of political control tend to view autonomy as necessary – bureaucracies have expertise that political actors lack, and so delegations of authority are sometimes unavoidable – but potentially problematic, given that bureaucracies are nonelectoral institutions. Yet, even political theories note the importance of autonomy for organisational performance. Gailmard and Patty (2007, 2012), for example, argue that congressional principals, who generally prefer informed to uninformed policymaking, proactively grant autonomy and policymaking discretion to bureaucratic agents in order to incentivise investments in expertise. Whatever their differences, both schools tend to agree that autonomy is systematically associated with organisational performance and the development of policy expertise. Consequently, we believe it is important to examine whether congressional oversight is associated with agency autonomy. Congressional oversight and its managerial consequences We expect that congressional oversight will be negatively associated with autonomy and job satisfaction when such oversight is primarily meant to monitor and control the bureaucracy for political reasons, rather than to aid it in the performance of agency duties (Weingast and Moran 1983; Ferejohn and Shipan 1990; Shipan 2004). Congress is often unlike the manager or firm owner described in standard economic accounts of principal-agent theory. In these accounts, it is usually assumed that the principal is concerned with securing some outcome and is, moreover, happy to let the agent choose whatever means or behaviours best serve that end (for a review, see Eisenhardt 1989). The congressional impulse to control, however, often seeks to dictate the bureaucracy’s choice of means. This impulse is intensified in our separation of powers system, where Congress often competes with the president for agency influence (Shapiro 1994; Whitford 2005). Below, we identify three particular mechanisms through which congressional oversight can harm agency morale and conclude by arguing that oversight’s relationship with morale is ultimately conditional on whether it is adversarial or friendly. Mechanism I: micromanagement Consistent with the predilection of Congress to be interested in control rather than performance, scholars have long noted that its oversight relationship with the federal bureaucracy has been characterised by micromanagement, or “intervention by Congress in administrative details” (Gilmour and Halley 1994, 10). As early as 1885, Woodrow Wilson complained that Congress “has entered more and more into the details of the administration, until it has virtually taken into its own hands all the substantial powers of government” (Wilson 1896, cited in Beermann 2006). Similarly, Wilson wrote that “Congress is commonly criticized for ‘micromanaging’ government agencies; it does and it always has” (1989, 241). More recently, Behn identified political micromanagement as one of public administration’s most pressing problems and elucidated how it hampers agency performance: “The legislative branch is, for some reason, unhappy with the way an executive-branch agency is performing; so the legislators impose some rules on the agency … These new rules prevent, or at least constrain, the agency from doing what the legislature dislikes. Unfortunately, these rules also constrain the agency from producing the results for which it is responsible” (1995, 316). There is reason to believe that oversight has become increasingly driven by this impulse to micromanage and constrain bureaucratic discretion. Summarising a series of 10 case studies on oversight, Gilmour and Halley concluded: The cases show a “congressional co-manager” intervening directly in the details of policy development and management rather than enacting vague, wide-ranging, sweeping statutes to change fundamental policy directions … Gone almost without a trace is the post-New Deal Congress that optimistically delegated broad-scale public problems and policy questions for solution and resolution by the executive branch. Much diminished as well is an executive branch relied upon by Congress for neutral competence and specialized expertise. Instead, the story … is one of the retrieval of executive discretion and the highly specific redefinition—by Congress—of prior delegations of authority. (1994, 335–336) In the same vein, Aberbach (1990) showed that the average number of pages per statute enacted by Congress rose sharply between the 80th (1947–1948) and the 103rd (1993–1994) sessions of Congress, indicating an increased command-and-control orientation in legislative-bureaucratic relations. More recently, Balla and Deering (2013) coded a sample of all congressional hearings that occurred during the 96th (1979–1981), 100th (1987–1989), 104th (1995–1997) and 108th (2003–2004) sessions of Congress. They found that most hearings – over 80% in each session – are police patrols, as opposed to fire alarms, indicating that Congress has an abiding interest in monitoring what the federal bureaucracy is doing and in how it is doing it. As a recent illustration of this mechanism, scholarly research and witness testimony from administrators from the Centers for Medicare and Medicaid Services (CMS) attest that members of Congress are keen to micromanage policies governing provider payment (Pham et al. 2009). Besides this micromanagement mechanism, there are at least two more possible avenues by which oversight may harm agency morale. First, preparing for and participating in oversight hearings, especially high-profile ones, levies opportunity costs on agency employees. Rather than focussing on, say, fulfilling their missions, or competently implementing legislative policy, agency employees must respond to the priorities of a committee holding an oversight hearing. We call these opportunity costs short term to differentiate them from the more fundamental (and psychological) crowding-out of experienced meaning that congressional micromanagement entails. Finally, it is reasonable to assume that negative congressional attention whose aim is to publicly embarrass high-level agency managers would be demoralising to the agency as a whole. A recent example of this involves the General Services Administration (GSA) and the attention it received in 2012, after stories of wasteful spending at its Western Regions Conference surfaced in the media. The aftermath included many high-profile oversight hearings and numerous internal reports that sought to assign responsibility for the agency’s actions. As “fraud, waste and abuse” are anathema to both parties, Democrats as well as Republicans relentlessly attacked the GSA in hearings. In this instance, Congress can be seen to have had a genuine interest in improving GSA performance into the future. In other words, this was an ideal opportunity for Congress to act as a genuine performance manager – that is, to take a sincere interest in remedying whatever underlying organisational problems (e.g. issues with organisational culture, ineffective internal accountability structures, etc.) may have contributed to the GSA scandal. Instead, Congress appeared to be more interested in obtaining whatever political mileage it could by publicly scolding top-level GSA employees.

**2AC---Oversight Fails---AI**

**Without massive reforms congressional oversight of AI fails**

**Engler 20** [Alex C. Engler is a Fellow in Governance Studies at The Brookings Institution, where he studies the implications of artificial intelligence and emerging data technologies on society and governance. Engler also teaches classes on data science and visualization at Georgetown’s McCourt School of Public Policy, where he is an adjunct professor and affiliated scholar. https://www.brookings.edu/research/how-the-biden-administration-should-tackle-ai-oversight/]//LP

Had Democrats decisively won control of the White House and the Senate, there would be a robust conversation around legislatively expanding the federal government’s authority for technology oversight. While this conversation would take a backseat to issues like fighting the COVID-19 pandemic and shoring up the economy, legislation on new data privacy and algorithmic consumer protections could have had a chance in the first term of the Biden administration. Even a technology oversight agency would have been possible, and perhaps still is, pending the results from the Georgia special elections. Yet, even without a Democratic majority in the Senate, there are meaningful steps that the Biden administration can take to further reasonable oversight of the technology sector, and specifically the largely unregulated use of artificial intelligence (AI) and algorithmic decision-making. The Biden administration can reverse Trump-era executive orders and agency regulations, instead requiring federal agencies to enforce existing discrimination laws on algorithmic systems and expanding their regulatory capacity to do so. President-elect Biden should push Congress to enact new algorithmic consumer protections in any new legislative compromises on privacy or antitrust, and further support the revival of the Office of Technology Assessment. These efforts are likely not sufficient in the long term. The digital economy accounts for over 9% of GDP–larger than the finance sector–and was growing at 6.8% per year before the pandemic. Since the rise of the modern regulatory state in the 1970s, perhaps no other segment of the overall economy has experienced such growth while remaining largely unregulated. Even that framing understates the importance of data systems and algorithms, which are affecting nearly every part of our society. While the economic growth is undeniable, the mass proliferation of data systems and algorithms—especially in the form of permissionless innovation—has enabled extensive societal harms. A new regulatory agency, or expanded capacity of an existing agency such as the Federal Trade Commission, is necessary. For now, however, the Biden administration should take the available steps to curtail the direct harms, especially algorithmic discrimination, enabled by AI. EXECUTIVE ACTIONS TO ENFORCE EXISTING LAWS The use of algorithmic decision-making in many industries poses serious challenges for regulatory enforcement of existing laws. Health insurance companies implement risk prediction tools that are likely prioritizing care in racially biased ways, which is illegal for any providers receiving federal funds from programs like CHIP and Medicaid or insurers participating in the Affordable Care Act exchanges. AI systems used to perform automated video interviews are undoubtedly deeply flawed as well, and there is cause for investigation to see if they discriminate against people with disabilities in violation of the Americans with Disabilities Act. The algorithms that manage Uber and Lyft drivers can make decisions that obscure the lines between employee and independent contractor for purposes of enforcing the Fair Labor Standards Act. However, the Office of Civil Rights within the Department of Health and Human Services, the Equal Opportunity Employment Commission, and the Department of Labor, respectively, may not be equipped to handle these questions. The Biden administration should be more proactive than the Trump White House, which took minimal action to avoid problems associated with the use of algorithms. Following a February 2019 executive order, the Office of Management and Budget (OMB) issued its final guidance on the regulation of artificial intelligence on Nov. 17, 2020. While there are serious and reasonsed aspects of the document, it makes clear that AI innovation, and not regulatory protection, is the foremost priority of the Trump administration. For instance, while it seems encouraging that the guidance includes mention of “fairness and non-discrimination” as well as “disclosure and transparency,” these were part of a long list of required considerations before implementing new regulations. A careful reading of this document—such as the section offering a series of non-regulatory interventions—suggests it is meant to deter, not encourage or enable, new regulatory safeguards for AI applications. It is possible that this is an overly critical reading of the White House guidance—to its credit, it does prompt agencies to think more about AI regulation. However, the status quo is untenable, as it functionally inoculates companies from anti-discrimination laws when they use algorithms. Since this guidance from OMB Director Russell Vought downplays the well-documented discriminatory harms from some AI systems, the Biden administration should amend this guidance to ensure that current law is appropriately enforced on algorithmic systems. Specific agency-level guidance needs reversal as well, such as a rule from the Department of Housing and Urban Development that places an insurmountable burden of proof on claims of discrimination against algorithms used for mortgage loan or rental applications. In order to execute on this guidance, federal agencies will need the capacity to investigate algorithmic systems. These ex-post audits should focus on highly impactful, large-scale AI systems, and especially those that have already been implicated by nonprofits and academic evaluations. While it may seem as though this would require the models themselves, this is far less important than access to the underlying datasets and model outputs. Therefore, regulatory agencies should use available administrative subpoena powers to gain access to the relevant corporate datasets. There are already about 335 of these authorities across the federal government. The auditing of these massive data systems may be a daunting task for many agencies. In order to support this new responsibility, the Biden administration should direct the United States Digital Service (USDS) to hire a line of data scientists and engineers to support the algorithmic regulatory capacity of federal agencies. USDS has been a successful initiative to bring technical talent into the federal government to modernize services, and it is well-positioned to bring in the talent needed to build secure data environments and conduct algorithmic audits. The Biden administration should make this endeavor a policy priority, using hiring authority within the Office of Science and Technology Policy (OSTP) and Presidential Innovation Fellowships to bring in more expertise. Lastly, Biden should also endorse the revival of the Office of Technology Assessment, which seeks to provide Congress with additional capacity and more informed technology sector oversight. The fast pace of technological development and proliferation has left Congress behind, especially since the defunding of the original Office of Technology Assessment in 1995. Further, congressional offices have reduced staff funding in their Washington offices, leading to younger, less-experienced staff working on a larger number of policy issues. This is hardly an ideal outcome for handling the novel and complex challenges posed for AI and technology governance. Of course, this is not to argue that the Biden administration should only work to rein in the use of AI. The administration should continue the extensive new funding streams from the National Science Foundation for National AI Institutes. The administration should also keep engaging the Global Partnership on AI, working toward democratic norms for AI’s role in the world. Investing in AI research and working toward global consensus on AI are both critically important. However, it is AI oversight that needs a course correction. To keep citizens safe from the overuse and abuse of algorithmic systems, the Biden administration has much work to do—but it also has the tools to get started.

**Oversight of AI fails**

**Stone 21** [Corin R. Stone, Scholar-in-Residence at the Washington College of Law; “Artificial Intelligence in the Intelligence Community: Oversight Must Not Be an Oversight”; November 30, 2021; DOA: 6/25/22; <https://www.justsecurity.org/79254/artificial-intelligence-in-the-intelligence-community-oversight-must-not-be-an-oversight/>; Lowell-ES]

But intelligence oversight is complicated and has not sufficiently evolved with the times. When it comes to assessing progress of IC programs, standard oversight processes typically track defined, pre-determined requirements, cost, and timelines. These metrics have worked reasonably well for large programs like the acquisition of satellites and buildings, for which there is a clear beginning, middle, and end, with easily identifiable milestones and a definite budget. However, AI is different; its development moves back and forth across a spectrum of activities often without discrete steps, and failure is a necessary part of the process as the technology evolves and matures. Traditional metrics are, therefore, less effective for AI, as the value (or lack thereof) of certain milestones may only become clear partway through the development process and desired end-states may shift.

**2AC---Oversight Fails---Cybersecurity**

**Congress can’t keep up in cybersecurity due to political divisions**

**Marks 21** [Joe Marks writes The Cybersecurity 202 newsletter focused on the policy and politics of cybersecurity. Before joining The Washington Post, Marks covered cybersecurity for Politico and Nextgov, a news site focused on government technology and security. He also covered patent and copyright trends for Bloomberg BNA and federal litigation for Law360 https://www.washingtonpost.com/politics/2021/12/08/congress-cant-even-pass-easy-cyber-stuff/]//LP

Expansive new cyber reporting requirements now appear dead in Congress. Congress has cut requirements for companies to share cyber threat information with the government from its must-pass defense bill, which passed the House last night and is expected to pass the Senate shortly. The failure of such a popular and bipartisan effort – which would have marked the largest expansion of government involvement in private-sector cybersecurity in years – raises questions about whether Congress is up to the task of responding to a wave of ransomware and other attacks that have battered industry in recent years. It would have required companies in critical industry sectors such as energy and transportation to alert the Cybersecurity and Infrastructure Security Agency whenever they’re hacked or hit with other significant cyber incidents. It would have required disclosures from a far broader group of companies if they paid ransoms to hackers. But the measure also looked meager given the hacking threats facing industry. More than 90 percent of cyber experts and current and former officials supported the changes in a recent Cybersecurity 202 poll. The government has already imposed far more stringent cyber requirements on several key industry sectors in just the past few months. “This result is beyond disappointing and undermines national security,” said House Homeland Security Chairman Bennie G. Thompson (D-Miss.) and Rep. Yvette Clarke (D-N.Y.), chair of the committee’s cyber panel and a sponsor of the House version of the bill. Sen. Rick Scott (R-Fla.) wanted to curtail a cyber reporting provision in a major defense policy bill. It ended up getting cut entirely. (Jabin Botsford/The Washington Post) The dispute centered on the ransomware provision, which Sen. Rick Scott (R-Fla.) considered too broad, Senate aides told me. Scott wanted to substitute a provision that would have limited ransomware reports to just critical infrastructure — that’s a group of 16 industry sectors that includes financial services, health care and chemical facilities among others. The fight over the provision lasted so long that by the time they’d reached a compromise, House and Senate negotiators who were putting together the final bill ended up leaving it out entirely, as Tim Starks reports for CyberScoop. The fine print Because of some peculiarities about how the bill came together this year, lawmakers could still try to add amendments in the Senate, including the cyber reporting provisions. But leaders of the House and Senate Armed Services Committees are begging them not to out of fear one or more of those amendments will prevent the bill from passing entirely. If that happens, it would mark the first time in more than five decades Congress has failed to pass the bill, known as the National Defense Authorization Act. Sen. Gary Peters (D-Mich.) championed a cyber reporting provision that got cut from the National Defense Authorization Act. (Jabin Botsford/The Washington Post) The blame game: Thompson and Clarke laid the blame for provision being cut at the feet of Senate Republican leaders as did Senate Homeland Security Chairman Gary Peters (D-Mich.). “I am disappointed Senate Republican leaders blocked these common sense provisions that have broad bipartisan support — including from the bipartisan leaders of the Senate Homeland Security and Intelligence Committees,” Peters said. “Cyberattacks, including ransomware attacks, are one of the greatest threats to our national and economic security.” An aide for Scott told The Hill’s Maggie Miller that Scott was disappointed the full provision got left out of the NDAA and that he’d only wanted to limit its scope. He denied Republicans were to blame.

**Congressional oversight over cyber fails**

**Cordero and Thaw 20** [Carrie Cordero and David Thaw; Member of the Homeland Security Advisory Council, CNN legal and national security analyst and professor of law at Georgetown / Professor at the University of Pittsburg in the School of Law with a focus in cybersecurity; “Rebooting Congressional Cybersecurity Oversight”; January 30, 2020; DOA: 6/24/22; <https://www.cnas.org/publications/reports/rebooting-congressional-cybersecurity-oversight>; Lowell-ES]

Currently, existing laws, executive structure, and congressional oversight mechanisms are a mismatch for the nature of the cybersecurity challenges presented by a complex, technologically integrated society. **Existing mechanisms for congressional cybersecurity oversight are likewise disjointed and uncoordinated**. Unlike in many other policy areas, there is no one clear committee or clear set of committees responsible for cybersecurity issues. These are divided among many committees in both the House of Representatives and the Senate, often along historical lines that may not match current expertise. The Judiciary committees often encounter cybersecurity issues in the context of surveillance, cybercrime enforcement, and privacy issues. The Armed Services committees are called upon to consider cybersecurity issues when evaluating legislation concerning offensive and defensive cyber capabilities, which are part of the government’s response to counter hostile cyber activities by foreign nation-states. The Intelligence committees engage on cybersecurity activities most recently from the perspective of protecting electoral system infrastructure from foreign influence and malign cyber activities related to foreign interference in democratic processes. And the Homeland Security committees are heavily involved in cybersecurity oversight due to the critical cybersecurity functions that DHS provides in securing the federal government’s civilian networks and in coordinating information sharing between government entities and the private sector. **The lack of a coordinating function among these committees limits Congress’ ability to obtain a comprehensive picture of the cybersecurity problem,** particularly when these committees advance legislation solely from their own jurisdictions.39

To develop a successful cybersecurity approach, Congress must first be able to obtain a comprehensive picture of the problem. This is challenging, and not just because of the lack of committee coordination. The complex nature of the problem itself, previously illustrated, requires gathering information about the interaction of a large set of actors, economic sectors, and government departments. How would increased organized criminal investigative activities impact the incentives of potential nation-state actors? How would the responses by those foreign actors alter the availability of malicious tools and code to third parties targeting private organizations and individuals? How might proposals to legalize “hacking back” affect adversaries’ incentives to engage in false-flag operations? These are complicated questions spanning many different areas yet attempts to address any one area impact nearly all others**. This is no easy challenge for Congress, made worse by the fact that it is happening in real time, and pressure to act is growing on executive agencies Congress must oversee.**

Since January 2019, in the 116th Congress, there have been at least 13 hearings involving cybersecurity topics. These 13 hearings have been conducted by seven different congressional committees, including three committees in the House of Representatives and four committees in the Senate. From January 2017 to December 2018, in the 115th Congress, there were at least 56 hearings involving cybersecurity topics. These 56 hearings were conducted by 17 different congressional committees, including eight committees in the House of Representatives and seven committees in the Senate. (See Appendix A for a list of these hearings.) Meanwhile, specific members of Congress have launched the Cyberspace Solarium Commission, mandated by the 2019 National Defense Authorization Act and comprised of members from both chambers of Congress, as well as outside experts. The commission is charged with “evaluating divergent approaches to defending the United States in cyberspace and driving consensus toward a comprehensive strategy.”40 The commission’s recommendations for developing this strategy are scheduled to be delivered in a 2020 report.

The lack of committee coordination is only one aspect of the problem, however. There are many different aspects to the cybersecurity problem, most of which are interrelated and equally vulnerable to adversaries who seek to compromise U.S. systems. In other words, attackers don’t care how they get in—only that they do. **Their mechanisms do not neatly (or even weakly) follow committee jurisdiction.** While the disjointed committee patchwork could be interpreted as an argument for intelligence oversight–style reform of congressional committee structure, this is as deceptively incomplete an answer as is the myth of information sharing or effective increased deterrence through criminal penalty. **Because it is precisely the patchwork nature of the problem**—which spans questions in national defense, law enforcement, agriculture, energy, transportation, finance, healthcare, manufacturing, consumer protection, and a host of other areas—**that makes uncoordinated oversight**  and legislation challenging at best. At worst, **it runs the risk of benefiting adversaries by promoting a false sense of security when problems are addressed in one area at the expense of ignoring another.**

**Cybersecurity Oversight fails**

**Cordero and Thaw 20** [Carrie Cordero is the Robert M. Gates Senior Fellow and General Counsel at CNAS. Her research and writing interests focus on homeland security and intelligence community oversight, transparency, surveillance, cybersecurity, and related national and homeland security law and policy issues. David Thaw is a professor at the University of Pittsburgh and holds appointments in the School of Law and the School of Computing and Information. He is also an Affiliated Fellow of the Information Society Project at Yale Law School. https://www.jstor.org/stable/pdf/resrep27475.pdf?acceptTC=true&coverpage=false&addFooter=false]//LP

Cybersecurity oversight is due for a reboot. This paper explores the need for refreshed congressional oversight of cybersecurity. After laying out why cybersecurity oversight presents special challenges, this paper suggests that the disparate nature of the cybersecurity policymaking legal framework is mismatched to the nature of the cybersecurity problem, resulting in difficulty legislating in this space. It then provides two key recommendations to guide a congressional cybersecurity oversight reboot. Cybersecurity is a broad challenge spanning many disciplines and industries. This paper argues that the current “patchwork” legal framework is ill suited to address cybersecurity questions either for legislative oversight or effective policymaking. The paper provides an overview of the nature and scope of the cybersecurity problem, with a focus on how the complexity of the field affects congressional oversight activities. Congress has been conducting a substantial amount of oversight in this area in recent years. Those efforts, however, have not yet resulted in legislative actions that have demonstrably improved national cybersecurity. This paper seeks to aid the effort to craft legal authorities that deal with an increasingly complex set of cyberthreats. This short exposition provides a path to rebooting Congress’ approach to cybersecurity oversight in a way that would allow these issues to be addressed more comprehensively. Cybersecurity is a complex, integrated challenge spanning topics as diverse as (but not limited to) international affairs, national security and defense, criminal law, civil liability, data protection, privacy and personal responsibility. Cybersecurity also involves many different actors, ranging from governments to companies to organizations to individuals. And it involves virtually every type of computing and information technology in use today, representing a plethora of technologies far more diverse than the personal computers and servers of yesteryear. Thus, perhaps the greatest challenge of developing a comprehensive cybersecurity governance framework is the fact that it is a highly complex problem, pervasive and interrelated across many aspects of government, the private sector, and society. From a federal government perspective, cybersecurity presents a set of interrelated challenges. Cybersecurity responses to malign cyber activities of hostile nation-states cannot be resolved the same way traditional kinetic defense threats would be handled. For example, cybersecurity cannot just be handed off to one agency, such as the Department of Defense (DoD) or the Department of Homeland Security (DHS). Although those departments play important roles, neither can—as a result of limits on legal authorities and their appropriate roles and responsibilities— address the problem comprehensively. The current “patchwork” legal framework is ill suited to address cybersecurity questions either for legislative oversight or effective policymaking. Most commonly, the term cybersecurity refers to some type of defensive technical security problem. Its meaning varies both descriptively and normatively across industrial sectors, types of actors, and disciplinary backgrounds. In reality, however, cybersecurity problems generally describe only one piece of a complex puzzle. The lack of a framework for defining these issues diminishes the ability of policymakers to create policy that adequately addresses the full spectrum of cybersecurity problems. This spectrum is broad and is not limited to traditional defensive boundaries. It includes strategic and adversarial planning and operations, spanning parties from private sector targets to law enforcement to military operations. In a fully internetworked world of connected appliances, vehicles, Internet of Things devices, and mobile devices, holistic consideration of cybersecurity questions is necessary. This discussion takes an expansive view of the elements that impact “cybersecurity”— ranging from technical aspects of system security to principles of international law in the context of armed conflict. This wide view is unified by the theme of efforts to improve the health of the U.S. information and computing infrastructure as an empirical matter, agnostic of any particular normative policy prescription of consumer protection, economic policy, or related issues. The technological aspects of cybersecurity further complicate this problem in two ways. First, they create a degree of opacity for nontechnologists in understanding key elements of the problem. Second, the highly technical nature of cybersecurity lends itself to the false belief that technical measures can provide complete solutions. Nothing could be further from the truth. Indeed, solutions focusing on technological “silver bullets” often are beneficial to adversaries because of the false sense of security they provide. Many of the most effective methods of “hacking” often rely on human vectors. Just as a technological perimeter is an infeasible system in an interconnected world, a cyber border defended by the Armed Forces is impractical.

**2AC---Oversight Fails---OCOs**

**Congressional oversight over OCOs legally fails**

**Lorber 13** [Eric Lorber, Principal, Cyber, Risk & Regulatory; “Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?”; 15 U. Pa. J. Const. L. 961 2013; DOA: 6/24/22; <https://scholarship.law.upenn.edu/jcl/vol15/iss3/6>; Lowell-ES]

**The lack of congressional oversight of offensive cyber operations under the Intelligence Authorization Act also likely does not seriously shift the balance between congressional and executive war-making powers**. The reason is inherent in the limitations of the legislation itself: the Intelligence Authorization Act specifies reporting requirements, but does not require the non-use or withdrawal of forces.234 Further, these reports must be made in a “timely” fashion (the definition of which is undefined) and only to a small number of Congressmen (at most eight).235 **Thus even if the President had to report offensive cyber operations to Congress, it is unclear he would have to do so in a way that gave Congress an effective check**, as these reports would be made only to a small group of Congressmen (who would not be able to share the information, because of its classified nature, with other members of the legislature) and could be done well after the employment of these capabilities. The resulting picture is one of increased presidential flexibility; the War Powers Resolution and the Intelligence Authorization Act—while arguably ineffective in many circumstances—provide increased congressional oversight of presidential war-making actions such as troop deployments and covert actions. Yet these statutes do not cover offensive cyber operations, giving the President an increasingly powerful foreign policy tool outside congressional reach.

**2AC---Oversight Fails---Polarization**

**A polarized congress fails to successfully limit the power of the president**

**Devins 09** [Neal Devins is a Goodrich Professor of Law and Professor of Government, College of William and Mary. “Presidential Unilateralism and Political Polarization: Why Today's Congress Lacks the Will and the Way to Stop” Willamette Law Review 45 https://heinonline-org.proxy.lib.umich.edu/HOL/Page?collection=usjournals&handle=hein.journals/willr45&id=402&men\_tab=srchresults]//LP

Finally and, for my purposes, most significant, party polarization contributes to the rise of presidential unilateralism. When the Congress is polarized, members of the President's party are not likely to break ranks and vote to limit presidential initiatives. When government is unified, this means that no bill will get through Congress to limit presidential initiatives. When Congress is divided, members of the President's party will resist any opposition party efforts to repudiate the President. More than that, since divided government is increasingly common (thirty of the past forty years), it is also increasingly difficult for Congress to enact significant legislation. As such, Presidents have even more incentive to act unilaterally-since they cannot get Congress to enact their legislative agenda Consider, for example, Bill Clinton's health care reforms and George W. Bush's faith-based initiatives. In both instances, the President went to Congress seeking legislative authorization for his policy agenda. In both cases, Congress did not bite, leaving it to the President either to abandon his policy initiative or pursue his initiative through unilateral action. Clinton did so by issuing several directives that, among other things, "established a patient's bill of rights for federal employees . . . and set penalties for companies that deny health coverage to the poor and people with pre-existing medical conditions."51 Bush likewise acted unilaterally, establishing the White House Office of Faith Based Initiatives and ordering an audit of government agencies to make sure that their practices did not improperly discourage or forbid faith-based organizations.5 2 Political polarization, moreover, encourages Presidents to act unilaterally and take greater control of the administrative state. Specifically, with political polarization and divided government shifting the locus of government policymaking away from lawmaking and towards executive and administrative action, Presidents (beginning with Ronald Reagan) have used the Office of Management and Budget to review agency policymaking.53 Likewise, in an effort to ensure that agency policymaking conforms to the President's policy agenda, Presidents (again beginning with Ronald Reagan) have made use of signing statements and pre-regulatory directives.54 Finally, Presidents have used their appointments power to ensure agency loyalty to the President's agenda.55 More than any President before him, George W. Bush pushed the boundaries of presidential unilateralism. "What almost no one disputes," wrote Adam Liptak in The New York Times, "is that a central legacy of the Bush presidency will be its distinctively muscular vision of executive power." 56 The architect of this campaign was Vice President Dick Cheney. 7 A witness to Watergate and its aftermath, Cheney helped staff the "White House with conservative veterans of the 1970s and 1980s who believed that" the President should push his agenda "without having to compromise" and that Watergate-era reforms had wrongly "emasculated the presidency."'5 8 More to the point, just as the Nixon administration pushed the boundaries of executive power, the Bush administration extended the efforts of Ronald Reagan and Bill Clinton to assert broad inherent power over national security, to make use of executive orders to unilaterally advance policy objectives, and to centralize presidential control of the administrative state. To cite a few well known examples: the assertion of the power to indefinitely detain so-called enemy combatants, the establishment of a military tribunal system without formal congressional approval, the warrantless wiretapping of U.S. citizens, the robust use of executive privilege, and the expansive use of presidential signing statements to direct agency policymaking-including agency non-enforcement of laws that the President deems unconstitutional.

**1AR---Uniqueness**

**The Congressional Oversight system is failing now**

**Foster 20** [Jason Foster served as counsel to four congressional committees in the U.S. House and Senate, where he directed fact-finding inquiries to inform their oversight and legislative functions. He draws on his decades of experience navigating a broad array of high-profile disputes to help clients develop strategic research and intelligence useful in tackling legal, regulatory, and public affairs challenges. https://thefederalist.com/2020/08/15/congressional-oversight-is-broken-heres-how-to-fix-it/]//LP

The interview was a rough listen: two political allies frustrated with each other and with the reality that accountability in Washington, D.C., is hard. Hugh Hewitt seemed to think that a subpoena from Chairman Ron Johnson’s committee to James Comey would force the former FBI Director to confess his role in an attempted coup on President Donald Trump—if Johnson only had the guts to issue it. Johnson seemed to think that he was powerless to force more transparency on the issues that concern Hewitt and his conservative radio audience. Both are mistaken. Similar conversations are often heard on the other side of the political spectrum too, as the base of each party demands that the subject of the latest outrage be “hauled” up to Capitol Hill and “grilled” under the TV lights. Except that almost never works. From Ollie North 33 years ago to Bill Barr three weeks ago, it hardly ever goes well for the committee or satisfies the base voters hungry for red meat. Sally Yates versus Lindsey Graham is another recent example. This model of congressional hearing—confronting a lone hostile witness—has an awful track record. It should be obvious why. Who’s going to do most of the talking? The witness chews up most of the clock arguing with the premise of hostile questions from one side of the aisle and fielding soft balls from allies on the other. By contrast, in a well-designed hearing, a majority of the witnesses testify to facts that the majority of the committee wants to highlight. At its best, a congressional hearing tells a story with friendly witnesses. Victims and whistleblowers should outnumber villains. And a credible, neutral figure, like an inspector general or subject matter expert, can refute any disingenuous political spin. But even a well-designed hearing is a bad way to gather facts. That’s not its purpose. The hearing comes after doing the hard work behind the scenes. That means first scouring reams of documents and questioning key witnesses with trained, professional interrogators who don’t need to play to the cameras for sound bites. It’s not sexy, but it’s effective. Unfortunately, too many judge the success of oversight by the amount of press coverage rather than the facts uncovered. The media and Members alike prefer the dopamine of the confrontation over data. These one-witness show trials, where politicians grandstand and berate a single “target” witness simply don’t work, no matter how much people might want them for the entertainment value or how much a chairman might fancy himself as Perry Mason. If Senator Johnson could subpoena James Comey to appear on Hugh Hewitt’s radio program, it would be quite a show even though we probably wouldn’t learn much. Comey has already testified multiple times on Trump-Russia issues. Of course, Hugh Hewitt doesn’t have to yield half of his time to adversaries like Kamala Harris on the other side. Senator Johnson does. Outside critics like Hewitt are right to be frustrated with how ineffective congressional oversight has become. However, they need to understand the process, study the procedural limitations that committee chairmen face, and work constructively to support reforms that could make a real difference. Sometimes the problem is lack of guts, but more often, it’s a lack of experience, procedural tools, and the expertise to use them. A subpoena is not a magic bullet. In the modern era, Congress has essentially forgotten how to enforce them. It abandoned the historical practice of using its inherent constitutional authority to impose consequences directly on witnesses who are in contempt. Now, it turns to the Executive or Judicial Branches for help rather than standing up for itself and the people it’s elected to represent. Reclaiming the Legislative Branch’s proper role as the First Branch of government would mean re-learning the full scope of its own authorities and summoning the political will to use them. It would mean allocating resources to recruit and retain more senior, more experienced staff—or failing that, contracting with top-notch outside professionals to help do battle with the legal talent arrayed against it. The most effective practitioners of legislative oversight have been long-serving, career legislators—like John Dingell and my former boss, Chuck Grassley—who stay close to their constituents back home while devoting significant time and staff resources to the job of acting as a check and balance on the Executive Branch. Too few aspire to be like Dingell and Grassley. Too many Members and staff see their time on Capitol Hill as just a stepping stone to something bigger and better, and it shows. Rather than just cursing the problem, critics could help by focusing on solutions. There are organizations working to strengthen the Legislative Branch to serve the people it represents more effectively. If you are concerned about countering the permanent, unelected bureaucracy in Washington, then you should join them in working for a stronger, more competent Congress.

**Post-Watergate President have recognized the importance of congressional oversight**

**Bies 19** [John E. Bies is Chief Counsel at American Oversight, a non-profit focused on government accountability. He served for eight years in the Obama administration at the Department of Justice, first as Counselor to Attorney General Eric Holder and then spending seven years as a Deputy Assistant Attorney General in the Office of Legal Counsel where he advised White House and executive branch officials on FOIA, Congressional oversight, executive privilege, ethics, separation of powers, and other constitutional, statutory, and administrative law issues. https://www.lawfareblog.com/constitutional-hardball-and-congresss-oversight-authority]//LP

At least since Watergate, if not for longer, the executive branch has recognized the important role congressional oversight plays in the constitutional system and has understood itself to have a constitutional obligation to accommodate legitimate oversight requests from Congress. This long-standing executive branch perspective is embodied in a 1982 memorandum to all agency heads regarding how to respond to congressional requests, often referred to as the Reagan memo. This memorandum, which remains in force, explicitly states that it is executive branch policy “to comply with congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch.” While the Reagan memo recognizes there may be times when it is necessary to withhold information to protect important executive branch confidentiality interests, it emphasizes the expectation that such impasses should be rare and limited to “compelling circumstances.” Instead, the Reagan memo underscores the importance of engaging in a good faith negotiation to accommodate the interests of both branches: “Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches.” This process of good faith negotiation has become known as the accommodation process. To be sure, in nearly every administration since the Reagan memo, there have been a handful of contentious issues where a dispute between Congress and the executive branch regarding access to executive branch information reached a high-profile impasse. These instances of interbranch conflict have been controversial matters that garnered significant media coverage and public interest. But the salience of these occasional instances of conflict should not obscure the extent to which the branches have been able to resolve the vast majority of disputes through good faith engagement in the accommodation process. Every year Congress issues hundreds if not thousands of oversight requests to the White House and executive branch agencies. Yet the number of disputes that reach the level of public consciousness in a presidential term can usually be counted on one hand. This is because in most oversight matters, the branches reach a reasonable accommodation, which often includes some disclosure of agency information arguably subject to a potential executive privilege claim, and thus avoid impasse and escalation. This approach to accommodation is not driven just by policy but also by recognition of a constitutional obligation to seek such reasonable accommodations. The U.S. Court of Appeals for the D.C. Circuit has explained this constitutional mandate in a manner worth quoting at length in light of present circumstances: The framers ... expect[ed] that where conflicts in scope of authority arose between the coordinate branches, a spirit of dynamic compromise would promote the resolution of the dispute in the manner most likely to result in efficient and effective functioning of our governmental system. Under this view, the coordinate branches do not exist in an exclusively adversarial relationship to one another when a conflict in authority arises. Rather, each branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation. \* \* \* [Because] it was a deliberate feature of the constitutional scheme to leave the allocation of powers unclear in certain situations, the resolution of conflict between the coordinate branches in these situations must be regarded as an opportunity for a constructive modus vivendi, which positively promotes the functioning of our system. The Constitution contemplates such accommodation. Negotiation between the two branches should thus be viewed as a dynamic process affirmatively furthering the constitutional scheme. In 1981, Reagan’s attorney general described the essence of this process: “The accommodation required is not simply an exchange of concessions or a test of political strength. It is an obligation of each branch to make a principled effort to acknowledge, and if possible to meet, the legitimate needs of the other branch.” There are important ramifications of recognizing a constitutionally based obligation to engage in a serious and good faith effort to reach a reasonable accommodation when there is a disagreement between the branches. Every executive branch official swears an oath to uphold the Constitution upon taking office, and this commitment should be understood to include the constitutional mandate to engage in good faith to seek reasonable accommodations.

**1AR---Ukraine Thumper**

**Ukraine spending destroys oversight now**

**Harrigan 6/16** [https://reason.com/2022/06/16/the-u-s-is-spending-130-million-a-day-on-military-aid-for-ukraine-without-meaningful-congressional-oversight/]//LP

Yesterday the Biden administration announced that it would send an additional $1 billion in military aid to Ukraine as the country continues to combat invading Russian forces. The new aid package comes on the heels of The Wall Street Journal reporting earlier this week that the U.S. is now "sending roughly $130 million a day in military aid to Ukraine plus economic and other assistance." American financial support for Ukraine has largely been uncontroversial in Congress. Lawmakers approved a $40 billion aid package in May, adding billions of dollars to the money President Joe Biden originally requested. "The leaders of both parties raised few questions about how much money was being spent or what it would be used for," wrote The New York Times. Just 11 senators voted against the bill's passage as it breezed through Congress. One of them, Sen. Rand Paul (R–Ky.), drew criticism from both parties for delaying Senate approval of the $40 billion package after expressing concern that Congress was "trying yet again to ram through a spending bill" and had failed to outline oversight mechanisms. Paul unsuccessfully sought to add language to the bill appointing an inspector general to supervise the spending. Meanwhile, Senate Minority Leader Mitch McConnell (R–Ky.) emphasized the need to get help to Ukraine "right now," and Senate Majority Leader Chuck Schumer (D–N.Y.) charged that Paul "doesn't want to aid Ukraine." Unfortunately, those arguments are helping lawmakers avoid important debates about the amount and nature of aid the U.S. is sending to Ukraine, as well as the potential for future misuse as billions of fast-passed dollars flood into a war zone without proper oversight. American politicians have chosen a risky course of action and are neglecting to realistically discuss the U.S. role in this conflict. American officials told The Wall Street Journal that they have "little direct knowledge" of where equipment goes once it reaches the Ukrainian government. One military aid component of the May package, totaling $6 billion, is a transfer account that Congress doesn't have strong control over. "The statutory language requires that [the Department of Defense] report to Congress 15 days before any transfers occur," explains the Center for Strategic International Studies. "Congress could block such transfers, but that is difficult to do politically and procedurally." Oversight experts warn that issues surrounding transfers are inevitable. "Even if it's a noble cause, there's going to be theft. There's going to be misconduct," warned Special Inspector General for Afghanistan Reconstruction John Sopko, whose office has uncovered rampant misuse of U.S. funds that took place during nation-building efforts in Afghanistan. "If there's one thing we learned from Afghanistan, you've got to have oversight in the beginning." Many components of the May package and other aid installments deserve more scrutiny from lawmakers than they have received. Not-insignificant chunks of money are going toward countering "Russian disinformation and propaganda narratives," bolstering the Department of Justice's "efforts to pursue high value asset seizures from sanctioned individuals," paying the salaries of Ukrainian government officials, and prepping munitions for military skirmishes that aren't related to the conflict in Ukraine. In rushing the passage of aid, Congress has neglected to debate whether these are appropriate spending priorities for the U.S.—especially, as Paul notes, when the American economy is already in such bad shape. And there's a deeper, more conflict-relevant concern at hand. The end goals for U.S. assistance are still murky, even as American politicians repeat their opposition to Russian aggression and support for Ukraine regaining its territory and sovereignty. Rajan Menon, director of the Grand Strategy program at Defense Priorities and a professor at the City College of New York, argues that the U.S. must determine what its precise aims are in order to shape responsible policy. Without establishing clear objectives, politicians can shift the goal posts and more easily justify staying involved. Menon asks, for instance, whether the eventual goal is to restore Ukrainian borders to their pre-2022 state or if it's to reclaim Crimea. "The latter is…ambitious, it's far more dangerous, and it will make the war even longer than [it] otherwise will be," Menon explains. "To say…this is all up to Ukraine to decide is to overlook the fact that we are its principal arms supplier and therefore are deeply implicated in this war. Kyiv is certainly entitled to make its choices but that doesn't release us from the obligation to make our one." In eschewing proper debate over military aid to Ukraine, American lawmakers are opting out of an uncomfortable—but necessary—conversation. "If we ramp up arms supplies to Ukraine, which is already urgently calling for more, we should take into account that Russia may at some point treat us as a co-belligerent," Menon points out. "Simply assuming that that would be a bridge too far for them would be a mistake." U.S. politicians need to discuss the line not to be crossed before America is effectively acting as a co-combatant rather than allowing Russia to make that determination itself. Providing military aid to Ukraine strikes many Americans as the right move. It might seem like the best available option, given that alternatives include putting American boots on the ground or securing a no-fly zone over Ukrainian airspace—both of which would prove disastrous. But those impulses don't relieve U.S. lawmakers of their responsibility to ensure aid is being directed toward appropriate uses and being used properly. To willingly avoid those discussions all but ensures that the war in Ukraine will be another conflict involving fiscal irresponsibility on America's part.

**Ukraine spending is being done with zero oversight**

**Brian 5/13** [Danielle Brian is the executive director of the Project On Government Oversight, a nonprofit watchdog that investigates and exposes waste, corruption and abuse of power. https://thehill.com/opinion/finance/3487430-theres-no-oversight-of-billions-in-ukraine-aid-we-need-an-inspector-general/]//LP

As the Senate works to pass the almost $40 billion in emergency supplemental funds for Ukraine just passed by the House, leaders in Washington must also ensure proper oversight of this spending. They can and must do both quickly. The Biden administration and Senate must also prioritize installing permanent inspectors general to government agencies so they can monitor aid to Ukraine. These independent watchdogs can ensure that taxpayer money is not siphoned off by fraudsters or war profiteers and that weapons remain in the hands of the Ukrainian military. The simplest route would be to install permanent inspectors general at existing offices tasked with doling out the aid and ensure those offices have the resources they need to oversee surge funding like this. The Pentagon and State Department, the two agencies overseeing the bulk of spending for Ukraine assistance, are both missing permanent internal watchdogs — and the Pentagon has been missing one for over six years The need for effective inspectors general is already apparent given the level and nature of U.S. assistance committed to Ukraine. The speed at which the U.S. has transferred this defense material to the country presents real oversight challenges in terms of both spending and monitoring its use. Oversight and monitoring of arms transfers are generally difficult in the first place, but without U.S. personnel on the ground in Ukraine, something we do not advocate for, it’s even more challenging to monitor whether U.S. arms are staying in the hands of the Ukrainian military. The State and Defense Departments desperately need internal watchdogs to prevent, detect and investigate abuse of funds as well as ineffective or insufficient tracking of weapons by the agencies’ respective monitoring programs.

**1AR---No Link**

**The DoS oversees the plan.**

**Bushley 17** [U.S. Army Capt. Adam Bushley, Rule of Law attorney for Task Force Wolverine, 86th Infantry Brigade Combat Team; "Governance: The Missing Ingredient in Security Cooperation"; U.S. Army Command and General Staff College; Published: 2017; Accessed: 6-18-2022; https://apps.dtic.mil/sti/pdfs/AD1038564.pdf; KL]

DOS has **long had** oversight over **SC**/SA programs in order to **define**, **synchronize**, and **deconflict** U.S. **strategic objectives**. This is because Congress has **consistently authorized**, **expected**, and in many cases, **mandated** DOS to provide this **oversight role**.

There is an **overlap** between **DOS** and **DOD** when it comes to **arms trades**, **training**, and military **alliances**. Former Secretary of Defense Robert Gates helped popularize the term “shared responsibility” regarding SC/SA as it refers to the joint responsibility between DOD and DOS in supporting U.S. foreign SC/SA programs, relationships overseas, and national security interests.89 According to ADP 1, the DOD’s role is to deter enemies, counter threats, and fight and win the nation’s wars. The DOS is responsible for **foreign policy** and U.S. **diplomatic relations**. DOS’s role in the shared responsibility of SC/SA programs is to calculate and measure **associated trade-offs** between **short-term limited scope** program objectives and **long-term** national interests. Some have described DOS as having **veto power** over some DOD developed plans, even when they are **DOD directed** authorities. 90

Again, Secretary Gates’s shared responsibility concept is not new. While the legal framework for SC/SA programs has evolved over time, the general roles of responsibility in which DOD implements and administers the security programs, while DOS performs the **key oversight** functions, has **stayed constant**. For the fifteen years following WWII, the U.S. Government followed the principle that military assistance **necessitated** “**civilian leadership**, **influence**, and **oversight**” over military assistance programs under the Mutual Defense Assistance Act (1949). 91

**The 2017 NDAA solves oversight.**

**Anderson** and Dalton **19** [Dr. James Anderson, Assistant Secretary of Defense for Strategy, Plans and Capabilities. Prior to his current appointment in the Department of Defense, Dr. Anderson served for three years as the vice president for academic affairs at the Marine Corps University. His previous positions include dean of Academics and deputy director at the Marine Corps War College, director of the program in Advanced Security Studies at the George C. Marshall Center for European Security Studies, and director of Middle East policy in the International Security Affairs Office of the Secretary of Defense. Dr. Anderson earned his doctorate in international relations and master of arts in law and diplomacy from the Fletcher School at Tufts University; Melissa Dalton, the Cooperative Defense Project at the Center for Strategic and International Studies; "Shifting the Burden Responsibly: Oversight and Accountability in U.S. Security Sector Assistance"; Center for Strategic and International Studies (CSIS); Published: 4-25-2019; Accessed: 6-25-2022; https://www.csis.org/analysis/shifting-burden-responsibly-oversight-and-accountability-us-security-sector-assistance-0; KL]

Security cooperation is often behind the news we read at night but rarely the frontline story. Luckily we’re also blessed with another influential group that **cares deeply** about security cooperation – the **Congress**. In FY **’17** Congress undertook the **largest**, **most sweeping**, and **most substantial** reforms to **s**ecurity **c**ooperation in our nation’s history. The FY ’17 NDAA **consolidated** dozens of authorities into a narrow band of activities in Chapter 16. It set up requirements for **human rights vetting**, **institutional capacity building**, and assessment **monitoring** and **evaluation**.

With lots of work in the trenches by both DOD and Congress, this all hit at once, and it was welcome. Implementing an ambitious vision remains a challenge, particularly for those activities that were funded out of service accounts or regional initiatives. Many security cooperation activities were not being looked at holistically across the spectrum. Programs were siloed and oversight sometimes limited.

Congress believed that the entire system needed **oversight** from a single executor with visibility across all the authorities and all the different pots of money. This is how we got the Title 10, Chapter 16, Section 382 in the U.S. Code. The notion that the secretary’s designee, the undersecretary of defense for policy – my immediate boss – shall have, quote, “the responsibility for the oversight of strategic policy guidance and the responsibility of overall resource allocation for security cooperation programs and activities of the Department of Defense.” End quote.

This is where we are trying to go with security cooperation: a **holistic** DOD-wide enterprise with visibility across the spectrum of security cooperation activities, administered with policy **oversight**, and **aligned tightly** to strategy.

How we define security cooperation is changing as well. At one point security cooperation meant – basically meant train and equip programs. We’re moving away from that. Security cooperation enterprise now encompasses everything from equipment, to training, to conventional arms sales, to exercises with both high-end and developing partners.

Meanwhile, we are prioritizing **interoperability** and making arms sales **quicker** and more **efficient**. In the last 10 years the department has reduced the average time to process foreign military sales by 30 percent. And I know our colleagues at DSCA are working hard to streamline things even more.

We are also trying to **move off** of year-to-year planning. My office has been involved in a push over the last two years to align security cooperation planning with planning, programming, budgeting, and execution cycle as well as the global force management cycle, planning two years out from the current fiscal year.

Further, we are trying to look at security cooperation programs as more life-cycle events, planning **five years out** from conception, evaluating them annually, and ensuring that security cooperation activities are built with **specific achievable**, **measurable** objectives in mind. We’re also looking at how to make our investments sustainable and effective. A big part of this revolves around institutional capacity building using our experience as a department to help partners develop their defense ministry apparatus. We are still working on the best ways to do this, but this is critical to our mission. Merely transferring equipment or providing training is insufficient if the partner military lacks the professional and bureaucratic apparatus to effectively absorb and employ their capabilities.

One tool that has helped us cover down and provide engagement in this field has been our regional centers. We have five of them. The George C. Marshall Center in Germany is just one example. Last week they held an important and timely conference on Ukrainian defense reform efforts. Engagements such as these are valuable, and they’re not very expensive. The regional centers provide an excellent example of how small investments can yield high returns over time.

The state partnership program has also proved a cost-effective, small-footprint tool for supporting security cooperation goals of the geographic combatant commands and our diplomatic community. Over the last 24 years, we have established 73 partnerships with 79 countries across all six geographic commands. These partnerships have brought diplomatic and military engagement via the national guard elements resulting in individual, professional, and institutional contacts and relationships, enhancing influence and trust on a worldwide basis.