

117TH CONGRESS
2D SESSION

S. CON. RES. 38

Declaring a state of emergency due to the Russian invasion of Ukraine, in order to establish a waiver of the minimum tonnage requirements of section 55305 of title 46, United States Code.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2022

Ms. ERNST (for herself and Mr. COONS) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation

CONCURRENT RESOLUTION

Declaring a state of emergency due to the Russian invasion of Ukraine, in order to establish a waiver of the minimum tonnage requirements of section 55305 of title 46, United States Code.

Whereas, in February 2014, the Russian military invaded and annexed the Ukrainian peninsula of Crimea, and the Russian Federation took action to establish pro-Russian separatist States in the Donbas region of Ukraine;

Whereas, the Russian Federation has failed to follow the cease-fire agreements established by the Minsk 1 and Minsk 2 accords, and conflict has been ongoing in Ukraine since such invasion and annexation;

Whereas, throughout 2021, Russia amassed troops, weapon systems, and military hardware on the border of Russia and Ukraine;

Whereas, on December 17, 2021, the Russian Federation presented the North Atlantic Treaty Organization (referred to in this preamble as “NATO”) with a list of security demands, including that NATO would never allow Ukraine, or other former Soviet States, into the alliance;

Whereas such demands are counter to NATO’s “open door policy”, which dates to the alliance’s founding and gives no third party a say in such deliberations;

Whereas, on February 21, 2022, President Vladimir Putin officially recognized the regions of Donetsk and Luhansk as independent States despite international consensus that those regions remain part of the sovereign territory of Ukraine;

Whereas, on February 22, 2022, President Putin ordered Russian troops to enter Donetsk and Luhansk on a “peacekeeping mission” while setting the stage for a larger invasion;

Whereas, on February 24, 2022, President Putin ordered Russian forces to conduct a full-scale invasion, moving beyond the regions of Donetsk and Luhansk, and initiating attacks throughout broader Ukrainian territory;

Whereas Russian forces continue to devastate Ukraine’s hospitals, schools, homes, and other civilian infrastructure, and threaten nuclear power plants with heavy artillery, multi-launch rocket systems, and munitions systems, with no regard for civilian casualties;

Whereas, an October 19, 2017, Government Accountability Office Report stated that a “2015 analysis of agency

data found that the application of [Cargo Preference for Food Aid (CPFA)] requirements increased United States Agency for International Development's and United States Department of Agriculture's costs for shipping food aid by about 23 percent, or \$107 million, compared with the estimated shipping costs without application of CPFA requirements, from April 2011 through fiscal year 2014.”;

Whereas, in a United States Agency for International Development fact sheet titled: “Food Aid Reform: Behind the Numbers”, the United States Agency for International Development stated that eliminating the mandatory cargo preference reimbursements will reduce the deficit by an estimated \$50,000,000 per year;

Whereas, in March 2020, the American Enterprise Institute published a report titled “The Cost of Cargo Preferences for International Food Aid Programs”, which—

(1) found “that removing cargo preference requirements would allow for between \$36 and \$64 million of already appropriated funds to go to feeding the hungry and would benefit U.S. soft power globally”; and

(2) concluded that “cargo preference for food aid imposes substantial costs on USAID’s Title II program budget. . . . The impacts are substantial, reducing the funds available for additional food aid programs by \$52.83 million a year.”;

Whereas, in a March 25, 2022, information note titled “The importance of Ukraine and the Russian Federation for global agricultural markets and the risks associated with the current conflict”, the Food and Agriculture Organization (referred to in this preamble as the “FAO”) of the United Nations stated that—

(1) the invasion of Ukraine could raise food prices “by 8 to 22 percent above their already elevated baseline levels”;

(2) “current indications are that, as a result of the conflict, between 20 and 30 percent of areas sown to winter crops in Ukraine will remain unharvested during the 2022/23 season, with the yields of these crops also likely to be adversely affected”; and

(3) “FAO’s simulations suggest that under such a scenario, the global number of undernourished people could increase by 8 to 13 million people in 2022/23, with the most pronounced increases taking place in Asia-Pacific, followed by sub-Saharan Africa, and the Near East and North Africa.”;

Whereas, on April 8, 2022, the Associated Press published that “The U.N. Food and Agriculture Organization said its Food Price Index, which tracks monthly changes in international prices for a basket of commodities, averaged 159.3 points last month, up 12.6% from February”, and that “As it is, the February index was the highest level since its inception in 1990.”;

Whereas, on April 27, 2022, the United States Agency for International Development said in a press release that “The world is suffering from historic levels of global food insecurity, which is being exacerbated by the impact Russia’s war on Ukraine is having on global food supplies. Available estimates suggest that an additional 40 million people could be pushed into poverty and food insecurity as a result of Russia’s aggression.”;

Whereas, on April 27, 2022, the Administrator of the United States Agency for International Development, Samantha Power, said that “In Ukraine, which provides 10 percent

of the world’s wheat, farmers are struggling to plant and harvest their crops for fear of shelling and Russian landmines, and their path to exporting these vital commodities is severely restricted by Russia’s invasion, which caused the closure of Ukraine’s ports.”; and

Whereas, on April 27, 2022, Secretary of Agriculture Tom Vilsack, said that “Russia’s unprovoked war on Ukraine, a fellow major agricultural export country, is driving food and energy costs higher for people around the world.”: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring), That—*

3 (1) a state of emergency exists due to the Rus-
4 sian invasion of Ukraine;

5 (2) such state of emergency—

6 (A) for the purposes of subparagraph (B),
7 shall be in effect beginning on May 1, 2022,
8 and ending on February 1, 2025; and

9 (B) justifies a waiver during such period of
10 time of the minimum tonnage requirements, in
11 accordance with section 55305(c) of title 46,
12 United States Code, for the transport of equip-
13 ment, materials, or commodities related to hu-
14 manitarian operations resulting from the 2022
15 Russian invasion of Ukraine; and

- 1 (3) the heads of the appropriate agencies shall
- 2 be notified of such waiver.

○