

117TH CONGRESS
2D SESSION

S. 4059

To require the Secretary of Defense to replace equipment provided to Ukraine by certain member countries of the North Atlantic Treaty Organization.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2022

Mr. GRASSLEY (for himself, Mr. DURBIN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require the Secretary of Defense to replace equipment provided to Ukraine by certain member countries of the North Atlantic Treaty Organization.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPLACEMENT OF DEFENSE EQUIPMENT, SUP-**
4 **PORT CAPABILITIES, AND ARTICLES PRO-**
5 **VIDED TO UKRAINE BY CERTAIN MEMBER**
6 **COUNTRIES OF THE NORTH ATLANTIC TREA-**
7 **TY ORGANIZATION.**

8 (a) IN GENERAL.—Subject to subsection (d), as soon
9 as practicable, the Secretary of Defense shall, pursuant

1 to the authority provided in the Arms Export Control Act
2 (22 U.S.C. 2751 et seq.), section 362 of title 10, United
3 States Code, and the Foreign Assistance Act of 1961 (22
4 U.S.C. 2151 et seq.), transfer to covered NATO allies
5 equipment, defense support capabilities, and relevant de-
6 fense articles that have been authorized, procured, and
7 contracted by, and are available to, the Department of De-
8 fense.

9 (b) PURPOSE.—The purpose of the transfers required
10 by subsection (a) is to replace equipment provided by cov-
11 ered NATO allies to Ukraine during the covered period
12 to defend Ukraine against aggression and other malign in-
13 fluence by the Russian Federation.

14 (c) INCLUSIONS.—The equipment, defense support
15 capabilities, and relevant defense articles referred to in
16 subsection (a) shall include—

- 17 (1) air defense systems;
- 18 (2) unmanned aerial vehicles;
- 19 (3) anti-ship missiles;
- 20 (4) military vehicles;
- 21 (5) ammunition; and
- 22 (6) weapons.

23 (d) CONSULTATION.—Before making a transfer
24 under subsection (a), the Secretary of Defense shall con-

1 sult with the Secretary of State with respect to whether
2 the transfer—

3 (1) aligns with United States foreign policy
4 goals; and

5 (2) would result in any significant gap with re-
6 spect to United States national security.

7 (e) DEFINITIONS.—In this section:

8 (1) COVERED NATO ALLY DEFINED.—The term
9 “covered NATO ally” means any member country of
10 the North Atlantic Treaty Organization with a gross
11 domestic product per capita that is less than
12 \$30,000, as of April 1, 2022.

13 (2) COVERED PERIOD.—The term “covered pe-
14 riod” means the period beginning on January 1,
15 2022, and ending on the date on which military hos-
16 tilities by the Russian Federation in Ukraine cease.

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