

116TH CONGRESS  
2D SESSION

# S. 4392

To provide security assistance and strategic support to Ukraine, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 30, 2020

Mr. RISCH (for himself, Mr. MENENDEZ, Mr. PORTMAN, Mr. MURPHY, Mr. BARRASSO, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To provide security assistance and strategic support to Ukraine, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Ukraine Security Part-  
5 nership Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Throughout its history, Ukraine has experi-  
9 enced long periods of occupation.

1           (2) Between 1919 and 1991, Ukraine was bru-  
2           tally ruled by the Soviet Union, whose ruthless pol-  
3           icy of agricultural collectivization caused the  
4           Holodomor of 1932–1933, a man-made famine that  
5           resulted in the death of at least 3,000,000 Ukrain-  
6           ians by starvation.

7           (3) During the violent Nazi occupation of  
8           Ukraine accompanying World War II—

9                   (A) approximately 3,500,000 Ukrainian ci-  
10                  vilians and 3,000,000 soldiers were killed; and

11                   (B) approximately 1,500,000 Jews were  
12                  massacred.

13           (4) Ukraine declared its independence from  
14           Moscow in 1991, after the collapse of the Soviet  
15           Union.

16           (5) In the 1994 Budapest Memorandum, the  
17           Russian Federation, the United States, and the  
18           United Kingdom pledged to “respect the independ-  
19           ence and sovereignty and the existing borders of  
20           Ukraine” and “refrain from the threat or use of  
21           force against the territorial integrity or political  
22           independence of Ukraine” in exchange for Ukraine’s  
23           surrender of its nuclear arsenal.

24           (6) From November 2004 through January  
25           2005, thousands of Ukrainians took to the streets to

1 peacefully protest electoral fraud and widespread  
2 corruption by the ruling elite in the 2004 Presi-  
3 dential election, successfully triggering a re-vote, in  
4 what became known as the Orange Revolution.

5 (7) During Ukraine's 2014 Revolution of Dig-  
6 nity, or Euromaidan, the pro-Russian government of  
7 President Viktor Yanukovich was forced to resign  
8 after thousands of Ukrainians peacefully protested  
9 Yanukovich's decision to reject a closer relationship  
10 with the European Union and his continued systemic  
11 corruption, and over 100 of those protestors were  
12 killed by violent government suppression.

13 (8) Fearful of Ukraine's strengthened pro-  
14 Western orientation after the Revolution of Dignity,  
15 the Government of the Russian Federation, in viola-  
16 tion of international law and in contravention of its  
17 commitments in the Budapest Memorandum—

18 (A) sent undisclosed military personnel  
19 into Ukraine's Autonomous Republic of Crimea  
20 in February 2014 and has illegally occupied the  
21 Crimean Peninsula for the past six years;

22 (B) sent covert military personnel into the  
23 Ukrainian regions of Donetsk and Luhansk in  
24 April 2014, instigating and supporting a still-

1 ongoing separatist war that has cost nearly  
2 14,000 lives; and

3 (C) provided the Buk missile system used  
4 by those Russian-backed separatists to shoot  
5 down Malaysian Airlines Flight 17 over eastern  
6 Ukraine in July 2014, killing all 298 pas-  
7 sengers and crew on board.

8 (9) Under Russian control, Crimean authorities  
9 have kidnapped, imprisoned, and tortured Crimean  
10 Tatars, opposition figures, activists, and other mi-  
11 nority populations, and have persecuted religious mi-  
12 norities by pressing false charges of terrorism and  
13 deregistering religious centers.

14 (10) In September 2014, in an attempt to stop  
15 the fighting that the Russian Federation had initi-  
16 ated in eastern Ukraine, France, Germany, Ukraine,  
17 the Russian Federation, the Organization for Secu-  
18 rity and Cooperation (OSCE), and Russian-backed  
19 rebel leaders from eastern Ukraine signed the Minsk  
20 Protocol.

21 (11) In February 2015, after the failure of the  
22 initial Minsk Protocol, the Russian Federation com-  
23 mitted to the Minsk II Agreement, the roadmap for  
24 resolving the conflict in eastern Ukraine, signed by

1 the Governments of Ukraine, Russia, France, and  
2 Germany.

3 (12) Despite these agreements, the Government  
4 of the Russian Federation continues to violate  
5 Ukrainian sovereignty through—

6 (A) manipulation of Ukraine’s dependence  
7 on Russian natural gas, including cutting off  
8 access in 2014, which deprived Ukraine of its  
9 energy supply and transit fees;

10 (B) espionage and clandestine assassina-  
11 tions on Ukrainian territory;

12 (C) continuous cyber warfare against the  
13 Government of Ukraine and Ukrainian busi-  
14 nesses, such as the NotPetya hack in 2017; and

15 (D) seizure of Ukrainian property and citi-  
16 zens, including the November 2018 seizure in  
17 the Kerch Strait of three Ukrainian naval ves-  
18 sels and 24 Ukrainian officers on board those  
19 vessels.

20 (13) In July 2018, Secretary of State Michael  
21 R. Pompeo issued the Crimea Declaration and reit-  
22 erated in February 2020 on the sixth anniversary of  
23 Russia’s occupation that “Crimea is Ukraine”.

24 (14) Since April 2014, at least 4,100 Ukrainian  
25 soldiers have died fighting for their country against

1 the Russian Federation and Russian-backed rebels,  
2 while no less than 3,361 civilians have perished as  
3 a result of that fighting.

4 (15) Despite Ukraine's tumultuous history and  
5 neighborhood, in under 30 years it has risen from  
6 the collapse of the Soviet Union to become a devel-  
7 oping democracy, steadily working to overcome its  
8 Soviet legacy of oppression, oligarchic control, and  
9 corruption.

10 (16) Running on a strong anti-corruption plat-  
11 form, Volodymyr Zelenskyy won the 2019 presi-  
12 dential election with 73 percent of the vote, and his  
13 political party, Servant of the People, won a par-  
14 liamentary majority in the Ukrainian parliament,  
15 the Verkhovna Rada, marking the first time since  
16 independence that one party has controlled the Par-  
17 liament, the Cabinet of Ministers, and the Presi-  
18 dency.

19 (17) The OSCE confirmed the 2019 elections  
20 were "competitive and fundamental freedoms were  
21 generally respected".

22 (18) Since 2014, the Government of Ukraine  
23 has made difficult and substantial reforms in an ef-  
24 fort to address corruption and more closely align  
25 with the West, such as slimming and decentralizing

1 its bureaucracy, removing immunity from prosecu-  
2 tion for Members of Parliament, reforming its gas,  
3 pension, and procurement systems, and working to  
4 adapt its military to the standards of the North At-  
5 lantic Treaty Organization (NATO).

6 (19) Despite progress in reforming many areas  
7 of Ukrainian governance, serious issues still remain,  
8 particularly in the areas of corruption and rule of  
9 law.

10 (20) The United States Government has con-  
11 sistently supported Ukraine's democratic transition  
12 and its fight against Russian-backed separatists by  
13 assisting its governance reform efforts, maintaining  
14 robust and coordinated sanctions against the Rus-  
15 sian Federation alongside the European Union, and  
16 providing the Ukrainian military with training and  
17 equipment, including lethal defensive weaponry.

18 (21) In addition to the United States, the Eu-  
19 ropean Union, European countries, and Canada have  
20 provided substantial diplomatic, monetary, and mili-  
21 tary support for Ukraine's democratic transition and  
22 its fight against Russian-led separatists in eastern  
23 Ukraine, and also have implemented and maintained  
24 robust sanctions regimes against the Russian Fed-

1       eration for its illegal occupation of Crimea and its  
2       active destabilization of Ukraine.

3           (22) the Government of Ukraine has steadfastly  
4       supported the United States and European allies by  
5       deploying troops to Iraq, Afghanistan, and NATO's  
6       Kosovo Force (KFOR), allowing United States mili-  
7       tary planes to refuel on Ukrainian soil, and trading  
8       billions of dollars' worth of goods and services with  
9       the United States.

10          (23) NATO has recently decided to include  
11       Ukraine in its Enhanced Opportunities Partnership  
12       in recognition of Ukraine's contributions to NATO  
13       missions and efforts to reform its military in line  
14       with NATO standards.

15          (24) Since the Russian Federation's 2014 inva-  
16       sion of Ukraine, the United States Congress has  
17       demonstrated its support for Ukraine through the  
18       passage of legislation, including the Support for the  
19       Sovereignty, Integrity, Democracy, and Economic  
20       Stability of Ukraine Act of 2014 (Public Law 113–  
21       95; 22 U.S.C. 8901 et seq.), the Ukraine Freedom  
22       Support Act (Public Law 113–272; 22 U.S.C. 8921  
23       et seq.), the Ukraine Security Assistance Initiative  
24       established under section 1250 of the National De-  
25       fense Authorization Act for Fiscal Year 2016 (Pub-

1       lic Law 114–92; 129 Stat. 1068), the Countering  
2       America’s Adversaries Through Sanctions Act (Pub-  
3       lic Law 115–44), and the Protecting Europe’s En-  
4       ergy Security Act of 2019 (Public Law 116–92, title  
5       LXXV), and the United States Congress continues  
6       to demonstrate strong support for assisting Ukraine  
7       in defending itself and deterring Russia.

8   **SEC. 3. SENSE OF THE CONGRESS.**

9       It is the sense of Congress that—

10           (1) Ukraine stands as a bulwark against the  
11       malign influence of the Russian Federation in Eu-  
12       rope, and robust United States support for Ukraine  
13       is vital to United States national security and dem-  
14       onstrates the commitment of the United States to  
15       upholding a free and open international order;

16           (2) since Ukraine’s independence in 1991, the  
17       Government and people of Ukraine have made sig-  
18       nificant strides towards improved governance, rule of  
19       law, anti-corruption measures, and economic re-  
20       forms;

21           (3) Ukraine’s long-term viability is directly con-  
22       nected to efforts to reduce corruption and build  
23       strong democratic institutions that are able to de-  
24       fend against internal and external corrupt actors;

1           (4) the efforts and sacrifices of Ukrainian citi-  
2           zens to determine their own fate after centuries of  
3           oppression, through democratic representation and  
4           governance reforms, is evidence of that country's  
5           dedication to a free, independent, and democratic fu-  
6           ture;

7           (5) Ukraine has proven itself to be a valuable  
8           security partner of the United States, not simply a  
9           recipient of assistance;

10          (6) it is in the national security interests of the  
11          United States to continue and deepen its security co-  
12          operation with Ukraine;

13          (7) the United States should continue to place  
14          policy-based conditions on Ukraine's receipt of finan-  
15          cial and military assistance, as that mechanism has  
16          proven effective in incentivizing reforms in Ukraine;

17          (8) the United States should continue to  
18          strongly support the provision of both lethal and  
19          non-lethal security assistance to the Government of  
20          Ukraine;

21          (9) the United States should use its voice and  
22          vote at NATO to encourage the adoption of a policy  
23          by the Alliance that all of its member states will  
24          refuse to recognize the illegal annexation of Crimea  
25          by the Russian Federation;

1           (10) the United States should continue to bol-  
2           ster the capacity of the Ukrainian Navy as it strives  
3           to fulfill the goals it set out in its “Strategy of the  
4           Naval Forces of the Armed Forces of Ukraine  
5           2035”;

6           (11) the military-focused technical, training,  
7           maintenance, and logistical assistance provided by  
8           the United States to Ukraine is as essential as the  
9           military hardware provided to the country;

10          (12) all security assistance provided to Ukraine  
11          should continue to be subject to rigorous vetting re-  
12          quirements under section 620M of the Foreign As-  
13          sistance Act of 1961 (22 U.S.C. 2378d) and section  
14          362 of title 10, United States Code, including assist-  
15          ance provided to units in the National Guard of  
16          Ukraine as well as all units falling under the author-  
17          ity of the Ministry of Defense;

18          (13) the Office of Defense Cooperation at the  
19          United States Embassy in Ukraine should be fully  
20          staffed with officers who serve three-year terms in  
21          order to administer the security assistance being  
22          provided to the country;

23          (14) the Secretary of Defense should conduct  
24          an assessment of the staffing resources of the Office  
25          of Defense Cooperation and strongly consider pro-

1       viding additional staff to the Office of Defense Co-  
2       operation in Ukraine;

3           (15) the enduring partnership between the  
4       United States and Ukraine, including bipartisan  
5       support for a sovereign, democratic, and whole  
6       Ukraine through political, monetary, and military  
7       assistance, remains strong and must continue to be  
8       reaffirmed; and

9           (16) the United States should continue to  
10      strongly support Ukraine’s ambitions to join the  
11      Euro-Atlantic community of democracies.

12   **SEC. 4. STATEMENT OF POLICY.**

13      It is the policy of the United States—

14           (1) to refuse to recognize the illegal annexation  
15      of Crimea by the Russian Federation, an action that  
16      was taken in contravention of international law;

17           (2) to utilize existing sanctions and other au-  
18      thorities to deter malign actions by the Russian Fed-  
19      eration in Ukraine, including the mandates and au-  
20      thorities codified by the Countering America’s Ad-  
21      versaries Through Sanctions Act (Public Law 115–  
22      44); and

23           (3) to work with our European allies to coordi-  
24      nate strategies to curtail Russian malign influence in  
25      Ukraine.

1 **SEC. 5. STRATEGY ON UNITED STATES DIPLOMATIC SUP-**  
2 **PORT FOR UKRAINE.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of the enactment of this Act, the Secretary of State  
5 shall submit to the appropriate congressional committees  
6 a report with a strategy on how the United States will  
7 work to diplomatically support Ukraine during fiscal years  
8 2021 through 2025.

9 (b) ELEMENTS.—The report required under sub-  
10 section (a) shall include the following elements:

11 (1) A description of how relevant departments  
12 and agencies of the United States Government will  
13 work together to collectively support efforts by the  
14 Government of Ukraine to deter Russian aggression  
15 in the form of military incursions, cyber attacks, the  
16 coercive use of energy resources, use of  
17 passportization, and efforts to corrupt the Ukrainian  
18 political and economic systems.

19 (2) A description of the United States current  
20 efforts and strategy to support Ukrainian diplomatic  
21 initiatives when they align with United States inter-  
22 ests.

23 (3) A strategy on how the United States will  
24 use its voice and vote at the United Nations, OSCE,  
25 Council of Europe, NATO, and other relevant inter-

1 national bodies to support Ukraine and its reform  
2 efforts.

3 (4) A strategy on how the United States will  
4 assist Ukraine in bolstering its diplomatic and mari-  
5 time relationships with key Black Sea countries, in-  
6 cluding Bulgaria, Romania, Turkey, and Georgia.

7 (5) A strategy on how the United States will  
8 engage with Germany, France, Ukraine, and Russia  
9 to advance the Normandy Format and Minsk Agree-  
10 ments.

11 (c) FORM.—The report required under subsection (a)  
12 shall be submitted in unclassified form, but may contain  
13 a classified annex.

14 **SEC. 6. UNITED STATES-EUROPE WORKING GROUP ON**  
15 **UKRAINE.**

16 (a) IN GENERAL.—The Secretary of State shall seek  
17 to establish a United States-Europe Working Group on  
18 Ukraine.

19 (b) REPRESENTATION.—The United States-Europe  
20 Working Group on Ukraine should include high-level rep-  
21 resentatives from relevant European governments, as ap-  
22 propriate, to jointly prioritize, evaluate and coordinate  
23 economic and policy reform assistance and support for  
24 Ukraine.

1 (c) REGULAR MEETINGS.—The working group  
2 should meet not less than twice per year.

3 (d) TERMINATION.—The authorities under this sec-  
4 tion shall terminate on September 30 of the fifth fiscal  
5 year beginning after the date of the enactment of this Act.

6 **SEC. 7. SPECIAL ENVOY FOR UKRAINE.**

7 (a) ESTABLISHMENT.—The President shall appoint,  
8 by and with the consent of the Senate, a Special Envoy  
9 for Ukraine, who shall report to the Assistant Secretary  
10 of State for Europe and Eurasia.

11 (b) RANK.—The Special Envoy for Ukraine shall  
12 have the rank and status of ambassador.

13 (c) RESPONSIBILITIES.—The Special Envoy for  
14 Ukraine shall—

15 (1) serve as the United States liaison to the  
16 Normandy Format, tasked with leading the peace  
17 process between Ukraine and the Russian Federa-  
18 tion;

19 (2) facilitate diplomatic outreach to and dia-  
20 logue with countries in the Black Sea region;

21 (3) coordinate closely with the Chief of Mission  
22 in Ukraine;

23 (4) coordinate with the United States-Europe  
24 Working Group on Ukraine established pursuant to  
25 section 6; and

1           (5) provide the Committee on Foreign Relations  
2           of the Senate and the Committee on Foreign Affairs  
3           of the House of Representatives regular updates and  
4           briefings on the state of reforms in Ukraine and the  
5           status of peace negotiations.

6           (d) **TERMINATION.**—The Special Envoy for Ukraine  
7           position established under subsection (a) shall terminate  
8           5 years after the date of the enactment of this Act.

9           **SEC. 8. FOREIGN MILITARY FINANCING.**

10          (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
11          authorized to be appropriated for the Department of State  
12          for each of fiscal years 2021 through 2025 \$300,000,000  
13          for Foreign Military Financing (FMF) assistance to  
14          Ukraine to assist the country in meeting its defense needs.

15          (b) **AVAILABILITY OF FUNDS.**—

16               (1) **IN GENERAL.**—Of the amount appropriated  
17               for each fiscal year pursuant to subsection (a), not  
18               more than \$150,000,000 shall be made available  
19               until the Secretary of State makes the certification  
20               described in paragraph (2) for such fiscal year, in-  
21               cluding a detailed explanation justifying the certifi-  
22               cation with respect to each of the categories listed  
23               in subparagraphs (A) through (G) of such para-  
24               graph. The certification shall be submitted to the

1 appropriate congressional committees in unclassified  
2 form, but may contain a classified annex.

3 (2) CERTIFICATION.—The certification de-  
4 scribed in this paragraph is a certification by the  
5 Secretary of State, in coordination with the Sec-  
6 retary of Defense, that the Government of Ukraine  
7 has taken substantial actions to—

8 (A) make defense institutional reforms, in  
9 accordance with NATO standards;

10 (B) further strengthen civilian control of  
11 the military;

12 (C) reform its state-owned arms produc-  
13 tion sector;

14 (D) increase transparency and account-  
15 ability in defense procurement;

16 (E) promote military officers based on  
17 merit;

18 (F) respect Verkhovna Rada efforts to ex-  
19 ercise oversight of the Ministry of Defense and  
20 military forces; and

21 (G) promote respect for the observation of  
22 human rights within the security forces of  
23 Ukraine so that such forces meet the require-  
24 ments enshrined in section 620M of the For-  
25 eign Assistance Act of 1961 (22 U.S.C. 2378d).

1       (c) NOTICE TO CONGRESS.—Not later than 15 days  
2 before providing assistance or support under pursuant to  
3 subsection (a), the Secretary of State shall submit to the  
4 appropriate congressional committees a notification con-  
5 taining the following:

6           (1) A detailed description of the assistance or  
7 support to be provided, including—

8               (A) the objectives of such assistance or  
9 support;

10              (B) the budget for such assistance or sup-  
11 port; and

12              (C) the expected or estimated timeline for  
13 delivery of such assistance or support.

14           (2) A description of such other matters as the  
15 Secretary considers appropriate.

16       (d) SENSE OF CONGRESS.—It is the sense of Con-  
17 gress that assistance provided under this section should—

18           (1) prioritize the procurement of vessels for the  
19 Ukrainian Navy and other articles that bolster the  
20 capacity of the Ukrainian Navy to counter Russian  
21 maritime aggression and maintain the freedom of in-  
22 nocent passage throughout the Black Sea; and

23           (2) ensure adequate planning for maintenance  
24 for any equipment provided.

1 (e) AUTHORITY TO PROVIDE LETHAL ASSIST-  
 2 ANCE.—The Secretary of State is authorized to provide  
 3 lethal assistance under this section, including anti-armor  
 4 weapon systems, mortars, crew-served weapons and am-  
 5 munition, grenade launchers and ammunition, anti-tank  
 6 weapons systems, anti-ship weapons systems, anti-aircraft  
 7 weapons systems, and small arms and ammunition.

8 (f) TRANSFER AUTHORITY.—The Secretary of De-  
 9 fense may transfer amounts appropriated or otherwise  
 10 made available for assistance under section 333 of title  
 11 10, United States Code, to the Department of State to  
 12 be made available for Foreign Military Finance assistance  
 13 to Ukraine.

14 **SEC. 9. REPORT ON CAPABILITY AND CAPACITY REQUIRE-**  
 15 **MENTS OF MILITARY FORCES OF UKRAINE**  
 16 **AND RESOURCE PLAN FOR SECURITY ASSIST-**  
 17 **ANCE.**

18 (a) REPORT.—Not later than 180 days after the date  
 19 of the enactment of this Act, the Secretary of Defense and  
 20 the Secretary of State shall jointly submit to the appro-  
 21 priate committees of Congress a report on the capability  
 22 and capacity requirements of the military forces of  
 23 Ukraine, which shall include the following:

1           (1) An analysis of the capability gaps and ca-  
2           pacity shortfalls of the military forces of Ukraine  
3           that includes—

4                 (A) an assessment of the requirements of  
5           the navy of Ukraine to accomplish its assigned  
6           missions; and

7                 (B) an assessment of the requirements of  
8           the air force of Ukraine to accomplish its as-  
9           signed missions.

10          (2) An assessment of the relative priority as  
11       signed by the Government of Ukraine to addressing  
12       such capability gaps and capacity shortfalls.

13          (3) An assessment of the capability gaps and  
14       five capacity shortfalls that—

15                 (A) could be addressed in a sufficient and  
16       timely manner by unilateral efforts of the Gov-  
17       ernment of Ukraine; and

18                 (B) are unlikely to be addressed in a suffi-  
19       cient and timely manner solely through unilat-  
20       eral efforts.

21          (4) An assessment of the capability gaps and  
22       capacity shortfalls described in paragraph (3)(B)  
23       that could be addressed in a sufficient and timely  
24       manner by—

1 (A) the Ukraine Security Assistance Initia-  
2 tive of the Department of Defense;

3 (B) Department of Defense security assist-  
4 ance authorized by section 333 of title 10,  
5 United States Code;

6 (C) the Foreign Military Financing and  
7 Foreign Military Sales programs of the Depart-  
8 ment of State; or

9 (D) the provision of excess defense articles.

10 (5) An assessment of the human resources re-  
11 quirements of the Office of Defense Cooperation at  
12 the United States Embassy in Kyiv and any gaps in  
13 the capacity of such Office of Defense Cooperation  
14 to provide security assistance to Ukraine.

15 (6) Any recommendations the Secretary of De-  
16 fense and the Secretary of State consider appro-  
17 priate concerning the coordination of security assist-  
18 ance efforts of the Department of Defense and the  
19 Department of State with respect to Ukraine.

20 (b) RESOURCE PLAN.—Not later than February 15,  
21 2022, the Secretary of Defense and the Secretary of State  
22 shall jointly submit to the appropriate committees of Con-  
23 gress a resource plan for United States security assistance  
24 with respect to Ukraine, which shall include the following:

1           (1) A plan to resource the following initiatives  
2           and programs with respect to Ukraine in fiscal year  
3           2023 and the four succeeding fiscal years to meet  
4           the most critical capability gaps and capacity short  
5           falls of the military forces of Ukraine:

6                   (A) The Ukraine Security Assistance Ini-  
7                   tiative of the Department of Defense.

8                   (B) Department of Defense security assist-  
9                   ance authorized by section 333 of title 10,  
10                  United States Code.

11                  (C) The Foreign Military Financing and  
12                  Foreign Military Sales programs of the Depart-  
13                  ment of State.

14                  (D) The provision of excess defense arti-  
15                  cles.

16           (2) With respect to the Ukrainian Navy, the  
17           following:

18                   (A) A capability development plan, with  
19                   milestones, detailing the manner in which the  
20                   United States will assist the Government of  
21                   Ukraine in meeting the requirements referred  
22                   to in subsection (a)(1)(A).

23                   (B) A plan for United States cooperation  
24                   with third countries and international organiza-  
25                   tions that have the resources and ability to pro-

1           vide immediate assistance to the navy of  
2           Ukraine while maintaining interoperability with  
3           United States platforms to the extent feasible.

4           (C) A plan to prioritize the provision of ex-  
5           cess defense articles for the Ukrainian Navy to  
6           the extent practicable during fiscal year 2023  
7           and the four succeeding fiscal years.

8           (D) An assessment of the manner in which  
9           United States security assistance to the Ukrain-  
10          ian Navy is in the national security interests of  
11          the United States.

12          (3) With respect to the Ukrainian Air Force,  
13          the following:

14               (A) A capability development plan, with  
15               milestones, detailing the manner in which the  
16               United States will assist the Government of  
17               Ukraine in meeting the requirements referred  
18               to in subsection (a)(1)(B).

19               (B) A plan for United States cooperation  
20               with third countries and international organiza-  
21               tions that have the resources and ability to pro-  
22               vide immediate assistance to the Ukrainian Air  
23               Force while maintaining interoperability with  
24               United States platforms to the extent feasible.

1           (C) A plan to prioritize the provision of ex-  
2           cess defense articles for the Ukrainian Air  
3           Force to the extent practicable during fiscal  
4           year 2023 and the four succeeding fiscal years.

5           (D) An assessment of the manner in which  
6           United States security assistance to the Ukrain-  
7           ian Air Force is in the national security inter-  
8           ests of the United States.

9           (4) An assessment of progress on defense insti-  
10          tutional reforms in Ukraine, including with respect  
11          to the navy and air force of Ukraine, during fiscal  
12          year 2023 and the four succeeding fiscal years that  
13          will be essential for—

14               (A) enabling effective use and sustainment  
15               of capabilities developed under security assist-  
16               ance authorities described in this section;

17               (B) enhancing the defense of the sov-  
18               ereignty and territorial integrity of Ukraine;

19               (C) achieving the stated goal of the Gov-  
20               ernment of Ukraine of meeting North Atlantic  
21               Treaty Organization standards; and

22               (D) allowing Ukraine to achieve its full po-  
23               tential as a strategic partner of the United  
24               States.

1 (c) FORM.—The report required by subsection (a)  
 2 and the resource plan required by subsection (b) shall each  
 3 be submitted in a classified form with an unclassified sum-  
 4 mary.

5 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
 6 FINED.—In this section, the term “appropriate commit-  
 7 tees of Congress” means—

8 (1) the Committee on Armed Services, the  
 9 Committee on Foreign Relations, and the Committee  
 10 on Appropriations of the Senate; and

11 (2) the Committee on Armed Services, the  
 12 Committee on Foreign Affairs, and the Committee  
 13 on Appropriations of the House of Representatives.

14 **SEC. 10. EXPEDITED EXCESS DEFENSE ARTICLES TRANS-**  
 15 **FER PROGRAM.**

16 During fiscal years 2021 through 2025, the delivery  
 17 of excess defense articles to Ukraine shall be given the  
 18 same priority as that given other countries and regions  
 19 under section 516(c)(2) of the Foreign Assistance Act of  
 20 1961 (22 U.S.C. 2321j(c)(2)).

21 **SEC. 11. STRATEGY ON EXCESS DEFENSE ARTICLES FROM**  
 22 **ALLIES.**

23 (a) IN GENERAL.—Not later than 90 days after the  
 24 date of the enactment of this Act, the Secretary of State  
 25 in consultation with the Secretary of Defense, shall submit

1 to the appropriate congressional committees a classified  
2 strategy on how the United States will encourage third  
3 countries to donate excess defense equipment to Ukraine.

4 (b) ELEMENTS.—The report required under sub-  
5 section (a) shall include the following elements:

6 (1) A listing of all friendly and allied nations  
7 that have excess defense material that may be com-  
8 patible with the needs and systems utilized by the  
9 Armed Forces of Ukraine.

10 (2) A description of the diplomatic efforts un-  
11 dertaken by the United States Government to en-  
12 courage allied nations to donate their excess defense  
13 articles to Ukraine on an expedited basis.

14 **SEC. 12. IMET COOPERATION WITH UKRAINE.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to the Department of State  
17 \$4,000,000 for each of fiscal years 2021 through 2025  
18 for International Military Education and Training  
19 (IMET) assistance for Ukraine. The assistance shall be  
20 made available for the following purposes:

21 (1) Training of future leaders.

22 (2) Fostering a better understanding of the  
23 United States.

1           (3) Establishing a rapport between the United  
2       States Armed Forces and Ukraine's military to build  
3       partnerships for the future.

4           (4) Enhancement of interoperability and capa-  
5       bilities for joint operations.

6           (5) Focusing on professional military education,  
7       civilian control of the military, and human rights.

8       (b) AVAILABILITY OF FUNDS.—

9           (1) IN GENERAL.—Of the amount appropriated  
10      for each fiscal year pursuant to subsection (a), not  
11      more than \$3,000,000 may be made available until  
12      the Secretary of State, in consultation with the Sec-  
13      retary of Defense, makes the certification described  
14      in paragraph (2) to the Committee on Foreign Rela-  
15      tions of the Senate and the Foreign Affairs Com-  
16      mittee of the House of Representatives, including a  
17      detailed explanation justifying the certification with  
18      respect to each of the categories listed in subpara-  
19      graphs (A) through (G) of such paragraph. The cer-  
20      tification shall be submitted to the appropriate con-  
21      gressional committees in unclassified form, but may  
22      contain a classified annex.

23           (2) CERTIFICATION.—The certification de-  
24      scribed in this paragraph is a certification by the  
25      Secretary of State, in coordination with the Sec-

1       retary of Defense, that the Government of Ukraine  
2       has taken substantial actions to—

3               (A) make defense institutional reforms, in  
4       accordance with NATO standards;

5               (B) further strengthen civilian control of  
6       the military;

7               (C) reform its state-owned arms produc-  
8       tion sector;

9               (D) increase transparency and account-  
10      ability in defense procurement;

11              (E) promote military officers based on  
12      merit;

13              (F) respect Verkhovna Rada efforts to ex-  
14      ercise oversight of the Ministry of Defense and  
15      military forces; and

16              (G) promote respect for the observation of  
17      human rights within the security forces of  
18      Ukraine so that such forces meet the require-  
19      ments enshrined in section 620M of the For-  
20      eign Assistance Act of 1961 (22 U.S.C. 2378d).

21      (c) NOTICE TO CONGRESS.—Not later than 15 days  
22      before providing assistance or support pursuant to sub-  
23      section (a), the Secretary of State shall submit to the  
24      Committee on Foreign Relations of the Senate and the

1 Committee on Foreign Affairs of the House of Representa-  
2 tives a notification containing the following elements:

3 (1) A detailed description of the assistance or  
4 support to be provided, including—

5 (A) the objectives of such assistance or  
6 support;

7 (B) the budget for such assistance or sup-  
8 port; and

9 (C) the expected or estimated timeline for  
10 delivery of such assistance or support.

11 (2) A description of such other matters as the  
12 Secretary considers appropriate.

13 **SEC. 13. STRATEGY ON IMET PROGRAMMING IN UKRAINE.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that the Government of Ukraine should fully utilize  
16 the United States IMET program, encourage eligible offi-  
17 cers to participate in the training, and promote successful  
18 graduates to positions of prominence in the Ukrainian  
19 Armed Forces.

20 (b) IN GENERAL.—Not later than 180 days after the  
21 date of the enactment of this Act, the Secretary of State  
22 shall submit to the appropriate congressional committees  
23 a strategy for the implementation of the IMET program  
24 in Ukraine authorized under section 12.

1       (c) ELEMENTS.—The strategy required under sub-  
2 section (a) shall include the following elements:

3           (1) A clear plan, developed in close consultation  
4 with the Ukrainian Ministry of Defense, for how the  
5 IMET program will be used by the United States  
6 Government and the Government of Ukraine to pro-  
7 pel program graduates to positions of prominence in  
8 support of the Ukrainian military’s reform efforts in  
9 line with NATO standards.

10          (2) An assessment of the education and train-  
11 ing requirements of the Ukrainian military and clear  
12 recommendations for how IMET graduates should  
13 be assigned by the Ukrainian military upon comple-  
14 tion of education or training.

15          (3) An accounting of the current combat re-  
16 quirements of the Ukrainian military and an assess-  
17 ment of the viability of alternative mobile training  
18 teams, distributed learning, and other flexible solu-  
19 tions to reach such students.

20          (4) An identification of opportunities to influ-  
21 ence the next generation of leaders through attend-  
22 ance at United States service academies, staff and  
23 war colleges, junior leader development programs,  
24 and technical schools.

1 (d) FORM.—The strategy required under subsection  
 2 (a) shall be submitted in unclassified form, but may con-  
 3 tain a classified annex.

4 **SEC. 14. SENSE OF CONGRESS ON LOAN PROGRAM.**

5 It is the sense of Congress that—

6 (1) as appropriate, the United States Govern-  
 7 ment should provide direct loans to Ukraine for the  
 8 procurement of defense articles, defense services,  
 9 and design and construction services pursuant to the  
 10 authority of section 23 of the Arms Export Control  
 11 Act (22 U.S.C. 2763) to support the further devel-  
 12 opment of Ukraine’s military forces; and

13 (2) such loans should be considered an additive  
 14 security assistance tool, and not a substitute for  
 15 Foreign Military Financing for grant assistance or  
 16 Ukraine Security Assistance Initiative programming.

17 **SEC. 15. APPROPRIATE CONGRESSIONAL COMMITTEES.**

18 In this Act, the term “appropriate congressional com-  
 19 mittees” means—

20 (1) the Committee on Foreign Relations and  
 21 the Committee on Appropriations of the Senate; and

22 (2) the Committee on Foreign Affairs and the  
 23 Committee on Appropriations of the House of Rep-  
 24 resentatives.

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