

118TH CONGRESS
2D SESSION

S. RES. 748

Expressing that the United States should not enter into any bilateral or multilateral agreement to provide security guarantees or long-term security assistance to Ukraine.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2024

Mr. LEE (for himself and Mr. PAUL) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing that the United States should not enter into any bilateral or multilateral agreement to provide security guarantees or long-term security assistance to Ukraine.

Whereas the United States has provided more than \$175,000,000,000 in assistance to Ukraine since February 2022;

Whereas Ukraine is not a member of the North Atlantic Treaty Organization nor party to a mutual defense treaty with the United States that has been ratified by the Senate;

Whereas the Joint Strategic Oversight Plan for Ukraine Response admitted in January 2023 that commingling

United States funds in international organization accounts reduces oversight and transparency;

Whereas the publicly available Integrated Country Strategy for Ukraine acknowledged in August 2023 that corruption has been a historic and endemic concern in Ukraine;

Whereas the Department of Defense admitted in January 2024 that the Department of Defense was not able to complete required monitoring for 59 percent of defense articles designated for enhanced end-use monitoring, nearly \$1,700,000,000 of United States-origin equipment;

Whereas Ukrainian President Volodymyr Zelensky's presidential term expired on May 20, 2024, Ukraine has not held elections, and President Zelensky remains in office;

Whereas Ukraine has used United States provided weapons to strike targets within Russian territory since June 2024 without congressional authorization;

Whereas the United States Embassy in Kiev acknowledged in June 2024 that Ukraine is restricting freedom of movement and may prevent United States-Ukrainian citizens from leaving Ukraine;

Whereas the Biden administration has not provided Congress with a defined strategy or goals for United States engagement in Ukraine for more than 2 years;

Whereas the founders of the United States purposefully designed the power to make peace to be shared between the executive and legislative branches;

Whereas the Biden administration announced the signing of the Bilateral Security Agreement Between the United States of America and Ukraine, done at Puglia June 13,

2024 (referred to in this preamble as the “Bilateral Agreement”);

Whereas Article XI of the Bilateral Agreement expresses that any additional implementing agreements or arrangements will remain in effect even if the Bilateral Agreement is terminated, thereby bypassing Congress and tying the hands of future Presidential administrations;

Whereas the preamble of the Bilateral Agreement underscores a broad and “shared commitment to a Europe that is whole, free, and at peace”;

Whereas the preamble of the Bilateral Agreement is dismissive of United States strategic interests and patently inconsistent with the regional prioritization contained in the National Defense Strategy of the United States;

Whereas the preamble of the Bilateral Agreement emphasizes the “importance of holding Russia to account for its aggression . . . consistent with international law”;

Whereas Article II of the Bilateral Agreement states that “[i]t is the policy of the Parties . . . to deter and confront any future aggression against the territorial integrity of either Party”;

Whereas Article II of the Bilateral Agreement leaves open the possibility of United States military engagement in Ukraine;

Whereas the President must seek authorization from Congress for the use of military force for the defense of Ukraine;

Whereas Article II of the Bilateral Agreement seeks to commit the United States to “building a Ukrainian future force that maintains a credible defense and deterrence ca-

pability”, including through provision of defense articles and services;

Whereas the indefinite commitment of United States defense articles to Ukraine is inconsistent with defense industrial base capacity and jeopardizes United States military readiness;

Whereas Article II of the Bilateral Agreement expresses that the Biden administration intends to seek additional appropriations from Congress for Ukraine;

Whereas Article V of the Bilateral Agreement commits the United States to Ukraine until “its sovereignty and territorial integrity are fully restored”;

Whereas the Bilateral Agreement concerningly asserts that Ukraine’s future is in the North Atlantic Treaty Organization;

Whereas the Bilateral Agreement states the United States commits to “deepening partnerships between national guard and border security services” in Ukraine;

Whereas the Biden administration is neglecting to secure the southern border of the United States and is engaged in securing the borders of a foreign nation;

Whereas the Bilateral Agreement reduces access by members of the Armed Forces to professional military education and training by increasing Ukrainian attendance at Department of Defense institutions of professional military instruction;

Whereas Department of Defense institutions of professional military instruction should prioritize attendance and training for members of the Armed Forces of the United States;

Whereas the Bilateral Agreement states that the United States intends to “explore all possible avenues by which immobilized Russian sovereign assets could be made use of to support Ukraine”;

Whereas any use of Russian sovereign assets as a form of support to Ukraine is escalatory, unprecedented in peacetime, empowers Chinese and Russian alternatives to the Western global financial system, and places United States sovereign assets at risk of Russian retaliation;

Whereas Article VII of the Bilateral Agreement maintains that disputes regarding application of the Bilateral Agreement shall not be referred to “any national or international court, tribunal, or similar body, or any third party for settlement,” thereby bypassing Congress;

Whereas Article IX of the Bilateral Agreement states that it may be “extended by mutual written agreement of the parties,” thereby bypassing Congress;

Whereas the Biden administration reportedly maintains that the Bilateral Agreement is an “executive agreement”, an extraneous and unconstitutional designation carrying no legal weight absent an Act of Congress; and

Whereas the Bilateral Agreement circumvents the requirements of the Treaty Clause of section 2 of article II of the Constitution of the United States: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) expresses that—

3 (A) the United States should not enter

4 into any bilateral or multilateral agreement to

1 provide security guarantees or long-term secu-
2 rity assistance to Ukraine; and

3 (B) the Bilateral Security Agreement Be-
4 tween the United States of America and
5 Ukraine, done at Puglia June 13, 2024 (re-
6 ferred to in this resolution as the “Bilateral
7 Agreement”), will have no force of law until it
8 is submitted to the Senate for ratification as a
9 treaty consistent with the requirements of the
10 Treaty Clause of section 2 of article II of the
11 Constitution of the United States, which re-
12 quires the advice and consent of the Senate
13 with two-thirds of Senators concurring; and
14 (2) does not recognize the Bilateral Agreement
15 as a bridge to Ukraine’s membership in the North
16 Atlantic Treaty Organization.

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