

Calendar No. 49

117TH CONGRESS
1ST SESSION**S. 814**

To promote security partnership with Ukraine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 16), 2021

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

APRIL 26, 2021

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To promote security partnership with 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 of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Throughout its history, Ukraine has experi-
4 enced several long periods of occupation.

5 (2) Between 1919 and 1991, Ukraine was bru-
6 tally ruled by the Soviet Union, whose policy of agri-
7 cultural collectivization caused the Holodomor of
8 1932–1933, a man-made famine that resulted in the
9 death of at least 3,000,000 Ukrainians by starva-
10 tion.

11 (3) During the Nazi occupation of Ukraine ac-
12 companying World War II—

13 (A) approximately 3,500,000 Ukrainian ei-
14 vilians and 3,000,000 soldiers were killed; and

15 (B) approximately 1,500,000 Jews were
16 massacred.

17 (4) Ukraine declared its independence from
18 Moscow in 1991, after the collapse of the Soviet
19 Union.

20 (5) In the 1994 Budapest Memorandum, the
21 Russian Federation, the United States, and the
22 United Kingdom pledged to “respect the independ-
23 ence and sovereignty and the existing borders of
24 Ukraine” and “refrain from the threat or use of
25 force against the territorial integrity or political

1 independence of Ukraine” in exchange for Ukraine’s
2 surrender of its nuclear arsenal.

3 (6) From November 2004 through January
4 2005, thousands of Ukrainians took to the streets to
5 peacefully protest electoral fraud and widespread
6 corruption by the ruling elite in the 2004 Presi-
7 dential election, successfully triggering a re-vote, in
8 what became known as the Orange Revolution.

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

17 (8) Fearful of Ukraine’s strengthened pro-
18 Western orientation after the Revolution of Dignity,
19 the Government of the Russian Federation, in viola-
20 tion of international law and in contravention of its
21 commitments in the Budapest Memorandum—

22 (A) sent undisclosed military personnel
23 into Ukraine’s Autonomous Republic of Crimea
24 in February 2014 and has illegally occupied the
25 Crimean Peninsula for the past six years;

1 (B) sent covert, unmarked military per-
2 sonnel into the Ukrainian regions of Donetsk
3 and Luhansk in April 2014, instigating and
4 supporting a still-ongoing conflict that has cost
5 nearly 14,000 lives; and

6 (C) provided the Buk missile system used
7 by those Russia-backed forces to shoot down
8 Malaysian Airlines Flight 17 over eastern
9 Ukraine in July 2014, killing all 298 pas-
10 sengers and crew on board.

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

17 (10) In September 2014, in an attempt to stop
18 the fighting that the Russian Federation had initi-
19 ated in eastern Ukraine, France, Germany, Ukraine,
20 the Russian Federation, the Organization for Secu-
21 rity and Cooperation (OSCE), and Russia-backed
22 forces from eastern Ukraine signed the Minsk Pro-
23 tocol.

24 (11) In February 2015, after the failure of the
25 initial Minsk Protocol, the Russian Federation com-

mitted to the Minsk II Agreement, the roadmap for resolving the conflict in eastern Ukraine, signed by the Governments of Ukraine, Russia, France, and Germany.

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

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

(B) espionage and clandestine assassinations on Ukrainian territory;

(C) continuous cyber warfare against the Government of Ukraine and Ukrainian businesses, such as the NotPetya hack in 2017; and

(D) seizure of Ukrainian property and citizens, including the November 2018 seizure in the Kerch Strait of three Ukrainian naval vessels and 24 Ukrainian officers on board those vessels.

(13) In July 2018, Secretary of State Michael R. Pompeo issued the Crimea Declaration and reiterated in February 2020 on the sixth anniversary of

1 Russia's illegal occupation that "Crimea is
2 Ukraine".

3 (14) On February 26, 2021, President Joseph
4 R. Biden confirmed that Crimea is Ukraine and the
5 United States does not and will never recognize Rus-
6 sia's purported annexation of the peninsula.

7 (15) Since April 2014, at least 4,100 Ukrainian
8 soldiers have died fighting for their country against
9 the Russian Federation and Russia-backed forces,
10 while no less than 3,361 civilians have perished as
11 a result of that fighting.

12 (16) Despite Ukraine's tumultuous history and
13 neighborhood, in under 30 years it has risen from
14 the collapse of the Soviet Union to become a devel-
15 oping democracy, steadily working to overcome its
16 Soviet legacy of oppression, oligarchic control, and
17 corruption.

18 (17) Running on a strong anti-corruption plat-
19 form, Volodymyr Zelensky won the 2019 presidential
20 election with 73 percent of the vote, and his political
21 party, Servant of the People, won a parliamentary
22 majority in the Ukrainian parliament.

23 (18) The OSCE confirmed the 2019 elections
24 were "competitive and fundamental freedoms were
25 generally respected".

1 (19) Since 2014, the Government of Ukraine
2 has made difficult and substantial reforms in an ef-
3 fort to address corruption and more closely align
4 with the West, such as slimming and decentralizing
5 its bureaucracy, removing immunity from prosecu-
6 tion for Members of Parliament, reforming its gas,
7 pension, and procurement systems, and working to
8 adapt its military to the standards of the North At-
9 lantic Treaty Organization (NATO).

10 (20) Despite progress in reforming many areas
11 of Ukrainian governance, serious issues still remain,
12 particularly in the areas of corruption and rule of
13 law.

14 (21) The United States Government has con-
15 sistently supported Ukraine's democratic transition
16 and its fight against Russia-backed forces by assist-
17 ing its governance reform efforts, maintaining ro-
18 bust and coordinated sanctions against the Russian
19 Federation alongside the European Union, and pro-
20 viding the Ukrainian military with training and
21 equipment, including lethal defensive weaponry.

22 (22) In addition to the United States, the Eu-
23 ropean Union, European countries, and Canada have
24 provided substantial diplomatic, monetary, and mili-
25 tary support for Ukraine's democratic transition and

1 its fight against Russia-backed forces in eastern
2 Ukraine, and also have implemented and maintained
3 robust sanctions regimes against the Russian Fed-
4 eration for its illegal occupation of Crimea and its
5 active destabilization of Ukraine.

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

13 (24) NATO has recently decided to include
14 Ukraine in its Enhanced Opportunities Partnership
15 in recognition of Ukraine's contributions to NATO
16 missions and efforts to reform its military in line
17 with NATO standards.

18 (25) Since the Russian Federation's 2014 inva-
19 sion of Ukraine, the United States Congress has
20 demonstrated its support for Ukraine through the
21 passage of legislation, including the Support for the
22 Sovereignty, Integrity, Democracy, and Economic
23 Stability of Ukraine Act of 2014 (Public Law 113-
24 95; 22 U.S.C. 8901 et seq.), the Ukraine Freedom
25 Support Act (Public Law 113-272; 22 U.S.C. 8921

1 et seq.), the Ukraine Security Assistance Initiative
2 established under section 1250 of the National De-
3 fense Authorization Act for Fiscal Year 2016 (Pub-
4 lic Law 114–92, 129 Stat. 1068), the Countering
5 America’s Adversaries Through Sanctions Act (Pub-
6 lic Law 115–44), and the Protecting Europe’s En-
7 ergy Security Act of 2019 (Public Law 116–92, title
8 LXXV), and the United States Congress continues
9 to demonstrate strong support for assisting Ukraine
10 in defending itself and deterring Russia.

11 **SEC. 3. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

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

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

24 (3) Ukraine’s long-term viability is directly con-
25 nected to its efforts to reduce corruption and build

1 strong democratic institutions that are able to de-
2 fend against internal and external corrupt actors;

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

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

12 (6) it is in the national security interests of the
13 United States to continue and deepen its security
14 partnership with Ukraine, including through the
15 provision of both lethal and non-lethal assistance;

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

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

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

6 (10) 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 (11) 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 security
14 cooperation under section 362 of title 10, United
15 States Code, including assistance provided to units
16 in the National Guard of Ukraine as well as all units
17 falling under the authority of the Ministry of De-
18 fense;

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

24 (13) the Secretary of Defense should conduct
25 an assessment of the staffing resources of the Office

1 of Defense Cooperation and strongly consider pro-
2 viding additional staff to the Office of Defense Co-
3 operation in Ukraine;

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

10 (15) the United States should continue to
11 strongly support Ukraine's ambitions to join the
12 Euro-Atlantic community of democracies.

13 **SEC. 4. STATEMENT OF POLICY.**

14 It is the policy of the United States—

15 (1) to refuse to recognize the attempted annex-
16 ation of Crimea by the Russian Federation, an ac-
17 tion that was taken in contravention of international
18 law;

19 (2) to utilize existing sanctions and other au-
20 thorities to deter malign actions by the Russian Fed-
21 eration in Ukraine, including the mandates and au-
22 thorities codified by the Countering America's Ad-
23 versaries Through Sanctions Act (Public Law 115-
24 44);

1 (3) to work with our European allies to coordi-
 2 nate strategies to curtail Russian malign influence in
 3 Ukraine; and

4 (4) to support democratic, economic, and anti-
 5 corruption reforms in Ukraine and the country's in-
 6 tegration into Euro-Atlantic institutions.

7 **SEC. 5. STRATEGY ON UNITED STATES DIPLOMATIC SUP-**
 8 **PORT FOR UKRAINE.**

9 (a) **IN GENERAL.**—Not later than 90 days after the
 10 date of the enactment of this Act, the Secretary of State
 11 shall submit to the appropriate congressional committees
 12 a report with a strategy on how the United States will
 13 work to diplomatically support Ukraine during fiscal years
 14 2022 through 2026.

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

17 (1) A description of how relevant departments
 18 and agencies of the United States Government will
 19 work together to collectively support efforts by the
 20 Government of Ukraine to deter Russian aggression
 21 in the form of military incursions, cyber attacks, the
 22 coercive use of energy resources, use of
 23 passportization, and efforts to corrupt the Ukrainian
 24 political and economic systems.

1 (2) A description of the United States current
2 efforts and strategy to support Ukrainian diplomatic
3 initiatives when they align with United States inter-
4 ests.

5 (3) A strategy on how the United States will
6 use its voice and vote at the United Nations, OSCE,
7 Council of Europe, NATO, and other relevant inter-
8 national bodies to support Ukraine and its reform
9 efforts.

10 (4) A strategy on how the United States will
11 assist Ukraine in bolstering its diplomatic, economic,
12 energy, and maritime relationships with key Black
13 Sea countries, including Bulgaria, Romania, Turkey,
14 and Georgia.

15 (5) A strategy on how the United States will
16 engage with Germany, France, Ukraine, and Russia
17 to advance the Normandy Format and Minsk Agree-
18 ments.

19 (6) A strategy on how the United States will
20 work with allies to continue to engage Ukraine to
21 ensure meaningful progress on democratic, eco-
22 nomic, and anti-corruption reforms.

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

1 **SEC. 6. UNITED STATES-EUROPE WORKING GROUP ON**
2 **UKRAINE.**

3 (a) **IN GENERAL.**—The Secretary of State should
4 seek to establish a United States-Europe Working Group
5 on Ukraine.

6 (b) **REPRESENTATION.**—The United States-Europe
7 Working Group on Ukraine should include high-level rep-
8 resentatives from the European Union, its institutions,
9 and relevant European governments, as appropriate, to
10 jointly prioritize, evaluate and coordinate economic and
11 policy reform assistance and support for Ukraine.

12 (c) **TERMINATION.**—The authorities authorized
13 under this section shall terminate on September 30 of the
14 fifth fiscal year beginning after the date of the enactment
15 of this Act.

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

17 (a) **ESTABLISHMENT.**—The President should ap-
18 point, by and with the consent of the Senate, a Special
19 Envoy for Ukraine, who should report to the Assistant
20 Secretary of State for Europe and Eurasia.

21 (b) **RANK.**—The Special Envoy for Ukraine shall
22 have the rank and status of ambassador.

23 (c) **RESPONSIBILITIES.**—The Special Envoy for
24 Ukraine should—

25 (1) serve as the United States liaison to the
26 Normandy Format, tasked with leading the peace

1 process between Ukraine and the Russian Federa-
 2 tion;

3 ~~(2) facilitate diplomatic outreach to and dia-~~
 4 ~~logue with countries in the Black Sea region that,~~
 5 ~~like Ukraine, are faced with the impact of Russia's~~
 6 ~~growing militarization of the Sea;~~

7 ~~(3) coordinate closely with the Chief of Mission~~
 8 ~~in Ukraine;~~

9 ~~(4) coordinate with the United States-Europe~~
 10 ~~Working Group on Ukraine established pursuant to~~
 11 ~~section 6;~~

12 ~~(5) coordinate with the OSCE Special Moni-~~
 13 ~~toring Mission to Ukraine; and~~

14 ~~(6) provide the Committee on Foreign Relations~~
 15 ~~of the Senate and the Committee on Foreign Affairs~~
 16 ~~of the House of Representatives regular updates and~~
 17 ~~briefings on the status of peace negotiations.~~

18 ~~(d) TERMINATION.—The Special Envoy for Ukraine~~
 19 ~~position authorized under subsection (a) shall terminate~~
 20 ~~5 years after the date of the enactment of this Act.~~

21 **SEC. 8. FOREIGN MILITARY FINANCING.**

22 ~~(a) AUTHORIZATION OF APPROPRIATIONS.—There is~~
 23 ~~authorized to be appropriated for the Department of State~~
 24 ~~for each of fiscal years 2022 through 2026 \$300,000,000~~

1 for Foreign Military Financing (FMF) assistance to
2 Ukraine to assist the country in meeting its defense needs.

3 (b) AVAILABILITY OF FUNDS.—

4 (1) IN GENERAL.—Of the amount authorized to
5 be appropriated for each fiscal year pursuant to sub-
6 section (a), not more than \$150,000,000 shall be
7 made available until the Secretary of State makes
8 the certification described in paragraph (2) for such
9 fiscal year, including a detailed explanation justi-
10 fying the certification with respect to each of the
11 categories listed in subparagraphs (A) through (G)
12 of such paragraph. The certification shall be sub-
13 mitted to the appropriate congressional committees
14 in unclassified form, but may contain a classified
15 annex.

16 (2) CERTIFICATION.—The certification de-
17 scribed in this paragraph is a certification by the
18 Secretary of State, in coordination with the Sec-
19 retary of Defense, that the Government of Ukraine
20 has taken actions to—

21 (A) make defense institutional reforms, in
22 accordance with NATO standards;

23 (B) further strengthen civilian control of
24 the military;

1 ~~(C)~~ reform its state-owned arms produc-
 2 tion sector;

3 ~~(D)~~ increase transparency and account-
 4 ability in defense procurement;

5 ~~(E)~~ respect Verkhovna Rada efforts to ex-
 6 ercise oversight of the Ministry of Defense and
 7 military forces; and

8 ~~(F)~~ promote respect for the observation of
 9 human rights as enshrined in the requirements
 10 of section 620M of the Foreign Assistance Act
 11 of 1961 (22 U.S.C. 2378d) within the security
 12 forces of Ukraine.

13 ~~(e)~~ NOTICE TO CONGRESS.—Not later than 15 days
 14 before providing assistance or support under pursuant to
 15 subsection (a), the Secretary of State shall submit to the
 16 appropriate congressional committees a notification con-
 17 taining the following:

18 ~~(1)~~ A detailed description of the assistance or
 19 support to be provided; including—

20 ~~(A)~~ the objectives of such assistance or
 21 support;

22 ~~(B)~~ the budget for such assistance or sup-
 23 port; and

24 ~~(C)~~ the expected or estimated timeline for
 25 delivery of such assistance or support.

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

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

5 (1) prioritize the procurement of vessels for the
6 Ukrainian Navy and other articles that bolster the
7 capacity of the Ukrainian Navy to counter Russian
8 maritime aggression and maintain the freedom of in-
9 nocent passage throughout the Black Sea; and

10 (2) ensure adequate planning for maintenance
11 for any equipment provided.

12 (e) AUTHORITY TO PROVIDE LETHAL ASSIST-
13 ANCE.—The Secretary of State is authorized to provide
14 lethal assistance under this section, including anti-armor
15 weapon systems, mortars, crew-served weapons and am-
16 munition, grenade launchers and ammunition, anti-tank
17 weapons systems, anti-ship weapons systems, anti-aircraft
18 weapons systems, and small arms and ammunition.

19 (f) TRANSFER AUTHORITY.—The Secretary of De-
20 fense may transfer amounts appropriated or otherwise
21 made available for assistance under section 333 of title
22 10, United States Code, to the Department of State to
23 be made available for Foreign Military Finance assistance
24 to Ukraine.

1 **SEC. 9. EXPEDITED EXCESS DEFENSE ARTICLES TRANSFER**
2 **PROGRAM.**

3 During fiscal years 2022 through 2026, the delivery
4 of excess defense articles to Ukraine shall be given the
5 same priority as that given other countries and regions
6 under section 516(c)(2) of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2321j(c)(2)).

8 **SEC. 10. STRATEGY ON EXCESS DEFENSE ARTICLES FROM**
9 **ALLIES.**

10 (a) IN GENERAL.—Not later than 90 days after the
11 date of the enactment of this Act, the Secretary of State
12 in consultation with the Secretary of Defense, shall submit
13 to the appropriate congressional committees a classified
14 strategy on how the United States will encourage third
15 countries to donate excess defense equipment to Ukraine.

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

18 (1) A listing of all friendly and allied nations
19 that have excess defense material that may be com-
20 patible with the needs and systems utilized by the
21 Armed Forces of Ukraine.

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

1 **SEC. 11. IMET COOPERATION WITH UKRAINE.**

2 ~~(a) AUTHORIZATION OF APPROPRIATIONS.—~~There is
3 authorized to be appropriated to the Department of State
4 \$4,000,000 for each of fiscal years 2022 through 2026
5 for International Military Education and Training
6 ~~(IMET)~~ assistance for Ukraine. The assistance shall be
7 made available for the following purposes:

8 ~~(1) Training of future leaders.~~

9 ~~(2) Fostering a better understanding of the~~
10 ~~United States.~~

11 ~~(3) Establishing a rapport between the United~~
12 ~~States Armed Forces and Ukraine's military to build~~
13 ~~partnerships for the future.~~

14 ~~(4) Enhancement of interoperability and capa-~~
15 ~~bilities for joint operations.~~

16 ~~(5) Focusing on professional military education,~~
17 ~~civilian control of the military, and human rights.~~

18 ~~(b) AVAILABILITY OF FUNDS.—~~

19 ~~(1) IN GENERAL.—~~Of the amount authorized to
20 be appropriated for each fiscal year pursuant to sub-
21 section (a), not more than \$3,000,000 may be made
22 available until the Secretary of State, in consultation
23 with the Secretary of Defense, makes the certifi-
24 cation described in paragraph (2) to the Committee
25 on Foreign Relations of the Senate and the Foreign
26 Affairs Committee of the House of Representatives;

1 including a detailed explanation justifying the cer-
2 tification with respect to each of the categories listed
3 in subparagraphs (A) through (G) of such para-
4 graph. The certification shall be submitted to the
5 appropriate congressional committees in unclassified
6 form, but may contain a classified annex.

7 (2) CERTIFICATION.—The certification de-
8 scribed in this paragraph is a certification by the
9 Secretary of State, in coordination with the Sec-
10 retary of Defense, that the Government of Ukraine
11 has taken actions to—

12 (A) make defense institutional reforms, in
13 accordance with NATO standards;

14 (B) further strengthen civilian control of
15 the military;

16 (C) reform its state-owned arms produc-
17 tion sector;

18 (D) increase transparency and account-
19 ability in defense procurement;

20 (E) respect Verkhovna Rada efforts to ex-
21 ercise oversight of the Ministry of Defense and
22 military forces; and

23 (F) promote respect for the observation of
24 human rights as enshrined in the requirements
25 of section 620M of the Foreign Assistance Act

1 of 1961 (22 U.S.C. 2378d) within the security
2 forces of Ukraine.

3 (c) NOTICE TO CONGRESS.—Not later than 15 days
4 before providing assistance or support pursuant to sub-
5 section (a), the Secretary of State shall submit to the
6 Committee on Foreign Relations of the Senate and the
7 Committee on Foreign Affairs of the House of Representa-
8 tives a notification containing the following elements:

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

11 (A) the objectives of such assistance or
12 support;

13 (B) the budget for such assistance or sup-
14 port; and

15 (C) the expected or estimated timeline for
16 delivery of such assistance or support.

17 (2) A description of such other matters as the
18 Secretary considers appropriate.

19 **SEC. 12. STRATEGY ON IMET PROGRAMMING IN UKRAINE.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the Government of Ukraine should fully utilize
22 the United States IMET program; encourage eligible offi-
23 cers and civilian leaders to participate in the training; and
24 promote successful graduates to positions of prominence
25 in the Ukrainian Armed Forces.

1 (b) ~~IN GENERAL.~~—Not later than 180 days after the
2 date of the enactment of this Act, the Secretary of State
3 shall submit to the appropriate congressional committees
4 a strategy for the implementation of the IMET program
5 in Ukraine authorized under section 11.

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

8 (1) A clear plan, developed in close consultation
9 with the Ukrainian Ministry of Defense and the
10 Armed Forces of Ukraine, for how the IMET pro-
11 gram will be used by the United States Government
12 and the Government of Ukraine to propel program
13 graduates to positions of prominence in support of
14 the Ukrainian military's reform efforts in line with
15 NATO standards.

16 (2) An assessment of the education and train-
17 ing requirements of the Ukrainian military and clear
18 recommendations for how IMET graduates should
19 be assigned by the Ukrainian Ministry of Defense
20 upon completion of education or training.

21 (3) An accounting of the current combat re-
22 quirements of the Ukrainian military and an assess-
23 ment of the viability of alternative mobile training
24 teams, distributed learning, and other flexible solu-
25 tions to reach such students.

1 (4) An identification of opportunities to influ-
 2 ence the next generation of leaders through attend-
 3 ance at United States staff and war colleges, junior
 4 leader development programs, and technical schools.

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

8 **SEC. 13. SENSE OF CONGRESS ON LOAN PROGRAM.**

9 It is the sense of Congress that—

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

17 (2) such loans should be considered an additive
 18 security assistance tool, and not a substitute for
 19 Foreign Military Financing for grant assistance or
 20 Ukraine Security Assistance Initiative programming.

21 **SEC. 14. STRATEGY TO PROTECT UKRAINE’S DEFENSE IN-**
 22 **DUSTRY FROM STRATEGIC COMPETITORS.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
 24 gress that the United States should work with the Govern-
 25 ment of Ukraine to ensure strategic assets and companies

1 in Ukraine's defense industry are not subject to foreign
 2 ownership, control, or undue influence by strategic com-
 3 petitors to the United States, such as the People's Repub-
 4 lic of China (PRC).

5 (b) STRATEGY REQUIRED.—

6 (1) IN GENERAL.—Not later than 180 days
 7 after the date of the enactment of this Act, the Sec-
 8 retary of Defense and the Secretary of State shall
 9 jointly submit to the appropriate committees of Con-
 10 gress a strategy to support Ukraine in protecting its
 11 defense industry from predatory investments.

12 (2) ELEMENTS.—The strategy required under
 13 paragraph (1) shall include the following elements:

14 (A) A description of the efforts by stra-
 15 tegic competitors, such as the PRC, to acquire
 16 strategic assets and companies in Ukraine's de-
 17 fense industry in a predatory manner and the
 18 national security implications for Ukraine, the
 19 United States, and other NATO allies and part-
 20 ners.

21 (B) A description of vulnerable strategic
 22 assets and companies in Ukraine's defense in-
 23 dustry that would benefit from foreign invest-
 24 ments and joint ventures.

1 (C) A description of the reforms to
 2 Ukraine’s defense industry and export controls
 3 that are necessary to incentivize Western in-
 4 vestments in them.

5 (D) A strategy to promote, as appropriate,
 6 United States direct investment in and joint
 7 ventures with strategic companies in Ukraine’s
 8 defense industry to provide an alternative to
 9 PRC investments, and to engage like-minded al-
 10 lies and partners on these efforts.

11 (3) FORM.—The strategy required under para-
 12 graph (1) shall be submitted in classified form.

13 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
 14 FINED.—In this section, the term “appropriate commit-
 15 tees of Congress” means—

16 (1) the Committee on Foreign Relations and
 17 the Committee on Armed Services of the Senate; and

18 (2) the Committee on Foreign Affairs and the
 19 Committee on Armed Services of the House of Rep-
 20 resentatives.

21 **SEC. 15. APPROPRIATE CONGRESSIONAL COMMITTEES.**

22 In this Act, the term “appropriate congressional com-
 23 mittees” means—

24 (1) the Committee on Foreign Relations and
 25 the Committee on Appropriations of the Senate; and

1 ~~(2) the Committee on Foreign Affairs and the~~
 2 ~~Committee on Appropriations of the House of Rep-~~
 3 ~~resentatives.~~

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Ukraine Security Part-*
 6 *nership Act of 2021”.*

7 **SEC. 2. FINDINGS.**

8 *Congress makes the following findings:*

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

11 (2) *Between 1919 and 1991, Ukraine was bru-*
 12 *tally ruled by the Soviet Union, whose policy of agri-*
 13 *cultural collectivization caused the Holodomor of*
 14 *1932–1933, a man-made famine that resulted in the*
 15 *death of at least 3,000,000 Ukrainians by starvation.*

16 (3) *During the Nazi occupation of Ukraine ac-*
 17 *companying World War II—*

18 (A) *approximately 3,500,000 Ukrainian ci-*
 19 *vilians and 3,000,000 soldiers were killed; and*

20 (B) *approximately 1,500,000 Jews were*
 21 *massacred.*

22 (4) *Ukraine declared its independence from Mos-*
 23 *cow in 1991, after the collapse of the Soviet Union.*

24 (5) *In the 1994 Budapest Memorandum, the*
 25 *Russian Federation, the United States, and the*

1 *United Kingdom pledged to “respect the independence*
 2 *and sovereignty and the existing borders of Ukraine”*
 3 *and “refrain from the threat or use of force against*
 4 *the territorial integrity or political independence of*
 5 *Ukraine” in exchange for Ukraine’s surrender of its*
 6 *nuclear arsenal.*

7 *(6) From November 2004 through January 2005,*
 8 *thousands of Ukrainians took to the streets to peace-*
 9 *fully protest electoral fraud and widespread corrup-*
 10 *tion by the ruling elite in the 2004 Presidential elec-*
 11 *tion, successfully triggering a re-vote, in what became*
 12 *known as the Orange Revolution.*

13 *(7) During Ukraine’s 2014 Revolution of Dig-*
 14 *nity, or Euromaidan, the pro-Russian government of*
 15 *President Viktor Yanukovich was forced to resign*
 16 *after thousands of Ukrainians peacefully protested*
 17 *Yanukovich’s decision to reject a closer relationship*
 18 *with the European Union and his continued systemic*
 19 *corruption, and over 100 of those protestors were*
 20 *killed by violent government suppression.*

21 *(8) Fearful of Ukraine’s strengthened pro-West-*
 22 *ern orientation after the Revolution of Dignity, the*
 23 *Government of the Russian Federation, in violation of*
 24 *international law and in contravention of its commit-*
 25 *ments in the Budapest Memorandum—*

1 (A) sent undisclosed military personnel into
2 Ukraine's Autonomous Republic of Crimea in
3 February 2014 and has illegally occupied the
4 Crimean Peninsula for the past seven years;

5 (B) sent covert, unmarked military per-
6 sonnel into the Ukrainian regions of Donetsk
7 and Luhansk in April 2014, instigating and
8 supporting a still-ongoing conflict that has cost
9 nearly 14,000 lives; and

10 (C) provided the Buk missile system used by
11 those Russia-led forces to shoot down Malaysian
12 Airlines Flight 17 over eastern Ukraine in July
13 2014, killing all 298 passengers and crew on
14 board;

15 (9) Under Russian control, Crimean authorities
16 have kidnapped, imprisoned, and tortured Crimean
17 Tatars, opposition figures, activists, and other minor-
18 ity populations, and have persecuted religious mi-
19 norities by pressing false charges of terrorism and
20 deregistering religious centers.

21 (10) In September 2014, in an attempt to stop
22 the fighting that the Russian Federation had initiated
23 in eastern Ukraine, France, Germany, Ukraine, the
24 Russian Federation, the Organization for Security

1 *and Cooperation (OSCE), and Russia-led forces from*
2 *eastern Ukraine signed the Minsk Protocol.*

3 *(11) In February 2015, after the failure of the*
4 *initial Minsk Protocol, the Russian Federation com-*
5 *mitted to the Minsk II Agreement, the roadmap for*
6 *resolving the conflict in eastern Ukraine, signed by*
7 *the Governments of Ukraine, Russia, France, and*
8 *Germany.*

9 *(12) Despite these agreements, the Government of*
10 *the Russian Federation continues to violate Ukrain-*
11 *ian sovereignty through—*

12 *(A) manipulation of Ukraine’s dependence*
13 *on Russian natural gas, including cutting off ac-*
14 *cess in 2014, which deprived Ukraine of its en-*
15 *ergy supply and transit fees;*

16 *(B) espionage and clandestine assassina-*
17 *tions on Ukrainian territory;*

18 *(C) continuous cyber warfare against the*
19 *Government of Ukraine and Ukrainian busi-*
20 *nesses, such as the NotPetya hack in 2017; and*

21 *(D) seizure of Ukrainian property and citi-*
22 *zens, including the November 2018 seizure in the*
23 *Kerch Strait of three Ukrainian naval vessels*
24 *and 24 Ukrainian officers on board those vessels.*

1 (13) *In July 2018, Secretary of State Michael R.*
2 *Pompeo issued the Crimea Declaration and reiterated*
3 *in February 2020 on the sixth anniversary of Rus-*
4 *sia’s illegal occupation that “Crimea is Ukraine”.*

5 (14) *On February 26, 2021 President Joseph R.*
6 *Biden confirmed that Crimea is Ukraine and the*
7 *United States does not and will never recognize Rus-*
8 *sia’s purported annexation of the peninsula.*

9 (15) *Since April 2014, at least 4,100 Ukrainian*
10 *soldiers have died fighting for their country against*
11 *the Russian Federation and Russia-led forces, while*
12 *no less than 3,361 civilians have perished as a result*
13 *of that fighting.*

14 (16) *Despite Ukraine’s tumultuous history and*
15 *neighborhood, in under 30 years it has risen from the*
16 *collapse of the Soviet Union to become a developing*
17 *democracy, steadily working to overcome its Soviet*
18 *legacy of oppression, oligarchic control, and corrup-*
19 *tion.*

20 (17) *Running on a strong anti-corruption plat-*
21 *form, Volodymyr Zelensky won the 2019 presidential*
22 *election with 73 percent of the vote, and his political*
23 *party, Servant of the People, won a parliamentary*
24 *majority in the Ukrainian parliament.*

1 (18) *The OSCE confirmed the 2019 elections*
2 *were “competitive and fundamental freedoms were*
3 *generally respected”.*

4 (19) *In March and April 2021, the Russian Fed-*
5 *eration amassed over 75,000 troops on its border with*
6 *the Eastern Ukraine and in the occupied territory of*
7 *Crimea.*

8 (20) *Since 2014, the Government of Ukraine has*
9 *made difficult and substantial reforms in an effort to*
10 *address corruption and more closely align with the*
11 *West, such as slimming and decentralizing its bu-*
12 *reaucracy, removing immunity from prosecution for*
13 *Members of Parliament, reforming its gas, pension,*
14 *and procurement systems, and working to adapt its*
15 *military to the standards of the North Atlantic Trea-*
16 *ty Organization (NATO).*

17 (21) *Despite progress in reforming many areas*
18 *of Ukrainian governance, serious issues still remain,*
19 *particularly in the areas of corruption and rule of*
20 *law.*

21 (22) *The United States Government has consist-*
22 *ently supported Ukraine’s democratic transition and*
23 *its fight against Russia-led forces by assisting its gov-*
24 *ernance reform efforts, maintaining robust and co-*
25 *ordinated sanctions against the Russian Federation*

1 *alongside the European Union, and providing the*
2 *Ukrainian military with training and equipment, in-*
3 *cluding lethal defensive weaponry.*

4 *(23) In addition to the United States, the Euro-*
5 *pean Union, European countries, and Canada have*
6 *provided substantial diplomatic, monetary, and mili-*
7 *tary support for Ukraine's democratic transition and*
8 *its fight against Russia-led forces in eastern Ukraine,*
9 *and also have implemented and maintained robust*
10 *sanctions regimes against the Russian Federation for*
11 *its illegal occupation of Crimea and its active desta-*
12 *bilization of Ukraine.*

13 *(24) the Government of Ukraine has steadfastly*
14 *supported the United States and European allies by*
15 *deploying troops to Iraq, Afghanistan, and NATO's*
16 *Kosovo Force (KFOR), allowing United States mili-*
17 *tary planes to refuel on Ukrainian soil, and trading*
18 *billions of dollars' worth of goods and services with*
19 *the United States.*

20 *(25) NATO has recently decided to include*
21 *Ukraine in its Enhanced Opportunities Partnership*
22 *in recognition of Ukraine's contributions to NATO*
23 *missions and efforts to reform its military in line*
24 *with NATO standards.*

(26) *Since the Russian Federation’s 2014 invasion of Ukraine, the United States Congress has demonstrated its support for Ukraine through the passage of legislation, including the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (Public Law 113–95; 22 U.S.C. 8901 et seq.), the Ukraine Freedom Support Act (Public Law 113–272; 22 U.S.C. 8921 et seq.), the Ukraine Security Assistance Initiative established under section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44), and the Protecting Europe’s Energy Security Act of 2019 (Public Law 116–92, title LXXV), and the United States Congress continues to demonstrate strong support for assisting Ukraine in defending itself and deterring Russia.*

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) *Ukraine stands as a bulwark against the malign influence of the Russian Federation in Europe, and robust United States support for Ukraine is vital to United States national security and demonstrates*

1 *the commitment of the United States to upholding a*
2 *free and open international order;*

3 *(2) since Ukraine's independence in 1991, the*
4 *Government and people of Ukraine have made signifi-*
5 *cant strides towards improved governance, rule of*
6 *law, anti-corruption measures, and economic reforms;*

7 *(3) Ukraine's long-term viability is directly con-*
8 *ected to its efforts to reduce corruption and build*
9 *strong democratic institutions that are able to defend*
10 *against internal and external corrupt actors;*

11 *(4) the efforts and sacrifices of Ukrainian citi-*
12 *zens to determine their own fate after centuries of op-*
13 *pression, through democratic representation and gov-*
14 *ernance reforms, is evidence of that country's dedica-*
15 *tion to a free, independent, and democratic future;*

16 *(5) Ukraine has proven itself to be a valuable se-*
17 *curity partner of the United States, not simply a re-*
18 *cipient of assistance;*

19 *(6) it is in the national security interests of the*
20 *United States to continue and deepen its security*
21 *partnership with Ukraine, including through the pro-*
22 *vision of both lethal and non-lethal assistance;*

23 *(7) the United States should continue to place*
24 *policy-based conditions on Ukraine's receipt of finan-*

1 *cial and military assistance, as that mechanism has*
2 *proven effective in incentivizing reforms in Ukraine;*

3 *(8) the United States should use its voice and*
4 *vote at NATO to encourage the adoption of a policy*
5 *by the Alliance that all of its member states will*
6 *refuse to recognize the illegal attempted annexation of*
7 *Crimea by the Russian Federation;*

8 *(9) the United States should support at the high-*
9 *est level and take an active part in the Ukrainian*
10 *“Crimean Platform” initiative to ensure that the*
11 *international community’s attention remains focused*
12 *on—*

13 *(A) the unacceptable violation of Ukraine’s*
14 *territorial integrity in Crimea; and*

15 *(B) working towards the reversal of such*
16 *violation;*

17 *(10) the United States should continue to bolster*
18 *the capacity of the Ukrainian Navy as it strives to*
19 *fulfill the goals it set out in its “Strategy of the Naval*
20 *Forces of the Armed Forces of Ukraine 2035”;*

21 *(11) the military-focused technical, training,*
22 *maintenance, and logistical assistance provided by*
23 *the United States to Ukraine is as essential as the*
24 *military hardware provided to the country;*

1 (12) *all security assistance provided to Ukraine*
2 *should continue to be subject to rigorous vetting re-*
3 *quirements under section 620M of the Foreign Assist-*
4 *ance Act of 1961 (22 U.S.C. 2378d) and security co-*
5 *operation under section 362 of title 10, United States*
6 *Code, including assistance provided to units in the*
7 *National Guard of Ukraine as well as all units fall-*
8 *ing under the authority of the Ministry of Defense;*

9 (13) *the Office of Defense Cooperation at the*
10 *United States Embassy in Ukraine should be fully*
11 *staffed with officers who serve three-year terms in*
12 *order to administer the security assistance being pro-*
13 *vided to the country;*

14 (14) *the Secretary of Defense should conduct an*
15 *assessment of the staffing resources of the Office of De-*
16 *fense Cooperation and strongly consider providing ad-*
17 *ditional staff to the Office of Defense Cooperation in*
18 *Ukraine;*

19 (15) *the United States should continue to sup-*
20 *port Ukraine's NATO aspirations, including through*
21 *work towards a Membership Action Plan;*

22 (16) *the enduring partnership between the*
23 *United States and Ukraine, including bipartisan sup-*
24 *port for a sovereign, democratic, and whole Ukraine*
25 *through political, monetary, and military assistance,*

1 *remains strong and must continue to be reaffirmed;*
 2 *and*

3 *(17) the United States should continue to strong-*
 4 *ly support Ukraine’s ambitions to join the Euro-At-*
 5 *lantic community of democracies.*

6 **SEC. 4. STATEMENT OF POLICY.**

7 *It is the policy of the United States—*

8 *(1) to refuse to recognize the attempted annex-*
 9 *ation of Crimea by the Russian Federation, an action*
 10 *that was taken in contravention of international law;*

11 *(2) to utilize existing sanctions and other au-*
 12 *thorities to deter malign actions by the Russian Fed-*
 13 *eration in or intended to harm Ukraine, including*
 14 *the mandates and authorities codified by—*

15 *(A) the Countering America’s Adversaries*
 16 *Through Sanctions Act (22 U.S.C. 9401 et seq.);*
 17 *and*

18 *(B) the Protecting Europe’s Energy Secu-*
 19 *rity Act of 2019 (title LXXV of Public Law 116–*
 20 *92; 22 U.S.C. 9526 note);*

21 *(3) to work with our European allies to coordi-*
 22 *nate strategies to curtail Russian malign influence in*
 23 *Ukraine;*

24 *(4) to work with our allies and partners to con-*
 25 *duct more frequent multinational freedom of naviga-*

1 *tion operations in the Black Sea in order to dem-*
 2 *onstrate support for Ukraine’s internationally-recog-*
 3 *nized maritime boundaries, to safeguard the*
 4 *unimpeded traffic of lawful commerce, and to push*
 5 *back against excessive Russian Federation claims of*
 6 *sovereignty;*

7 *(5) to work with our allies and partners to dem-*
 8 *onstrate support for Ukraine’s territorial integrity,*
 9 *including its internationally-recognized land borders;*
 10 *and*

11 *(6) to support democratic, economic, and anti-*
 12 *corruption reforms in Ukraine and the country’s inte-*
 13 *gration into Euro-Atlantic institutions.*

14 **SEC. 5. STRATEGY ON UNITED STATES DIPLOMATIC SUP-**
 15 **PORT FOR UKRAINE.**

16 *(a) IN GENERAL.—Not later than 90 days after the*
 17 *date of the enactment of this Act, the Secretary of State*
 18 *shall submit to the appropriate congressional committees a*
 19 *report with a strategy on how the United States will work*
 20 *to diplomatically support Ukraine during fiscal years 2022*
 21 *through 2026.*

22 *(b) ELEMENTS.—The report required under subsection*
 23 *(a) shall include the following elements:*

24 *(1) A description of how relevant departments*
 25 *and agencies of the United States Government will*

1 *work together to collectively support efforts by the*
2 *Government of Ukraine to deter Russian aggression*
3 *in the form of military incursions, cyber attacks, the*
4 *coercive use of energy resources, the disruption of law-*
5 *ful commerce and traffic to Ukrainian ports, use of*
6 *passportization, and efforts to corrupt the Ukrainian*
7 *political and economic systems.*

8 *(2) A description of the United States' current*
9 *efforts and strategy to support Ukrainian diplomatic*
10 *initiatives when they align with United States inter-*
11 *ests.*

12 *(3) A strategy on how the United States will use*
13 *its voice and vote at the United Nations, OSCE,*
14 *Council of Europe, NATO, and other relevant inter-*
15 *national bodies to support Ukraine and its reform ef-*
16 *forts.*

17 *(4) A strategy on how the United States will as-*
18 *sist Ukraine in bolstering its diplomatic, economic,*
19 *energy, and maritime relationships with key Black*
20 *Sea countries, including Bulgaria, Romania, Turkey,*
21 *and Georgia.*

22 *(5) A strategy on how the United States will en-*
23 *gage with Germany, France, Ukraine, and Russia to*
24 *advance the Normandy Format and Minsk Agree-*
25 *ments.*

1 (6) *An assessment of Ukraine’s recent progress*
 2 *on anti-corruption reforms and a strategy on how the*
 3 *United States will work with allies to continue to en-*
 4 *gage Ukraine to ensure meaningful progress on demo-*
 5 *cratic, economic, and anti-corruption reforms.*

6 (c) *FORM.—The report required under subsection (a)*
 7 *shall be submitted in unclassified form, but may contain*
 8 *a classified annex.*

9 **SEC. 6. UNITED STATES-EUROPE WORKING GROUP ON**
 10 **UKRAINE.**

11 (a) *IN GENERAL.—The Secretary of State should seek*
 12 *to establish a United States-Europe Working Group on*
 13 *Ukraine.*

14 (b) *REPRESENTATION.—The United States-Europe*
 15 *Working Group on Ukraine should include high-level rep-*
 16 *resentatives from the European Union, its institutions, and*
 17 *relevant European governments, as appropriate, to jointly*
 18 *prioritize, evaluate and coordinate economic and policy re-*
 19 *form assistance and support for Ukraine.*

20 (c) *TERMINATION.—The authorities authorized under*
 21 *this section shall terminate on September 30 of the fifth fis-*
 22 *cal year beginning after the date of the enactment of this*
 23 *Act.*

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

2 (a) *ESTABLISHMENT.*—*The President should appoint,*
 3 *by and with the consent of the Senate, a Special Envoy*
 4 *for Ukraine, who should report to the Assistant Secretary*
 5 *of State for Europe and Eurasia.*

6 (b) *RANK.*—*The Special Envoy for Ukraine shall have*
 7 *the rank and status of ambassador.*

8 (c) *RESPONSIBILITIES.*—*The Special Envoy for*
 9 *Ukraine should—*

10 (1) *serve as the United States liaison to the Nor-*
 11 *mandy Format, tasked with leading the peace process*
 12 *between Ukraine and the Russian Federation;*

13 (2) *facilitate diplomatic outreach to and dia-*
 14 *logue with countries in the Black Sea region that, like*
 15 *Ukraine, are faced with the impact of Russia’s grow-*
 16 *ing militarization of the Sea;*

17 (3) *coordinate closely with the Chief of Mission*
 18 *in Ukraine;*

19 (4) *coordinate with the United States-Europe*
 20 *Working Group on Ukraine established pursuant to*
 21 *section 6;*

22 (5) *coordinate with the OSCE Special Moni-*
 23 *toring Mission to Ukraine; and*

24 (6) *provide the Committee on Foreign Relations*
 25 *of the Senate and the Committee on Foreign Affairs*

1 *of the House of Representatives regular updates and*
 2 *briefings on the status of peace negotiations.*

3 (d) *TERMINATION.—The Special Envoy for Ukraine*
 4 *position authorized under subsection (a) shall terminate 5*
 5 *years after the date of the enactment of this Act.*

6 **SEC. 8. FOREIGN MILITARY FINANCING.**

7 (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 8 *authorized to be appropriated for the Department of State*
 9 *for each of fiscal years 2022 through 2026 \$300,000,000 for*
 10 *Foreign Military Financing (FMF) assistance to Ukraine*
 11 *to assist the country in meeting its defense needs.*

12 (b) *AVAILABILITY OF FUNDS.—*

13 (1) *IN GENERAL.—Of the amount authorized to*
 14 *be appropriated for each fiscal year pursuant to sub-*
 15 *section (a), not more than \$150,000,000 shall be made*
 16 *available until the Secretary of State makes the cer-*
 17 *tification described in paragraph (2) for such fiscal*
 18 *year, including a detailed explanation justifying the*
 19 *certification with respect to each of the categories list-*
 20 *ed in subparagraphs (A) through (G) of such para-*
 21 *graph. The certification shall be submitted to the ap-*
 22 *propriate congressional committees in unclassified*
 23 *form, but may contain a classified annex.*

24 (2) *CERTIFICATION.—The certification described*
 25 *in this paragraph is a certification by the Secretary*

1 *of State, in coordination with the Secretary of De-*
2 *fense, that the Government of Ukraine has taken ac-*
3 *tions to—*

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

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

8 *(C) reform its state-owned arms production*
9 *sector;*

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

12 *(E) respect Verkhovna Rada efforts to exer-*
13 *cise oversight of the Ministry of Defense and*
14 *military forces;*

15 *(F) promote respect for the observation of*
16 *human rights as enshrined in the requirements*
17 *of section 620M of the Foreign Assistance Act of*
18 *1961 (22 U.S.C. 2378d) within the security*
19 *forces of Ukraine; and*

20 *(G) support the work of Ukraine’s anti-cor-*
21 *ruption bodies, including the High Anti-Corrup-*
22 *tion Court, National Anti-Corruption Bureau,*
23 *and the Special Anti-Corruption Prosecutor’s Of-*
24 *fice.*

1 (c) *NOTICE TO CONGRESS.*—Not later than 15 days be-
2 fore providing assistance or support pursuant to subsection
3 (a), the Secretary of State shall submit to the appropriate
4 congressional committees a notification containing the fol-
5 lowing:

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

8 (A) *the objectives of such assistance or sup-*
9 *port;*

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 Congress
17 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 ca-*
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 ASSISTANCE.*—
 2 *The Secretary of State is authorized to provide lethal assist-*
 3 *ance under this section, including anti-armor weapon sys-*
 4 *tems, mortars, crew-served weapons and ammunition, gre-*
 5 *nade launchers and ammunition, anti-tank weapons sys-*
 6 *tems, anti-ship weapons systems, anti-aircraft weapons sys-*
 7 *tems, and small arms and ammunition.*

8 **SEC. 9. EXPEDITED EXCESS DEFENSE ARTICLES TRANSFER**
 9 **PROGRAM.**

10 *During fiscal years 2022 through 2026, the delivery*
 11 *of excess defense articles to Ukraine shall be given the same*
 12 *priority as that given other countries and regions under*
 13 *section 516(c)(2) of the Foreign Assistance Act of 1961 (22*
 14 *U.S.C. 2321j(c)(2)).*

15 **SEC. 10. STRATEGY ON EXCESS DEFENSE ARTICLES FROM**
 16 **ALLIES.**

17 (a) *IN GENERAL.*—*Not later than 90 days after the*
 18 *date of the enactment of this Act, the Secretary of State*
 19 *in consultation with the Secretary of Defense, shall submit*
 20 *to the appropriate congressional committees a classified*
 21 *strategy on how the United States will encourage third*
 22 *countries to donate excess defense equipment to Ukraine.*

23 (b) *ELEMENTS.*—*The report required under subsection*
 24 (a) *shall include the following elements:*

1 (1) *A listing of all friendly and allied nations*
 2 *that have excess defense material that may be compat-*
 3 *ible with the needs and systems utilized by the Armed*
 4 *Forces of Ukraine.*

5 (2) *A description of the diplomatic efforts under-*
 6 *taken by the United States Government to encourage*
 7 *allied nations to donate their excess defense articles to*
 8 *Ukraine on an expedited basis.*

9 **SEC. 11. IMET COOPERATION WITH UKRAINE.**

10 (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 11 *authorized to be appropriated to the Department of State*
 12 *\$4,000,000 for each of fiscal years 2022 through 2026 for*
 13 *International Military Education and Training (IMET)*
 14 *assistance for Ukraine. The assistance shall be made avail-*
 15 *able for the following purposes:*

16 (1) *Training of future leaders.*

17 (2) *Fostering a better understanding of the*
 18 *United States.*

19 (3) *Establishing a rapport between the United*
 20 *States Armed Forces and Ukraine’s military to build*
 21 *partnerships for the future.*

22 (4) *Enhancement of interoperability and capa-*
 23 *bilities for joint operations.*

24 (5) *Focusing on professional military education,*
 25 *civilian control of the military, and human rights.*

1 (b) *NOTICE TO CONGRESS.*—Not later than 15 days
 2 before providing assistance or support pursuant to sub-
 3 section (a), the Secretary of State shall submit to the Com-
 4 mittee on Foreign Relations of the Senate and the Com-
 5 mittee on Foreign Affairs of the House of Representatives
 6 a notification containing the following elements:

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

9 (A) *the objectives of such assistance or sup-*
 10 *port;*

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

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

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

17 **SEC. 12. STRATEGY ON IMET PROGRAMMING IN UKRAINE.**

18 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
 19 that the Government of Ukraine should fully utilize the
 20 United States IMET program, encourage eligible officers
 21 and civilian leaders to participate in the training, and pro-
 22 mote successful graduates to positions of prominence in the
 23 Ukrainian Armed Forces.

24 (b) *IN GENERAL.*—Not later than 180 days after the
 25 date of the enactment of this Act, the Secretary of State

1 *shall submit to the appropriate congressional committees a*
2 *strategy for the implementation of the IMET program in*
3 *Ukraine authorized under section 11.*

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

6 *(1) A clear plan, developed in close consultation*
7 *with the Ukrainian Ministry of Defense and the*
8 *Armed Forces of Ukraine, for how the IMET program*
9 *will be used by the United States Government and the*
10 *Government of Ukraine to propel program graduates*
11 *to positions of prominence in support of the Ukrain-*
12 *ian military's reform efforts in line with NATO*
13 *standards.*

14 *(2) An assessment of the education and training*
15 *requirements of the Ukrainian military and clear rec-*
16 *ommendations for how IMET graduates should be as-*
17 *signed by the Ukrainian Ministry of Defense upon*
18 *completion of education or training.*

19 *(3) An accounting of the current combat require-*
20 *ments of the Ukrainian military and an assessment*
21 *of the viability of alternative mobile training teams,*
22 *distributed learning, and other flexible solutions to*
23 *reach such students.*

24 *(4) An identification of opportunities to influ-*
25 *ence the next generation of leaders through attendance*

1 *at United States staff and war colleges, junior leader*
 2 *development programs, and technical schools.*

3 *(d) FORM.—The strategy required under subsection (a)*
 4 *shall be submitted in unclassified form, but may contain*
 5 *a classified annex.*

6 **SEC. 13. SENSE OF CONGRESS ON LOAN PROGRAM.**

7 *It is the sense of Congress that—*

8 *(1) as appropriate, the United States Govern-*
 9 *ment should provide direct loans to Ukraine for the*
 10 *procurement of defense articles, defense services, and*
 11 *design and construction services pursuant to the au-*
 12 *thority of section 23 of the Arms Export Control Act*
 13 *(22 U.S.C. 2763) to support the further development*
 14 *of Ukraine’s military forces; and*

15 *(2) such loans should be considered an additive*
 16 *security assistance tool, and not a substitute for For-*
 17 *ign Military Financing for grant assistance or*
 18 *Ukraine Security Assistance Initiative programming.*

19 **SEC. 14. STRATEGY TO PROTECT UKRAINE’S DEFENSE IN-**
 20 **DUSTRY FROM STRATEGIC COMPETITORS.**

21 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
 22 *that the United States should work with the Government*
 23 *of Ukraine to ensure strategic assets and companies in*
 24 *Ukraine’s aerospace and defense sector are not subject to*
 25 *foreign ownership, control, or undue influence by strategic*

1 competitors to the United States, such as the People's Re-
 2 public of China (PRC). These efforts will require support
 3 from across the Executive Branch and should leverage all
 4 available tools and authorities.

5 (b) *STRATEGY REQUIRED.*—

6 (1) *IN GENERAL.*—Not later than 180 days after
 7 the date of the enactment of this Act, the President,
 8 acting through the Secretary of Defense and the Sec-
 9 retary of State and in consultation with the Secretary
 10 of the Treasury and the heads of other relevant De-
 11 partments and agencies as the President may deter-
 12 mine, shall submit to the appropriate committees of
 13 Congress a strategy to support Ukraine in protecting
 14 its aerospace and defense industry from predatory in-
 15 vestments.

16 (2) *ELEMENTS.*—The strategy required under
 17 paragraph (1) shall include the following elements:

18 (A) An assessment of the efforts by strategic
 19 competitors, such as the PRC, to acquire stra-
 20 tegic assets and companies in Ukraine's aero-
 21 space and defense sector and the national secu-
 22 rity implications for Ukraine, the United States,
 23 and other NATO allies and partners.

24 (B) An assessment of the vulnerabilities that
 25 strategic competitors of the United States exploit

1 *to acquire strategic assets in the Ukrainian aero-*
 2 *space and defense sector, Ukraine's progress in*
 3 *addressing them, and United States initiatives*
 4 *to support these efforts such as assistance in*
 5 *strengthening Ukraine's investment screening*
 6 *and national security vetting laws.*

7 *(C) An assessment of Ukraine's efforts to*
 8 *make reforms necessary to incentivize Western*
 9 *investment in Ukraine's aerospace and defense*
 10 *sector and United States support for these efforts.*

11 *(D) A strategy to—*

12 *(i) promote, as appropriate, United*
 13 *States direct investment in Ukraine's aero-*
 14 *space and defense sector;*

15 *(ii) better leverage tools like debt fi-*
 16 *nancing, equity investments, and political*
 17 *risk insurance to incentivize greater partici-*
 18 *pation by United States firms;*

19 *(iii) provide an alternative to PRC in-*
 20 *vestments; and*

21 *(iv) engage like-minded allies and*
 22 *partners on these efforts.*

23 *(3) FORM.—The strategy required under para-*
 24 *graph (1) shall be submitted in classified form.*

1 (c) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
 2 *FINED.—In this section, the term “appropriate committees*
 3 *of Congress” means—*

4 (1) *the Committee on Foreign Relations and the*
 5 *Committee on Armed Services of the Senate; and*

6 (2) *the Committee on Foreign Affairs and the*
 7 *Committee on Armed Services of the House of Rep-*
 8 *resentatives.*

9 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) *IN GENERAL.—There is authorized to be appro-*
 11 *priated to the Department of State \$50,000,000 for each*
 12 *of the fiscal years 2022 through 2026 for the purposes de-*
 13 *scribed in subsection (b) with respect to Ukraine.*

14 (b) *USE OF FUNDS.—Amounts appropriated pursuant*
 15 *to subsection (a) may only be used—*

16 (1) *to strengthen Ukraine’s cyber security, cyber*
 17 *resilience and intellectual property enforcement, in-*
 18 *cluding expanding the United States Transnational*
 19 *and High Tech Crime Global Law Enforcement Net-*
 20 *work through International Computer Hacking and*
 21 *Intellectual Property Advisor or Intellectual Property*
 22 *Law Enforcement Coordinators to provide training*
 23 *and capacity building related to cyber crime and in-*
 24 *tellectual property crime;*

1 (2) *to provide support and training in Ukraine*
 2 *for—*

3 (A) *sectoral reforms related to banking and*
 4 *public finance management reform;*

5 (B) *the privatization of state-owned enter-*
 6 *prises;*

7 (C) *regulatory independence;*

8 (D) *subsidy reform;*

9 (E) *land reform;*

10 (F) *corporate governance; and*

11 (G) *foreign investment screening;*

12 (3) *to combat corruption, improve the rule of*
 13 *law, and otherwise strengthen independent legal insti-*
 14 *tutions, including by—*

15 (A) *expanding regional anti-corruption*
 16 *training and exchanges among Ukrainian Min-*
 17 *istry officials, law enforcement officers, judges,*
 18 *and prosecutors to build peer support, share best*
 19 *practices, maintain reform momentum, and pro-*
 20 *tect reforms from capture;*

21 (B) *supporting regional training of United*
 22 *States Embassy personal responsible for sup-*
 23 *porting anti-corruption and the rule of law to*
 24 *improve their effectiveness in supporting the con-*
 25 *solidation and expansion of reform;*

1 (4) to respond to the humanitarian crises caused
 2 or aggravated by the invasion and occupation of
 3 Ukraine by the Russian Federation, including by
 4 supporting internally displaced persons and commu-
 5 nities in conflict-affected areas;

6 (5) to improve participatory legislative processes
 7 in Ukraine, including through—

8 (A) engagement with members of the
 9 Verkhovna Rada;

10 (B) training on government oversight, legal
 11 education, political transparency and competi-
 12 tion, and compliance with international obliga-
 13 tions; and

14 (C) supporting the development of profes-
 15 sional legislative staff to advise and assist mem-
 16 ber of the Verkhovna Rada and committees in the
 17 execution of their duties and build legal and pol-
 18 icy expertise within the Verkhovna Rada; and

19 (6) to further build the capacity of civil society,
 20 independent media, human rights, and other non-
 21 governmental organizations in Ukraine, with an em-
 22 phasis on—

23 (A) building capacity outside of Kyiv; and

24 (B) regional civil society training and ex-
 25 change programs.

1 **SEC. 16. DETERMINATION OF WHETHER NORD STREAM 2 AG**
 2 **AND ASSOCIATED CONSTRUCTION VESSELS**
 3 **MEET CRITERIA FOR IMPOSITION OF SANC-**
 4 **TIONS UNDER PROTECTING EUROPE'S EN-**
 5 **ERGY SECURITY ACT OF 2019.**

6 (a) *IN GENERAL.*—Not later than 15 days after the
 7 date of the enactment of this Act, the President shall submit
 8 to Congress a report that includes the following:

9 (1) *The determination of the President with re-*
 10 *spect to whether Nord Stream 2 AG meets the criteria*
 11 *for the imposition of sanctions under the Protecting*
 12 *Europe's Energy Security Act of 2019.*

13 (2) *The determination of the President with re-*
 14 *spect to whether the following vessels and entities meet*
 15 *the criteria for the imposition of sanctions under the*
 16 *Protecting Europe's Energy Security Act of 2019:*

17 (A) *Akademik Cherskiy.*

18 (B) *Umka.*

19 (C) *Errie.*

20 (D) *Yuri Topchev.*

21 (E) *Mentor.*

22 (F) *DP Gezina.*

23 (G) *Krebs GEO.*

24 (H) *Vladislav Strizhov.*

25 (I) *Glomar Wave.*

26 (J) *Finval.*

1 (K) *Katun.*

2 (L) *Venie.*

3 (M) *Murman.*

4 (N) *Baltiyskiy Issledovatel.*

5 (O) *Artemis Offshore.*

6 (P) *Havila Subsea.*

7 (Q) *Russian Maritime Register of Shipping.*

8 (R) *LLC Insurance Company Constanta.*

9 (S) *TÜV Austria Holding AG.*

10 (3) *A detailed explanation for each determina-*
 11 *tion made under paragraph (1) or (2), including with*
 12 *respect to any determination that the criteria for the*
 13 *imposition of sanctions under the Protecting Europe’s*
 14 *Energy Security Act of 2019 were not met with re-*
 15 *spect to a vessel or entity.*

16 (b) *DEFINITION.—In this section, the term “Protecting*
 17 *Europe’s Energy Security Act of 2019” means the Pro-*
 18 *tecting Europe’s Energy Security Act of 2019 (title LXXV*
 19 *of Public Law 116–92; 22 U.S.C. 9526 note), as amended*
 20 *by section 1242 of the William M. (Mac) Thornberry Na-*
 21 *tional Defense Authorization Act for Fiscal Year 2021 (Pub-*
 22 *lic Law 116–283).*

23 **SEC. 17. APPROPRIATE CONGRESSIONAL COMMITTEES.**

24 *In this Act, the term “appropriate congressional com-*
 25 *mittees” means—*

- 1 *(1) the Committee on Foreign Relations and the*
2 *Committee on Appropriations of the Senate; and*
3 *(2) the Committee on Foreign Affairs and the*
4 *Committee on Appropriations of the House of Rep-*
5 *resentatives.*

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A BILL

To promote security partnership with Ukraine, and
for other purposes.

APRIL 26, 2021

Reported with an amendment