



AMENDMENT NO. _____ Calendar No. _____

Purpose: To promote security partnership with Ukraine.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 4350

AMENDMENT N^o 4417

By RISCH

To: Amend No 3867

33

Page(s)

GPO: 2018 33-682 (mac)

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r purposes.

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RISCH (for himself and Mr. MENENDEZ) to the amendment (No. 3867) proposed by Mr. REED

Viz:

- 1 At the end of title XII, add the following:
- 2 **Subtitle H—Ukraine Security**
- 3 **Partnership Act of 2021**
- 4 **SEC. 1291. SHORT TITLE.**
- 5 This subtitle may be cited as the “Ukraine Security
- 6 Partnership Act of 2021”.
- 7 **SEC. 1292. FINDINGS.**
- 8 Congress makes the following findings:
- 9 (1) Throughout its history, Ukraine has experi-
- 10 enced several long periods of occupation.

1 (2) Between 1919 and 1991, Ukraine was bru-
2 tally ruled by the Soviet Union, whose policy of agri-
3 cultural collectivization caused the Holodomor of
4 1932–1933, a man-made famine that resulted in the
5 death of at least 3,000,000 Ukrainians by starva-
6 tion.

7 (3) During the Nazi occupation of Ukraine ac-
8 companying 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 seven years;

22 (B) sent covert, unmarked military per-
23 sonnel into the Ukrainian regions of Donetsk
24 and Luhansk in April 2014, instigating and

1 supporting a still-ongoing conflict that has cost
2 nearly 14,000 lives; and

3 (C) provided the Buk missile system used
4 by those Russia-led forces to shoot down Malay-
5 sian Airlines Flight 17 over eastern Ukraine in
6 July 2014, killing all 298 passengers and crew
7 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 Russia-led forces
19 from eastern Ukraine signed the Minsk Protocol.

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

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

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

8 (B) espionage and clandestine assassina-
9 tions on Ukrainian territory;

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

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

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

23 (14) On February 26, 2021 President Joseph
24 R. Biden confirmed that Crimea is Ukraine and the

1 United States does not and will never recognize Rus-
2 sia's purported annexation of the peninsula.

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

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

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

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

22 (19) In March and April 2021, the Russian
23 Federation amassed over 75,000 troops on its border
24 with the Eastern Ukraine and in the occupied terri-
25 tory of Crimea.

1 (20) 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 (21) 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 (22) The United States Government has con-
15 sistently supported Ukraine's democratic transition
16 and its fight against Russia-led forces by assisting
17 its governance reform efforts, maintaining robust
18 and coordinated sanctions against the Russian Fed-
19 eration alongside the European Union, and pro-
20 viding the Ukrainian military with training and
21 equipment, including lethal defensive weaponry.

22 (23) 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-led 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 (24) 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 (25) 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 (26) 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. 1293. 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 support at the
2 highest level and take an active part in the Ukrain-
3 ian “Crimean Platform” initiative to ensure that the
4 international community’s attention remains focused
5 on—

6 (A) the unacceptable violation of Ukraine’s
7 territorial integrity in Crimea; and

8 (B) working towards the reversal of such
9 violation;

10 (10) the United States should continue to bol-
11 ster the capacity of the Ukrainian Navy as it strives
12 to fulfill the goals it set out in its “Strategy of the
13 Naval Forces of the Armed Forces of Ukraine
14 2035”;

15 (11) the military-focused technical, training,
16 maintenance, and logistical assistance provided by
17 the United States to Ukraine is as essential as the
18 military hardware provided to the country;

19 (12) all security assistance provided to Ukraine
20 should continue to be subject to rigorous vetting re-
21 quirements under section 620M of the Foreign As-
22 sistance Act of 1961 (22 U.S.C. 2378d) and security
23 cooperation under section 362 of title 10, United
24 States Code, including assistance provided to units
25 in the National Guard of Ukraine as well as all units

1 falling under the authority of the Ministry of De-
2 fense;

3 (13) the Office of Defense Cooperation at the
4 United States Embassy in Ukraine should be fully
5 staffed with officers who serve three-year terms in
6 order to administer the security assistance being
7 provided to the country;

8 (14) the Secretary of Defense should conduct
9 an assessment of the staffing resources of the Office
10 of Defense Cooperation and strongly consider pro-
11 viding additional staff to the Office of Defense Co-
12 operation in Ukraine;

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

16 (16) the enduring partnership between the
17 United States and Ukraine, including bipartisan
18 support for a sovereign, democratic, and whole
19 Ukraine through political, monetary, and military
20 assistance, remains strong and must continue to be
21 reaffirmed; and

22 (17) the United States should continue to
23 strongly support Ukraine's ambitions to join the
24 Euro-Atlantic community of democracies.

1 **SEC. 1294. STATEMENT OF POLICY.**

2 It is the policy of the United States—

3 (1) to refuse to recognize the attempted annex-
4 ation of Crimea by the Russian Federation, an ac-
5 tion that was taken in contravention of international
6 law;

7 (2) to utilize existing sanctions and other au-
8 thorities to deter malign actions by the Russian Fed-
9 eration in or intended to harm Ukraine, including
10 the mandates and authorities codified by—

11 (A) the Countering America’s Adversaries
12 Through Sanctions Act (22 U.S.C. 9401 et
13 seq.); and

14 (B) the Protecting Europe’s Energy Secu-
15 rity Act of 2019 (title LXXV of Public Law
16 116–92; 22 U.S.C. 9526 note);

17 (3) to work with our European allies to coordi-
18 nate strategies to curtail Russian malign influence in
19 Ukraine;

20 (4) to work with our allies and partners to con-
21 duct more frequent multinational freedom of naviga-
22 tion operations in the Black Sea in order to dem-
23 onstrate support for Ukraine’s internationally-recog-
24 nized maritime boundaries, to safeguard the
25 unimpeded traffic of lawful commerce, and to push

1 back against excessive Russian Federation claims of
2 sovereignty;

3 (5) to work with our allies and partners to dem-
4 onstrate support for Ukraine's territorial integrity,
5 including its internationally-recognized land borders;
6 and

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

10 **SEC. 1295. STRATEGY ON UNITED STATES DIPLOMATIC**
11 **SUPPORT FOR UKRAINE.**

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

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

20 (1) A description of how relevant departments
21 and agencies of the United States Government will
22 work together to collectively support efforts by the
23 Government of Ukraine to deter Russian aggression
24 in the form of military incursions, cyber attacks, the
25 coercive use of energy resources, the disruption of

1 lawful commerce and traffic to Ukrainian ports, use
2 of passportization, and efforts to corrupt the
3 Ukrainian political and economic systems.

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

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

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

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

22 (6) An assessment of Ukraine's recent progress
23 on anti-corruption reforms and a strategy on how
24 the United States will work with allies to continue

1 to engage Ukraine to ensure meaningful progress on
2 democratic, economic, and anti-corruption reforms.

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

6 **SEC. 1296. UNITED STATES-EUROPE WORKING GROUP ON**
7 **UKRAINE.**

8 (a) IN GENERAL.—The Secretary of State should
9 seek to establish a United States-Europe Working Group
10 on Ukraine.

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

17 (c) TERMINATION.—The authorities authorized
18 under this section shall terminate on September 30 of the
19 fifth fiscal year beginning after the date of the enactment
20 of this Act.

21 **SEC. 1297. SPECIAL ENVOY FOR UKRAINE.**

22 (a) ESTABLISHMENT.—The President should ap-
23 point, by and with the consent of the Senate, a Special
24 Envoy for Ukraine, who should report to the Assistant
25 Secretary of State for Europe and Eurasia.

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

3 (c) RESPONSIBILITIES.—The Special Envoy for
4 Ukraine should—

5 (1) serve as the United States liaison to the
6 Normandy Format, tasked with leading the peace
7 process between Ukraine and the Russian Federa-
8 tion;

9 (2) facilitate diplomatic outreach to and dia-
10 logue with countries in the Black Sea region that,
11 like Ukraine, are faced with the impact of Russia's
12 growing militarization of the Sea;

13 (3) coordinate closely with the Chief of Mission
14 in Ukraine;

15 (4) coordinate with the United States-Europe
16 Working Group on Ukraine established pursuant to
17 section 1296;

18 (5) coordinate with the OSCE Special Moni-
19 toring Mission to Ukraine; and

20 (6) provide the Committee on Foreign Relations
21 of the Senate and the Committee on Foreign Affairs
22 of the House of Representatives regular updates and
23 briefings on the status of peace negotiations.

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

4 **SEC. 1298. FOREIGN MILITARY FINANCING.**

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

10 (b) AVAILABILITY OF FUNDS.—

11 (1) IN GENERAL.—Of the amount authorized to
12 be appropriated for each fiscal year pursuant to sub-
13 section (a), not more than \$150,000,000 shall be
14 made available until the Secretary of State makes
15 the certification described in paragraph (2) for such
16 fiscal year, including a detailed explanation justi-
17 fying the certification with respect to each of the
18 categories listed in subparagraphs (A) through (G)
19 of such paragraph. The certification shall be sub-
20 mitted to the appropriate congressional committees
21 in unclassified form, but may contain a classified
22 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 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) respect Verkhovna Rada efforts to ex-
12 ercise oversight of the Ministry of Defense and
13 military forces;

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

19 (G) support the work of Ukraine's anti-
20 corruption bodies, including the High Anti-Cor-
21 ruption Court, National Anti-Corruption Bu-
22 reau, and the Special Anti-Corruption Prosecu-
23 tor's Office.

24 (c) NOTICE TO CONGRESS.—Not later than 15 days
25 before providing assistance or support pursuant to sub-

1 section (a), the Secretary of State shall submit to the ap-
2 propriate congressional committees a notification con-
3 taining the following:

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

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

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

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

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

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

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

21 (2) ensure adequate planning for maintenance
22 for any equipment provided.

23 (e) AUTHORITY TO PROVIDE LETHAL ASSIST-
24 ANCE.—The Secretary of State is authorized to provide
25 lethal assistance under this section, including anti-armor

1 weapon systems, mortars, crew-served weapons and am-
2 munition, grenade launchers and ammunition, anti-tank
3 weapons systems, anti-ship weapons systems, anti-aircraft
4 weapons systems, and small arms and ammunition.

5 **SEC. 1299. EXPEDITED EXCESS DEFENSE ARTICLES TRANS-**
6 **FER PROGRAM.**

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

12 **SEC. 1299A. STRATEGY ON EXCESS DEFENSE ARTICLES**
13 **FROM ALLIES.**

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

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

22 (1) A listing of all friendly and allied nations
23 that have excess defense material that may be com-
24 patible with the needs and systems utilized by the
25 Armed Forces of Ukraine.

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

5 **SEC. 1299B. IMET COOPERATION WITH UKRAINE.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Department of State
8 \$4,000,000 for each of fiscal years 2022 through 2026
9 for International Military Education and Training
10 (IMET) assistance for Ukraine. The assistance shall be
11 made available for the following purposes:

12 (1) Training of future leaders.

13 (2) Fostering a better understanding of the
14 United States.

15 (3) Establishing a rapport between the United
16 States Armed Forces and Ukraine’s military to build
17 partnerships for the future.

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

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

22 (b) NOTICE TO CONGRESS.—Not later than 15 days
23 before providing assistance or support pursuant to sub-
24 section (a), the Secretary of State shall submit to the
25 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. 1299C. STRATEGY ON IMET PROGRAMMING IN**
14 **UKRAINE.**

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

21 (b) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of State
23 shall submit to the appropriate congressional committees
24 a strategy for the implementation of the IMET program
25 in Ukraine authorized under section 1299B.

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 and the
5 Armed Forces of Ukraine, for how the IMET pro-
6 gram will be used by the United States Government
7 and the Government of Ukraine to propel program
8 graduates to positions of prominence in support of
9 the Ukrainian military's reform efforts in line with
10 NATO standards.

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

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

21 (4) An identification of opportunities to influ-
22 ence the next generation of leaders through attend-
23 ance at United States staff and war colleges, junior
24 leader development programs, 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. 1299D. 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. 1299E. STRATEGY TO PROTECT UKRAINE’S DEFENSE**
18 **INDUSTRY FROM STRATEGIC COMPETITORS.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the United States should work with the Govern-
21 ment of Ukraine to ensure strategic assets and companies
22 in Ukraine’s aerospace and defense sector are not subject
23 to foreign ownership, control, or undue influence by stra-
24 tegic competitors to the United States, such as the Peo-
25 ple’s Republic of China (PRC). These efforts will require

1 support from across the Executive Branch and should le-
2 verage all available tools and authorities.

3 (b) STRATEGY REQUIRED.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 President, acting through the Secretary of Defense
7 and the Secretary of State and in consultation with
8 the heads of other relevant Departments and agen-
9 cies as the President may determine, shall submit to
10 the appropriate committees of Congress a strategy
11 to support Ukraine in protecting its aerospace and
12 defense industry from predatory investments.

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

15 (A) An assessment of the efforts by stra-
16 tegic competitors, such as the PRC, to acquire
17 strategic assets and companies in Ukraine's
18 aerospace and defense sector and the national
19 security implications for Ukraine, the United
20 States, and other NATO allies and partners.

21 (B) An assessment of the vulnerabilities
22 that strategic competitors of the United States
23 exploit to acquire strategic assets in the
24 Ukrainian aerospace and defense sector,
25 Ukraine's progress in addressing them, and

1 United States initiatives to support these ef-
2 forts such as assistance in strengthening
3 Ukraine's investment screening and national se-
4 curity vetting laws.

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

10 (D) A strategy to—

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

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

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

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

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

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

4 (1) the Committee on Foreign Relations and
5 the 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. 1299F. 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
13 described in subsection (b) with respect to Ukraine.

14 (b) USE OF FUNDS.—Amounts appropriated pursu-
15 ant to subsection (a) may only be used—

16 (1) to strengthen Ukraine’s cyber security,
17 cyber resilience and intellectual property enforce-
18 ment;

19 (2) to provide support and training in Ukraine
20 for—

21 (A) sectoral reforms related to banking
22 and public finance management reform;

23 (B) the privatization of state-owned enter-
24 prises;

25 (C) regulatory independence;

1 (D) subsidy reform;

2 (E) land reform;

3 (F) corporate governance; and

4 (G) foreign investment screening;

5 (3) to combat corruption, improve the rule of
6 law, and otherwise strengthen independent legal in-
7 stitutions, including by—

8 (A) expanding regional anti-corruption
9 training and exchanges among Ukrainian Min-
10 istry officials, law enforcement officers, judges,
11 and prosecutors to build peer support, share
12 best practices, maintain reform momentum, and
13 protect reforms from capture;

14 (B) supporting regional training of United
15 States Embassy personal responsible for sup-
16 porting anti-corruption and the rule of law to
17 improve their effectiveness in supporting the
18 consolidation and expansion of reform;

19 (4) to respond to the humanitarian crises
20 caused or aggravated by the invasion and occupation
21 of Ukraine by the Russian Federation, including by
22 supporting internally displaced persons and commu-
23 nities in conflict-affected areas;

24 (5) to improve participatory legislative proc-
25 esses in Ukraine, including through—

1 (A) engagement with members of the
2 Verkhovna Rada;

3 (B) training on government oversight, legal
4 education, political transparency and competi-
5 tion, and compliance with international obliga-
6 tions; and

7 (C) supporting the development of profes-
8 sional legislative staff to advise and assist mem-
9 ber of the Verkhovna Rada and committees in
10 the execution of their duties and build legal and
11 policy expertise within the Verkhovna Rada;
12 and

13 (6) to further build the capacity of civil society,
14 independent media, human rights, and other non-
15 governmental organizations in Ukraine, with an em-
16 phasis on—

17 (A) building capacity outside of Kyiv; and

18 (B) regional civil society training and ex-
19 change programs.

1 **SEC. 1299G. DETERMINATION OF WHETHER NORD STREAM**
2 **2 AG AND ASSOCIATED CONSTRUCTION VES-**
3 **SELS MEET CRITERIA FOR IMPOSITION OF**
4 **SANCTIONS UNDER PROTECTING EUROPE'S**
5 **ENERGY 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 sub-
8 mit 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 cri-
11 teria for the imposition of sanctions under the Pro-
12 tecting 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
15 meet the criteria for the imposition of sanctions
16 under the Protecting Europe's Energy Security Act
17 of 2019:

18 (A) Akademik Cherskiy.

19 (B) Umka.

20 (C) Errie.

21 (D) Yuri Topchev.

22 (E) Mentor.

23 (F) DP Gezina.

24 (G) Krebs GEO.

25 (H) Vladislav Strizhov.

26 (I) Glomar Wave.

- 1 (J) Finval.
2 (K) Katun.
3 (L) Venie.
4 (M) Murman.
5 (N) Baltiyskiy Issledovatel.
6 (O) Artemis Offshore.
7 (P) Havila Subsea.
8 (Q) Russian Maritime Register of Ship-
9 ping.
10 (R) LLC Insurance Company Constanta.
11 (S) TÜV Austria Holding AG.

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

18 (b) DEFINITION.—In this section, the term “Pro-
19 tecting Europe's Energy Security Act of 2019” means the
20 Protecting Europe's Energy Security Act of 2019 (title
21 LXXV of Public Law 116–92; 22 U.S.C. 9526 note), as
22 amended by section 1242 of the William M. (Mac) Thorn-
23 berry National Defense Authorization Act for Fiscal Year
24 2021 (Public Law 116–283).

1 **SEC. 1299H. APPROPRIATE CONGRESSIONAL COMMITTEES.**

2 In this subtitle, the term “appropriate congressional
3 committees” means—

4 (1) the Committee on Foreign Relations and
5 the Committee on Appropriations of the Senate; and

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