H. R. 11

To promote security partnership with Ukraine.

IN THE HOUSE OF REPRESENTATIVES

Mr. McCaul (for himself and Mr. Rogers of Alabama) introduced the following bill; which was referred to the Committee on

A BILL

To promote security partnership with Ukraine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Guaranteeing Ukrainian Autonomy by Reinforcing its Defense (GUARD) Act of 2022”.

(b) Table of Contents.—The table of contents for this Act is as follows:

TITLE I—A DETERRENCE POLICY REGARDING UKRAINE
Sec. 101. Statement of policy.
It is the policy of the United States to—
(1) support the territorial integrity and sovereignty of Ukraine;

(2) declassify or downgrade United States intelligence, consistent with the need to protect sources and methods, on Russian malign activities in Ukraine, Belarus, and the Baltic and Black Sea nations, to the maximum extent possible, to enable and encourage dissemination to United States allies and partners and to the American public;

(3) provide critical capabilities, including surface-to-air missiles, air defense systems, anti-ship missiles, anti-tank mines, and others, to Ukraine on an expedited basis;

(4) reaffirm “the freedom of States to choose their own security arrangements,” as pledged in the 1990 Charter of Paris for a New Europe, to which Russia was a signatory;

(5) demand the Government of Russia reaffirms its commitment to agreements to which it is a signatory, including the 1975 Helsinki Final Act, the 1990 Charter of Paris, and the 1994 Budapest Memorandum;

(6) remain fully committed to NATO’s Open Door Policy, which provides a path to membership for any European country that shares our values.
and meets the necessary responsibilities and obligations;

(7) continue to fully support NATO's decision in the 2008 Bucharest Summit Declaration, reaffirmed ever since, including in the June 2021 Brussels Summit, that Ukraine and Georgia will become NATO members;

(8) commit to include all relevant European countries in discussions about European security and to prioritize existing mechanisms, such as the Organization for Security and Cooperation in Europe and the NATO-Russia Council, for those discussions;

(9) reject the proposals publicized on December 17, 2021, by the Government of Russia as a legitimate basis of negotiations on European security issues;

(10) repudiate Russia’s proposal for a “deployment moratorium” in the European theater for intermediate-range ground launched missile systems that were previously banned under the Intermediate Range Nuclear Forces (INF) Treaty until Russia repeatedly violated the agreement causing its demise;
(11) encourage near-term, in-person visits by United States and Ukraine leaders to each other’s countries;

(12) support the rapid deployment of additional observers from the Organization for Security and Cooperation in Europe to monitor the Ukraine-Russian border and report aggressive acts; and

(13) continue the current United States nuclear declaratory policy of “calculated ambiguity” and reject changes to United States nuclear declaratory policy of “calculated ambiguity” and reject changes to United States nuclear declaratory policy that would invite further Russian aggression and undermine NATO unity, and tempt nuclear proliferation, such as “Sole Purpose,” “Fundamental Purpose,” or “No First Use”.

SEC. 102. STRATEGY ON UNITED STATES DIPLOMATIC SUPPORT FOR UKRAINE.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report with a strategy on how the United States will work to diplomatically support Ukraine during fiscal years 2022 through 2026.
(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A description of how relevant departments and agencies of the United States Government will work together to collectively support efforts by the Government of Ukraine to deter Russian aggression in the form of military incursions, cyber attacks, the coercive use of energy resources, the disruption of lawful commerce and traffic to Ukrainian ports, use of passportization, efforts to corrupt the Ukrainian political and economic systems, and attempts to manipulate the public through disinformation campaigns.

(2) A description of the United States’ current efforts and strategy to support Ukrainian diplomatic initiatives when they align with United States interests.

(3) A strategy on how the United States will use its voice and vote at the United Nations, OSCE, Council of Europe, NATO, and other relevant international bodies to support Ukraine and its reform efforts.

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

(5) A strategy on how the United States will engage with Germany, France, Ukraine, and Russia to advance the Normandy Format and Minsk Agreements, including—

(A) to set Russia’s adherence to an immediate and comprehensive ceasefire and the withdrawal of Russian forces, military equipment and mercenaries from the territory of Ukraine as prerequisites to further negotiations on other provisions of the Minsk Agreements; and

(B) to ensure Kyiv is not obliged to alter the status of the areas in the Donbas illegally occupied by Russian-backed separatists in a manner that would permanently undermine the Government of Ukraine’s full sovereignty over the region or foreclose its freedom to choose its own security arrangements and foreign policy trajectory.

(6) An assessment of Ukraine’s recent progress on anti-corruption reforms and a strategy on how the United States will work with allies to continue to engage Ukraine to ensure meaningful progress on democratic, economic, and anti-corruption reforms.
(7) A description of the views of United States European allies and partners, including Ukraine and NATO members that joined the alliance in 1999 or after, of the proposals publicized on December 17, 2021, by the Government of Russia.

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 103. UNITED STATES AMBASSADOR TO UKRAINE.

It is the sense of Congress that—

(1) President Biden’s failure to appoint a United States ambassador to Ukraine has undermined the United States–Ukraine bilateral relationship and has played into Russia’s calculus regarding its military buildup in and around Ukraine; and

(2) President Biden should move to expeditiously submit to the Senate for its advice-and-consent a nominee for the Ambassador to Ukraine that
has experience addressing the Russian problem set
and serving in war zones or conflict areas.

SEC. 104. POTENTIAL DESIGNATION OF THE GOVERNMENT
OF RUSSIA AS A STATE SPONSOR OF TERRORISM.

(a) IN GENERAL.—Not later than 30 days after the
date of the enactment of this Act, and every 180 days
thereafter, the Secretary of State shall submit to the ap-
propriate congressional committees a determination that
indicates whether the Government of Russia meets the cri-
teria to be designated as a state sponsor of terrorism.

(b) STATE SPONSOR OF TERRORISM DEFINED.—In
this section, the term “state sponsor of terrorism” means
a country, the government of which the Secretary of State
has determined, for purposes of section 1754(c)(1)(A)(i)
of the Export Control Reform Act of 2018 (50 U.S.C.
4813(c)(1)(A)(i)), section 620A of the Foreign Assistance
Act of 1961 (22 U.S.C. 2371), section 40 of the Arms
Export Control Act (22 U.S.C. 2780), or any other provi-
sion of law, is a government that has repeatedly provided
support for acts of international terrorism.

(c) TERMINATION.—The reporting requirement au-
thesized under subsection (a) shall terminate 2 years after
the date of the enactment of this Act.
(d) APPROPRIATE CONGRESSIONAL COMMITTEES

In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Foreign Affairs of the House of Representatives.

SEC. 105. EXTENSION AND MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND RUSSIA.

(a) EXTENSION.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2488) is amended by striking “or 2021” and inserting “2021, or 2022”.

(b) WAIVER.—Subsection (c)(2) of such section is amended to read as follows:

“(2) not later than 15 days before the date on which the waiver takes effect, and every 90 days thereafter, submits to the appropriate congressional committees—

“(A) a notification that the waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver during the applicable reporting period;
“(B) a description of any condition or prerequisite placed by Russia on military cooperation between the United States and Russia;

“(C) a description of the results achieved by United States-Russia military cooperation during the applicable reporting period and an assessment of whether such results meet the national security objectives described under subparagraph (A);

“(D) a description of the measures in place to mitigate counterintelligence or operational security concerns and an assessment of whether such measures have succeeded, submitted in classified form as necessary; and

“(E) a report, submitted in classified form as necessary, explaining why the Secretary of Defense cannot make the certification under subsection (a).”.
TITLE II—BOLSTERING UKRAINE'S DETERRENCE AGAINST RUSSIAN AGGRESSION

SEC. 201. APPROPRIATE CONGRESSIONAL COMMITTEES Defined.

In this title, the term “appropriate congressional committees” means—

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

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 202. AMENDMENT TO PRESIDENTIAL DRAWDOWN AUTHORITY.

The authority under section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) may be exercised during fiscal year 2022 for Ukraine to the maximum extent available for that fiscal year, without diminishing the dollar limitation available under that section for such fiscal year.

SEC. 203. FOREIGN MILITARY FINANCING.

(a) Authorization of Appropriations.—There is authorized to be appropriated for the Department of State for fiscal year 2022 $450,000,000 for Foreign Military Fi-
nancing (FMF) assistance to Ukraine to assist the country in meeting its defense needs.

(b) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or support pursuant to subsection (a), the Secretary of State shall submit to the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives a notification containing the following:

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

(A) the objectives of such assistance or support;

(B) the budget for such assistance or support; and

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

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

(c) PRIORITIZATION.—Of the funds authorized to be appropriated under this section, $200,000,000 shall be set aside to—

(1) prioritize the development of Ukrainian air defense capabilities, to include weapons systems;

(2) prioritize the procurement of vessels for the Ukrainian Navy and other articles that bolster the
capacity of the Ukrainian Navy to counter Russian
maritime aggression and maintain the freedom of in-
ocent passage throughout the Black Sea; and

(3) ensure adequate planning for maintenance
for any equipment provided.

(d) Authority to Provide Lethal Assistance.—The Secretary of State is authorized to provide
lethal assistance under this section, including anti-armor
weapon systems, mortars, crew-served weapons and am-
ummunition, grenade launchers and ammunition, anti-tank
weapons systems, anti-ship weapons systems, anti-aircraft
weapons systems, and small arms and ammunition.

SEC. 204. EXPEDITED EXCESS DEFENSE ARTICLES TRANS-
FER PROGRAM.

(a) In General.—During fiscal years 2022 through
2026, the delivery of excess defense articles to Ukraine
shall be given the same priority as that given other coun-
tries and regions under section 516(c)(2) of the Foreign
Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

(b) Notification.—Notwithstanding section 516(f)
of the Foreign Assistance Act of 1961 (22 U.S.C.
2321j(f)), during fiscal years 2022 through 2026, the de-
livery of excess defense articles to Ukraine shall be subject
to a 15-day notification requirement.
SEC. 205. STRATEGY ON EXCESS DEFENSE ARTICLES FROM ALLIES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a classified strategy on how the United States will encourage, reimburse, or otherwise incentivize third countries to donate excess defense equipment to Ukraine.

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

(1) A listing of all friendly and allied nations that have excess defense material that may be compatible with the needs and systems utilized by the Armed Forces of Ukraine, including air defense systems, small arms and ammunition, artillery and multiple-launch rocket systems, anti-ship systems, and anti-tank systems.

(2) A description of the diplomatic efforts undertaken by the United States Government to encourage, reimburse, or otherwise incentivize allied and partner nations to donate their excess defense articles to Ukraine on an expedited basis.
SEC. 206. REPORT ON UKRAINIAN CAPABILITIES TO COUNTER AIR-BASED THREATS.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the capabilities of Ukraine to counter air-based threats.

(b) ELEMENTS.—The report submitted under subsection (a) shall include the following elements:

(1) An assessment of the risk to the armed forces of Ukraine posed by aerial threats, including current threats from weaponized unmanned aerial vehicles, manned aircraft, and missile and rocket attacks.

(2) An assessment of the current defensive capabilities of Ukraine to counter the threats described in paragraph (1) and assessed gaps in capabilities to address such threats.

(3) A description of current efforts to build the defensive capabilities of Ukraine, an assessment of potential options for additional United States security assistance to address shortfalls identified pursuant to paragraph (2), and any considerations with regard to absorption capacity, maintenance, and sustainment.
SEC. 207. INTERNATIONAL MILITARY EDUCATION AND
TRAINING COOPERATION WITH UKRAINE.

(a) Authorization of Appropriations.—There is
authorized to be appropriated to the Department of State
$4,000,000 for each of fiscal years 2022 through 2026
for International Military Education and Training
(IMET) assistance for Ukraine. The assistance shall be
made available for the following purposes:

(1) Training of future leaders.

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

(3) Establishing a rapport between the United
States Armed Forces, regional allies and partners,
and Ukraine’s military to build partnerships for the
future.

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

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

(b) Notice to Congress.—Not later than 15 days
before providing assistance or support pursuant to sub-
section (a), the Secretary of State shall submit to the
Committee on Foreign Relations and the Committee on
Appropriations of the Senate and the Committee on For-
eign Affairs and the Committee on Appropriations of the
House of Representatives a notification containing the following elements:

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

(A) the objectives of such assistance or support;

(B) the budget for such assistance or support; and

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

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

SEC. 208. STRATEGY ON IMET PROGRAMMING IN UKRAINE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Ukraine should fully utilize the United States IMET program, encourage eligible officers and civilian leaders to participate in the training, and promote successful graduates to positions of prominence in the Ukrainian Armed Forces.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a strategy for the implementation of the IMET program in Ukraine authorized under section 207.
(c) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) A clear plan, developed in close consultation with the Ukrainian Ministry of Defense and the Armed Forces of Ukraine, for how the IMET program will be used by the United States Government and the Government of Ukraine to propel program graduates to positions of prominence in support of the Ukrainian military’s reform efforts in line with NATO standards.

(2) An assessment of the education and training requirements of the Ukrainian military and clear recommendations for how IMET graduates should be assigned by the Ukrainian Ministry of Defense upon completion of education or training.

(3) An accounting of the current combat requirements of the Ukrainian military and an assessment of the viability of alternative mobile training teams, distributed learning, and other flexible solutions to reach such students.

(4) An identification of opportunities to influence the next generation of leaders through attendance at United States staff and war colleges, junior leader development programs, and technical schools.
(d) FORM.—The strategy required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 209. SENSE OF CONGRESS ON LOAN PROGRAM.

It is the sense of Congress that—

(1) as appropriate, the United States Government should provide direct loans to Ukraine for the procurement of defense articles, defense services, and design and construction services pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) to support the further development of Ukraine’s military forces; and

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

SEC. 210. UNITED STATES-UKRAINE STRATEGIC SECURITY PARTNERSHIP.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) expeditious consideration of certifications of letters of offer to sell defense articles, defense services, design and construction services, and major defense equipment to Ukraine under section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b))
is in the security and foreign policy interests of the United States; and

(2) the designation of Ukraine as a member of the colloquially titled “NATO Plus” community of states, which presently includes Japan, Australia, the Republic of Korea, Israel, and New Zealand, with respect to consideration by Congress of Foreign Military Sales to Ukraine, as well as all other rights, privileges, and responsibilities afforded to such community of states, is in the security and foreign policy interests of the United States.

(b) APPLICATION AND ADMINISTRATION OF PROVISIONS OF LAW WITH RESPECT TO UKRAINE.—During the 5-year period beginning on the date of the enactment of this Act, in furtherance of the United States support for Ukraine’s NATO aspirations, including through work towards a Membership Action Plan, or until Ukraine deposits its instrument of accession to the North Atlantic Treaty with the Department of State in Washington D.C., Ukraine shall be treated as if it were a country listed in the provisions of law described in subsection (c) for purposes of applying and administering such provisions of law.

(c) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this subsection are—
(1) subsections (b)(2), (d)(2)(B), (d)(3)(A)(i), and (d)(5) of section 3 of the Arms Export Control Act (22 U.S.C. 2753);

(2) subsections (e)(2)(A), (h)(1)(A), and (h)(2) of section 21 of such Act (22 U.S.C. 2761);

(3) subsection (b)(1) and subsections (b)(2), (b)(6), (c)(2)(A), (c)(5), and (d)(2)(A) of section 36 of such Act (22 U.S.C. 2776);

(4) section 62(e)(1) of such Act (22 U.S.C. 2796a(e)(1)); and

(5) section 63(a)(2) of such Act (22 U.S.C. 2796b(a)(2)).

(d) CONTINUED APPLICATION.—The Secretary of State is authorized to continue to treat Ukraine as if it were a country listed in the provisions of law described in subsection (c) for purposes of applying and administering such provisions of law for one or more additional 3-year periods, or until Ukraine deposits its instrument of accession to the North Atlantic Treaty with the Department of State in Washington D.C., beginning after the end of the 5-year period described in subsection (b) if, with respect to each such additional 3-year period, the Secretary—
(1) determines that such continued application is in the national security interest of the United States;

(2) determines that such continued application is carried out alongside United States support for Ukraine’s NATO aspirations, including through work towards a Membership Action Plan; and

(3) submits such determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 15 days before the start of such an additional 3-year period.

(e) TERMINATION.—This section shall terminate on the date on which Ukraine deposits its instrument of accession to the North Atlantic Treaty with the Department of State in Washington D.C.

SEC. 211. STRATEGY TO PROTECT UKRAINE’S DEFENSE INDUSTRY FROM STRATEGIC COMPETITORS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should work with the Government of Ukraine to ensure strategic assets and companies in Ukraine’s aerospace and defense sector are not subject to foreign ownership, control, or undue influence by strategic competitors to the United States, such as the People’s Republic of China (PRC). These efforts will require
support from across the Executive Branch and should leverage all available tools and authorities.

(b) **Strategy Required.**

(1) **In General.** Not later than 30 days after the date of the enactment of this Act, the President, acting through the Secretary of Defense and the Secretary of State and in consultation with the heads of other relevant Departments and agencies as the President may determine, shall submit to the appropriate committees of Congress a strategy to support Ukraine in protecting its aerospace and defense industry from predatory investments.

(2) **Elements.** The strategy required under paragraph (1) shall include the following elements:

(A) An assessment of the efforts by strategic competitors, such as the PRC, to acquire strategic assets and companies in Ukraine’s aerospace and defense sector and the national security implications for Ukraine, the United States, and other NATO allies and partners.

(B) An assessment of the vulnerabilities that strategic competitors of the United States exploit to acquire strategic assets in the Ukrainian aerospace and defense sector, Ukraine’s progress in addressing them, and
United States initiatives to support these efforts such as assistance in strengthening Ukraine’s investment screening and national security vetting laws.

(C) An assessment of Ukraine’s efforts to make reforms necessary to incentivize Western investment in Ukraine’s aerospace and defense sector and United States support for these efforts.

(D) A strategy to—

(i) promote, as appropriate, United States direct investment in Ukraine’s aerospace and defense sector;

(ii) better leverage tools like debt financing, equity investments, and political risk insurance to incentivize greater participation by United States firms;

(iii) provide an alternative to PRC investments; and

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

(3) FORM.—The strategy required under paragraph (1) shall be submitted in classified form.
SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated to the Department of State $50,000,000 for each of the fiscal years 2022 through 2026 for the purposes described in subsection (b) with respect to Ukraine.

(b) Use of Funds.—Amounts appropriated pursuant to subsection (a) may only be used—

(1) to strengthen Ukraine’s cyber security, cyber resilience and intellectual property enforcement;

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

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

(B) the privatization of state-owned enterprises;

(C) regulatory independence;

(D) subsidy reform;

(E) land reform;

(F) corporate governance; and

(G) foreign investment screening;

(3) to combat corruption, improve the rule of law, and otherwise strengthen independent legal institutions, including by—

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

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

(4) to respond to the humanitarian crises caused or aggravated by the invasion and occupation of Ukraine by Russia, including by supporting internally displaced persons and communities in conflict-affected areas;

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

(A) engagement with members of the Verkhovna Rada;

(B) training on government oversight, legal education, political transparency and competition, and compliance with international obligations; and

(C) supporting the development of professional legislative staff to advise and assist member of the Verkhovna Rada and committees in
the execution of their duties and build legal and policy expertise within the Verkhovna Rada; and

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

(A) building capacity outside of Kyiv; and

(B) regional civil society training and exchange programs.

SEC. 213. EXPANDED BROADCASTING IN COUNTRIES OF THE FORMER SOVIET UNION TO COMBAT RUSSIAN DISINFORMATION AND INFORMATION OPERATIONS.

(a) Authorization of Appropriations.—There are authorized to be appropriated to the U.S. Agency for Global Media $155,500,000 for fiscal year 2022 for purposes of Radio Free Europe/Radio Liberty expanded broadcasting in countries of the former Soviet Union to combat Russian disinformation and information operations.

(b) Prioritization of Broadcasting Into Ukraine, Georgia, Moldova and Belarus.—Amount appropriated pursuant to subsection (a) shall prioritize broadcasting to Ukraine, Belarus, Georgia, and Moldova.
SEC. 214. STRATEGY ON INCLE PROGRAMMING IN UKRAINE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Ukraine should fully utilize the United States International Narcotics Control and Law Enforcement (INCLE) program, to continue to support the Ministry of the Interior and the Security Service, and the Public Prosecution Service of Ukraine.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a strategy for the implementation of the INCLE program in Ukraine.

(c) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

(1) A plan for the INCLE program in Ukraine to enhance the capacity of the National Anti-Corruption Bureau of Ukraine, the Specialized Anti-Corruption Prosecutor’s Office and the High Anti-Corruption Court, as well as other institutions and ministries involved in conducting prosecutorial reform efforts, investigating allegations of corruption, prosecuting individuals engaged in corrupt practices, and transnational organized criminal activities.

(2) An accounting of fiscal year 2020 and fiscal year 2021 INCLE spending and an evaluation of the
program implementation identifying Ukrainian partners, implementers, and unexpended assistance from these fiscal years and prior fiscal years that remain unexpended.

(d) FORM.—The strategy required under subsection (a) shall be submitted in unclassified form, and may be accompanied by a classified annex.

SEC. 215. STRATEGY FOR COOPERATION ON INTERMEDIATE-RANGE MISSILE LAUNCHERS AND SYSTEMS TO NATO ALLIES.

(a) FINDINGS.—Congress finds the following:

(1) All NATO allies agree that the SSC-8/9M729 missile system developed and deployed by the Government of Russia violated the Intermediate-Range Nuclear Forces Treaty (in this section referred to as the “INF Treaty”), while posing a significant risk to NATO security.

(2) Despite NATO allies’ repeated calls on the Government of Russia to return to full and verifiable compliance with the INF Treaty, Russia continued to develop and deploy INF Treaty-violating systems, which led to the INF Treaty’s demise on August 2, 2019.

(3) As of the INF Treaty’s demise, Russia had produced and deployed multiple battalions of INF
Treaty-violating missiles, capable of ranging most European capitals.

(b) Sense of Congress.—A mutual deployment moratorium in the European theater with the Russian Federation is not in the interest of the United States. Even if a European-Theater intermediate-range ground-launched missile deployment moratorium were verifiable, any such moratorium would significantly advantage Russia and disadvantage NATO. This is due to the Russian Federation’s continual threats of aggression against sovereign European nations, the relative ease by which Russia could deploy such systems to the theater, and the logistical impediments with which the United States and NATO would have to contend should it be determined a commensurate response was warranted.

(e) Strategy.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly develop a strategy to cooperate with willing NATO member countries in the joint research, development, training and possible transfer of conventional intermediate-range ground-launched missiles, associated launchers and support equipment, and associated technology.
TITLE III—SECURING UKRAINE AGAINST RUSSIA’S USE OF ENERGY AS A WEAPON

SEC. 301. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(1) impose sanctions under subsection (b) with respect to any corporate officer of an entity established for or responsible for the planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity; and

(2) impose sanctions under subsection (e) with respect to any entity described in paragraph (1).

(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

(1) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any
other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

   (A) IN GENERAL.—The visa or other entry documentation of an alien described in subsection (a)(1) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

   (B) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

       (i) take effect immediately; and

       (ii) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of an entity described in subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) EXCEPTIONS.—
(1) EXCEPTION FOR INTELLIGENCE AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to law enforcement activities, activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 2091 et seq.) or any authorized intelligence activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(e) CONDITIONS FOR REMOVAL OF SANCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the President may waive the application of sanctions under this section if the President—
(A) determines that the waiver is in the national security interest of the United States; and

(B) submits to the appropriate committees of Congress a report on the waiver and the reason for the waiver.

(2) CONGRESSIONAL REVIEW.—The provisions of subsections (b) and (c) of section 216 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511) shall apply with respect to a waiver of the application of sanctions under this section to the same extent and in the same manner as such provisions apply with respect to a proposed action described in subsection (a) of section 216 of such Act.

(f) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject
to the penalties set forth in subsections (b) and (c)
of section 206 of the International Emergency Eco-
nomic Powers Act (50 U.S.C. 1705) to the same ex-
tent as a person that commits an unlawful act de-
scribed in subsection (a) of that section.

(g) SUNSET.—The authority to impose sanctions
under this section shall terminate on the date that is 5
years after the date of the enactment of this Act.

(h) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms
“admission” , “admitted” , and “alien” have the
meanings given those terms in section 101 of the

(2) APPROPRIATE COMMITTEES OF CON-
gRESS.—The term “appropriate committees of Con-
gress” means—

(A) the Committee on Foreign Relations
and the Committee on Banking, Housing, and
Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and
the Committee on Financial Services of the
House of Representatives.

(3) UNITED STATES PERSON.—The term
“United States person” means—
(A) a United States citizen or an alien law-
finally admitted for permanent residence to the
United States;

(B) an entity organized under the laws of
the United States or any jurisdiction within the
United States, including a foreign branch of
such an entity; or

(C) any person within the United States.

SEC. 302. CONGRESSIONAL REVIEW OF WAIVER UNDER
PROTECTING EUROPE’S ENERGY SECURITY
ACT OF 2019.

Section 7503(f) of the Protecting Europe’s Energy
Security Act of 2019 (title LXXV of Public Law 116–
92; 22 U.S.C. 9526 note) is amended to read as follows:

“(f) NATIONAL INTEREST WAIVER.—

“(1) IN GENERAL.—Subject to paragraph (2),
the President may waive the application of sanctions
under this section with respect to a person if the
President—

“(A) determines that the waiver is in the
national interests of the United States; and

“(B) submits to the appropriate congres-
sional committees a report on the waiver and
the reasons for the waiver.
“(2) CONGRESSIONAL REVIEW.—The provisions of subsections (b) and (c) of section 216 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511) shall apply with respect to a waiver of the application of sanctions under this section to the same extent and in the same manner as such provisions apply with respect to a proposed action described in subsection (a) of section 216 of such Act.”.

SEC. 303. APPLICATION OF CONGRESSIONAL REVIEW UNDER COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT.

Section 216(a)(2) of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting “(other than sanctions described in clause (i)(IV) of that subparagraph)” after “subparagraph (B)”; and

(B) in clause (ii), by inserting “or otherwise remove” after “waive”; and

(2) in subparagraph (B)(i)—

(A) in subclause (II), by striking “; or” and inserting a semicolon;
(B) in subclause (III), by striking “; and” and inserting a semicolon; and

(C) by adding at the end the following:

“(IV) Executive Order No. 14024 (86 Fed Reg. 20249; relating to Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation);

“(V) section 7503 of the Protecting Europe’s Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note); or

“(VI) section 301 of the Guaranteeing Ukrainian Autonomy by Reinforcing its Defense (GUARD) Act of 2022.”.

SEC. 304. CONSIDERATION OF INFORMATION PROVIDED BY CONGRESS IN IMPOSING SANCTIONS.

Not later than 90 days after receiving a written request from the chairperson and ranking member of the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate with respect to whether a foreign person or entity has engaged in an activity described in section 1 of Executive
Order No. 14024 (86 Fed Reg. 20249; relating to Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation), the President shall—

(1) determine if that person has engaged in such an activity; and

(2) submit a report to the chairperson and ranking member of that committee with respect to that determination that includes—

(A) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(B) if the President imposed or intends to impose sanctions, a description of those sanctions.

SEC. 305. INCLUSION OF MATTER RELATING TO NORD STREAM 2 IN REPORT UNDER COUNTERING AMERICA’S ADVERSARIES THROUGH SANCTIONS ACT.

(1) an assessment of the security risks posed by Nord Stream 2, including—

(A) the presence along Nord Stream 2 or Nord Stream 1 infrastructure or pipeline corridors of undersea surveillance systems and sensors, fiber optic terminals, or other systems that are capable of conducting military or intelligence activities unrelated to civilian energy transmission, including those designed to enhance Russian anti-submarine warfare, surveillance, espionage, or sabotage capabilities;

(B) the use of Nord Stream-affiliated infrastructure, equipment, personnel, vessels, financing, or other assets—

(i) to facilitate, carry out, or conceal Russian maritime surveillance, espionage, or sabotage activities;

(ii) to justify the presence of Russian naval vessels or military personnel or equipment in international waters or near North Atlantic Treaty Organization or partner countries;

(iii) to disrupt freedom of navigation;
(iv) to pressure or intimidate countries in the Baltic Sea;

(C) the involvement in the Nord Stream 2 pipeline or its affiliated entities of current or former Russian, Soviet, or Warsaw Pact intelligence and military personnel and any business dealings between Nord Stream 2 and entities affiliated with the intelligence or defense sector of Russia; and

(D) malign influence activities of the Government of Russia, including strategic corruption and efforts to influence European decision-makers, supported or financed through the Nord Stream 2 pipeline;

(2) an assessment of whether Russia maintains gas transit through Ukraine at levels consistent with the volumes set forth in the Ukraine-Russia gas transit agreement of December 2019 and continues to pay the transit fees specified in that agreement;

(3) an assessment of the status of negotiations between Russia and Ukraine to secure an agreement to extend gas transit through Ukraine beyond the expiration of the agreement described in paragraph (2);
(4) an assessment of whether the United States and Germany have agreed on a common definition for energy “weaponization” and the associated triggers for sanctions and other enforcement actions, pursuant to the Joint Statement of the United States and Germany on support for Ukraine, European energy security, and our climate goals, dated July 21, 2021; and

(5) a description of the consultations with United States allies and partners in Europe, including Ukraine, Poland, and the countries in Central and Eastern Europe most impacted by the Nord Stream 2 pipeline concerning the matters agreed to, as described in paragraph (4).

SEC. 306. UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) In General.—There is authorized to be appropriated $50,000,000 for fiscal year 2022 for the Ukraine Security Assistance Initiative for the purpose of providing lethal aid assistance.

(b) Amounts in Addition to Other Available Amounts.—Amounts appropriated pursuant to subsection (a) are in addition to any other amounts appropriated or otherwise made available for such fiscal year for such purposes.
SEC. 307. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term “appropriate congressional committees” means—

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

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.