

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5190

To authorize assistance for Ukraine, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2014

Mr. GERLACH (for himself, Ms. KAPTUR, Mr. LEVIN, Ms. SLAUGHTER, Mr. JOYCE, Mr. TIBERI, Mr. RENACCI, Mr. PASCRELL, Mr. MARINO, Mr. STIVERS, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize assistance for 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 As-  
5 sistance Act of 2014”.

6 **SEC. 2. SECURITY ASSISTANCE FOR UKRAINE.**

7 (a) IN GENERAL.—Notwithstanding any other provi-  
8 sion of law limiting the assistance to be provided under  
9 this section, beginning on the date following the date of

1 completion of the assessment required by subsection (b),  
2 the President is authorized to provide to the Government  
3 of Ukraine upon that Government's request, as appro-  
4 priate and in a manner consistent with the capabilities and  
5 needs of the armed forces of Ukraine identified in such  
6 assessment, the following defense articles, services, and  
7 training:

8           (1) Weapons and ammunition, as identified in  
9           such assessment.

10           (2) Night navigation equipment.

11           (3) Mine Resistant Ambush Protected vehicles.

12           (4) High Mobility Multipurpose Wheeled Vehi-  
13           cles.

14           (5) Inflatable boats.

15           (6) Body armor.

16           (7) Fire control, range finder, optical and guid-  
17           ance and control equipment.

18           (8) Explosive disposal and improvised explosive  
19           device detection equipment.

20           (9) Mine detection equipment.

21           (10) Chemical, biological, radiation, and nuclear  
22           detection, testing, and protection equipment.

23           (11) Communications, logistic, combat support,  
24           medical equipment, rations, specialized equipment,  
25           and other defense articles, services, and training re-

1        requested by the Government of Ukraine that the  
2        President determines to be appropriate.

3        (b) REQUIRED ASSESSMENT.—No later than 15 days  
4 after the date of the enactment of this Act, the Secretary  
5 of Defense shall conduct an assessment, or complete any  
6 ongoing assessment, of the capabilities and needs of the  
7 armed forces of Ukraine and shall ensure that it in-  
8 cludes—

9            (1) an assessment of the releasability of the  
10        equipment set forth in subsection (a), equipment re-  
11        quested by the Government of Ukraine, or equip-  
12        ment that may foreseeably be requested based on the  
13        current state of the armed forces of Ukraine; and

14            (2) an assessment of the need for, appropriate-  
15        ness of, and force protection concerns of any United  
16        States military advisors to be made available to the  
17        armed forces of Ukraine.

18        (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to the Secretary of State  
20 \$100,000,000 for fiscal year 2015 to carry out the activi-  
21 ties set forth in subsection (a).

22        (d) AUTHORITY FOR USE OF FUNDS.—The funds  
23 made available pursuant to subsection (c) for the provision  
24 of defense articles, services, and training may be used to

1 procure such assistance from the United States Govern-  
2 ment or other appropriate sources.

3 (e) PROVISION OF ASSESSMENT TO CONGRESS.—Not  
4 later than 7 days following the completion of the assess-  
5 ment required by subsection (b), the President shall pro-  
6 vide such assessment to the appropriate congressional  
7 committees.

8 **SEC. 3. SENSE OF CONGRESS ON INTELLIGENCE SHARING**  
9 **WITH UKRAINE.**

10 It is the sense of Congress that the President, subject  
11 to the discretion of the President so as to protect sources  
12 and methods of intelligence collection and to protect the  
13 capabilities of the intelligence community and the United  
14 States Armed Forces, should—

15 (1) provide the Government of Ukraine with ap-  
16 propriate intelligence and other information to assist  
17 the Government of Ukraine—

18 (A) to determine the location, strength,  
19 and capabilities of the military and intelligence  
20 forces of the Russian Federation located on the  
21 eastern border of Ukraine and within the terri-  
22 torial borders of Ukraine, including Crimea;  
23 and

1 (B) to respond effectively to further ag-  
2 gression by military and intelligence forces of  
3 the Russian Federation;

4 (2) take steps to ensure that such intelligence  
5 information is fully and appropriately protected from  
6 further disclosure, including limiting, as appropriate,  
7 the provision and nature of such intelligence infor-  
8 mation;

9 (3) provide, within 7 days of provision of intel-  
10 ligence information to the Government of Ukraine, a  
11 report to the appropriate congressional committees  
12 detailing the disclosure; and

13 (4) provide, within 7 days of receipt of a re-  
14 quest for intelligence information from the Govern-  
15 ment of Ukraine, a report to the appropriate con-  
16 gressional committees detailing the request.

17 **SEC. 4. MAJOR NON-NATO ALLY STATUS FOR UKRAINE.**

18 (a) IN GENERAL.—During the period in which  
19 Ukraine meets the criteria set forth in subsection (b), not-  
20 withstanding any other provision of law, for purposes of  
21 the transfer or possible transfer of defense articles or de-  
22 fense services under the Arms Export Control Act (22  
23 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961  
24 (22 U.S.C. 2151 et seq.), or any other provision of law,  
25 Ukraine shall be treated as though it were designated a

1 major non-NATO ally (as defined in section 644(q) of the  
2 Foreign Assistance Act of 1961 (22 U.S.C. 2403(q))).

3 (b) CRITERIA FOR TREATMENT AS A MAJOR NON-  
4 NATO ALLY.—In order to be treated as a major non-  
5 NATO ally pursuant to subsection (a), Ukraine must—

6 (1) have a democratically elected government  
7 that came to power pursuant to free and fair elec-  
8 tions;

9 (2) cooperate fully with the United States on  
10 matters of mutual security concern, including  
11 counterterrorism matters; and

12 (3) respect the political and legal rights of its  
13 citizens, including maintaining the right of its citi-  
14 zens to democratically elect their government.

15 (c) REPORT.—Not later than 1 year after the date  
16 of the enactment of this Act, and annually thereafter, the  
17 President shall provide to the appropriate congressional  
18 committees a report assessing whether Ukraine should  
19 continue to be treated, for purposes of the transfer or pos-  
20 sible transfer of defense articles or defense services, as a  
21 major non-NATO ally and whether the treatment should  
22 be expanded or reduced.

1 **SEC. 5. EXPANDED SECURITY FORCE TRAINING, ASSIST-**  
2 **ANCE AND DEFENSE COOPERATION WITH**  
3 **UKRAINE.**

4 (a) **EXPANDED TRAINING AND ASSISTANCE.**—The  
5 President shall take steps, consistent with the President’s  
6 responsibility as Commander in Chief, to substantially in-  
7 crease, within one year after the date of the enactment  
8 of this Act—

9 (1) the military-to-military interactions of  
10 United States Armed Forces with the armed forces  
11 of Ukraine, including specifically utilizing the Na-  
12 tional Guard State Partnership Program and in-  
13 creasing the current tempo of military exercises and  
14 training efforts and exchanges with such armed  
15 forces; and

16 (2) United States and NATO security assist-  
17 ance to Ukraine.

18 (b) **BILATERAL AND MULTILATERAL DEFENSE CO-**  
19 **OPERATION AGREEMENTS.**—Not later than 90 days after  
20 the date of the enactment of this Act, the Secretary of  
21 State, in coordination with the Secretary of Defense, shall  
22 seek to enter into negotiations with Ukraine to establish  
23 new, or strengthen existing, bilateral and multilateral de-  
24 fense cooperation agreements, including agreements re-  
25 lated to cyber defense cooperation.

1 (c) REPORT.—Not later than 90 days after the date  
2 of the enactment of this Act, and every 180 days there-  
3 after, the President shall submit to the appropriate con-  
4 gressional committees a report detailing the specific ef-  
5 forts being undertaken and planned to be undertaken by  
6 the United States Government to implement the increased  
7 military-to-military interactions and security assistance  
8 required by subsection (a) and to undertake the negotia-  
9 tions required by subsection (c).

10 **SEC. 6. DEFINITION.**

11 In this Act, the term “appropriate congressional com-  
12 mittees” means—

13 (1) the Committee on Foreign Relations, the  
14 Committee on Appropriations, the Committee on  
15 Armed Services, and the Select Committee on Intel-  
16 ligence of the Senate; and

17 (2) the Committee on Foreign Affairs, the  
18 Committee on Appropriations, the Committee on  
19 Armed Services, and the Permanent Select Com-  
20 mittee on Intelligence of the House of Representa-  
21 tives.

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