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U.S. Security Assistance to Ukraine

In response to Russia's recent escalation of military pressure on Ukraine, the Biden Administration and the 117th Congress have considered multiple options to boost security assistance to Ukraine. Even prior to recent tensions, Ukraine was a leading recipient of U.S. military aid in Europe and Eurasia. Since Russia's 2014 invasion of Ukraine, the United States has committed more than \$2.7 billion in State and Defense Department (DOD)-funded security assistance to help Ukraine defend its territorial integrity and improve interoperability with the North Atlantic Treaty Organization (NATO).

Overview of Programs Since 2014

The United States has used a variety of security assistance programs and authorities to help build the defensive capacity of the Ukrainian Armed Forces (UAF) through train, equip, and advise efforts across multiple spending accounts. Two of the primary mechanisms are State's Foreign Military Financing (FMF; 22 U.S.C. §2763) and DOD's Ukraine Security Assistance Initiative (USAI; P.L. 114-92, §1250) (see **Table 1**).

USAI packages have included training, equipment, and advisory efforts to enhance Ukraine's defensive capabilities such as maritime domain awareness, operational safety and capacity of Air Force bases, and the lethality, command and control, and survivability of the UAF. USAI also supports cyber defense and strategic communications to counter Russian cyberattacks and misinformation. A large portion of annual USAI funds are contingent on DOD and State certifying Ukraine's progress on key defense reforms.

Ukraine also has received assistance pursuant to DOD's security cooperation authorities, notably 10 U.S.C. §333 and 10 U.S.C. §332. Section 333 authorizes training, equipping, and small-scale military construction for specific types of operations. Section 332 promotes civilian control of the military and places civilian advisors from DOD in Ukraine's Ministry of Defense.

The Presidential Drawdown Authority (PDA), in which the President can authorize the transfer of articles and services from U.S. stocks without congressional approval in response to an "unforeseen emergency," also has provided defense items to Ukraine since 2014. In August 2021, the Biden Administration authorized a \$60 million drawdown (Foreign Assistance Act, §506(a)(1)) for the immediate transfer of defense items from DOD stocks. In December 2021, the Administration authorized a \$200 million drawdown after Congress, through passage of P.L. 117-70, increased the §506(a)(1) cap from \$100 million to \$200 million.

Since 2014, Ukraine also has received International Military Education and Training (IMET) assistance, which has provided professional military education at U.S.

defense institutions for about 370 junior, mid-level, and senior Ukrainian military officers.

Through the Joint Multinational Training Group-Ukraine, established in 2015, the U.S. Army and National Guard, together with military trainers from U.S. allied states, have provided training, mentoring, and doctrinal assistance to the UAF. The U.S. military also conducts joint military exercises with Ukraine. Separately, U.S. Special Operations Forces have trained and advised Ukrainian Special Forces. Other State Department and DOD-funded security assistance has supported conventional weapons destruction, border security, law enforcement training, and counter-weapons of mass destruction capabilities.

Provision of Defense Equipment

After Russia's 2014 invasion of Ukraine, the Obama Administration limited its support to Ukraine to nonlethal security assistance items, such as body armor, helmets, vehicles, night and thermal vision devices, heavy engineering equipment, advanced radios, patrol boats, rations, tents, counter-mortar radars, uniforms, medical kits, and other related items. In 2017, the Trump Administration announced U.S. willingness to provide lethal weapons to Ukraine.

Since 2018, Ukraine has used FMF, as well as some of its national funds, to procure U.S. defense equipment, including Javelin anti-armor missiles and Mark VI patrol boats through the Foreign Military Sales (FMS) system. Ukraine also has used a combination of FMF and national funds to refurbish former U.S. Coast Guard Island-class patrol boats provided through the Excess Defense Articles (EDA; 22 USC §2321j) program. In addition, Ukraine has purchased firearms, ammunition, ordnance, and other laser, imaging, or guidance equipment directly from U.S. suppliers via the Direct Commercial Sales process.

According to DOD, USAI packages have provided sniper rifles, rocket-propelled grenade launchers, counter-artillery radars, Mark VI patrol boats, electronic warfare detection and secure communications, satellite imagery and analysis capability, counter-unmanned aerial systems, air surveillance systems to monitor sovereign airspace, night vision devices, and equipment to support military medical treatment and combat evacuation procedures.

Both PDA packages in 2021 included Javelins and other anti-armor systems, small arms, various calibers of ammunition, and other essential nonlethal equipment.

According to recent media reports, the State Department approved export licenses for Estonia, Latvia, and Lithuania to retransfer U.S.-provided Stinger anti-aircraft weapons systems and Javelin missile systems to Ukraine. Through the EDA program, the U.S. reportedly redirected Mi-17 helicopters originally intended for Afghanistan.

Table I. Primary U.S. Security Assistance to Ukraine, FY2015-FY2022

(selected account allocations, in thousands of dollars)

| | FY2015 | FY2016 | FY2017 | FY2018 | FY2019 | FY2020 | FY2021 (est.) | FY2022 (req.) |
|--|--------|---------|---------|---------|---------|---------|---------------|---------------|
| Foreign Military Financing | 47,000 | 85,000 | 99,000 | 95,000 | 115,000 | 115,000 | 115,000 | 115,000 |
| Ukraine Security Assistance Initiative | | 226,530 | 148,636 | 195,450 | 214,800 | 256,701 | 275,000 | 250,000 |

Sources: State Department Congressional Budget Justifications and Defense Department Budget Requests.**Notes:** Amount does not include security and nonproliferation assistance periodically provided via other accounts.

Discussion on Future Assistance

Since 2014, U.S. policy increasingly has emphasized supporting the UAF's ability to deter Russia and defend its territorial integrity. Much of U.S. assistance has been focused on providing systems and capabilities that Ukraine's domestic defense industry cannot produce, as well as on increasing UAF resilience and ability to sustain combat operations. U.S. officials continue to receive requests from Ukraine for assistance and have sent teams to evaluate Ukrainian abilities and needs. Ukrainian officials have expressed interest in acquiring advanced systems, including air defense, anti-missile, and anti-ship capabilities.

Recent Legislation

In response to the threat of a new Russian invasion of Ukraine, Congress has authorized or proposed increased funding levels for existing security assistance authorities and introduced multiple bills aimed at bolstering Ukraine's defensive capabilities. The National Defense Authorization Act for FY2022 (P.L. 117-81) authorized \$300 million for USAI, of which \$75 million is allotted for lethal assistance.

The Defending Ukraine Sovereignty Act (DUSA) (S. 3488, introduced 1/12/2022; H.R. 6470, introduced 1/21/2022) would authorize \$500 million in emergency supplemental FMF for Ukraine. The Guaranteeing Ukrainian Autonomy by Reinforcing its Defense (GUARD) Act (S. 3407, introduced 12/15/2021; H.R. 6367, introduced 1/10/2022) would authorize an increase in Ukraine's FY2022 FMF to \$450 million. In the versions of the GUARD Act, S. 3407 would set aside \$100 million and H.R. 6367 would set aside \$200 million for Ukrainian air defense capabilities, procurement of naval vessels, and maintenance for equipment provided. Both DUSA and the GUARD Act would require a 15-day notice to Congress, including a description of the types, objectives, budget, and estimated timelines of assistance to be provided through FMF. Similarly, the bills would authorize FY2022 IMET funds at \$3 million and \$4 million, respectively.

DUSA prioritizes Ukraine within existing mechanisms for the transfer, expedited procurement, and lease of defense items. DUSA also requires the State Department to report on plans to retransfer defense articles previously allocated for Afghanistan. The GUARD Act would add Ukraine to the list of priority countries for EDA during FY2022-2026. The H.R. 6367 version of the GUARD Act also would temporarily allow for certain privileges, such as shorter congressional review periods and higher dollar thresholds in the FMS process. Both DUSA and the GUARD Act would authorize the use of PDA during FY2022, but both versions of the GUARD Act add the phrase "without diminishing the dollar limitation available ... for such [FY]." It is unclear if the bills would replenish the PDA account prior to further authorizations in FY2022 and whether the dollar cap would be increased.

DUSA and the GUARD Act urge the U.S. government to provide FMF as direct loans to Ukraine in addition to the authorized FMF grants. Another recently introduced bill, the Ukraine Democracy Defense Lend-Lease Act of 2022 (S. 3522, introduced 1/19/2022), would modify provisions in the Lease of Defense Articles authority (22 U.S.C. §2796) to exclude Ukraine from certain requirements and preconditions, such as the five-year limit on leased items and an agreement to pay for all costs incurred by the U.S. government in leasing such articles, including reimbursement for depreciation of leased items, restoration costs, or replacement costs.

Potential Considerations for Congress

In consideration of increased security assistance funds for Ukraine, some differences exist across authorities. FMF allocates funds for the acquisition of U.S. defense articles and services through the FMS system, in which the partner nation makes the initial request based on its defense needs. DOD-funded programs, such as USAI and Section 333, are U.S.-initiated and do not involve a partner request, although the partner's defense needs are defined in consultation with the partner nation.

FMF funds could offer some flexibility as those appropriated funds are multiyear and allow for a wide range of possible activities. However, FMF is subject to a number of legal and policy restrictions on its uses. Moreover, Ukraine is not eligible to use its FMF for Direct Commercial Contracts.

Security assistance funding increases would not necessarily result in faster transfers of defense items since many of the authorities discussed are still subject to the annual budget cycle. Some factors that could affect the speed of transfers include procurement type, equipment availability and location, and logistical, transportation, and technology release considerations. Additionally, as both DUSA and the GUARD Act address, higher dollar value thresholds and shorter or waived congressional review periods could potentially speed up the delivery of equipment.

Another consideration is Ukraine's capacity to absorb any uptick in defense transfers, including new and more advanced systems. New systems would require time to train personnel, integrate into operational plans, and finally deploy. Advanced weapons systems also require significant resources to maintain and continually train new personnel. Congress may consider the potential impact that new and advanced systems could have on Ukraine's readiness. Similarly, Congress may consider how to balance Ukraine's urgent and short-term defense needs with the long-term and sustainable development of its forces.

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