

119TH CONGRESS
2D SESSION

S. _____

To amend the Arms Export Control Act to address third party transfers of certain defense articles for Ukraine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KAINE (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Arms Export Control Act to address third party transfers of certain defense articles 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 “Fast Tracking Euro-
5 pean Investment in Ukraine’s Defense Act”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 As long as the Russian Federation continues to exe-
8 cute its brutal invasion of Ukraine, it is the policy of the
9 United States—

1 (1) to welcome long-term investment from allies
2 and partners in the United States defense industrial
3 base; and

4 (2) to facilitate increased contributions from al-
5 lies and partners to the defense of Ukraine.

6 **SEC. 3. PRE-APPROVAL FOR PURCHASE AND THIRD PARTY**
7 **TRANSFER OF CERTAIN DEFENSE ARTICLES**
8 **FOR UKRAINE.**

9 Section 3 of the Arms Export Control Act (22 U.S.C.
10 2753) is amended by adding at the end the following:

11 “(h) PURCHASE AND THIRD PARTY TRANSFER:
12 UKRAINE.—

13 “(1) IN GENERAL.—The transfer of defense ar-
14 ticles sold by the United States under this Act shall
15 be approved, and subsections (a), (b), and (d) shall
16 not apply to such a transfer, if—

17 “(A) the purchaser of the defense articles
18 to be transferred is the government of a mem-
19 ber country of the North Atlantic Treaty Orga-
20 nization, the Government of Australia, the Gov-
21 ernment of Japan, the Government of the Re-
22 public of Korea, the Government of Israel, or
23 the Government of New Zealand;

24 “(B) the recipient of the defense articles to
25 be transferred is the Government of Ukraine;

1 “(C) the defense articles are 155mm artil-
2 lery shells, 155mm Excalibur extended range
3 artillery shells, High Mobility Artillery Rocket
4 System (HIMARS) munitions, or Guided Mul-
5 tiple Launch Rocket System (GMLRS) muni-
6 tions;

7 “(D) the Government of Ukraine has pro-
8 vided a commitment in writing to the United
9 States Government, including to the Committee
10 on Foreign Relations of the Senate and the
11 Committee on Foreign Affairs of the House of
12 Representatives, that it will not transfer such
13 defense articles, if not demilitarized, to any
14 other foreign country or person without first
15 obtaining the consent of the President; and

16 “(E) the Government of Ukraine accepts
17 title and physical custody of the transferred de-
18 fense articles before December 31, 2030.

19 “(2) NOTICE TO CONGRESS.—Before a transfer
20 of defense articles to the Government of Ukraine ap-
21 proved under paragraph (1) is made, the President
22 shall promptly notify the Speaker of the House of
23 Representatives, the Committee on Foreign Affairs
24 of the House of Representatives, and the Committee

1 on Foreign Relations of the Senate of the intended
2 transfer.

3 “(3) ANNUAL EXTENSION.—Annually, the Sec-
4 retary of State may extend the date in paragraph
5 (1)(E) by one year until December 31, 2035, if, be-
6 fore such an extension, the Secretary certifies to the
7 Committee on Foreign Relations of the Senate and
8 the Committee on Foreign Affairs of the House of
9 Representatives that the Russian Federation is con-
10 tinuing to execute its invasion of Ukraine.

11 “(4) RULES OF CONSTRUCTION.—

12 “(A) SELECTION OF DEFENSE ARTI-
13 CLES.—Nothing in this subsection may be con-
14 strued to limit—

15 “(i) the type or quantity of defense
16 articles that may be requested by, or trans-
17 ferred to, the Government of Ukraine; or

18 “(ii) the timing of such requests or
19 transfers.

20 “(B) RETRANSFERS.—Any request by the
21 Government of Ukraine to retransfer defense
22 articles received by that Government under this
23 Act remains subject to all relevant provisions of
24 this Act.”.