

117TH CONGRESS
2D SESSION

H. R. 8465

To amend the Foreign Assistance Act of 1961 to provide for the designation of certain countries, including Ukraine, the Republic of Georgia, and the Republic of Moldova, as major democratic allies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2022

Mr. COHEN (for himself and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Foreign Assistance Act of 1961 to provide for the designation of certain countries, including Ukraine, the Republic of Georgia, and the Republic of Moldova, as major democratic allies, 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 “Euro-Atlantic Soli-
5 darity and Major Democratic Ally Act of 2022”.

1 **SEC. 2. DESIGNATION OF MAJOR DEMOCRATIC ALLIES; IM-**
2 **PROVED OVERSIGHT OF CERTAIN DES-**
3 **IGNATED ALLIES.**

4 (a) DESIGNATION AND OVERSIGHT.—Chapter 2 of
5 part II of the Foreign Assistance Act of 1961 (22 U.S.C.
6 2311 et seq.) is amended by adding at the end the fol-
7 lowing new sections:

8 **“SEC. 518. DESIGNATION OF MAJOR DEMOCRATIC ALLIES.**

9 “(a) DESIGNATION.—

10 “(1) IN GENERAL.—The President may des-
11 ignate a country that the President determines
12 meets the standards under paragraph (2) as a major
13 democratic ally for purposes of this Act and the
14 Arms Export Control Act (22 U.S.C. 2751 et seq.).

15 “(2) STANDARDS.—A country meets the stand-
16 ards under this paragraph if the country—

17 “(A) adheres to democratic principles; or

18 “(B) demonstrates progress towards such
19 principles.

20 “(3) NOTICE TO CONGRESS.—The President
21 shall notify the Congress in writing at least 30 days
22 before—

23 “(A) designating a country as a major
24 democratic ally pursuant to paragraph (1); or

25 “(B) terminating such a designation.

1 “(4) INITIAL DESIGNATIONS.—Ukraine, the Re-
2 public of Georgia, and the Republic of Moldova shall
3 be deemed to have been so designated by the Presi-
4 dent as of the effective date of this section, and the
5 President is not required to notify the Congress of
6 such designation of those countries.

7 “(b) BENEFITS FOR DESIGNATED COUNTRIES.—

8 “(1) IMPROVED PROVISION OF DEFENSE ARTI-
9 CLES.—The President, in coordination with the Sec-
10 retary of Defense, shall take such steps as may be
11 necessary to simplify and accelerate the provision of
12 defense articles to countries designated as major
13 democratic allies under subsection (a), including by
14 ensuring that, in selecting countries with which the
15 Secretary of Defense will seek to enter into a secu-
16 rity of supply arrangement, the Secretary of Defense
17 gives priority to such countries.

18 “(2) IMPROVED TRADE TERMS FOR DEFENSE
19 ARTICLES AND STRATEGIC MATERIALS.—The Presi-
20 dent, in coordination with the Secretary of State and
21 the Secretary of Commerce, shall provide for im-
22 proved trade terms for defense articles and strategic
23 materials between countries designated as major
24 democratic allies under subsection (a) and the
25 United States, including by waiving or reducing, in

1 whole or in part, tariffs for the importation from
2 such countries into the United States of such arti-
3 cles and materials.

4 “(3) DEMOCRATIC ALLIANCE COMMISSIONS.—

5 “(A) IN GENERAL.—The President shall
6 seek to establish a bilateral commission between
7 each country designated as a major democratic
8 ally under subsection (a) and the United States
9 for the purpose of facilitating bilateral efforts
10 relating to security cooperation, security assist-
11 ance, the promotion of democracy, human
12 rights, trade, and such other issues as the
13 President may determine appropriate and con-
14 sistent with such designation. Each commission
15 so established shall be known as a ‘Democratic
16 Alliance Commission’.

17 “(B) MEETINGS.—Each Democratic Alli-
18 ance Commission established between a country
19 designated as a major democratic ally and the
20 United States pursuant to paragraph (A) shall
21 hold regular meetings. Such meetings shall be
22 co-chaired by the Secretary of State (or the
23 Special Advisor under section 519(a), as an al-
24 ternate co-chair) and an appropriate counter-
25 part of the government of such country.

1 “(C) PREEXISTING COMMISSIONS.—If the
2 President determines that, as of the date on
3 which a country is designated as a major demo-
4 cratic ally under subsection (a) or deemed to
5 have been so designated, there is a previously
6 established bilateral commission between that
7 country and the United States with the capa-
8 bility to serve the purpose referred to in sub-
9 paragraph (A), such commission may be
10 deemed a ‘Democratic Alliance Commission’ for
11 purposes of that subparagraph and the Presi-
12 dent shall not be required to seek to establish
13 a new commission.

14 “(c) TERMINATION.—With respect to the designation
15 of a country as a major democratic ally under this section,
16 the President may terminate such designation if the Presi-
17 dent determines, taking into consideration the findings of
18 the annual reports submitted pursuant to section 519(c)
19 and such other considerations as the President may deter-
20 mine appropriate, that the country does not meet the
21 standards under subsection (a)(2).

22 “(d) RULE OF CONSTRUCTION.—The designation of
23 a country as a major democratic ally under this section
24 may not be construed as a substitute or impediment to—

1 “(1) accession to the North Atlantic Treaty Or-
2 ganization;

3 “(2) entrance into a bilateral security treaty
4 with the United States; or

5 “(3) entrance into any other form of alliance or
6 alignment with the United States or the Euro-Atlan-
7 tic community.

8 “(e) DEFINITIONS.—In this section:

9 “(1) DEFENSE ARTICLE.—The term ‘defense
10 article’ has the meaning given that term in section
11 47 of the Arms Export Control Act (22 U.S.C.
12 2794).

13 “(2) SECURITY SUPPLY ARRANGEMENT.—The
14 term ‘security supply arrangement’ means a non-
15 binding international agreement between the Sec-
16 retary of Defense and an appropriate counterpart
17 from a foreign government that provides a frame-
18 work for the priority receipt and provision of defense
19 articles and defense services between the United
20 States and the foreign government.

21 “(3) STRATEGIC MATERIAL.—The term ‘stra-
22 tegic material’ means a material determined stra-
23 tegic by the President, such as titanium, steel, man-
24 ganese, and rare earth elements.

1 **“SEC. 519. OVERSIGHT OF MAJOR NON-NATO ALLIES AND**
2 **MAJOR DEMOCRATIC ALLIES.**

3 “(a) SPECIAL ADVISOR.—

4 “(1) APPOINTMENT.—The Secretary of State
5 shall appoint a Special Advisor for Major Non-
6 NATO Allies and Major Democratic Allies.

7 “(2) PAY RATE.—The Special Advisor under
8 paragraph (1) shall be compensated at the rate pro-
9 vided for Level IV of the Executive Schedule Pay
10 Rates under section 5315 of title 5, United States
11 Code.

12 “(3) DUTIES.—The duties of the Special Advi-
13 sor under paragraph (1) shall include the following:

14 “(A) Overseeing the relations of the United
15 States with covered countries to ensure each
16 covered country receives appropriate benefits
17 and adheres to appropriate standards in accord-
18 ance with the respective covered designation of
19 that country.

20 “(B) Overseeing support by the United
21 States for the promotion of democracy in cov-
22 ered countries.

23 “(C) Advising the President on the addi-
24 tion of new covered countries.

25 “(D) Advising the President on the termi-
26 nation of covered designations, including by as-

1 sisting in the development of recommendations
2 included in the annual report under subsection
3 (c).

4 “(E) Coordinating efforts under each
5 Democratic Alliance Commission established
6 pursuant to paragraph (3) of section 518(b), in-
7 cluding by serving as alternate co-chair of meet-
8 ings pursuant to subparagraph (B) of such
9 paragraph.

10 “(4) STAFF AND DETAILEES.—

11 “(A) STAFF.—The Special Advisor under
12 paragraph (1) may appoint personnel from
13 among employees in the civil service or mem-
14 bers of the Foreign Service as the Special Advi-
15 sor considers appropriate.

16 “(B) DETAILEES.—Upon request of the
17 Special Advisor under paragraph (1), the head
18 of any office of the legislative branch or Federal
19 department or agency may detail, on a reim-
20 bursable basis, any personnel of that office, de-
21 partment, or agency to the Special Advisor to
22 assist in carrying out the duties under para-
23 graph (3). The Special Advisor shall encourage,
24 to the maximum extent practicable, the detail of
25 personnel under this subparagraph in carrying

1 out such duties, to ensure interagency coordina-
2 tion.

3 “(b) DEPUTY SPECIAL ADVISOR.—

4 “(1) DESIGNATION.—The Secretary of State
5 shall designate a civil service officer or Foreign
6 Service officer serving in a position classified at GS-
7 15 under the General Schedule under subchapter III
8 of chapter 53 of title 5, United States Code, or (in
9 the case of a detailee) an equivalent level under an-
10 other wage system, as the Deputy Special Advisor
11 for Major Non-NATO Allies and Major Democratic
12 Allies.

13 “(2) RELATIONSHIP TO SPECIAL ADVISOR.—

14 The Deputy Special Advisor under paragraph (1)
15 shall report to the Special Advisor under subsection
16 (a)(1) and shall serve as Special Advisor in the ab-
17 sence of the Special Advisor.

18 “(c) ANNUAL REPORT.—

19 “(1) IN GENERAL.—The Secretary of State (in
20 coordination with the Secretary of Defense, the Sec-
21 retary of Commerce, and the Special Advisor under
22 subsection (a)(1)) shall annually submit to the
23 President and Congress, and make publicly avail-
24 able, a report on covered countries.

1 “(2) MATTERS.—Each report submitted under
2 paragraph (1) shall include an assessment of the fol-
3 lowing:

4 “(A) Efforts taken by each covered country
5 to promote positive relations between the cov-
6 ered country and other allies and partners of
7 the United States.

8 “(B) The activities and goals of each
9 Democratic Alliance Commission established
10 pursuant to section 518(b)(3).

11 “(C) The adherence to, or progress made
12 towards, democratic principles by each covered
13 country.

14 “(D) The suitability of each covered coun-
15 try to maintain the respective covered designa-
16 tion of that country (which may include, at the
17 discretion of the Secretary of State, a rec-
18 ommendation on whether the President should
19 terminate such covered designation).

20 “(d) DEFINITIONS.—In this section:

21 “(1) COVERED COUNTRY.—The term ‘covered
22 country’ means a country with a covered designa-
23 tion.

24 “(2) COVERED DESIGNATION.—The term ‘cov-
25 ered designation’ means a designation as a major

1 non-NATO ally pursuant to section 517 or a major
2 defense ally pursuant to section 518.”.

3 (b) EQUIVALENCY OF MAJOR DEMOCRATIC ALLIES
4 TO MAJOR NON-NATO ALLIES.—

5 (1) EQUIVALENCY UNDER FOREIGN ASSISTANCE
6 ACT OF 1961.—The Foreign Assistance Act of 1961,
7 as amended by subsection (a), is further amended—

8 (A) in section 514(c)(2) (22 U.S.C.
9 2321h), by inserting “ a major democratic
10 ally,” after “a major non-NATO ally,”;

11 (B) in section 516(c)(2) (22 U.S.C.
12 2321j), by inserting “ and major democratic al-
13 lies” after “major non-NATO allies”;

14 (C) in section 620J(a)(2) (22 U.S.C.
15 2378a), by striking “(as defined in section
16 644(q))” and inserting “or a major democratic
17 ally (as such terms are defined in section
18 644)”;

19 (D) in section 644 (22 U.S.C. 2403), by
20 adding at the end the following new subsection:

21 “(r) MAJOR DEMOCRATIC ALLY.—In this section, the
22 term ‘major democratic ally’ means a country which is
23 designated in accordance with section 518 as a major
24 democratic ally for purposes of this Act and the Arms Ex-
25 port Control Act (22 U.S.C. 2751 et seq.).”.

1 (2) EQUIVALENCY UNDER ARMS EXPORT CON-
2 TROL ACT.—The Arms Export Control Act is
3 amended—

4 (A) in section 21(g) (22 U.S.C. 2761), by
5 inserting “ or major democratic allies” after
6 “major non-NATO allies”; and

7 (B) in section 65(a)(1) (22 U.S.C. 2796d),
8 by inserting “, or a major democratic ally,”
9 after “major non-NATO ally” each place it ap-
10 pears.

11 (c) CONFORMING AMENDMENT.—Section 5315 of
12 title 5, United States Code, is amended by adding at the
13 end the following new item:

14 “Special Advisor for Major Non-NATO Allies
15 and Major Democratic Allies.”.

16 **SEC. 3. DEFENSE OF UKRAINE, REPUBLIC OF GEORGIA,**
17 **AND OTHER COUNTRIES FROM RUSSIAN AG-**
18 **GRESSION.**

19 (a) SENSE OF CONGRESS.—Consistent with long-
20 standing United States policy, and consistent with the dec-
21 laration at the 2008 North Atlantic Treaty Organization
22 (NATO) Summit in Bucharest, Romania, that Ukraine
23 and the Republic of Georgia will accede to NATO, it is
24 the sense of Congress that Ukraine, the Republic of Geor-
25 gia, and the Republic of Moldova, should it wish to join,

1 would be welcome and valuable allies in NATO upon ac-
2 cession.

3 (b) ACTIONS RELATING TO UKRAINE AND REPUBLIC
4 OF GEORGIA.—

5 (1) IN GENERAL.—The President shall—

6 (A) direct the Permanent Representative of
7 the United States to NATO to use the voice,
8 vote, and influence of the United States at
9 NATO to advocate for and accelerate the acces-
10 sion of Ukraine and the Republic of Georgia to
11 NATO; and

12 (B) until the date on which such accessions
13 have occurred, take such steps as may be nec-
14 essary to ensure the independence, sovereignty,
15 and security of Ukraine and the Republic of
16 Georgia.

17 (2) ANNUAL REPORT.—On an annual basis
18 until the date on which Ukraine and the Republic of
19 Georgia accede to NATO, the Secretary of State
20 shall submit to Congress a report on the efforts
21 taken by the President during the year covered by
22 the report to advocate for and accelerate the acces-
23 sion of Ukraine and the Republic of Georgia to
24 NATO.

1 (c) UNITED STATES POLICY RELATING TO DEFENSE
2 OF CERTAIN NATO MEMBER STATES.—

3 (1) IN GENERAL.—It is the policy of the United
4 States that the President shall consider any direct or
5 indirect armed attack attributable to the Russian
6 Federation against a member state of NATO inter-
7 vening in defense of any country described in para-
8 graph (2) against Russian aggression as an armed
9 attack subject to the principle of collective defense
10 pursuant to Article 5 of the North Atlantic Treaty,
11 signed at Washington on April 4, 1949.

12 (2) COUNTRIES DESCRIBED.—The countries de-
13 scribed in this paragraph are the following:

14 (A) The Republic of Georgia.

15 (B) Moldova.

16 (C) Ukraine.

17 (D) Any other country in Europe that is
18 not a member state of NATO.

19 (d) PLANS REQUIRED.—Not later than 90 days after
20 the date of the enactment of this Act, the Secretary of
21 Defense shall complete the development of a separate plan
22 for the defense against Russia, consistent with the re-
23 quired actions under subsection (b)(1), as applicable, of
24 each of the countries listed in subparagraphs (A) through
25 (C) of subsection (c)(2).

1 **SEC. 4. SENSE OF CONGRESS ON DETERRENCE OF FUR-**
2 **THER RUSSIAN AGGRESSION AGAINST**
3 **UKRAINE WITH RESPECT TO THREAT OF**
4 **WEAPONS OF MASS DESTRUCTION.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The Russian Federation is currently en-
7 gaged in a brutal, illegal, premeditated, and destruc-
8 tive war against the sovereign, democratic country of
9 Ukraine.

10 (2) The Russian war on Ukraine is in gross,
11 clear, and uncorrected violation of the principles of
12 the Helsinki Final Act, in contravention of the
13 United Nations Charter, in violation of its obliga-
14 tions under the 1994 Budapest Memorandum, and
15 an unmitigated moral stain on its countenance.

16 (3) The Russian leadership has made numerous
17 implied and overt threats regarding the potential use
18 of chemical, biological, or nuclear weapons of mass
19 destruction in connection with its barbaric war on
20 Ukraine.

21 (4) The Russian war on Ukraine is not only a
22 humanitarian catastrophe and a global and national
23 security crisis, but also a direct and potentially ir-
24 reparable threat to global nonproliferation, including
25 notorious and gross Russian violations of its obliga-

1 tions under the Budapest Memorandums and the
2 conduct of a civilized state.

3 (5) In exchange for Ukraine eliminating all nu-
4 clear weapons from its territory, the 1994 Budapest
5 Memorandum committed its signatories, Russia, the
6 United Kingdom, and the United States, to refrain
7 from the threat or use of force or economic coercion
8 against Ukraine, and provided guarantees for the
9 independence and sovereignty and territorial integ-
10 rity of Ukraine.

11 (6) The employment of chemical or biological
12 weapons by Russia would be in violation of its obli-
13 gations under the Chemical Weapons Convention,
14 the Geneva Protocol, and the Biological Weapons
15 Convention.

16 (7) The United States does not seek war, and
17 urges an immediate end to Russian aggression in
18 and against Ukraine, but the potential use of chem-
19 ical, biological, or nuclear weapons of mass destruc-
20 tion by the Russian military constitutes grave esca-
21 lation over redlines that imperil United States na-
22 tional security and international peace.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

25 (1) the President should—

1 (A) declare that the Russian employment
2 of chemical, biological, or nuclear weapons of
3 mass destruction, including low-yield “tactical”
4 nuclear weapons, “false flag” operations using
5 such weapons of mass destruction, and the pur-
6 poseful or deliberate targeting or neglect of nu-
7 clear facilities that leads to a nuclear event,
8 against or in connection with the Russian war
9 on Ukraine, would represent crimes against hu-
10 manity;

11 (B) treat such crimes against humanity as
12 an urgent national and global security threat
13 that may require, in concert with other member
14 states of the North Atlantic Treaty Organiza-
15 tion, the employment of any available conven-
16 tional means as necessary to secure the peace,
17 including the potential need to degrade and de-
18 stroy offending Russian forces in Ukraine; and

19 (C) make immediate efforts to provide the
20 military and other material means needed for
21 the legitimate democratic Government of
22 Ukraine to be able to defend its national sov-
23 ereignty; and

24 (2) Congress stands ready to make additional
25 appropriations or pass other legislation to meet the

1 needs of securing the common struggle of Ukraine,
2 Europe, and the United States against Russian ag-
3 gression.

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