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Russia's War on Ukraine: U.S. Policy and the Role of Congress

On February 24, 2022, Russia launched a new war against Ukraine, a country Russia first invaded in 2014 and has partially occupied for nearly a decade. The war is estimated to have led to hundreds of thousands of casualties and the current displacement of more than 10 million people as of January 2024. Ukraine is continuing to wage defensive and counteroffensive operations bolstered by extensive military assistance, mainly from the United States and Europe; since mid-2023, warfighting has been largely attritional and has focused on the seizure of individual towns and settlements or other localized objectives.

“The General Assembly ... reaffirms its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine [and] declares that the unlawful actions of the Russian Federation ... have no validity under international law.”

U.N. General Assembly Resolution ES-11/4, Oct. 12, 2022

The United States, NATO, the European Union (EU) and member states, and other partners regard the war against Ukraine as “unprovoked and unjustified.” The United States, in coordination with the EU and others, has provided substantial assistance to Ukraine, has imposed a series of increasingly severe sanctions on Russia and its enablers, and has sought to promote accountability for Russian war crimes. To deter further aggression, the United States and NATO have increased their military presence in Europe. In the United States, policymakers and observers are debating the scope and scale of assistance to Ukraine, the impact of sanctions, and the implications of a protracted conflict. Congress may consider additional actions and oversight with respect to these and related issues.

Assistance to Ukraine

Congress enacted four supplemental appropriations laws for FY2022 and FY2023 providing assistance to Ukraine and countries affected by the war in Ukraine, as well as related funding. Of a total \$113.4 billion in emergency appropriations made available by these laws, Congress appropriated about \$88.7 billion for assistance to Ukraine and other countries affected by the war. Of this amount, about \$48.7 billion was for security assistance, \$30.1 billion for economic assistance, and \$9.9 billion for humanitarian assistance. Another \$23 billion was appropriated to support U.S. military operations in Europe and other U.S. agency responses to the war, including for sanctions enforcement and refugee and entrant assistance. About \$1.7 billion was appropriated for other global assistance purposes.

Since February 2022, for Ukraine specifically, the Biden Administration has committed \$44.2 billion in security assistance, \$22.9 billion in direct financial assistance, and \$2.3 billion in humanitarian assistance. The Administration

also has provided assistance for Ukraine's energy, governance, and agriculture sectors, among others, and to support the needs of Ukrainian refugees in other countries.

On February 13, 2024, the Senate passed the National Security Act, 2024 (H.R. 815, as amended), by a vote of 70-29. If enacted, Division A of the act would provide approximately \$60 billion for Ukraine-related activities out of \$95.3 billion in total funding. This amount includes at least \$13.4 billion to replenish U.S. Department of Defense (DOD) equipment stocks that are to be transferred to Ukraine, at least \$13.8 billion in other security assistance to Ukraine, at least \$7.85 billion in economic aid (including direct financial support) to the Ukrainian government, and additional funds for DOD and other agencies to support the U.S. response to the war.

As of January 2024, EU institutions and member states had made available an estimated \$77 billion in assistance for Ukraine since February 2022, including about \$30 billion in security assistance. In February 2024, EU leaders approved an additional \$54 billion in assistance to Ukraine, to be disbursed over the 2024-2027 time period. The EU has allocated an additional \$18 billion to provide for the needs of Ukrainian refugees in Europe; individual EU members also have provided refugee assistance. Other countries, including the United Kingdom, Japan, Canada, and Norway, also have provided assistance to Ukraine.

Sanctions

The United States, the EU, and others also have responded to Russia's war on Ukraine with sanctions. Since February 2022, the United States has imposed sanctions on more than 3,500 individuals and entities, including Russian President Vladimir Putin, other Russian political and economic elites, Russia's legislature, defense and technology firms, strategic state-owned companies, and facilitators of sanctions evasion. U.S. sanctions restrict Russia's central bank from drawing on its dollar-denominated reserves, prohibit most major Russian banks from conducting transactions in U.S. dollars or with U.S. persons, and bar new U.S. investment in Russia. The United States has expanded export controls affecting Russia's access to sensitive or needed U.S.-origin technologies; banned the import of energy, gold, diamonds and certain other goods from Russia; banned the export of luxury goods and certain services to Russia; raised tariffs on many imports from Russia; and prohibited Russian use of U.S. airspace and ports.

In addition to executive branch actions, the 117th Congress suspended normal trade relations with Russia and its ally Belarus (P.L. 117-110), prohibited the import of Russian oil and other energy products (P.L. 117-109), and established sanctions on foreign persons who engage in gold transactions with Russia (P.L. 117-263, §5590).

The United States and the EU have closely cooperated in imposing sanctions on Russia. In December 2022, the United States joined the EU and others in setting a global price cap of \$60 per barrel on Russian oil exports by banning nationals from providing maritime transport services for transactions above that price. Although the EU has not imposed sanctions on Russian natural gas imports, Russia has reduced natural gas flows to Europe. The Biden Administration has sought to help the EU reduce its dependence on Russian gas, including by boosting U.S. liquefied natural gas shipments to Europe.

By some metrics, Russia has weathered new sanctions better than many anticipated. Russia's economy, the 11th largest in the world in 2021, contracted by 2.1% in 2022 and grew an estimated 2.3% in 2023. A number of factors have buoyed the economy: nimble policy responses by Russia's central bank; increased oil exports to China, India, and Turkey; imports of sanctioned items through intermediaries; increased military spending; and expropriation of foreign assets.

Sanctions also have created challenges for Russia. Its financial sector has lost hundreds of billions of dollars, its military has difficulty procuring key components, many Russian factories have suspended production because they cannot access foreign-origin parts, and hundreds of international companies have exited Russia. The government also is facing fiscal pressures: government revenues from energy exports fell in 2023, military expenditures have increased, and Russia cannot borrow from international capital markets. A military draft and emigration have created labor shortages, and nearly half of Russians report their salaries do not cover basic spending.

Seizures and Forfeitures

Through the U.S. Department of Justice's Task Force KleptoCapture and the international Russian Elites, Proxies, and Oligarchs (REPO) Task Force, the Department of Justice and the Department of the Treasury are working "to seize illicit Russian assets for the benefit of the people of Ukraine, and to prosecute those who facilitate the evasion of sanctions imposed on Russia." In April 2023 Senate testimony, Deputy Attorney General Lisa Monaco stated that the Department of Justice had

seized, forfeited, or otherwise restrained over \$500 million in assets belonging to Russia's oligarchs and others who unlawfully supported the Kremlin's war machine ... We have indicted more than thirty individuals and two corporate entities accused of sanctions evasion, export control violations, money laundering, and other crimes.

FY2023 appropriations provide authority for the transfer of proceeds of "covered forfeited property ... to provide assistance to Ukraine to remediate the harms of Russian aggression towards Ukraine" (P.L. 117-328, §1708). The Justice Department used this authority for the first time for a \$5.4 million forfeiture of funds belonging to a Russian oligarch who has financed pro-Russian activities in Ukraine and who was indicted by the Department of Justice in April 2022 for sanctions evasion. Legislation has been introduced in the 118th Congress to broaden the Administration's

ability to seize frozen and immobilized Russian assets to fund Ukraine reconstruction, including H.R. 4175 (ordered reported, as amended) and S. 2003 (reported, as amended).

War Crimes Accountability

In February 2023, the Biden Administration determined that "members of Russia's forces and other Russian officials have committed crimes against humanity in Ukraine." Ukrainian authorities and others have accused Russian forces of perpetrating indiscriminate and mass killings, rape and other forms of sexual violence, the intentional targeting of civilians, and the forced "filtration" (interrogation and separation) of civilians and noncombatants—including children—from Russia-occupied territories in Ukraine. The U.S. Department of Justice is working "in partnership with Ukraine and the international community ... to hold Russia accountable for war crimes committed in its unjust invasion." This includes cooperation with a Joint Investigative Team comprising Ukraine, six EU member states, and the International Criminal Court, supported by EU institutions. In December 2023, the Department of Justice "filed the first ever charges under the U.S. war crimes statute against four Russia-affiliated military personnel" for crimes against a U.S. citizen in Ukraine.

U.S. and NATO Force Posture in Europe

The United States has increased military deployments to Europe and led a broader NATO effort to deter further Russian aggression and to defend NATO allies, particularly in Central and Eastern Europe. Congress has supported the enhanced U.S. force presence and U.S. leadership of NATO defense and deterrence measures. In the 117th Congress, the Senate gave its advice and consent (Treaty Doc. 117-3) to approve Finland's and Sweden's accession to NATO (Finland became a NATO member in April 2023; Sweden's accession is pending).

Following Russia's full-scale invasion of Ukraine in February 2022, the United States deployed or extended about 20,000 additional armed forces to Europe, bringing the total U.S. force posture in Europe, including permanently stationed forces, to approximately 100,000 military personnel. This includes rotational deployment of up to two Brigade Combat Teams in Central and Eastern Europe; deployment of about 10,000 troops to Poland, including 800 soldiers deployed to a U.S.-led NATO battlegroup; about 3,000 troops in Romania; and additional naval and air assets in the region.

The increased U.S. military presence is part of an enhanced NATO defense and deterrence posture in the eastern part of the alliance. Allied troops deployed to the region for the first time in NATO's history after Russia's 2014 invasion of Ukraine. Since February 2022, NATO has expanded its military footprint in the region. According to NATO, about 10,000 allied soldiers currently serve in multinational battlegroups in eight countries along NATO's eastern flank.

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