

Congress of the United States
Washington, DC 20515

May 17, 2023

President Joseph. R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President,

We write to again urge you to provide Ukraine with F-16 Fighting Falcon fighter aircraft. As a bipartisan group of lawmakers, we view the transfer of F-16 fighter aircraft to Ukraine as essential for providing Kyiv with the air support capability required to fully defend their nation against Russia's unprovoked, illegal, and brutal invasion, and to make the territorial gains necessary to reclaim their country.

Specifically, we respectfully request that your administration encourage and help facilitate the transfer of inventory F-16 fighters to Ukraine from our NATO allies or other interested partner nations. We also urge you to pursue the transfer of used F-16s to Ukraine from U.S. inventory stocks, and remain committed to working in a bipartisan manner to help provide Ukraine with long-term air capability. Finally, we are willing to work with your administration to increase the Presidential Drawdown Authority funding cap level to enable the transfer of U.S. inventory F-16s and to increase the funding authorization level for the Ukraine Security Assistance Initiative to facilitate the transfer of U.S. inventory F-16s.

For more than a year, the world has witnessed the Ukrainian people's exceptional courage and skill in battle as they have successfully resisted Russia's invasion of their country. American leadership has been crucial to Ukrainian efforts, not only in supplying Ukraine with the military capabilities and supplies necessary for its survival, but also in coordinating the robust international response that helps Kyiv resist Vladimir Putin's war of aggression.

Despite Ukraine's heroic efforts and the provision of arms and equipment to Kyiv by the United States and its allies, in recent months the conflict has devolved into a war of attrition. This development poses substantial long-term risks to Ukraine's future given Russia's manpower advantage and willingness to absorb enormous casualties in pursuit of its war aims. As Ukrainian forces continue to defend against the Russian onslaught and prepare for a consequential spring counteroffensive, it is essential that they receive effective air support capability to both protect their airspace and push back against Russian forces. F-16 fighter aircraft can provide Ukraine with the capability necessary to achieve these objectives. These fourth-generation fighter aircraft can deliver to Ukraine increased combined arms maneuver capability via a highly mobile,

survivable, and lethal platform that can effectively target Russian missiles and drones, provide cover to Ukrainian ground forces, and engage Russian aircraft. Additionally, the speed and maneuverability of F-16 fighter aircraft would better enable Ukraine to protect its people against Russia's heinous attacks against civilian population centers.

In light of recent discussions regarding this issue in Congress and with your Administration, we wish to emphasize the following points regarding the need for providing Ukraine with F-16 fighter aircraft:

The United States should provide Ukraine with both land and air power:

Senior Administration officials have indicated that consideration of whether to provide Ukraine with F-16s or similar fourth-generation fighter aircraft is not appropriate in the near term due to their more urgent need for materials such as artillery, land-based air defense systems, and tanks that will assist Kiev with its upcoming offensive this spring.

Respectfully, this is an artificial and false choice. The United States can provide Ukraine with both immediate military assistance to defend against Russian advances and in preparation for Kyiv's expected spring offensive while simultaneously beginning the process of providing Ukraine with long-term air superiority capability.

In contrast to ground-based air defense systems and tanks that have limited mobility and range, F-16 fighter aircraft are a platform that can traverse a large battlespace within minutes while carrying a large weapons payload and comprehensive, real-time sensor technology to provide Ukraine with the enhanced combined arms capability necessary to effectively drive back Moscow's forces from Ukrainian territory.

Moreover, Ukraine will eventually have to transition away from its current fleet of Soviet-era fighter aircraft. Although Ukrainian pilots have demonstrated tremendous skill and perseverance, as this conflict enters its second year, attrition is gradually claiming Kyiv's existing fighter inventory. Most concerning, Ukrainian fighter losses are also claiming the lives of many of Kyiv's most experienced pilots, many of whom would be best positioned to quickly learn to operate F-16 or similar fourth-generation fighter aircraft. The inevitable need for Ukraine to transition away from its current, aging fleet and the ongoing losses of aircraft and pilots creates an acute need by Kyiv for fourth-generation fighter aircraft.

We note that some Administration officials have indicated that providing Ukraine with F-16s would be cost prohibitive, particularly considering Kyiv's continued need for other types of military aid such as artillery, land-based air defense systems, and tanks. Again, this is an incorrect framing of the situation. First, there exists a significant global inventory of used or excess F-16s that could be repurposed for use in Ukraine, particularly among our NATO allies. The U.S. should demonstrate its role as leader of the coalition of nations supporting Ukraine and work to convince our partners who have such aircraft to transfer F-16 fighters to Ukraine. Additionally, the U.S. Air Force recently retired forty-seven F-16 C/D model aircraft in Fiscal Year 2022, creating additional transfer options for consideration.

In short, avenues for providing F-16s to Ukraine are available if there is corresponding political willpower. As a bipartisan group of Representatives, many of whom sit on the congressional defense committees, we are prepared to work with you to increase the Presidential Drawdown Authority authorization level to accommodate the transfer of U.S. inventory F-16s or to increase the funding authorization level for the Ukraine Security Assistance Initiative to allow for the transfer of U.S. inventory F-16s. We also believe that, given the urgency of the situation, you should consider leveraging the congressional authorized lend-lease authority granted to your administration last year in this matter.

F-16 Fighters are the most practicable fourth-generation fighter aircraft for Ukraine:

Although there exist several types of fourth-generation fighter aircraft that could potentially be utilized by Ukraine, including the F/A-18, JAS 39 Gripen, and Rafale, we believe that F-16s represent the most practicable air superiority fighter option for Kyiv due to the large number of aircraft that have been built (more than 4,000) and countries that have them in stock (over twenty). Given the benefits of uniformity as it relates to training and maintenance considerations, the F-16 represents the most viable near and long-term air superiority option for Ukraine.

F-16 training and maintenance requirements mean that the authorization of transferring F-16s to Ukraine should be an urgent priority, and not postponed until later in the conflict:

It will inevitably take time for Ukrainian pilots to operate F-16 fighter aircraft in combat. Ukraine or third-party commercial entities will also have to address F-16 fighters maintenance requirements. These issues only reinforce the urgency of beginning the authorization and transfer process as soon as possible given the current state of the conflict, Ukraine's manpower disadvantages, and practical limits on other types of western military aid such as munitions, tanks, and land-based air defense systems.

Additionally, despite claims from some in Department of Defense leadership that training Ukrainian pilots to operate F-16s would take up to eighteen months,¹ the assessment of those in uniform indicates a more optimistic training timeline. For example, U.S. Air Force Chief of Staff General CQ Brown, himself a former F-16 fighter pilot and training instructor, recently estimated that experienced fighter pilots could achieve basic proficiency on the F-16 in two to four months.² Moreover, General Brown observed that many of our NATO allies have experience transitioning from Soviet to western aircraft.³ Given Ukrainian fighter pilots substantial combat experience and stellar performance to date, we are confident that they possess the skill necessary to operate these aircraft.

¹ Testimony of Undersecretary of Defense for Policy, the Hon. Colin Kahl, U.S. House of Representatives Committee on Armed Services Hearing: Oversight of U.S. Military Support to Ukraine, Feb. 28, 2023.

² Phil Stewart, "U.S. allies discuss possible training for Ukrainian air force," Reuters (Jul. 20, 2022), available at <https://www.reuters.com/world/europe/us-allies-discuss-possible-training-ukrainian-air-force-2022-07-20/>.

³ Id. General Brown was quoted as stating: "I feel pretty confident there are some of our NATO partners who have [transitioned from Soviet to western aircraft], can actually have lessons that they learned that can be helpful to the Ukrainians to help them figure out how to best make that transition."

Although any fourth-generation fighter aircraft requires reliable maintenance to remain operational, options exist to provide Ukraine with F-16 maintenance support. In the near-term, private contractors can provide maintenance as Ukraine continues to engage Russian forces. Understanding that Ukraine will have a long-term security need for F-16 air superiority capability, a U.S.-led F-16 maintenance training program will provide Kyiv with the organic knowledge to maintain these fighter aircraft. Given the demonstrated ability of the Ukrainians to maintain the sophisticated military equipment they have been provided in the midst of a high intensity conflict, it is reasonable to expect that they will quickly learn to support F-16 fighter aircraft.

The provision of F-16s to Ukraine would not represent an escalation of the conflict:

Russia's invasion of Ukraine has created an unprecedented threat to international security that requires a U.S. response that is both resolute and measured. Mindful of the national security equities at stake in Ukraine for the United States and our allies, we note that the provision of F-16 fighter aircraft to Kyiv would not represent a meaningful escalation of U.S. involvement in the conflict.

To date, the United States has provided more than \$35 billion in support of Ukraine's fight to preserve its nation and people. This aid, which has included advanced systems such as HIMARS, Abrams tanks, Javelin anti-tank missiles, Stinger anti-aircraft systems, NASAMS, and a Patriot air defense battery, has supported Ukraine in a conflict that has resulted in almost 200,000 Russian casualties.⁴ In light of the amount and sophistication of military aid provided to Ukraine to date, as well as its corresponding contribution to the largest Russian military casualty rates since the Second World War, providing F-16s, a fourth-generation fighter aircraft that has been in service for decades, would not represent a material escalation of U.S. support to Kyiv.

The provision of F-16 fighter aircraft to Ukraine would also not represent an escalation of U.S. involvement in light of the Administration's position on Russian war crimes culpability. Both yourself and Vice President Harris have recently declared, correctly, that Russia has committed crimes against humanity, an offense most closely associated with the atrocities of Nazi Germany.⁵ Moreover, you recently spoke approvingly of the International Criminal Court's issuance of an arrest warrant for Vladimir Putin for war crimes.⁶ Again, the provision of a decades-old fourth-generation fighter aircraft platform to Ukraine would not be unduly

⁴ Helen Cooper, Eric Schmitt, Thomas Gibbons-Neff, *Soaring Death Toll Gives Grim Insight Into Russian Tactics*, N.Y. Times (Feb. 2, 2023), available at: <https://www.nytimes.com/2023/02/02/us/politics/ukraine-russia-casualties.html>.

⁵ Rachel Pannett, Andrew Jeong, Adela Suliman, Ellen Francis, Claire Parker, Adam Taylor, Sammy Westfall, *Russia Guilty of 'Crimes Against Humanity,' Biden Says in Poland Speech; Moscow Suspends Role in Arms Control Treaty*, Wash. Post (Feb. 23, 2023), available at: <https://www.washingtonpost.com/world/2023/02/21/russia-ukraine-war-live-updates-biden-poland/>; Cassandra Vinograd, *Kamala Harris Says Moscow Committed Crimes Against Humanity in Ukraine*, N.Y. Times (Feb. 18, 2023), available at: <https://www.nytimes.com/2023/02/17/world/europe/kamala-harris-russia-crimes-against-humanity.html>.

⁶ Jeff Mason, Simon Lewis, *Biden Says Putin Committed War Crimes, Calls Charges Justified*, Reuters (Mar. 18, 2023), available at: <https://www.reuters.com/world/europe/us-says-no-doubt-russia-is-committing-war-crimes-ukraine-after-icc-issues-putin-2023-03-17/>.

escalatory considering that Kyiv faces a fight for its very survival and that U.S. leadership has rightfully declared Vladimir Putin a war criminal who should face justice for his crimes.

Risks of escalation must also be viewed in consideration of the uncertain future of this conflict rather than just the type of weaponry the U.S. and our allies provide Ukraine. As you noted in your recent speech in Warsaw marking the one-year anniversary of Russia's invasion, the stakes for Ukraine, the United States, and our allies could not be higher: the sovereignty of nations, the right of people to live free from naked aggression, and democracy itself.⁷ The longer this war continues, however, there is correspondingly greater risk that Vladimir Putin may seek to escalate the conflict even further in order to achieve victory the Ukrainians, the United States, and our allies, have thus far denied him. The surest way to decrease the risk of further escalation is to give Ukraine the tools necessary to fully defend their nation and decisively push back Russian forces from the territory they invaded in February 2022. F-16 fighter aircraft are a necessary component of this effort.

American leadership on this issue is crucial:

As the leader of the Free World, the United States has been the indispensable nation organizing the international response against Russia's invasion. You and your administration have rightly provided the military aid that has helped ensure Ukraine's survival and led the way for our allies and partners to also provide such assistance.

As we saw with the initial hesitancy by our allies to provide tanks to Ukraine, U.S. leadership is crucial for providing Kyiv with additional resources and new capabilities. For the reasons set forth above, the provision of F-16 fighter aircraft to Ukraine is essential to effectively end this war on just terms. Accordingly, we believe that a willingness by the U.S. to provide Ukraine with F-16s is a prerequisite for providing allied air support to Kiev.

We would be happy to meet with you or leaders in your administration to discuss this issue further. Thank you for your consideration in this matter and for your continued support of Ukraine and its people.

Sincerely,



Jared F. Golden
Member of Congress



Tony Gonzales
Member of Congress

⁷ Remarks by President Biden Ahead of the One-Year Anniversary of Russia's Brutal and Unprovoked Invasion of Ukraine (Feb. 21, 2023), available at: <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/02/21/remarks-by-president-biden-ahead-of-the-one-year-anniversary-of-russias-brutal-and-unprovoked-invasion-of-ukraine/>.

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