

ization Act for Fiscal Years 2018, 2019, and 2020, and also as part of the National Defense Authorization Act for Fiscal Year 2020, and not as part of the Countering Iran's Destabilizing Activities Act of 2017 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

“Congressional intelligence committees” means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, see section 5003 of Pub. L. 116–92, set out as a note under section 3003 of Title 50, War and National Defense.

CHAPTER 102—COUNTERING RUSSIAN INFLUENCE IN EUROPE AND EURASIA

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SUBCHAPTER I—SANCTIONS AND OTHER MEASURES WITH RESPECT TO THE RUSSIAN FEDERATION

§ 9501. Findings

Congress makes the following findings:

(1) On March 6, 2014, President Barack Obama issued Executive Order No. 13660 (79 Fed. Reg. 13493; relating to blocking property of certain persons contributing to the situation in Ukraine), which authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose sanctions on those determined to be undermining democratic processes and institutions in Ukraine or threatening the peace, security, stability, sovereignty, and territorial integrity of Ukraine. President Obama subsequently issued Executive Order No. 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine) and Executive Order No. 13662 (79 Fed. Reg. 16169; relating to blocking property of additional persons contributing to the situation in Ukraine) to expand sanctions on certain persons contributing to the situation in Ukraine.

(2) On December 18, 2014, the Ukraine Freedom Support Act of 2014 was enacted (Public Law 113–272; 22 U.S.C. 8921 et seq.), which includes provisions directing the President to impose sanctions on foreign persons that the President determines to be entities owned or controlled by the Government of the Russian Federation or nationals of the Russian Federation that manufacture, sell, transfer, or otherwise provide certain defense articles into Syria.

(3) On April 1, 2015, President Obama issued Executive Order No. 13694 (80 Fed. Reg. 18077; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), which authorizes the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to impose sanctions on persons determined to be engaged in malicious cyber-hacking.

(4) On July 26, 2016, President Obama approved a Presidential Policy Directive on United States Cyber Incident Coordination, which states, “certain cyber incidents that have significant impacts on an entity, our national security, or the broader economy require a unique approach to response efforts”.

(5) On December 29, 2016, President Obama issued an annex to Executive Order No. 13694,¹ which authorized sanctions on the following entities and individuals:

(A) The Main Intelligence Directorate (also known as Glavnoe Razvedyvatel'noe Upravlenie or the GRU) in Moscow, Russian Federation.

¹ See References in Text note below.

(B) The Federal Security Service (also known as Federalnaya Sluzhba Bezopasnosti or the FSB) in Moscow, Russian Federation.

(C) The Special Technology Center (also known as STLC, Ltd. Special Technology Center St. Petersburg) in St. Petersburg, Russian Federation.

(D) Zorsecurity (also known as Esage Lab) in Moscow, Russian Federation.

(E) The autonomous noncommercial organization known as the Professional Association of Designers of Data Processing Systems (also known as ANO PO KSI) in Moscow, Russian Federation.

(F) Igor Valentinovich Korobov.

(G) Sergey Aleksandrovich Gizunov.

(H) Igor Olegovich Kostyukov.

(I) Vladimir Stepanovich Alexseyev.

(6) On January 6, 2017, an assessment of the United States intelligence community entitled, “Assessing Russian Activities and Intentions in Recent U.S. Elections” stated, “Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the United States presidential election.” The assessment warns that “Moscow will apply lessons learned from its Putin-ordered campaign aimed at the U.S. Presidential election to future influence efforts worldwide, including against U.S. allies and their election processes”.

(Pub. L. 115–44, title II, §211, Aug. 2, 2017, 131 Stat. 898.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13660, referred to in par. (1), is Ex. Ord. No. 13660, Mar. 6, 2014, 79 F.R. 13493, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13661, referred to in par. (1), is Ex. Ord. No. 13661, Mar. 16, 2014, 79 F.R. 15535, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13662, referred to in par. (1), is Ex. Ord. No. 13662, Mar. 20, 2014, 79 F.R. 16169, which is listed in a table under section 1701 of Title 50, War and National Defense.

The Ukraine Freedom Support Act of 2014, referred to in par. (2), is Pub. L. 113–272, Dec. 18, 2014, 128 Stat. 2952, which is classified generally to chapter 96A (§8921 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8921 of this title and Tables.

Executive Order No. 13694, referred to in par. (3), is Ex. Ord. No. 13694, Apr. 1, 2015, 80 F.R. 18077, which is listed in a table under section 1701 of Title 50, War and National Defense.

The annex to Executive Order No. 13694, referred to in par. (5), probably means Ex. Ord. No. 13757, §§1–3, Dec. 28, 2016, 82 F.R. 1, 2, which amended Ex. Ord. No. 13694.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116–94, div. P, title XX, §2001, Dec. 20, 2019, 133 Stat. 3222, provided that: “This title [enacting subchapter III of this chapter and amending sections 2421 and 9543 of this title] may be cited as the ‘European Energy Security and Diversification Act of 2019’.”

Pub. L. 115–44, title II, §201, Aug. 2, 2017, 131 Stat. 898, provided that: “This title [enacting this chapter and sections 8909 and 8910 of this title, amending sections 8901, 8907, 8908, 8923, and 8924 of this title, section 5326

of Title 31, Money and Finance, and section 3021 of Title 50, War and National Defense, and enacting provisions set out as notes under this section and section 3021 of Title 50] may be cited as the ‘Countering Russian Influence in Europe and Eurasia Act of 2017’.”

Pub. L. 115–44, title II, §215, Aug. 2, 2017, 131 Stat. 900, provided that: “This part [part 1 (§§215, 216) of subtitle A of title II of Pub. L. 115–44, enacting part A of this subchapter] may be cited as the ‘Russia Sanctions Review Act of 2017’.”

RULE OF CONSTRUCTION

Pub. L. 115–44, title II, §291, Aug. 2, 2017, 131 Stat. 939, provided that: “Nothing in this title [see section 201 of Pub. L. 115–44, set out as a Short Title note above] or the amendments made by this title (other than sections 216 and 236(b) [enacting sections 9511 and 9530(b) of this title, respectively]) shall be construed to limit the authority of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)”

§ 9502. Sense of Congress

It is the sense of Congress that the President—

(1) should continue to uphold and seek unity with European and other key partners on sanctions implemented against the Russian Federation, which have been effective and instrumental in countering Russian aggression in Ukraine;

(2) should engage to the fullest extent possible with partner governments with regard to closing loopholes, including the allowance of extended prepayment for the delivery of goods and commodities and other loopholes, in multilateral and unilateral restrictive measures against the Russian Federation, with the aim of maximizing alignment of those measures; and

(3) should increase efforts to vigorously enforce compliance with sanctions in place as of August 2, 2017, with respect to the Russian Federation in response to the crisis in eastern Ukraine, cyber intrusions and attacks, and human rights violators in the Russian Federation.

(Pub. L. 115–44, title II, §212, Aug. 2, 2017, 131 Stat. 899.)

PART A—CONGRESSIONAL REVIEW OF SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION

§ 9511. Congressional review of certain actions relating to sanctions imposed with respect to the Russian Federation

(a) Submission to Congress of proposed action

(1) In general

Notwithstanding any other provision of law, before taking any action described in paragraph (2), the President shall submit to the appropriate congressional committees and leadership a report that describes the proposed action and the reasons for that action.

(2) Actions described

(A) In general

An action described in this paragraph is—

(i) an action to terminate the application of any sanctions described in subparagraph (B);

(ii) with respect to sanctions described in subparagraph (B) imposed by the Presi-

dent with respect to a person, an action to waive the application of those sanctions with respect to that person; or

(iii) a licensing action that significantly alters United States'¹ foreign policy with regard to the Russian Federation.

(B) Sanctions described

The sanctions described in this subparagraph are—

(i) sanctions provided for under—

(I) this chapter or any provision of law amended by this title, including the Executive orders codified under section 9522 of this title;

(II) the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (22 U.S.C. 8901 et seq.); or

(III) the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8921 et seq.); and

(ii) the prohibition on access to the properties of the Government of the Russian Federation located in Maryland and New York that the President ordered vacated on December 29, 2016.

(3) Description of type of action

Each report submitted under paragraph (1) with respect to an action described in paragraph (2) shall include a description of whether the action—

(A) is not intended to significantly alter United States foreign policy with regard to the Russian Federation; or

(B) is intended to significantly alter United States foreign policy with regard to the Russian Federation.

(4) Inclusion of additional matter

(A) In general

Each report submitted under paragraph (1) that relates to an action that is intended to significantly alter United States foreign policy with regard to the Russian Federation shall include a description of—

(i) the significant alteration to United States foreign policy with regard to the Russian Federation;

(ii) the anticipated effect of the action on the national security interests of the United States; and

(iii) the policy objectives for which the sanctions affected by the action were initially imposed.

(B) Requests from banking and financial services committees

The Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives may request the submission to the Committee of the matter described in clauses (ii) and (iii) of subparagraph (A) with respect to a report submitted under paragraph (1) that relates to an action that is not intended to significantly alter United States foreign policy with regard to the Russian Federation.

(5) Confidentiality of proprietary information

Proprietary information that can be associated with a particular person with respect to an action described in paragraph (2) may be included in a report submitted under paragraph (1) only if the appropriate congressional committees and leadership provide assurances of confidentiality, unless such person otherwise consents in writing to such disclosure.

(6) Rule of construction

Paragraph (2)(A)(iii) shall not be construed to require the submission of a report under paragraph (1) with respect to the routine issuance of a license that does not significantly alter United States foreign policy with regard to the Russian Federation.

(b) Period for review by Congress

(1) In general

During the period of 30 calendar days beginning on the date on which the President submits a report under subsection (a)(1)—

(A) in the case of a report that relates to an action that is not intended to significantly alter United States foreign policy with regard to the Russian Federation, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives should, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report; and

(B) in the case of a report that relates to an action that is intended to significantly alter United States foreign policy with regard to the Russian Federation, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives should, as appropriate, hold hearings and briefings and otherwise obtain information in order to fully review the report.

(2) Exception

The period for congressional review under paragraph (1) of a report required to be submitted under subsection (a)(1) shall be 60 calendar days if the report is submitted on or after July 10 and on or before September 7 in any calendar year.

(3) Limitation on actions during initial congressional review period

Notwithstanding any other provision of law, during the period for congressional review provided for under paragraph (1) of a report submitted under subsection (a)(1) proposing an action described in subsection (a)(2), including any additional period for such review as applicable under the exception provided in paragraph (2), the President may not take that action unless a joint resolution of approval with respect to that action is enacted in accordance with subsection (c).

(4) Limitation on actions during presidential consideration of a joint resolution of disapproval

Notwithstanding any other provision of law, if a joint resolution of disapproval relating to

¹ So in original. Probably should be "United States".

a report submitted under subsection (a)(1) proposing an action described in subsection (a)(2) passes both Houses of Congress in accordance with subsection (c), the President may not take that action for a period of 12 calendar days after the date of passage of the joint resolution of disapproval.

(5) Limitation on actions during congressional reconsideration of a joint resolution of disapproval

Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under subsection (a)(1) proposing an action described in subsection (a)(2) passes both Houses of Congress in accordance with subsection (c), and the President vetoes the joint resolution, the President may not take that action for a period of 10 calendar days after the date of the President's veto.

(6) Effect of enactment of a joint resolution of disapproval

Notwithstanding any other provision of law, if a joint resolution of disapproval relating to a report submitted under subsection (a)(1) proposing an action described in subsection (a)(2) is enacted in accordance with subsection (c), the President may not take that action.

(c) Joint resolutions of disapproval or approval defined

In this subsection:

(1) Joint resolution of approval

The term “joint resolution of approval” means only a joint resolution of either House of Congress—

(A) the title of which is as follows: “A joint resolution approving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation.”; and

(B) the sole matter after the resolving clause of which is the following: “Congress approves of the action relating to the application of sanctions imposed with respect to the Russian Federation proposed by the President in the report submitted to Congress under section 216(a)(1) of the Russia Sanctions Review Act of 2017² on _____ relating to _____.”, with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

(2) Joint resolution of disapproval

The term “joint resolution of disapproval” means only a joint resolution of either House of Congress—

(A) the title of which is as follows: “A joint resolution disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation.”; and

(B) the sole matter after the resolving clause of which is the following: “Congress disapproves of the action relating to the application of sanctions imposed with respect to the Russian Federation proposed by the President in the report submitted to Con-

gress under section 216(a)(1) of the Russia Sanctions Review Act of 2017² on _____ relating to _____.”, with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

(3) Introduction

During the period of 30 calendar days provided for under subsection (b)(1), including any additional period as applicable under the exception provided in subsection (b)(2), a joint resolution of approval or joint resolution of disapproval may be introduced—

(A) in the House of Representatives, by the majority leader or the minority leader; and

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(4) Floor consideration in House of Representatives

If a committee of the House of Representatives to which a joint resolution of approval or joint resolution of disapproval has been referred has not reported the joint resolution within 10 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(5) Consideration in the Senate

(A) Committee referral

A joint resolution of approval or joint resolution of disapproval introduced in the Senate shall be—

(i) referred to the Committee on Banking, Housing, and Urban Affairs if the joint resolution relates to a report under subsection (a)(3)(A) that relates to an action that is not intended to significantly alter United States foreign policy with regard to the Russian Federation; and

(ii) referred to the Committee on Foreign Relations if the joint resolution relates to a report under subsection (a)(3)(B) that relates to an action that is intended to significantly alter United States foreign policy with respect to the Russian Federation.

(B) Reporting and discharge

If the committee to which a joint resolution of approval or joint resolution of disapproval was referred has not reported the joint resolution within 10 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) Proceeding to consideration

Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Banking, Housing, and Urban Affairs or the Committee on Foreign Relations, as the case may be, reports a joint resolution of approval or joint resolution of disapproval to the Senate or has been discharged from consideration of such a joint resolution (even though a pre-

² See References in Text note below.

vious motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) Rulings of the chair on procedure

Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of approval or joint resolution of disapproval shall be decided without debate.

(E) Consideration of veto messages

Debate in the Senate of any veto message with respect to a joint resolution of approval or joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(6) Rules relating to Senate and House of Representatives

(A) Treatment of Senate joint resolution in House

In the House of Representatives, the following procedures shall apply to a joint resolution of approval or a joint resolution of disapproval received from the Senate (unless the House has already passed a joint resolution relating to the same proposed action):

(i) The joint resolution shall be referred to the appropriate committees.

(ii) If a committee to which a joint resolution has been referred has not reported the joint resolution within 2 calendar days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(iii) Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate

equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(B) Treatment of House joint resolution in Senate

(i) If, before the passage by the Senate of a joint resolution of approval or joint resolution of disapproval, the Senate receives an identical joint resolution from the House of Representatives, the following procedures shall apply:

(I) That joint resolution shall not be referred to a committee.

(II) With respect to that joint resolution—

(aa) the procedure in the Senate shall be the same as if no joint resolution had been received from the House of Representatives; but

(bb) the vote on passage shall be on the joint resolution from the House of Representatives.

(ii) If, following passage of a joint resolution of approval or joint resolution of disapproval in the Senate, the Senate receives an identical joint resolution from the House of Representatives, that joint resolution shall be placed on the appropriate Senate calendar.

(iii) If a joint resolution of approval or a joint resolution of disapproval is received from the House, and no companion joint resolution has been introduced in the Senate, the Senate procedures under this subsection shall apply to the House joint resolution.

(C) Application to revenue measures

The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of approval or joint resolution of disapproval that is a revenue measure.

(7) Rules of House of Representatives and Senate

This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(d) Appropriate congressional committees and leadership defined

In this section, the term “appropriate congressional committees and leadership” means—

(1) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the majority and minority leaders of the Senate; and

(2) the Committee on Financial Services, the Committee on Foreign Affairs, and the Speak-

“(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 *et seq.*).

“(B) CURRENT VISAS REVOKED.—

“(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in subsection (a)(1).

“(ii) IMMEDIATE EFFECT.—The revocation under clause (i) of a visa or other entry documentation issued to an alien shall—

“(I) take effect immediately; and

“(II) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

“(c) IMPLEMENTATION; PENALTIES.—

“(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

“(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

“(d) NATIONAL INTEREST WAIVER.—The President may waive the imposition of sanctions under this section with respect to a person if the President—

“(1) determines that such a waiver is in the national interests of the United States; and

“(2) submits to Congress a notification of the waiver and the reasons for the waiver.

“(e) TERMINATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the requirement to impose sanctions under this section, and any sanctions imposed under this section, shall terminate on the earlier of—

“(A) the date that is 3 years after the date of the enactment of this Act; or

“(B) the date that is 30 days after the date on which the President certifies to Congress that—

“(i) the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine; and

“(ii) such termination in the national interests of the United States.

“(2) TRANSITION RULES.—

“(A) CONTINUATION OF CERTAIN AUTHORITIES.—Any authorities exercised before the termination date under paragraph (1) to impose sanctions with respect to a foreign person under this section may continue to be exercised on and after that date if the President determines that the continuation of those authorities is in the national interests of the United States.

“(B) APPLICATION TO ONGOING INVESTIGATIONS.—The termination date under paragraph (1) shall not apply to any investigation of a civil or criminal violation of this section or any regulation, license, or order issued to carry out this section, or the imposition of a civil or criminal penalty for such a violation, if—

“(i) the violation occurred before the termination date; or

“(ii) the person involved in the violation continues to be subject to sanctions pursuant to subparagraph (A).

“(f) EXCEPTIONS.—

“(1) EXCEPTIONS FOR AUTHORIZED INTELLIGENCE AND LAW ENFORCEMENT AND NATIONAL SECURITY ACTIVITIES.—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 *et seq.*) or any authorized intelligence, law enforcement, or national security activities of the United States.

“(2) EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.—Sanctions under subsection (b)(2) may not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations.

“(3) HUMANITARIAN EXEMPTION.—The President shall not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

“(4) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

“(A) IN GENERAL.—The requirement or authority to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

“(g) DEFINITIONS.—In this section:

“(1) The terms ‘admission’, ‘admitted’, ‘alien’, and ‘lawfully admitted for permanent residence’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

“(2) The term ‘foreign person’ means an individual or entity that is not a United States person.

“(3) The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

“(4) The term ‘United States person’ means—

“(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

“(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

“(C) any person in the United States.”

Executive Documents

EX. ORD. NO. 13849. AUTHORIZING THE IMPLEMENTATION OF CERTAIN SANCTIONS SET FORTH IN THE COUNTERING AMERICA’S ADVERSARIES THROUGH SANCTIONS ACT

Ex. Ord. No. 13849, Sept. 20, 2018, 83 F.R. 48195, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Countering America’s Adversaries Through Sanctions Act (Public Law 115-44) (CAATSA), the Ukraine Freedom Support Act of 2014 (Public Law 113-272), as amended [22 U.S.C. 8921 *et seq.*] (UFSA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, I, DONALD J. TRUMP, President of the United States of America, in order to take additional steps with respect to the national emergencies declared in Executive Order 13660 of March 6, 2014, as expanded in scope and relied upon for additional steps taken in sub-

sequent Executive Orders, and Executive Order 13694 of April 1, 2015, as relied upon for additional steps taken in Executive Order 13757 of December 28, 2016 [listed in a table under 50 U.S.C. 1701], hereby order:

SECTION 1. (a) When the President, or the Secretary of State or the Secretary of the Treasury pursuant to authority delegated by the President and in accordance with the terms of such delegation, has determined that sanctions shall be imposed on a person pursuant to sections 224(a)(2), 231(a), 232(a), or 233(a) of CAATSA [22 U.S.C. 9524(a)(2), 9525(a), 9526(a), or 9527(a)] and has selected from section 235 of CAATSA [22 U.S.C. 9529] any of the sanctions set forth below to impose on that person, the Secretary of the Treasury, in consultation with the Secretary of State, shall take the following actions where necessary to implement the sanctions selected and maintained by the President, the Secretary of State, or the Secretary of the Treasury:

(i) prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than \$10,000,000 in any 12-month period, unless the person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities;

(ii) prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest;

(iii) prohibit any transfers of credit or payments between financial institutions, or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

(iv) block all property and interests in property of the sanctioned person that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in;

(v) prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the sanctioned person; or

(vi) impose on the principal executive officer or officers of the sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, the sanctions described in subsections (a)(i)–(a)(v) of this section, as selected by the President, the Secretary of State, or the Secretary of the Treasury.

(b) The prohibitions in subsection (a)(iv) of this section include:

(i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any sanctioned person whose property and interests in property are blocked pursuant to this order; and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such sanctioned person.

(c) The prohibitions in this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order [Sept. 20, 2018].

SEC. 2. (a) When the President, or the Secretary of State or the Secretary of the Treasury pursuant to authority delegated by the President and in accordance with the terms of such delegation, has determined that sanctions shall be imposed on a person pursuant to sections 224(a)(2), 231(a), 232(a), or 233(a) of CAATSA and has selected from section 235 of CAATSA any of the sanctions set forth below to impose on that person, the heads of relevant departments and agencies, in consultation with the Secretary of State and the Secretary of the Treasury, as appropriate, shall ensure that the following actions are taken where necessary to implement the sanctions selected and maintained by the President, the Secretary of State, or the Secretary of the Treasury:

(i) The Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

(ii) Departments and agencies shall not issue any specific license or grant any other specific permission or authority under any statute that requires the prior review or approval of the United States Government as a condition for the export or reexport of goods or technology to the sanctioned person;

(iii) The United States executive director of each international financial institution shall use the voice and vote of the United States to oppose any loan from the international financial institution that would benefit the sanctioned person;

(iv) With respect to a sanctioned person that is a financial institution: the Board of Governors of the Federal Reserve System and the Federal Reserve Bank of New York shall not designate, or permit the continuation of any prior designation of, the sanctioned person as a primary dealer in United States Government debt instruments; and departments and agencies shall prevent the sanctioned person from serving as an agent of the United States Government or serving as a repository for United States Government funds;

(v) Departments and agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

(vi) The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien that the President, the Secretary of State, or the Secretary of the Treasury determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the sanctioned person by treating the person as covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions) [8 U.S.C. 1182 note]; or

(vii) The heads of the relevant departments and agencies, as appropriate, shall impose on the principal executive officer or officers of the sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, the sanctions described in subsections (a)(i)–(a)(vi) of this section, as selected by the President, the Secretary of State, or the Secretary of the Treasury.

(b) The prohibitions in this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

SEC. 3. (a) When the President, or the Secretary of State or the Secretary of the Treasury pursuant to authority delegated by the President and in accordance with the terms of such delegation, has determined that sanctions shall be imposed on a person pursuant to section 224(a)(3) of CAATSA [22 U.S.C. 9524(a)(3)] or sections 4(a) or 4(b) of UFSA [22 U.S.C. 8923(a), (b)] and has selected from section 4(c) of UFSA [22 U.S.C. 8923(c)] any of the sanctions set forth below to impose on that person, the Secretary of the Treasury, in consultation with the Secretary of State, shall take the following actions where necessary to implement the sanctions selected and maintained by the President, the Secretary of State, or the Secretary of the Treasury:

(i) block all property and interests in property of the sanctioned person that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in;

(ii) prohibit any transfers of credit or payments between financial institutions, or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person;

(iii) prohibit any United States person from transacting in, providing financing for, or otherwise dealing in certain debt or equity of the sanctioned person, in accordance with section 4(c)(7) of UFSA; or

(iv) impose on the principal executive officer or officers of the sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, the sanctions described in subsections (a)(i)–(a)(iii) of this section, as selected by the President, the Secretary of State, or the Secretary of the Treasury.

(b) The prohibitions in subsection (a)(i) of this section include:

(i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any sanctioned person whose property and interests in property are blocked pursuant to this order; and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such sanctioned person.

(c) The prohibitions in this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

SEC. 4. (a) When the President, or the Secretary of State or the Secretary of the Treasury pursuant to authority delegated by the President and in accordance with the terms of such delegation, has determined that sanctions shall be imposed on a person pursuant to section 224(a)(3) of CAATSA or sections 4(a) or 4(b) of UFSA and has selected from section 4(c) of UFSA any of the sanctions set forth below to impose on that person, the heads of relevant departments and agencies, in consultation with the Secretary of State and the Secretary of the Treasury, as appropriate, shall ensure that the following actions are taken where necessary to implement the sanctions selected and maintained by the President, the Secretary of State, or the Secretary of the Treasury:

(i) The Export-Import Bank shall deny approval of the issuance of any guarantee, insurance, extension of credit, or participation in an extension of credit in connection with the export of any goods or services to the sanctioned person;

(ii) Departments and agencies shall not procure, or enter into a contract for the procurement of, any goods or services from the sanctioned person;

(iii) Departments and agencies shall prohibit the exportation, or provision by sale, lease or loan, grant, or other means, directly or indirectly, of any defense article or defense service to the sanctioned person and shall not issue any license or other approval to the sanctioned person under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(iv) Departments and agencies shall not issue any license, and shall suspend any license, for the transfer to the sanctioned person of any item the export of which is controlled under the Export Control Reform Act of 2018 (subtitle B of title XVII of Public Law 115–232) [50 U.S.C. 4801 et seq.], or the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations;

(v) The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, the sanctioned person by treating the person as covered by section 1 of Proclamation 8693; or

(vi) The heads of the relevant departments and agencies, as appropriate, shall impose on the principal executive officer or officers of the sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, the sanctions described in subsections (a)(i)–(a)(v) of this section, as selected by the President, the Secretary of State, or the Secretary of the Treasury.

(b) The prohibitions in this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursu-

ant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

SEC. 5. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

SEC. 6. I hereby determine that, to the extent section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) may apply, the making of donations of the types of articles specified in such section by, to, or for the benefit of any sanctioned person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergencies declared in Executive Orders 13660 and 13694 [listed in a table under 50 U.S.C. 1701], and I hereby prohibit such donations as provided by sections 1(a)(iv) and 3(a)(i) of this order.

SEC. 7. For the purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person within the United States;

(d) the term “financial institution” includes: (i) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(1))), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7))); (ii) a credit union; (iii) a securities firm, including a broker or dealer; (iv) an insurance company, including an agency or underwriter; and (v) any other company that provides financial services;

(e) the term “international financial institution” has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c));

(f) the term “United States financial institution” means a financial institution (including its foreign branches) organized under the laws of the United States or of any jurisdiction within the United States or located in the United States; and

(g) the term “sanctioned person” means a person that the President, or the Secretary of State or the Secretary of the Treasury pursuant to authority delegated by the President and in accordance with the terms of such delegation, has determined is a person on whom sanctions shall be imposed pursuant to sections 224(a)(2), 224(a)(3), 231(a), 232(a), or 233(a) of CAATSA or sections 4(a) or 4(b) of UFSA and on whom the President, the Secretary of State, or the Secretary of the Treasury has imposed any of the sanctions in section 235 of CAATSA or section 4(c) of UFSA.

SEC. 8. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken with respect to such property or interests in property pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergencies declared in Executive Orders 13660 and 13694, there need be no prior notice of an action taken pursuant to this order with respect to such property or interests in property.

SEC. 9. The unrestricted immigrant and non-immigrant entry into the United States of aliens on whom sanctions described in sections 1(a)(iv) or 3(a)(i) of this order have been imposed would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended. Such persons shall be treated as persons covered by section 1 of Proclamation 8693.

SEC. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, and sections 224(a)(2), 224(a)(3), 231(a), 231(e), 232(a), 233(a), and 235 of CAATSA and sections 4(a)–(c) and 4(h) of UFSA with respect to powers to impose sanctions, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All departments and agencies of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this order.

SEC. 11. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 9522. Codification of sanctions relating to the Russian Federation

(a) Codification

United States sanctions provided for in Executive Order No. 13660 (79 Fed. Reg. 13493; relating to blocking property of certain persons contributing to the situation in Ukraine), Executive Order No. 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine), Executive Order No. 13662 (79 Fed. Reg. 16169; relating to blocking property of additional persons contributing to the situation in Ukraine), Executive Order No. 13685 (79 Fed. Reg. 77357; relating to blocking property of certain persons and prohibiting certain transactions with respect to the Crimea region of Ukraine), Executive Order No. 13694 (80 Fed. Reg. 18077; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), and Executive Order No. 13757 (82 Fed. Reg. 1; relating to taking additional steps to address the national emergency with respect to significant malicious cyber-enabled activities), as in effect on the day before August 2, 2017, including with respect to all persons sanctioned under such Executive orders, shall remain in effect except as provided in subsection (b).

(b) Termination of certain sanctions

Subject to section 9511 of this title, the President may terminate the application of sanctions described in subsection (a) that are imposed on a person in connection with activity conducted by the person if the President submits to the appropriate congressional committees a notice that—

(1) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

(2) the President has received reliable assurances that the person will not knowingly en-

gage in activity subject to sanctions described in subsection (a) in the future.

(c) Application of new cyber sanctions

The President may waive the initial application under subsection (a) of sanctions with respect to a person under Executive Order No. 13694 or 13757 only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this chapter; and

(2) a certification that the Government of the Russian Federation has made significant efforts to reduce the number and intensity of cyber intrusions conducted by that Government.

(d) Application of new Ukraine-related sanctions

The President may waive the initial application under subsection (a) of sanctions with respect to a person under Executive Order No. 13660, 13661, 13662, or 13685 only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this chapter; and

(2) a certification that the Government of the Russian Federation is taking steps to implement the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, the Minsk Protocol, which was agreed to on September 5, 2014, and any successor agreements that are agreed to by the Government of Ukraine.

(Pub. L. 115–44, title II, § 222, Aug. 2, 2017, 131 Stat. 906.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13660, referred to in subsecs. (a) and (d), is Ex. Ord. No. 13660, Mar. 6, 2014, 79 F.R. 13493, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13661, referred to in subsecs. (a) and (d), is Ex. Ord. No. 13661, Mar. 16, 2014, 79 F.R. 15535, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13662, referred to in subsecs. (a) and (d), is Ex. Ord. No. 13662, Mar. 20, 2014, 79 F.R. 16169, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13685, referred to in subsecs. (a) and (d), is Ex. Ord. No. 13685, Dec. 19, 2014, 79 F.R. 77357, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13694, referred to in subsecs. (a) and (c), is Ex. Ord. No. 13694, Apr. 1, 2015, 80 F.R. 18077, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13757, referred to in subsecs. (a) and (c), is Ex. Ord. No. 13757, Dec. 28, 2016, 82 F.R. 1. Sections 1 to 3 of the Order amended Ex. Ord. No. 13694,

which is listed in a table under section 1701 of Title 50, War and National Defense.

This chapter, referred to in subsecs. (c)(1)(B) and (d)(1)(B), was in the original “this title”, meaning title II of Pub. L. 115-44, Aug. 2, 2017, 131 Stat. 898, which is classified principally to this chapter. For complete classification of title II to the Code, see section 201 Pub. L. 115-44, set out as a Short Title note under section 9501 of this title and Tables.

Statutory Notes and Related Subsidiaries

ISOLATE RUSSIAN GOVERNMENT OFFICIALS ACT OF 2022

Pub. L. 117-263, div. E, title LVII, §5704, Dec. 23, 2022, 136 Stat. 3411, provided that:

“(a) STATEMENT OF POLICY.—It is the policy of the United States to seek to exclude government officials of the Russian Federation, to the maximum extent practicable, from participation in meetings, proceedings, and other activities of the following organizations:

- “(1) Group of 20.
- “(2) Bank for International Settlements.
- “(3) Basel Committee for Banking Standards.
- “(4) Financial Stability Board.
- “(5) International Association of Insurance Supervisors.
- “(6) International Organization of Securities Commissions.

“(b) IMPLEMENTATION.—The Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission, as the case may be, shall take all necessary steps to advance the policy set forth in subsection (a).

“(c) TERMINATION.—This section shall have no force or effect on the earlier of—

“(1) the date that is 5 years after the date of the enactment of this Act [Dec. 23, 2022]; or

“(2) the date that is 30 days after the date on which the President reports to Congress that the Government of the Russian Federation has ceased its destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine.

“(d) WAIVER.—The President may waive the application of this section if the President reports to the Congress that the waiver is in the national interest of the United States and includes an explanation of the reasons therefor.”

§ 9523. Modification of implementation of Executive Order No. 13662

(a) Determination that certain entities are subject to sanctions

The Secretary of the Treasury may determine that a person meets one or more of the criteria in section 1(a) of Executive Order No. 13662 if that person is a state-owned entity operating in the railway or metals and mining sector of the economy of the Russian Federation.

(b) Modification of Directive 1 with respect to the financial services sector of the Russian Federation economy

Not later than 60 days after August 2, 2017, the Secretary of the Treasury shall modify Directive 1 (as amended), dated September 12, 2014, issued by the Office of Foreign Assets Control under Executive Order No. 13662, or any successor directive (which shall be effective beginning on the date that is 60 days after the date of such modification), to ensure that the directive prohibits the conduct by United States persons or persons within the United States of all transactions in, provision of financing for, and other dealings in new debt of longer than 14 days maturity or new equity of persons determined to be

subject to the directive, their property, or their interests in property.

(c) Modification of Directive 2 with respect to the energy sector of the Russian Federation economy

Not later than 60 days after August 2, 2017, the Secretary of the Treasury shall modify Directive 2 (as amended), dated September 12, 2014, issued by the Office of Foreign Assets Control under Executive Order No. 13662, or any successor directive (which shall be effective beginning on the date that is 60 days after the date of such modification), to ensure that the directive prohibits the conduct by United States persons or persons within the United States of all transactions in, provision of financing for, and other dealings in new debt of longer than 60 days maturity of persons determined to be subject to the directive, their property, or their interests in property.

(d) Modification of Directive 4

Not later than 90 days after August 2, 2017, the Secretary of the Treasury shall modify Directive 4, dated September 12, 2014, issued by the Office of Foreign Assets Control under Executive Order No. 13662, or any successor directive (which shall be effective beginning on the date that is 90 days after the date of such modification), to ensure that the directive prohibits the provision, exportation, or reexportation, directly or indirectly, by United States persons or persons within the United States, of goods, services (except for financial services), or technology in support of exploration or production for new deepwater, Arctic offshore, or shale projects—

- (1) that have the potential to produce oil; and
- (2) that involve any person determined to be subject to the directive or the property or interests in property of such a person who has a controlling interest or a substantial non-controlling ownership interest in such a project defined as not less than a 33 percent interest.

(Pub. L. 115-44, title II, §223, Aug. 2, 2017, 131 Stat. 907.)

Editorial Notes

REFERENCES IN TEXT

Executive Order No. 13662, referred to in section catchline and text, is Ex. Ord. No. 13662, Mar. 20, 2014, 79 F.R. 16169, which is listed in a table under section 1701 of Title 50, War and National Defense.

§ 9524. Imposition of sanctions with respect to activities of the Russian Federation undermining cybersecurity

(a) In general

On and after the date that is 60 days after August 2, 2017, the President shall—

- (1) impose the sanctions described in subsection (b) with respect to any person that the President determines—

(A) knowingly engages in significant activities undermining cybersecurity against any person, including a democratic institution, or government on behalf of the Government of the Russian Federation; or

(B) is owned or controlled by, or acts or purports to act for or on behalf of, directly or indirectly, a person described in subparagraph (A);

(2) impose five or more of the sanctions described in section 9529 of this title with respect to any person that the President determines knowingly materially assists, sponsors, or provides financial, material, or technological support for, or goods or services (except financial services) in support of, an activity described in paragraph (1)(A); and

(3) impose three or more of the sanctions described in section 8923(c) of this title with respect to any person that the President determines knowingly provides financial services in support of an activity described in paragraph (1)(A).

(b) Sanctions described

The sanctions described in this subsection are the following:

(1) Asset blocking

The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (a)(1) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) Exclusion from the United States and revocation of visa or other documentation

In the case of an alien determined by the President to be subject to subsection (a)(1), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 1201(i) of title 8, of any visa or other documentation of the alien.

(c) Application of new cyber sanctions

The President may waive the initial application under subsection (a) of sanctions with respect to a person only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this chapter; and

(2) a certification that the Government of the Russian Federation has made significant efforts to reduce the number and intensity of cyber intrusions conducted by that Government.

(d) Significant activities undermining cybersecurity defined

In this section, the term “significant activities undermining cybersecurity” includes—

(1) significant efforts—

(A) to deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or

(B) to exfiltrate, degrade, corrupt, destroy, or release information from such a system

or network without authorization for purposes of—

(i) conducting influence operations; or

(ii) causing a significant misappropriation of funds, economic resources, trade secrets, personal identifications, or financial information for commercial or competitive advantage or private financial gain;

(2) significant destructive malware attacks; and

(3) significant denial of service activities.

(Pub. L. 115-44, title II, §224, Aug. 2, 2017, 131 Stat. 908.)

Editorial Notes

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b)(1), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

This chapter, referred to in subsec. (c)(1)(B), was in the original “this title”, meaning title II of Pub. L. 115-44, Aug. 2, 2017, 131 Stat. 898, which is classified principally to this chapter. For complete classification of title II to the Code, see section 201 of Pub. L. 115-44, set out as a Short Title note under section 9501 of this title and Tables.

§ 9525. Imposition of sanctions with respect to persons engaging in transactions with the intelligence or defense sectors of the Government of the Russian Federation

(a) In general

On and after the date that is 180 days after August 2, 2017, the President shall impose five or more of the sanctions described in section 9529 of this title with respect to a person the President determines knowingly, on or after August 2, 2017, engages in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, including the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation or the Federal Security Service of the Russian Federation.

(b) Application of new sanctions

The President may waive the initial application of sanctions under subsection (a) with respect to a person only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this chapter; and

(2) a certification that the Government of the Russian Federation has made significant efforts to reduce the number and intensity of cyber intrusions conducted by that Government.

(c) Delay of imposition of sanctions

The President may delay the imposition of sanctions under subsection (a) with respect to a

person if the President certifies to the appropriate congressional committees, not less frequently than every 180 days while the delay is in effect, that the person is substantially reducing the number of significant transactions described in subsection (a) in which that person engages.

(d) Modified waiver authority for certain sanctionable transactions under this section

(1) In general

The President may use the authority under section 9530(b) of this title to waive the application of sanctions with respect to a person under this section without regard to section 9511 of this title if, not later than 30 days prior to the waiver taking effect, the President certifies in writing to the appropriate congressional committees and the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that—

(A) the waiver is in the national security interests of the United States;

(B) the significant transaction described in subsection (a) that the person engaged in with respect to which the waiver is being exercised—

(i) is not a significant transaction with—

(I) the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation;

(II) the Federal Security Service of the Russian Federation;

(III) the Foreign Intelligence Service of the Russian Federation;

(IV) Autonomous Noncommercial Professional Organization/Professional Association (ANO PO KSI);

(V) the Special Technology Center;

(VI) Zorsecurity; or

(VII) any person that the Secretary of State, in consultation with the Director of National Intelligence, determines—

(aa) to be part of, or operating for or on behalf of, the defense or intelligence sector of the Government of the Russian Federation; and

(bb) has directly participated in or facilitated cyber intrusions by the Government of the Russian Federation; and

(ii) would not—

(I) endanger the integrity of any multilateral alliance of which the United States is a part;

(II) adversely affect ongoing operations of the Armed Forces of the United States, including coalition operations in which the Armed Forces of the United States participate;

(III) result in a significant negative impact to defense cooperation between the United States and the country whose government has primary jurisdiction over the person; and

(IV) significantly increase the risk of compromising United States defense systems and operational capabilities; and

(C) the government with primary jurisdiction over the person—

(i) is taking or will take steps to reduce its inventory of major defense equipment and advanced conventional weapons produced by the defense sector of the Russian Federation as a share of its total inventory of major defense equipment and advanced conventional weapons over a specified period; or

(ii) is cooperating with the United States Government on other security matters that are critical to United States strategic interests.

(2) Form

The certification described in paragraph (1) shall be transmitted in an unclassified form, and may contain a classified annex.

(3) Report

(A) In general

Not later than 120 days after the date on which the President submits a certification described in paragraph (1) with respect to the waiver of the application of sanctions with respect to a person under this section, and annually thereafter for two years, the Secretary of State and the Secretary of Defense shall jointly submit to the appropriate congressional committees and the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the waiver.

(B) Matters to be included

The report required by subparagraph (A) shall include—

(i) the extent to which such waiver has or has not resulted in the compromise of United States systems and operational capabilities, including through the diversion of United States sensitive technology to a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation; and

(ii) the extent to which the government with primary jurisdiction over the person is taking specific actions to further the enforcement of this title.

(e) Requirement to issue guidance

Not later than 60 days after August 2, 2017, the President shall issue regulations or other guidance to specify the persons that are part of, or operate for or on behalf of, the defense and intelligence sectors of the Government of the Russian Federation.

(f) Penalties

A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out subsection (a) shall be subject to the penalties set forth in subsections (b) and (c) of section 1705 of title 50 to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(Pub. L. 115-44, title II, §231, Aug. 2, 2017, 131 Stat. 916; Pub. L. 115-232, div. A, title XII, §1294(a), Aug. 13, 2018, 132 Stat. 2085.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1)(B), was in the original “this title”, meaning title II of Pub. L. 115-44, Aug. 2, 2017, 131 Stat. 898, which is classified principally to this chapter. For complete classification of title II to the Code, see section 201 of Pub. L. 115-44, set out as a Short Title note under section 9501 of this title and Tables.

AMENDMENTS

2018—Subsecs. (d) to (f). Pub. L. 115-232 added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 115-232, div. A, title XII, §1294(b), Aug. 13, 2018, 132 Stat. 2087, provided that: “Nothing in subsection (d) of section 231 of the Countering America’s Adversaries Through Sanctions Act (Public Law 115-44; 22 U.S.C. 9525), as added by subsection (a) of this section, shall be construed to modify, waive, or terminate any existing sanctions with respect to the Russian Federation, including any Russian person or entity, that are in effect on the date of the enactment of this Act [Aug. 13, 2018].”

DETERMINATION AND IMPOSITION OF SANCTIONS WITH RESPECT TO TURKEY’S ACQUISITION OF THE S-400 AIR DEFENSE SYSTEM

Pub. L. 116-283, div. A, title XII, §1241, Jan. 1, 2021, 134 Stat. 3944, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that it is in the national security interest of the United States—

“(1) to deter aggression against North Atlantic Treaty Organization (NATO) allies by the Russian Federation or any other adversary;

“(2) to continue to work with NATO allies to ensure they meet their alliance defense commitments, including through adequate and efficient investments in national defense;

“(3) to work to maintain and strengthen the democratic institutions and practices of all NATO allies, in accordance with the goals of Article 2 of the North Atlantic Treaty;

“(4) to ensure that Turkey remains a critical NATO ally and important military partner for the United States, contributing to key NATO and United States missions and providing support for United States military operations and logistics needs;

“(5) to assist NATO allies in acquiring and deploying modern, NATO-interoperable military equipment and reducing their dependence on Russian or former Soviet-era defense articles;

“(6) to promote opportunities to strengthen the capacity of NATO member states to counter Russian malign influence; and

“(7) to enforce fully the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9401 et seq.), including by imposing sanctions with respect to any person that the President determines knowingly engages in a significant transaction with a person that is part of, or operates for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation, as described in section 231 of that Act (22 U.S.C. 9525).

“(b) DETERMINATION.—The acquisition by the Government of Turkey of the S-400 air defense system from the Russian Federation beginning on July 12, 2019, constitutes a significant transaction as described in section 231 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525).

“(c) IMPOSITION OF SANCTIONS.—Not later than 30 days after the date of the enactment of this Act [Jan. 1, 2021], the President shall impose five or more of the

sanctions described in section 235 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9529) with respect to each person that knowingly engaged in the acquisition of the S-400 air defense system referred to in subsection (b).

“(d) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(2) GOOD DEFINED.—In this subsection, the term ‘good’ means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

“(e) TERMINATION.—On and after the date that is one year after the date on which the President imposes sanctions under subsection (c) with respect to a person, the President may terminate the application of such sanctions with respect to that person if the President submits to the appropriate congressional committees a certification that—

“(1) the Government of Turkey and any person acting on its behalf no longer possesses the S-400 air defense system or a successor system;

“(2) no S-400 air defense system or successor system is operated or maintained inside Turkey by nationals of the Russian Federation or persons acting on behalf of the Government of the Russian Federation or the defense sector of the Russian Federation; and

“(3) the President has received reliable assurances from the Government of Turkey that the Government of Turkey will not knowingly engage, or allow any foreign person to engage on its behalf, in pursuing any activity subject to sanctions under section 231 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525) to reacquire the S-400 air defense system or a successor system.

“(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

“(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.”

EXCEPTION RELATING TO IMPORTATION OF GOODS

Pub. L. 115-232, div. A, title XII, §1294(d), Aug. 13, 2018, 132 Stat. 2088, provided that: “No provision affecting sanctions under this section [amending this section and enacting provisions set out as notes under this section] or an amendment made by this section shall apply to any portion of a sanction that affects the importation of goods.”

Executive Documents

DELEGATION OF AUTHORITIES UNDER SECTION 1294 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019

Memorandum of President of the United States, Oct. 26, 2018, 83 F.R. 57671, provided:

Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Defense[,] and] the Assistant to the President for National Security Affairs

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State, in coordination with the Secretary of the Treasury, the Secretary of Defense, and the Assistant to the President for National Security Affairs, the functions and authorities vested in the President by section 1294 of the [John S. McCain] National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) [probably means 22 U.S.C. 9525(d), as added by section 1294(a) of Pub. L. 115-232].

The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 9526. Sanctions with respect to the development of pipelines in the Russian Federation

(a) In general

The President, in coordination with allies of the United States, may impose five or more of the sanctions described in section 9529 of this title with respect to a person if the President determines that the person knowingly, on or after August 2, 2017, makes an investment described in subsection (b) or sells, leases, or provides to the Russian Federation, for the construction of Russian energy export pipelines, goods, services, technology, information, or support described in subsection (c)—

(1) any of which has a fair market value of \$1,000,000 or more; or

(2) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

(b) Investment described

An investment described in this subsection is an investment that directly and significantly contributes to the enhancement of the ability of the Russian Federation to construct energy export pipelines.

(c) Goods, services, technology, information, or support described

Goods, services, technology, information, or support described in this subsection are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of the construction, modernization, or repair of energy export pipelines by the Russian Federation.

(Pub. L. 115-44, title II, § 232, Aug. 2, 2017, 131 Stat. 917.)

Statutory Notes and Related Subsidiaries

PROTECTING EUROPE'S ENERGY SECURITY

Pub. L. 116-92, div. F, title LXXV, Dec. 20, 2019, 133 Stat. 2300, as amended by Pub. L. 116-283, div. A, title XII, § 1242(a)–(e), Jan. 1, 2021, 134 Stat. 3945–3947, provided that:

“SEC. 7501. SHORT TITLE.

“This title may be cited as the ‘Protecting Europe’s Energy Security Act of 2019’.

“SEC. 7502. SENSE OF CONGRESS.

“It is the sense of Congress that—

“(1) the United States and Europe share a common history, a common identity, and common values built upon the principles of democracy, rule of law, and individual freedoms;

“(2) the United States has encouraged and admired the European project, which has resulted in a common market and common policies, has achieved unprecedented prosperity and stability on the continent, and serves as a model for other countries to reform their institutions and prioritize anticorruption measures;

“(3) the relationships between the United States and Europe and the United States and Germany are

critical to the national security interests of the United States as well as to global prosperity and peace, and Germany in particular is a crucial partner for the United States in multilateral efforts aimed at promoting global prosperity and peace;

“(4) the United States should stand against any effort designed to weaken those relationships; and

“(5) Germany has demonstrated leadership within the European Union and in international fora to ensure that sanctions imposed with respect to the Russian Federation for its malign activities are maintained.

“SEC. 7503. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF CERTAIN VESSELS FOR THE CONSTRUCTION OF CERTAIN RUSSIAN ENERGY EXPORT PIPELINES.

“(a) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act [Dec. 20, 2019], and every 90 days thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that identifies, for the period specified in paragraph (2)—

“(A) vessels that engaged in pipe-laying or pipe-laying activities at depths of 100 feet or more below sea level for the construction of the Nord Stream 2 pipeline project, the TurkStream pipeline project, or any project that is a successor to either such project;

“(B) foreign persons that the Secretary of State, in consultation with the Secretary of the Treasury, determines have knowingly—

“(i) sold, leased, or provided, or facilitated selling, leasing, or providing, those vessels for the construction of such a project;

“(ii) facilitated deceptive or structured transactions to provide those vessels for the construction of such a project;

“(iii) provided for those vessels underwriting services or insurance or reinsurance necessary or essential for the completion of such a project;

“(iv) provided services or facilities for technology upgrades or installation of welding equipment for, or retrofitting or tethering of, those vessels if the services or facilities are necessary or essential for the completion of such a project; or

“(v) provided services for the testing, inspection, or certification necessary or essential for the completion or operation of the Nord Stream 2 pipeline; and

“(C) the consultations carried out pursuant to subsection (i) and describes the nature of the consultations and any concerns raised by the government of Norway, Switzerland, the United Kingdom, or any member country of the European Union.

“(2) PERIOD SPECIFIED.—The period specified in this paragraph is—

“(A) in the case of the first report required to be submitted by paragraph (1), the period beginning on the date of the enactment of this Act and ending on the date on which the report is submitted; and

“(B) in the case of any subsequent such report, the 90-day period preceding submission of the report.

“(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

“(1) IN GENERAL.—

“(A) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (2) is—

“(i) inadmissible to the United States;

“(ii) ineligible to receive a visa or other documentation to enter the United States; and

“(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(B) CURRENT VISAS REVOKED.—

“(i) IN GENERAL.—The visa or other entry documentation of an alien described in paragraph (2) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

“(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

“(I) take effect immediately; and

“(II) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

“(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien is—

“(A) a foreign person identified under subsection (a)(1)(B);

“(B) a corporate officer of a person described in subparagraph (A); or

“(C) a principal shareholder with a controlling interest in a person described in subparagraph (A).

“(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of any person identified under subsection (a)(1)(B) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(d) WIND-DOWN PERIOD.—The President may not impose sanctions under this section with respect to a person identified in the first report submitted under subsection (a) if the President certifies in that report that the person has, not later than 30 days after the date of the enactment of this Act, engaged in good faith efforts to wind down operations that would otherwise subject the person to the imposition of sanctions under this section.

“(e) EXCEPTIONS.—

“(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

“(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

“(3) EXCEPTION FOR SAFETY OF VESSELS AND CREW.—Sanctions under this section shall not apply with respect to a person providing provisions to a vessel identified under subsection (a)(1)(A) if such provisions are intended for the safety and care of the crew aboard the vessel, the protection of human life aboard the vessel, or the maintenance of the vessel to avoid any environmental or other significant damage.

“(4) EXCEPTION FOR REPAIR OR MAINTENANCE OF PIPELINES.—Sanctions under this section shall not apply with respect to a person for engaging in activities necessary for or related to the repair or maintenance of, or environmental remediation with respect to, a pipeline project described in subsection (a)(1)(A).

“(5) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or man-made sub-

stance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

“(6) EXCEPTION FOR CERTAIN GOVERNMENTS AND GOVERNMENTAL ENTITIES.—Sanctions under this section shall not apply with respect to—

“(A) the European Union;

“(B) the government of Norway, Switzerland, the United Kingdom, or any member country of the European Union; or

“(C) any entity of the European Union or a government described in subparagraph (B) that is not operating as a business enterprise.

“(f) NATIONAL INTEREST WAIVER.—The President may waive the application of sanctions under this section with respect to a person if the President—

“(1) determines that the waiver is in the national interests of the United States; and

“(2) submits to the appropriate congressional committees a report on the waiver and the reasons for the waiver.

“(g) IMPLEMENTATION; PENALTIES.—

“(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

“(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

“(h) TERMINATION AND SUNSET.—The authority to impose sanctions under this section with respect to a person involved in the construction of a pipeline project described in subsection (a)(1)(A), and any sanctions imposed under this section with respect to that project, shall terminate on the date that is the earlier of—

“(1) the date on which the President certifies to the appropriate congressional committees that appropriate safeguards have been put in place—

“(A) to minimize the ability of the Government of the Russian Federation to use that project as a tool of coercion and political leverage, including by achieving the unbundling of energy production and transmission so that entities owned or controlled by that Government do not control the transmission network for the pipeline; and

“(B) to ensure, barring unforeseen circumstances, that the project would not result in a decrease of more than 25 percent in the volume of Russian energy exports transiting through existing pipelines in other countries, particularly Ukraine, relative to the average monthly volume of Russian energy exports transiting through such pipelines in 2018; or

“(2) the date that is 5 years after the date of the enactment of this Act [Dec. 20, 2019].

“(i) CONSULTATIONS.—Before imposing sanctions under this section, the Secretary of State shall consult with the relevant governments of Norway, Switzerland, the United Kingdom, and member countries of the European Union with respect to the imposition of such sanctions.

“(j) REPORT ON IMPACT OF SANCTIONS.—Not later than one year after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 [Jan. 1, 2021], and annually thereafter until all sanctions imposed under this section have terminated under subsection (h), the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report detailing the impact of the imposition of sanctions under this section that includes information on—

“(1) whether the goals of the sanctions have been met;

“(2) the diplomatic impact of the sanctions, including on relationships with the governments of Norway, Switzerland, the United Kingdom, and member countries of the European Union; and

“(3) the economic impact of the sanctions, including the impact on United States persons.

“(k) DEFINITIONS.—In this section:

“(1) ADMISSION; ADMITTED; ALIEN.—The terms ‘admission’, ‘admitted’, and ‘alien’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

“(3) FOREIGN PERSON.—The term ‘foreign person’ means an individual or entity that is not a United States person.

“(4) KNOWINGLY.—The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

“(5) PIPE-LAYING ACTIVITIES.—The term ‘pipe-laying activities’ means activities that facilitate pipe-laying, including site preparation, trenching, surveying, placing rocks, backfilling, stringing, bending, welding, coating, and lowering of pipe.

“(6) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

“(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

“(C) any person within the United States.”

[Pub. L. 116–283, div. A, title XII, § 1242(f), Jan. 1, 2021, 134 Stat. 3947, provided that: “The President may not impose sanctions with respect to a person identified in the first report submitted under section 7503(a) of the Protecting Europe’s Energy Security Act of 2019 [set out above], as amended by this section, after the date of the enactment of this Act [Jan. 1, 2021] for operations subject to sanctions by reason of the amendments made by this section [amending section 7503 of Pub. L. 116–92, set out above] if the President certifies in that report that the person has, not later than 30 days after such date of enactment, engaged in good faith efforts to wind down such operations.”]

[Functions and authorities of President under sections 7503(d), (f), and (h) of Pub. L. 116–92, set out above, delegated to Secretary of State, in consultation with the Secretary of the Treasury, and under sections 7503(c) and (g) of Pub. L. 116–92 to Secretary of the Treasury, in consultation with the Secretary of State, by section 1(a)(i)–(iii) and (b)(i), (ii) of Memorandum of President of the United States, Feb. 21, 2020, 85 F.R. 13717, set out as a note under section 286yy of this title.]

Executive Documents

EX. ORD. NO. 14039. BLOCKING PROPERTY WITH RESPECT TO CERTAIN RUSSIAN ENERGY EXPORT PIPELINES

Ex. Ord. No. 14039, Aug. 20, 2021, 86 F.R. 47205, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), the Protecting Europe’s Energy Security Act of 2019 (Title LXXV, National Defense Authorization Act for

Fiscal Year 2020, Public Law 116–92) [set out above], as amended by section 1242 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) (PEESA), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, in order to take additional steps with respect to the national emergency declared in Executive Order 14024 of April 15, 2021 (Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation) [50 U.S.C. 1701 note], hereby order:

SECTION 1. (a) With respect to any foreign person identified by the Secretary of State, in consultation with the Secretary of the Treasury, in a report to the Congress pursuant to section 7503(a)(1)(B) of PEESA, all property and interests in property of such person that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) Sanctions under subsection (a) of this section shall not apply to any foreign person with respect to whom a waiver under section 7503(f) of PEESA has been issued.

(c) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

SEC. 2. The Secretary of State shall implement section 7503(b) of PEESA as it applies to visas, and the Secretary of Homeland Security shall implement section 7503(b) of PEESA as it applies to admission and parole. Such implementation shall be consistent with any exceptions or waivers provided by statute, or in regulations, orders, or directives that may be issued pursuant to this order.

SEC. 3. The prohibitions in section 1 of this order include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

SEC. 4. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

SEC. 5. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in Executive Order 14024, and I hereby prohibit such donations as provided by section 1 of this order.

SEC. 6. For the purposes of this order:

(a) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term “foreign person” means an individual or entity that is not a United States person;

(c) the term “person” means an individual or entity; and

(d) the term “United States person” means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

SEC. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer

funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 14024, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

SEC. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and PEESA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All departments and agencies of the United States shall take all appropriate measures within their authority to carry out the provisions of this order.

SEC. 9. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government or the United Nations, including its programs, funds, and other entities and bodies, as well as its specialized agencies and related organizations, by employees, grantees, and contractors thereof.

SEC. 10. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

§ 9527. Sanctions with respect to investment in or facilitation of privatization of State-owned assets by the Russian Federation

(a) In general

The President shall impose five or more of the sanctions described in section 9529 of this title if the President determines that a person, with actual knowledge, on or after August 2, 2017, makes an investment of \$10,000,000 or more (or any combination of investments of not less than \$1,000,000 each, which in the aggregate equals or exceeds \$10,000,000 in any 12-month period), or facilitates such an investment, if the investment directly and significantly contributes to the ability of the Russian Federation to privatize state-owned assets in a manner that unjustly benefits—

(1) officials of the Government of the Russian Federation; or

(2) close associates or family members of those officials.

(b) Application of new sanctions

The President may waive the initial application of sanctions under subsection (a) with respect to a person only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this chapter; and

(2) a certification that the Government of the Russian Federation is taking steps to implement the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, the Minsk Protocol, which was agreed to on September 5, 2014, and any successor agreements that are agreed to by the Government of Ukraine.

(Pub. L. 115–44, title II, §233, Aug. 2, 2017, 131 Stat. 917.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1)(B), was in the original “this title”, meaning title II of Pub. L. 115–44, Aug. 2, 2017, 131 Stat. 898, which is classified principally to this chapter. For complete classification of title II to the Code, see section 201 of Pub. L. 115–44, set out as a Short Title note under section 9501 of this title and Tables.

§ 9528. Sanctions with respect to the transfer of arms and related materiel to Syria

(a) Imposition of sanctions

(1) In general

The President shall impose on a foreign person the sanctions described in subsection (b) if the President determines that such foreign person has, on or after August 2, 2017, knowingly exported, transferred, or otherwise provided to Syria significant financial, material, or technological support that contributes materially to the ability of the Government of Syria to—

(A) acquire or develop chemical, biological, or nuclear weapons or related technologies;

(B) acquire or develop ballistic or cruise missile capabilities;

(C) acquire or develop destabilizing numbers and types of advanced conventional weapons;

(D) acquire significant defense articles, defense services, or defense information (as such terms are defined under the Arms Export Control Act (22 U.S.C. 2751 et seq.)); or

(E) acquire items designated by the President for purposes of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(2) Applicability to other foreign persons

The sanctions described in subsection (b) shall also be imposed on any foreign person that—

(A) is a successor entity to a foreign person described in paragraph (1); or

(B) is owned or controlled by, or has acted for or on behalf of, a foreign person described in paragraph (1).

(b) Sanctions described

The sanctions to be imposed on a foreign person described in subsection (a) are the following:

(1) Blocking of property

The President shall exercise all powers granted by the International Emergency Eco-

conomic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) Aliens ineligible for visas, admission, or parole

(A) Exclusion from the United States

If the foreign person is an individual, the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, the foreign person.

(B) Current visas revoked

(i) In general

The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to the foreign person regardless of when issued.

(ii) Effect of revocation

A revocation under clause (i) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the possession of the foreign person.

(c) Waiver

Subject to section 9511 of this title, the President may waive the application of sanctions under subsection (b) with respect to a person if the President determines that such a waiver is in the national security interest of the United States.

(d) Definitions

In this section:

(1) Financial, material, or technological support

The term “financial, material, or technological support” has the meaning given such term in section 542.304 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(2) Foreign person

The term “foreign person” has the meaning given such term in section 594.304 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(3) Syria

The term “Syria” has the meaning given such term in section 542.316 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(Pub. L. 115-44, title II, §234, Aug. 2, 2017, 131 Stat. 918.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (a)(1)(D), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320,

which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The International Emergency Economic Powers Act, referred to in subsec. (b)(1), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

§ 9529. Sanctions described

(a) Sanctions described

The sanctions to be imposed with respect to a person under section 9524(a)(2), 9525(b), 9526(a), or 9527(a) of this title are the following:

(1) Export-Import Bank assistance for exports to sanctioned persons

The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the sanctioned person.

(2) Export sanction

The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the sanctioned person under—

(A) the Export Administration Act of 1979 (50 U.S.C. 4601 et seq.) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(B) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(3) Loans from United States financial institutions

The President may prohibit any United States financial institution from making loans or providing credits to the sanctioned person totaling more than \$10,000,000 in any 12-month period unless the person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

(4) Loans from international financial institutions

The President may direct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose any loan from the international financial institution that would benefit the sanctioned person.

(5) Prohibitions on financial institutions

The following prohibitions may be imposed against the sanctioned person if that person is a financial institution:

(A) Prohibition on designation as primary dealer

Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(B) Prohibition on service as a repository of Government funds

The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of subsection (b), and the imposition of both such sanctions shall be treated as two sanctions for purposes of subsection (b).

(6) Procurement sanction

The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

(7) Foreign exchange

The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

(8) Banking transactions

The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

(9) Property transactions

The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(10) Ban on investment in equity or debt of sanctioned person

The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the sanctioned person.

(11) Exclusion of corporate officers

The President may direct the Secretary of State to deny a visa to, and the Secretary of

Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the sanctioned person.

(12) Sanctions on principal executive officers

The President may impose on the principal executive officer or officers of the sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.

(b) Sanctioned person defined

In this section, the term “sanctioned person” means a person subject to sanctions under section 9524(a)(2), 9525(b), 9526(a), or 9527(a) of this title.

(Pub. L. 115-44, title II, §235, Aug. 2, 2017, 131 Stat. 919.)

Editorial Notes

REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in subsec. (a)(2)(A), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which was classified principally to chapter 56 (§4601 et seq.) of Title 50, War and National Defense, prior to repeal by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232, except for sections 11A, 11B, and 11C thereof (50 U.S.C. 4611, 4612, 4613).

The International Emergency Economic Powers Act, referred to in subsec. (a)(2)(A), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The Arms Export Control Act, referred to in subsec. (a)(2)(B), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Atomic Energy Act of 1954, referred to in subsec. (a)(2)(C), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

§ 9530. Exceptions, waiver, and termination**(a) Exceptions**

The provisions of this part and amendments made by this part shall not apply with respect to the following:

(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or any authorized intelligence activities of the United States.

(2) The admission of an alien to the United States if such admission is necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(b) Waiver of sanctions that are imposed

Subject to section 9511 of this title, if the President imposes sanctions with respect to a person under this part or the amendments made by this part, the President may waive the application of those sanctions if the President determines that such a waiver is in the national security interest of the United States.

(c) Termination

Subject to section 9511 of this title, the President may terminate the application of sanctions under section 9524, 9525, 9526, 9527, or 9528 of this title with respect to a person if the President submits to the appropriate congressional committees—

- (1) a notice of and justification for the termination; and
- (2) a notice that—
 - (A) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and
 - (B) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under this part in the future.

(Pub. L. 115–44, title II, §236, Aug. 2, 2017, 131 Stat. 921.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in text, is part 2 (§§221–238) of subtitle A of title II of Pub. L. 115–44, which enacted this part and sections 8909 and 8910 of this title and amended sections 8901, 8907, 8908, 8923, 8924 of this title. For complete classification of part 2 to the Code, see Tables.

The National Security Act of 1947, referred to in subsec. (a)(1), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

§ 9531. Exception relating to activities of the National Aeronautics and Space Administration**(a) In general**

This chapter and the amendments made by this Act shall not apply with respect to activities of the National Aeronautics and Space Administration.

(b) Rule of construction

Nothing in this chapter or the amendments made by this Act shall be construed to authorize the imposition of any sanction or other condition, limitation, restriction, or prohibition, that directly or indirectly impedes the supply by any entity of the Russian Federation of any product or service, or the procurement of such product or service by any contractor or subcontractor of the United States or any other entity, relating to or in connection with any space launch conducted for—

- (1) the National Aeronautics and Space Administration; or
- (2) any other non-Department of Defense customer.

(Pub. L. 115–44, title II, §237, Aug. 2, 2017, 131 Stat. 922.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “This Act” and was translated as reading “This title”, meaning title II of Pub. L. 115–44, Aug. 2, 2017, 131 Stat. 898, known as the Countering Russian Influence in Europe and Eurasia Act of 2017, which is classified principally to this chapter. For complete classification of title II to the Code, see section 201 of Pub. L. 115–44, set out as a Short Title note under section 9501 of this title and Tables.

§ 9532. Rule of construction

Nothing in this part or the amendments made by this part shall be construed—

- (1) to supersede the limitations or exceptions on the use of rocket engines for national security purposes under section 1608 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626; 10 U.S.C. 2271 note), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1100) and section 1602 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2582); or

- (2) to prohibit a contractor or subcontractor of the Department of Defense from acquiring components referred to in such section 1608.

(Pub. L. 115–44, title II, §238, Aug. 2, 2017, 131 Stat. 922.)

Editorial Notes

REFERENCES IN TEXT

This part, referred to in text, is part 2 (§§221–238) of subtitle A of title II of Pub. L. 115–44, which enacted this part and sections 8909 and 8910 of this title and amended sections 8901, 8907, 8908, 8923, 8924 of this title. For complete classification of part 2 to the Code, see Tables.

SUBCHAPTER II—COUNTERING RUSSIAN INFLUENCE IN EUROPE AND EURASIA**§ 9541. Findings**

Congress makes the following findings:

- (1) The Government of the Russian Federation has sought to exert influence throughout Europe and Eurasia, including in the former states of the Soviet Union, by providing resources to political parties, think tanks, and civil society groups that sow distrust in democratic institutions and actors, promote xenophobic and illiberal views, and otherwise undermine European unity. The Government of the Russian Federation has also engaged in well-documented corruption practices as a means toward undermining and buying influence in European and Eurasian countries.

- (2) The Government of the Russian Federation has largely eliminated a once-vibrant Russian-language independent media sector and severely curtails free and independent media within the borders of the Russian Federation. Russian-language media organizations that are funded and controlled by the Government of the Russian Federation and disseminate information within and outside of the Russian Federation routinely traffic in

anti-Western disinformation, while few independent, fact-based media sources provide objective reporting for Russian-speaking audiences inside or outside of the Russian Federation.

(3) The Government of the Russian Federation continues to violate its commitments under the Memorandum on Security Assurances in connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Budapest December 5, 1994, and the Conference on Security and Co-operation in Europe Final Act, concluded at Helsinki August 1, 1975 (commonly referred to as the "Helsinki Final Act"), which laid the ground-work for the establishment of the Organization for Security and Co-operation in Europe, of which the Russian Federation is a member, by its illegal annexation of Crimea in 2014, its illegal occupation of South Ossetia and Abkhazia in Georgia in 2008, and its ongoing destabilizing activities in eastern Ukraine.

(4) The Government of the Russian Federation continues to ignore the terms of the August 2008 ceasefire agreement relating to Georgia, which requires the withdrawal of Russian Federation troops, free access by humanitarian groups to the regions of South Ossetia and Abkhazia, and monitoring of the conflict areas by the European Union Monitoring Mission.

(5) The Government of the Russian Federation is failing to comply with the terms of the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, as well as the Minsk Protocol, which was agreed to on September 5, 2014.

(6) The Government of the Russian Federation is—

(A) in violation of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988 (commonly known as the "INF Treaty"); and

(B) failing to meet its obligations under the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002 (commonly known as the "Open Skies Treaty").

(Pub. L. 115-44, title II, §251, Aug. 2, 2017, 131 Stat. 925.)

§ 9542. Sense of Congress

It is the sense of Congress that—

(1) the Government of the Russian Federation bears responsibility for the continuing violence in Eastern Ukraine, including the death on April 24, 2017, of Joseph Stone, a citizen of the United States working as a monitor for the Organization for Security and Co-operation in Europe;

(2) the President should call on the Government of the Russian Federation—

(A) to withdraw all of its forces from the territories of Georgia, Ukraine, and Moldova;

(B) to return control of the borders of those territories to their respective governments; and

(C) to cease all efforts to undermine the popularly elected governments of those countries;

(3) the Government of the Russian Federation has applied, and continues to apply, to the countries and peoples of Georgia and Ukraine, traditional uses of force, intelligence operations, and influence campaigns, which represent clear and present threats to the countries of Europe and Eurasia;

(4) in response, the countries of Europe and Eurasia should redouble efforts to build resilience within their institutions, political systems, and civil societies;

(5) the United States supports the institutions that the Government of the Russian Federation seeks to undermine, including the North Atlantic Treaty Organization and the European Union;

(6) a strong North Atlantic Treaty Organization is critical to maintaining peace and security in Europe and Eurasia;

(7) the United States should continue to work with the European Union as a partner against aggression by the Government of the Russian Federation, coordinating aid programs, development assistance, and other counter-Russian efforts;

(8) the United States should encourage the establishment of a commission for media freedom within the Council of Europe, modeled on the Venice Commission regarding rule of law issues, that would be chartered to provide governments with expert recommendations on maintaining legal and regulatory regimes supportive of free and independent media and an informed citizenry able to distinguish between fact-based reporting, opinion, and disinformation;

(9) in addition to working to strengthen the North Atlantic Treaty Organization and the European Union, the United States should work with the individual countries of Europe and Eurasia—

(A) to identify vulnerabilities to aggression, disinformation, corruption, and so-called hybrid warfare by the Government of the Russian Federation;

(B) to establish strategic and technical plans for addressing those vulnerabilities;

(C) to ensure that the financial systems of those countries are not being used to shield illicit financial activity by officials of the Government of the Russian Federation or individuals in President Vladimir Putin's inner circle who have been enriched through corruption;

(D) to investigate and prosecute cases of corruption by Russian actors; and

(E) to work toward full compliance with the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (commonly referred to as the "Anti-Bribery Convention") of the Organization for Economic Co-operation and Development; and

(10) the President of the United States should use the authority of the President to impose sanctions under—

(A) the Sergei Magnitsky Rule of Law Accountability Act of 2012 (title IV of Public Law 112–208; 22 U.S.C. 5811 note); and

(B) the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 2656 note).¹

(Pub. L. 115–44, title II, §252, Aug. 2, 2017, 131 Stat. 926.)

Editorial Notes

REFERENCES IN TEXT

The Sergei Magnitsky Rule of Law Accountability Act of 2012, referred to in par. (10)(A), is title IV of Pub. L. 112–208, Dec. 14, 2012, 126 Stat. 1502, which is set out as a note under section 5811 of this title.

The Global Magnitsky Human Rights Accountability Act, referred to in par. (10)(B), is subtitle F (§§1261–1264) of title XII of div. A of Pub. L. 114–328, Dec. 23, 2016, 130 Stat. 2533, which is classified generally to chapter 108 (§10101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 10101 of this title and Tables.

§ 9543. Coordinating aid and assistance across Europe and Eurasia

(a) Authorization of appropriations

There are authorized to be appropriated for the Countering Russian Influence Fund \$250,000,000 for fiscal years 2020, 2021, 2022, and 2023.

(b) Use of funds

Amounts in the Countering Russian Influence Fund shall be used to effectively implement, prioritized in the following order and subject to the availability of funds, the following goals:

(1) To assist in protecting critical infrastructure and electoral mechanisms from cyberattacks in the following countries:

(A) Countries that are members of the North Atlantic Treaty Organization or the European Union that the Secretary of State determines—

(i) are vulnerable to influence by the Russian Federation; and

(ii) lack the economic capability to effectively respond to aggression by the Russian Federation without the support of the United States.

(B) Countries that are participating in the enlargement process of the North Atlantic Treaty Organization or the European Union, including Albania, Bosnia and Herzegovina, Georgia, Macedonia, Moldova, Kosovo, Serbia, and Ukraine.

(2) To combat corruption, improve the rule of law, and otherwise strengthen independent judiciaries and prosecutors general offices in the countries described in paragraph (1).

(3) To respond to the humanitarian crises and instability caused or aggravated by the invasions and occupations of Georgia and Ukraine by the Russian Federation.

(4) To improve participatory legislative processes and legal education, political transparency and competition, and compliance with international obligations in the countries described in paragraph (1).

(5) To build the capacity of civil society, media, and other nongovernmental organizations countering the influence and propaganda of the Russian Federation to combat corruption, prioritize access to truthful information, and operate freely in all regions in the countries described in paragraph (1).

(6) To assist the Secretary of State in executing the functions specified in section 1287(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note) for the purposes of recognizing, understanding, exposing, and countering propaganda and disinformation efforts by foreign governments, in coordination with the relevant regional Assistant Secretary or Assistant Secretaries of the Department of State.

(7) To assist United States agencies that operate under the foreign policy guidance of the Secretary of State in providing assistance under section 9563 of this title.

(c) Revision of activities for which amounts may be used

The Secretary of State may modify the goals described in subsection (b) if, not later than 15 days before revising such a goal, the Secretary notifies the appropriate congressional committees of the revision.

(d) Implementation

(1) In general

The Secretary of State shall, acting through the Coordinator of United States Assistance to Europe and Eurasia (authorized pursuant to section 5461 of this title and section 5812 of this title), and in consultation with the Administrator for the United States Agency for International Development, the Director of the Global Engagement Center of the Department of State, the Secretary of Defense, the Chairman of the Broadcasting Board of Governors, and the heads of other relevant Federal agencies, coordinate and carry out activities to achieve the goals described in subsection (b).

(2) Method

Activities to achieve the goals described in subsection (b) shall be carried out through—

(A) initiatives of the United States Government;

(B) Federal grant programs such as the Information Access Fund; or

(C) nongovernmental or international organizations, such as the Organization for Security and Co-operation in Europe, the National Endowment for Democracy, the Black Sea Trust, the Balkan Trust for Democracy, the Prague Civil Society Centre, the North Atlantic Treaty Organization Strategic Communications Centre of Excellence, the European Endowment for Democracy, and related organizations.

(3) Report on implementation

(A) In general

Not later than April 1 of each year, the Secretary of State, acting through the Coordinator of United States Assistance to Europe and Eurasia, shall submit to the appro-

¹ See References in Text note below.

appropriate congressional committees a report on the programs and activities carried out to achieve the goals described in subsection (b) during the preceding fiscal year.

(B) Elements

Each report required by subparagraph (A) shall include, with respect to each program or activity described in that subparagraph—

- (i) the amount of funding for the program or activity;
- (ii) the goal described in subsection (b) to which the program or activity relates; and
- (iii) an assessment of whether or not the goal was met.

(e) Coordination With global partners

(1) In general

In order to maximize cost efficiency, eliminate duplication, and speed the achievement of the goals described in subsection (b), the Secretary of State shall ensure coordination with—

- (A) the European Union and its institutions;
- (B) the governments of countries that are members of the North Atlantic Treaty Organization or the European Union; and
- (C) international organizations and quasi-governmental funding entities that carry out programs and activities that seek to accomplish the goals described in subsection (b).

(2) Report by Secretary of State

Not later than April 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

- (A) the amount of funding provided to each country referred to in subsection (b) by—
 - (i) the European Union or its institutions;
 - (ii) the government of each country that is a member of the European Union or the North Atlantic Treaty Organization; and
 - (iii) international organizations and quasi-governmental funding entities that carry out programs and activities that seek to accomplish the goals described in subsection (b); and

- (B) an assessment of whether the funding described in subparagraph (A) is commensurate with funding provided by the United States for those goals.

(f) Rule of construction

Nothing in this section shall be construed to apply to or limit United States foreign assistance not provided using amounts available in the Countering Russian Influence Fund.

(g) Ensuring adequate staffing for governance activities

In order to ensure that the United States Government is properly focused on combating corruption, improving rule of law, and building the capacity of civil society, media, and other nongovernmental organizations in countries described in subsection (b)(1), the Secretary of State shall establish a pilot program for Foreign

Service officer positions focused on governance and anticorruption activities in such countries. (Pub. L. 115-44, title II, §254, Aug. 2, 2017, 131 Stat. 928; Pub. L. 116-94, div. P, title XX, §2004(d)(2), Dec. 20, 2019, 133 Stat. 3225.)

Editorial Notes

AMENDMENTS

2019—Subsec. (a). Pub. L. 116-94, §2004(d)(2)(A), substituted “fiscal years 2020, 2021, 2022, and 2023” for “fiscal years 2018 and 2019”.

Subsec. (b)(7). Pub. L. 116-94, §2004(d)(2)(B), added par. (7).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Broadcasting Board of Governors renamed United States Agency for Global Media pursuant to section 6204(a)(21) of this title. The renaming was effectuated by notice to congressional appropriations committees dated May 24, 2018, and became effective Aug. 22, 2018.

§ 9544. Report on media organizations controlled and funded by the Government of the Russian Federation

(a) In general

Not later than 90 days after August 2, 2017, and annually thereafter, the President shall submit to the appropriate congressional committees a report that includes a description of media organizations that are controlled and funded by the Government of the Russian Federation, and any affiliated entities, whether operating within or outside the Russian Federation, including broadcast and satellite-based television, radio, Internet, and print media organizations.

(b) Form of report

The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(Pub. L. 115-44, title II, §255, Aug. 2, 2017, 131 Stat. 930.)

§ 9545. Report on Russian Federation influence on elections in Europe and Eurasia

(a) In general

Not later than 90 days after August 2, 2017, and annually thereafter, the President shall submit to the appropriate congressional committees and leadership a report on funds provided by, or funds the use of which was directed by, the Government of the Russian Federation or any Russian person with the intention of influencing the outcome of any election or campaign in any country in Europe or Eurasia during the preceding year, including through direct support to any political party, candidate, lobbying campaign, nongovernmental organization, or civic organization.

(b) Form of report

Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) Definitions

In this section:

(1) Appropriate congressional committees and leadership

The term “appropriate congressional committees and leadership” means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, the Select Committee on Intelligence, and the majority and minority leaders of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Committee on Homeland Security, the Committee on Appropriations, the Permanent Select Committee on Intelligence, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(2) Russian person

The term “Russian person” means—

(A) an individual who is a citizen or national of the Russian Federation; or

(B) an entity organized under the laws of the Russian Federation or otherwise subject to the jurisdiction of the Government of the Russian Federation.

(Pub. L. 115–44, title II, §256, Aug. 2, 2017, 131 Stat. 930.)

§ 9546. Ukranian energy security

(a) Statement of policy

It is the policy of the United States—

(1) to support the Government of Ukraine in restoring its sovereign and territorial integrity;

(2) to condemn and oppose all of the destabilizing efforts by the Government of the Russian Federation in Ukraine in violation of its obligations and international commitments;

(3) to never recognize the illegal annexation of Crimea by the Government of the Russian Federation or the separation of any portion of Ukrainian territory through the use of military force;

(4) to deter the Government of the Russian Federation from further destabilizing and invading Ukraine and other independent countries in Central and Eastern Europe and the Caucasus;¹

(5) to assist in promoting reform in regulatory oversight and operations in Ukraine’s energy sector, including the establishment and empowerment of an independent regulatory organization;

(6) to encourage and support fair competition, market liberalization, and reliability in Ukraine’s energy sector;

(7) to help Ukraine and United States allies and partners in Europe reduce their dependence on Russian energy resources, especially natural gas, which the Government of the Russian Federation uses as a weapon to coerce, intimidate, and influence other countries;

(8) to work with European Union member states and European Union institutions to pro-

mote energy security through developing diversified and liberalized energy markets that provide diversified sources, suppliers, and routes;

(9) to continue to oppose the NordStream 2 pipeline given its detrimental impacts on the European Union’s energy security, gas market development in Central and Eastern Europe, and energy reforms in Ukraine; and

(10) that the United States Government should prioritize the export of United States energy resources in order to create American jobs, help United States allies and partners, and strengthen United States foreign policy.

(b) Plan to promote energy security in Ukraine

(1) In general

The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of Energy, shall work with the Government of Ukraine to develop a plan to increase energy security in Ukraine, increase the amount of energy produced in Ukraine, and reduce Ukraine’s reliance on energy imports from the Russian Federation.

(2) Elements

The plan developed under paragraph (1) shall include strategies for market liberalization, effective regulation and oversight, supply diversification, energy reliability, and energy efficiency, such as through supporting—

(A) the promotion of advanced technology and modern operating practices in Ukraine’s oil and gas sector;

(B) modern geophysical and meteorological survey work as needed followed by international tenders to help attract qualified investment into exploration and development of areas with untapped resources in Ukraine;

(C) a broadening of Ukraine’s electric power transmission interconnection with Europe;

(D) the strengthening of Ukraine’s capability to maintain electric power grid stability and reliability;

(E) independent regulatory oversight and operations of Ukraine’s gas market and electricity sector;

(F) the implementation of primary gas law including pricing, tariff structure, and legal regulatory implementation;

(G) privatization of government owned energy companies through credible legal frameworks and a transparent process compliant with international best practices;

(H) procurement and transport of emergency fuel supplies, including reverse pipeline flows from Europe;

(I) provision of technical assistance for crisis planning, crisis response, and public outreach;

(J) repair of infrastructure to enable the transport of fuel supplies;

(K) repair of power generating or power transmission equipment or facilities; and

(L) improved building energy efficiency and other measures designed to reduce energy demand in Ukraine.

¹ So in original. Probably should be “Caucasus;”.

(3) Reports**(A) Implementation of Ukraine Freedom Support Act of 2014 [22 U.S.C. 8921 et seq.] provisions**

Not later than 180 days after August 2, 2017, the Secretary of State shall submit to the appropriate congressional committees a report detailing the status of implementing the provisions required under section 7(c) of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8926(c)), including detailing the plans required under that section, the level of funding that has been allocated to and expended for the strategies set forth under that section, and progress that has been made in implementing the strategies developed pursuant to that section.

(B) In general

Not later than 180 days after August 2, 2017, and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing the plan developed under paragraph (1), the level of funding that has been allocated to and expended for the strategies set forth in paragraph (2), and progress that has been made in implementing the strategies.

(C) Briefings

The Secretary of State, or a designee of the Secretary, shall brief the appropriate congressional committees not later than 30 days after the submission of each report under subparagraph (B). In addition, the Department of State shall make relevant officials available upon request to brief the appropriate congressional committees on all available information that relates directly or indirectly to Ukraine or energy security in Eastern Europe.

(D) Appropriate congressional committees defined

In this paragraph, the term “appropriate congressional committees” means—

- (i) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
- (ii) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(c) Supporting efforts of countries in Europe and Eurasia to decrease their dependence on Russian sources of energy**(1) Findings**

Congress makes the following findings:

(A) The Government of the Russian Federation uses its strong position in the energy sector as leverage to manipulate the internal politics and foreign relations of the countries of Europe and Eurasia.

(B) This influence is based not only on the Russian Federation’s oil and natural gas resources, but also on its state-owned nuclear power and electricity companies.

(2) Sense of Congress

It is the sense of Congress that—

(A) the United States should assist the efforts of the countries of Europe and Eurasia

to enhance their energy security through diversification of energy supplies in order to lessen dependencies on Russian Federation energy resources and state-owned entities; and

(B) the Export-Import Bank of the United States and the United States International Development Finance Corporation should play key roles in supporting critical energy projects that contribute to that goal.

(3) Use of Countering Russian Influence Fund to provide technical assistance

Amounts in the Countering Russian Influence Fund pursuant to section 9543 of this title shall be used to provide technical advice to countries described in subsection (b)(1) of such section designed to enhance energy security and lessen dependence on energy from Russian Federation sources.

(d) Authorization of appropriations

There is authorized to be appropriated for the Department of State a total of \$30,000,000 for fiscal years 2018 and 2019 to carry out the strategies set forth in subsection (b)(2) and other activities under this section related to the promotion of energy security in Ukraine.

(e) Rule of construction

Nothing in this section shall be construed as affecting the responsibilities required and authorities provided under section 7 of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8926).

(Pub. L. 115–44, title II, §257, Aug. 2, 2017, 131 Stat. 931; Pub. L. 115–254, div. F, title VI, §1470(t), Oct. 5, 2018, 132 Stat. 3519.)

Editorial Notes

REFERENCES IN TEXT

The Ukraine Freedom Support Act of 2014, referred to in subsec. (b)(3)(A), is Pub. L. 113–272, Dec. 18, 2014, 128 Stat. 2952, which is classified generally to chapter 96A (§8921 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8921 of this title and Tables.

AMENDMENTS

2018—Subsec. (c)(2)(B). Pub. L. 115–254 substituted “United States International Development Finance Corporation” for “Overseas Private Investment Corporation”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–254 effective at the end of the transition period, as defined in section 9681 of this title, see section 1470(w) of Pub. L. 115–254, set out as a note under section 905 of Title 2, The Congress.

§ 9547. Termination

The provisions of this subchapter shall terminate on the date that is 5 years after August 2, 2017.

(Pub. L. 115–44, title II, §258, Aug. 2, 2017, 131 Stat. 934.)

§ 9548. Appropriate congressional committees defined

Except as otherwise provided, in this subchapter, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(Pub. L. 115-44, title II, §259, Aug. 2, 2017, 131 Stat. 934.)

SUBCHAPTER III—EUROPEAN ENERGY SECURITY AND DIVERSIFICATION

Editorial Notes

CODIFICATION

This subchapter was enacted as part of the European Energy Security and Diversification Act of 2019, and also as part of the Further Consolidated Appropriations Act, 2020, and not as part of the Countering Russian Influence in Europe and Eurasia Act of 2017 which comprises this chapter.

§ 9561. Definitions

In this subchapter:

(1) Early-stage project support

The term “early-stage project support” includes—

- (A) feasibility studies;
- (B) resource evaluations;
- (C) project appraisal and costing;
- (D) pilot projects;
- (E) commercial support, such as trade missions, reverse trade missions, technical workshops, international buyer programs, and international partner searchers to link suppliers to projects;
- (F) technical assistance and other guidance to improve the local regulatory environment and market frameworks to encourage transparent competition and enhance energy security; and
- (G) long-term energy sector planning.

(2) Late-stage project support

The term “late-stage project support” includes debt financing, insurance, and transaction advisory services.

(Pub. L. 116-94, div. P, title XX, §2002, Dec. 20, 2019, 133 Stat. 3223.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title XX of div. P of Pub. L. 116-94, Dec. 20, 2019, 133 Stat. 3222, which is classified generally to this subchapter. For complete classification of title XX to the Code, see Short Title note set out under section 9501 of this title and Tables.

CODIFICATION

Section was enacted as part of the European Energy Security and Diversification Act of 2019, and also as

part of the Further Consolidated Appropriations Act, 2020, and not as part of the Countering Russian Influence in Europe and Eurasia Act of 2017 which comprises this chapter.

§ 9562. Statement of policy

(a) Sense of Congress

It is the sense of Congress that the United States has economic and national security interests in assisting European and Eurasian countries achieve energy security through diversification of their energy sources and supply routes.

(b) Statement of policy

It is the policy of the United States—

(1) to advance United States foreign policy and development goals by assisting European and Eurasian countries to reduce their dependence on energy resources from countries that use energy dependence for undue political influence, such as the Russian Federation, which has used natural gas to coerce, intimidate, and influence other countries;

(2) to promote the energy security of allies and partners of the United States by encouraging the development of accessible, transparent, and competitive energy markets that provide diversified sources, types, and routes of energy;

(3) to encourage United States public and private sector investment in European energy infrastructure projects to bridge the gap between energy security requirements and commercial demand in a way that is consistent with the region’s absorptive capacity; and

(4) to help facilitate the export of United States energy resources, technology, and expertise to global markets in a way that benefits the energy security of allies and partners of the United States, including in Europe and Eurasia.

(Pub. L. 116-94, div. P, title XX, §2003, Dec. 20, 2019, 133 Stat. 3223.)

Editorial Notes

CODIFICATION

Section was enacted as part of the European Energy Security and Diversification Act of 2019, and also as part of the Further Consolidated Appropriations Act, 2020, and not as part of the Countering Russian Influence in Europe and Eurasia Act of 2017 which comprises this chapter.

§ 9563. Prioritization of efforts and assistance for energy infrastructure projects in Europe and Eurasia

(a) In general

In pursuing the policy described in section 9562 of this title, the Secretary of State, in consultation with the Secretary of Energy and the heads of other relevant United States agencies, shall, as appropriate, prioritize and expedite the efforts of the Department of State and those agencies in supporting the efforts of the European Commission and the governments of European and Eurasian countries to increase their energy security, including through—

(1) providing diplomatic and political support to the European Commission and those governments, as necessary—

(A) to facilitate international negotiations concerning cross-border infrastructure;

(B) to enhance Europe’s regulatory environment with respect to energy; and

(C) to develop accessible, transparent, and competitive energy markets supplied by diverse sources, types, and routes of energy; and

(2) providing support to improve European and Eurasian energy markets, including early-stage project support and late-stage project support for the construction or improvement of energy and related infrastructure, as necessary—

(A) to diversify the energy sources and supply routes of European and Eurasian countries;

(B) to enhance energy market integration across the region; and

(C) to increase competition within energy markets.

(b) Project selection

(1) In general

The agencies described in subsection (a) shall identify energy infrastructure projects that would be appropriate for United States assistance under this section.

(2) Project eligibility

A project is eligible for United States assistance under this section if the project—

(A)(i) improves electricity transmission infrastructure, power generation through the use of a broad power mix (including fossil fuel and renewable energy), or energy efficiency; or

(ii) advances electricity storage projects, smart grid projects, distributed generation models, or other technological innovations, as appropriate; and

(B) is located in a European or Eurasian country.

(3) Preference

In selecting among projects that are eligible under paragraph (2), the agencies described in subsection (a) shall give preference to projects that—

(A) link the energy systems of 2 or more European or Eurasian countries;

(B) have already been identified by the European Commission as being integral for the energy security of European countries;

(C) are expected to enhance energy market integration;

(D) can attract funding from the private sector, an international financial institution, the government of the country in which the project will be carried out, or the European Commission; or

(E) have the potential to use United States goods and services during project implementation.

(c) Types of assistance

(1) Diplomatic and political support

The Secretary of State shall provide diplomatic and political support to the European Commission and the governments of European and Eurasian countries, as necessary, includ-

ing by using the diplomatic and political influence and expertise of the Department of State to build the capacity of those countries to resolve any impediments to the development of projects selected under subsection (b).

(2) Early-stage project support

The Director of the Trade and Development Agency shall provide early-stage project support with respect to projects selected under subsection (b), as necessary.

(3) Late-stage project support

Agencies described in subsection (a) that provide late-stage project support shall do so with respect to projects selected under subsection (b), as necessary.

(d) Omitted

(e) Exception from certain limitation under BUILD Act

(1) In general

For purposes of providing support for projects under this section—

(A) the United States International Development Finance Corporation may provide support for projects in countries with upper-middle-income economies or high-income economies (as those terms are defined by the World Bank);

(B) the restriction under section 9612(c)(2) of this title shall not apply; and

(C) the Corporation shall restrict the provision of such support in a country described in subparagraph (A) unless—

(i) the President certifies to the appropriate congressional committees that such support furthers the national economic or foreign policy interests of the United States; and

(ii) such support is—

(I) designed to produce significant developmental outcomes or provide developmental benefits to the poorest population of that country; or

(II) necessary to preempt or counter efforts by a strategic competitor of the United States to secure significant political or economic leverage or acquire national security-sensitive technologies or infrastructure in a country that is an ally or partner of the United States.

(2) Definitions

In this subsection, the terms “appropriate congressional committees” and “less developed country” have the meanings given those terms in section 9601 of this title.

(Pub. L. 116–94, div. P, title XX, §2004, Dec. 20, 2019, 133 Stat. 3223.)

Editorial Notes

REFERENCES IN TEXT

The BUILD Act, referred to in subsec. (e), probably means the BUILD Act of 2018, also known as the Better Utilization of Investments Leading to Development Act of 2018, which is classified principally to chapter 103 (§9601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of this title and Tables.

CODIFICATION

Section was enacted as part of the European Energy Security and Diversification Act of 2019, and also as

part of the Further Consolidated Appropriations Act, 2020, and not as part of the Countering Russian Influence in Europe and Eurasia Act of 2017 which comprises this chapter.

Section is comprised of section 2004 of Pub. L. 116-94. Subsec. (d) of section 2004 of Pub. L. 116-94 amended sections 2421 and 9543 of this title.

Executive Documents

DELEGATION OF AUTHORITY UNDER THE EUROPEAN ENERGY SECURITY AND DIVERSIFICATION ACT OF 2019

Memorandum of President of the United States, June 8, 2022, 87 F.R. 35853, provided:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the functions and authorities vested in the President by section 2004(e)(1)(C) of the European Energy Security and Diversification Act of 2019 (22 U.S.C. 9563(e)(1)(C)) (the "Act"). The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum. Any reference in this memorandum to the Act shall be deemed to be a reference to such Act as amended from time to time.

You are authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

§ 9564. Progress reports

Not later than one year after December 20, 2019, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on progress made in providing assistance for projects under section 9563 of this title that includes—

(1) a description of the energy infrastructure projects the United States has identified for such assistance; and

(2) for each such project—

(A) a description of the role of the United States in the project, including in early-stage project support and late-stage project support;

(B) the amount and form of any debt financing and insurance provided by the United States Government for the project;

(C) the amount and form of any early-stage project support; and

(D) an update on the progress made on the project as of the date of the report.

(Pub. L. 116-94, div. P, title XX, §2005, Dec. 20, 2019, 133 Stat. 3226.)

Editorial Notes

CODIFICATION

Section was enacted as part of the European Energy Security and Diversification Act of 2019, and also as part of the Further Consolidated Appropriations Act, 2020, and not as part of the Countering Russian Influence in Europe and Eurasia Act of 2017 which comprises this chapter.

CHAPTER 103—BETTER UTILIZATION OF INVESTMENTS LEADING TO DEVELOPMENT

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§ 9601. Definitions

In this chapter:

(1) Appropriate congressional committees

The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) Less developed country

The term "less developed country" means a country with a low-income economy, lower-middle-income economy, or upper-middle-income economy, as defined by the International Bank for Reconstruction and Development and the International Development Association (collectively referred to as the "World Bank").