

117TH CONGRESS
1ST SESSION

S. 3407

To promote security partnership with Ukraine.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2021

Mr. RISCH (for himself, Mr. INHOFE, Mr. RUBIO, Mr. TOOMEY, Mr. BARRASSO, Mr. CORNYN, Mr. COTTON, Mr. HAGERTY, and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To promote security partnership with Ukraine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Guaranteeing Ukrainian Autonomy by Reinforcing its
6 Defense (GUARD) Act of 2021”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—A DETERRENCE POLICY REGARDING UKRAINE

Sec. 101. Statement of policy.

Sec. 102. Strategy on United States diplomatic support for Ukraine.

- Sec. 103. Special Envoy for Ukraine.
- Sec. 104. Potential designation of the Russian Federation as a state sponsor of terrorism.
- Sec. 105. Extension and modification of limitation on military cooperation between the United States and the Russian Federation.

TITLE II—BOLSTERING UKRAINE’S DETERRENCE AGAINST RUSSIAN AGGRESSION

- Sec. 201. Appropriate congressional committees defined.
- Sec. 202. Amendment to presidential drawdown authority.
- Sec. 203. Foreign military financing.
- Sec. 204. Expedited excess defense articles transfer program.
- Sec. 205. Strategy on excess defense articles from allies.
- Sec. 206. Report on Ukrainian capabilities to counter air-based threats.
- Sec. 207. IMET cooperation with Ukraine.
- Sec. 208. Strategy on IMET programming in Ukraine.
- Sec. 209. Sense of Congress on loan program.
- Sec. 210. Strategy to protect Ukraine’s defense industry from strategic competitors.
- Sec. 211. Authorization of appropriations.

TITLE III—SECURING UKRAINE AGAINST RUSSIA’S USE OF ENERGY AS A WEAPON

- Sec. 301. Imposition of sanctions with respect to Nord Stream 2.
- Sec. 302. Congressional review of waiver under protecting Europe’s Energy Security Act of 2019.
- Sec. 303. Application of congressional review under Countering America’s Adversaries Through Sanctions Act.
- Sec. 304. Inclusion of matter relating to Nord Stream 2 in report under Countering America’s Adversaries Through Sanctions Act.
- Sec. 305. Ukraine Security Assistance Initiative.
- Sec. 306. Appropriate congressional committees defined.

1 TITLE I—A DETERRENCE POLICY

2 REGARDING UKRAINE

3 SEC. 101. STATEMENT OF POLICY.

4 It is the policy of the United States to—

5 (1) support the territorial integrity and sov-
6 ereignty of Ukraine;

7 (2) declassify or downgrade United States intel-
8 ligence on Russian malign activities in Ukraine,
9 Belarus, and the Baltic and Black Sea nations, ki-
10 netic or nonkinetic, to the maximum extent possible,

1 to enable and encourage dissemination to United
2 States allies and partners and to the American pub-
3 lic;

4 (3) provide critical capabilities, including sur-
5 face-to-air missiles, air defense systems, anti-ship
6 missiles, anti-tank mines, and others, to Ukraine on
7 an expedited basis;

8 (4) encourage near-term, in-person visits by
9 United States and Ukraine leaders to each other's
10 countries; and

11 (5) support the rapid deployment of additional
12 observers from the Organization for Security and
13 Cooperation in Europe to monitor the Ukraine-Rus-
14 sian border and report aggressive acts.

15 **SEC. 102. STRATEGY ON UNITED STATES DIPLOMATIC SUP-**
16 **PORT FOR UKRAINE.**

17 (a) IN GENERAL.—Not later than 30 days after the
18 date of the enactment of this Act, the Secretary of State
19 shall submit to the appropriate congressional committees
20 a report with a strategy on how the United States will
21 work to diplomatically support Ukraine during fiscal years
22 2022 through 2026.

23 (b) ELEMENTS.—The report required under sub-
24 section (a) shall include the following elements:

1 (1) A description of how relevant departments
2 and agencies of the United States Government will
3 work together to collectively support efforts by the
4 Government of Ukraine to deter Russian aggression
5 in the form of military incursions, cyber attacks, the
6 coercive use of energy resources, the disruption of
7 lawful commerce and traffic to Ukrainian ports, use
8 of passportization, efforts to corrupt the Ukrainian
9 political and economic systems, and attempts to ma-
10 nipulate the public through disinformation cam-
11 paigns.

12 (2) A description of the United States current
13 efforts and strategy to support Ukrainian diplomatic
14 initiatives when they align with United States inter-
15 ests.

16 (3) A strategy on how the United States will
17 use its voice and vote at the United Nations, OSCE,
18 Council of Europe, NATO, and other relevant inter-
19 national bodies to support Ukraine and its reform
20 efforts.

21 (4) A strategy on how the United States will
22 assist Ukraine in bolstering its diplomatic, economic,
23 energy, and maritime relationships with key Black
24 Sea countries, including Bulgaria, Romania, Turkey,
25 and Georgia.

1 (5) A strategy on how the United States will
2 engage with Germany, France, Ukraine, and Russia
3 to advance the Normandy Format and Minsk Agree-
4 ments.

5 (6) An assessment of Ukraine’s recent progress
6 on anti-corruption reforms and a strategy on how
7 the United States will work with allies to continue
8 to engage Ukraine to ensure meaningful progress on
9 democratic, economic, and anti-corruption reforms.

10 (c) FORM.—The report required under subsection (a)
11 shall be submitted in unclassified form, but may contain
12 a classified annex.

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
14 DEFINED.—In this section, the term “appropriate con-
15 gressional committees” means—

16 (1) the Committee on Foreign Relations of the
17 Senate; and

18 (2) the Committee on Foreign Affairs of the
19 House of Representatives.

20 **SEC. 103. SPECIAL ENVOY FOR UKRAINE.**

21 (a) ESTABLISHMENT.—The President should ap-
22 point, by and with the consent of the Senate, a Special
23 Envoy for Ukraine, who should report to the Assistant
24 Secretary of State for Europe and Eurasia.

1 (b) RANK.—The Special Envoy for Ukraine shall
2 have the rank and status of ambassador.

3 (c) RESPONSIBILITIES.—The Special Envoy for
4 Ukraine should—

5 (1) serve as the United States liaison to the
6 Normandy Format, tasked with leading the peace
7 process between Ukraine and the Russian Federa-
8 tion;

9 (2) facilitate diplomatic outreach to and dia-
10 logue with countries in the Black Sea region that,
11 like Ukraine, are faced with the impact of Russia’s
12 growing militarization of the Sea;

13 (3) coordinate closely with the Chief of Mission
14 in Ukraine;

15 (4) coordinate with the OSCE Special Moni-
16 toring Mission to Ukraine; and

17 (5) provide the Committee on Foreign Relations
18 of the Senate and the Committee on Foreign Affairs
19 of the House of Representatives regular updates and
20 briefings on the status of peace negotiations.

21 (d) TERMINATION.—The Special Envoy for Ukraine
22 position authorized under subsection (a) shall terminate
23 5 years after the date of the enactment of this Act.

1 **SEC. 104. POTENTIAL DESIGNATION OF THE RUSSIAN FED-**
 2 **ERATION AS A STATE SPONSOR OF TER-**
 3 **RORISM.**

4 (a) IN GENERAL.—Should the Government of the
 5 Russian Federation, or any of its proxies, advance their
 6 militaries on the territory or airspace of Ukraine beyond
 7 the area occupied as of December 15, 2021, the Secretary
 8 of State shall, within 5 days of that advancement, des-
 9 ignate the Russian Federation as a state sponsor of ter-
 10 rorism.

11 (b) STATE SPONSOR OF TERRORISM DEFINED.—In
 12 this section, the term “state sponsor of terrorism” means
 13 a country, the government of which the Secretary of State
 14 has determined, for purposes of section 1754(c)(1)(A)(i)
 15 of the Export Control Reform Act of 2018 (50 U.S.C.
 16 4813(c)(1)(A)(i)), section 620A of the Foreign Assistance
 17 Act of 1961 (22 U.S.C. 2371), section 40 of the Arms
 18 Export Control Act (22 U.S.C. 2780), or any other provi-
 19 sion of law, is a government that has repeatedly provided
 20 support for acts of international terrorism.

21 **SEC. 105. EXTENSION AND MODIFICATION OF LIMITATION**
 22 **ON MILITARY COOPERATION BETWEEN THE**
 23 **UNITED STATES AND THE RUSSIAN FEDERA-**
 24 **TION.**

25 (a) EXTENSION.—Subsection (a) of section 1232 of
 26 the National Defense Authorization Act for Fiscal Year

1 2017 (Public Law 114–328; 130 Stat. 2488) is amended
2 by striking “or 2021” and inserting “2021, or 2022”.

3 (b) WAIVER.—Subsection (c)(2) of such section is
4 amended to read as follows:

5 “(2) not later than 15 days before the date on
6 which the waiver takes effect, and every 90 days
7 thereafter, submits to the appropriate congressional
8 committees—

9 “(A) a notification that the waiver is in the
10 national security interest of the United States
11 and a description of the national security inter-
12 est covered by the waiver during the applicable
13 reporting period;

14 “(B) a description of any condition or pre-
15 requisite placed by the Russian Federation on
16 military cooperation between the United States
17 and the Russian Federation;

18 “(C) a description of the results achieved
19 by United States-Russian Federation military
20 cooperation during the applicable reporting pe-
21 riod and an assessment of whether such results
22 meet the national security objectives described
23 under subparagraph (A);

24 “(D) a description of the measures in place
25 to mitigate counterintelligence or operational

1 security concerns and an assessment of whether
 2 such measures have succeeded, submitted in
 3 classified form as necessary; and

4 “(E) a report explaining why the Secretary
 5 of Defense cannot make the certification under
 6 subsection (a).”.

7 **TITLE II—BOLSTERING**
 8 **UKRAINE’S DETERRENCE**
 9 **AGAINST RUSSIAN AGGRES-**
 10 **SION**

11 **SEC. 201. APPROPRIATE CONGRESSIONAL COMMITTEES**

12 **DEFINED.**

13 In this title, the term “appropriate congressional
 14 committees” means—

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

17 (2) the Committee on Foreign Affairs and the
 18 Committee on Armed Services of the House of Rep-
 19 resentatives.

20 **SEC. 202. AMENDMENT TO PRESIDENTIAL DRAWDOWN AU-**

21 **THORITY.**

22 The authority under section 506(a) of the Foreign
 23 Assistance Act of 1961 (22 U.S.C. 2318(a)) may be exer-
 24 cised during fiscal year 2022 for Ukraine to the maximum
 25 extent available for that fiscal year, without diminishing

1 the dollar limitation available under that section for such
2 fiscal year.

3 **SEC. 203. FOREIGN MILITARY FINANCING.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated for the Department of State
6 for fiscal year 2022 \$450,000,000 for Foreign Military Fi-
7 nancing (FMF) assistance to Ukraine to assist the coun-
8 try in meeting its defense needs.

9 (b) NOTICE TO CONGRESS.—Not later than 15 days
10 before providing assistance or support pursuant to sub-
11 section (a), the Secretary of State shall submit to the ap-
12 propriate congressional committees and the Committees
13 on Appropriations of the Senate and the House of Rep-
14 resentatives a notification containing the following:

15 (1) A detailed description of the assistance or
16 support to be provided, including—

17 (A) the objectives of such assistance or
18 support;

19 (B) the budget for such assistance or sup-
20 port; and

21 (C) the expected or estimated timeline for
22 delivery of such assistance or support.

23 (2) A description of such other matters as the
24 Secretary considers appropriate.

1 (c) PRIORITIZATION.—Of the funds authorized under
2 this section, \$100,000,000 shall be set aside to—

3 (1) prioritize the development of Ukrainian air
4 defense capabilities, to include weapons systems;

5 (2) prioritize the procurement of vessels for the
6 Ukrainian Navy and other articles that bolster the
7 capacity of the Ukrainian Navy to counter Russian
8 maritime aggression and maintain the freedom of in-
9 nocent passage throughout the Black Sea; and

10 (3) ensure adequate planning for maintenance
11 for any equipment provided.

12 (d) AUTHORITY TO PROVIDE LETHAL ASSIST-
13 ANCE.—The Secretary of State is authorized to provide
14 lethal assistance under this section, including anti-armor
15 weapon systems, mortars, crew-served weapons and am-
16 munition, grenade launchers and ammunition, anti-tank
17 weapons systems, anti-ship weapons systems, anti-aircraft
18 weapons systems, and small arms and ammunition.

19 **SEC. 204. EXPEDITED EXCESS DEFENSE ARTICLES TRANS-**
20 **FER PROGRAM.**

21 (a) IN GENERAL.—During fiscal years 2022 through
22 2026, the delivery of excess defense articles to Ukraine
23 shall be given the same priority as that given other coun-
24 tries and regions under section 516(c)(2) of the Foreign
25 Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

1 (b) NOTIFICATION.—Notwithstanding section 516(f)
2 of the Foreign Assistance Act of 1961 (22 U.S.C.
3 2321j(f)), during fiscal years 2022 through 2026, the de-
4 livery of excess defense articles to Ukraine shall be subject
5 to a 15-day notification requirement.

6 **SEC. 205. STRATEGY ON EXCESS DEFENSE ARTICLES FROM**
7 **ALLIES.**

8 (a) IN GENERAL.—Not later than 30 days after the
9 date of the enactment of this Act, the Secretary of State
10 in consultation with the Secretary of Defense, shall submit
11 to the appropriate congressional committees a classified
12 strategy on how the United States will encourage third
13 countries to donate excess defense equipment to Ukraine.

14 (b) ELEMENTS.—The report required under sub-
15 section (a) shall include the following elements:

16 (1) A listing of all friendly and allied nations
17 that have excess defense material that may be com-
18 patible with the needs and systems utilized by the
19 Armed Forces of Ukraine, including air defense sys-
20 tems, small arms and ammunition, artillery and
21 multiple-launch rocket systems, and anti-tank sys-
22 tems.

23 (2) A description of the diplomatic efforts un-
24 dertaken by the United States Government to en-

1 courage allied nations to donate their excess defense
2 articles to Ukraine on an expedited basis.

3 **SEC. 206. REPORT ON UKRAINIAN CAPABILITIES TO**
4 **COUNTER AIR-BASED THREATS.**

5 (a) REPORT REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense and the Secretary of State shall jointly submit
8 to the appropriate committees of Congress a report on the
9 capabilities of Ukraine to counter air-based threats.

10 (b) ELEMENTS.—The report submitted under sub-
11 section (a) shall include the following elements:

12 (1) An assessment of the risk to the armed
13 forces of Ukraine posed by aerial threats, including
14 current threats from weaponized unmanned aerial
15 vehicles, manned aircraft, and missile and rocket at-
16 tacks.

17 (2) An assessment of the current defensive ca-
18 pabilities of Ukraine to counter the threats described
19 in paragraph (1) and assessed gaps in capabilities to
20 address such threats.

21 (3) A description of current efforts to build the
22 defensive capabilities of Ukraine, an assessment of
23 potential options for additional United States secu-
24 rity assistance to address shortfalls identified pursu-
25 ant to paragraph (2), and any considerations with

1 regard to absorption capacity, maintenance, and
2 sustainment.

3 **SEC. 207. INTERNATIONAL MILITARY EDUCATION AND**
4 **TRAINING COOPERATION WITH UKRAINE.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Department of State
7 \$4,000,000 for each of fiscal years 2022 through 2026
8 for International Military Education and Training
9 (IMET) assistance for Ukraine. The assistance shall be
10 made available for the following purposes:

11 (1) Training of future leaders.

12 (2) Fostering a better understanding of the
13 United States.

14 (3) Establishing a rapport between the United
15 States Armed Forces and Ukraine’s military to build
16 partnerships for the future.

17 (4) Enhancement of interoperability and capa-
18 bilities for joint operations.

19 (5) Focusing on professional military education,
20 civilian control of the military, and human rights.

21 (b) NOTICE TO CONGRESS.—Not later than 15 days
22 before providing assistance or support pursuant to sub-
23 section (a), the Secretary of State shall submit to the
24 Committee on Foreign Relations and the Committee on
25 Appropriations of the Senate and the Committee on For-

1 eign Affairs and the Committee on Appropriations of the
2 House of Representatives a notification containing the fol-
3 lowing elements:

4 (1) A detailed description of the assistance or
5 support to be provided, including—

6 (A) the objectives of such assistance or
7 support;

8 (B) the budget for such assistance or sup-
9 port; and

10 (C) the expected or estimated timeline for
11 delivery of such assistance or support.

12 (2) A description of such other matters as the
13 Secretary considers appropriate.

14 **SEC. 208. STRATEGY ON IMET PROGRAMMING IN UKRAINE.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the Government of Ukraine should fully utilize
17 the United States IMET program, encourage eligible offi-
18 cers and civilian leaders to participate in the training, and
19 promote successful graduates to positions of prominence
20 in the Ukrainian Armed Forces.

21 (b) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of State
23 shall submit to the appropriate congressional committees
24 a strategy for the implementation of the IMET program
25 in Ukraine authorized under section 207.

1 (c) ELEMENTS.—The strategy required under sub-
2 section (a) shall include the following elements:

3 (1) A clear plan, developed in close consultation
4 with the Ukrainian Ministry of Defense and the
5 Armed Forces of Ukraine, for how the IMET pro-
6 gram will be used by the United States Government
7 and the Government of Ukraine to propel program
8 graduates to positions of prominence in support of
9 the Ukrainian military's reform efforts in line with
10 NATO standards.

11 (2) An assessment of the education and train-
12 ing requirements of the Ukrainian military and clear
13 recommendations for how IMET graduates should
14 be assigned by the Ukrainian Ministry of Defense
15 upon completion of education or training.

16 (3) An accounting of the current combat re-
17 quirements of the Ukrainian military and an assess-
18 ment of the viability of alternative mobile training
19 teams, distributed learning, and other flexible solu-
20 tions to reach such students.

21 (4) An identification of opportunities to influ-
22 ence the next generation of leaders through attend-
23 ance at United States staff and war colleges, junior
24 leader development programs, and technical schools.

1 (d) FORM.—The strategy required under subsection
2 (a) shall be submitted in unclassified form, but may con-
3 tain a classified annex.

4 **SEC. 209. SENSE OF CONGRESS ON LOAN PROGRAM.**

5 It is the sense of Congress that—

6 (1) as appropriate, the United States Govern-
7 ment should provide direct loans to Ukraine for the
8 procurement of defense articles, defense services,
9 and design and construction services pursuant to the
10 authority of section 23 of the Arms Export Control
11 Act (22 U.S.C. 2763) to support the further devel-
12 opment of Ukraine’s military forces; and

13 (2) such loans should be considered an additive
14 security assistance tool, and not a substitute for
15 Foreign Military Financing for grant assistance or
16 Ukraine Security Assistance Initiative programming.

17 **SEC. 210. STRATEGY TO PROTECT UKRAINE’S DEFENSE IN-**
18 **DUSTRY FROM STRATEGIC COMPETITORS.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the United States should work with the Govern-
21 ment of Ukraine to ensure strategic assets and companies
22 in Ukraine’s aerospace and defense sector are not subject
23 to foreign ownership, control, or undue influence by stra-
24 tegic competitors to the United States, such as the Peo-
25 ple’s Republic of China (PRC). These efforts will require

1 support from across the executive branch and should lever-
2 age all available tools and authorities.

3 (b) STRATEGY REQUIRED.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of the enactment of this Act, the President,
6 acting through the Secretary of Defense and the
7 Secretary of State and in consultation with the
8 heads of other relevant Departments and agencies as
9 the President may determine, shall submit to the ap-
10 propriate committees of Congress a strategy to sup-
11 port Ukraine in protecting its aerospace and defense
12 industry from predatory investments.

13 (2) ELEMENTS.—The strategy required under
14 paragraph (1) shall include the following elements:

15 (A) An assessment of the efforts by stra-
16 tegic competitors, such as the PRC, to acquire
17 strategic assets and companies in Ukraine’s
18 aerospace and defense sector and the national
19 security implications for Ukraine, the United
20 States, and other NATO allies and partners.

21 (B) An assessment of the vulnerabilities
22 that strategic competitors of the United States
23 exploit to acquire strategic assets in the
24 Ukrainian aerospace and defense sector,
25 Ukraine’s progress in addressing them, and

1 United States initiatives to support these ef-
2 forts such as assistance in strengthening
3 Ukraine’s investment screening and national se-
4 curity vetting laws.

5 (C) An assessment of Ukraine’s efforts to
6 make reforms necessary to incentivize Western
7 investment in Ukraine’s aerospace and defense
8 sector and United States support for these ef-
9 forts.

10 (D) A strategy to—

11 (i) promote, as appropriate, United
12 States direct investment in Ukraine’s aero-
13 space and defense sector;

14 (ii) better leverage tools like debt fi-
15 nancing, equity investments, and political
16 risk insurance to incentivize greater par-
17 ticipation by United States firms;

18 (iii) provide an alternative to PRC in-
19 vestments; and

20 (iv) engage like-minded allies and
21 partners on these efforts.

22 (3) FORM.—The strategy required under para-
23 graph (1) shall be submitted in classified form.

1 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to the Department of State \$50,000,000 for each
4 of the fiscal years 2022 through 2026 for the purposes
5 described in subsection (b) with respect to Ukraine.

6 (b) USE OF FUNDS.—Amounts appropriated pursu-
7 ant to subsection (a) may only be used—

8 (1) to strengthen Ukraine’s cyber security,
9 cyber resilience and intellectual property enforce-
10 ment;

11 (2) to provide support and training in Ukraine
12 for—

13 (A) sectoral reforms related to banking
14 and public finance management reform;

15 (B) the privatization of state-owned enter-
16 prises;

17 (C) regulatory independence;

18 (D) subsidy reform;

19 (E) land reform;

20 (F) corporate governance; and

21 (G) foreign investment screening;

22 (3) to combat corruption, improve the rule of
23 law, and otherwise strengthen independent legal in-
24 stitutions, including by—

25 (A) expanding regional anti-corruption
26 training and exchanges among Ukrainian Min-

1 istry officials, law enforcement officers, judges,
2 and prosecutors to build peer support, share
3 best practices, maintain reform momentum, and
4 protect reforms from capture; and

5 (B) supporting regional training of United
6 States Embassy personnel responsible for sup-
7 porting anti-corruption and the rule of law to
8 improve their effectiveness in supporting the
9 consolidation and expansion of reform;

10 (4) to respond to the humanitarian crises
11 caused or aggravated by the invasion and occupation
12 of Ukraine by the Russian Federation, including by
13 supporting internally displaced persons and commu-
14 nities in conflict-affected areas;

15 (5) to improve participatory legislative proc-
16 esses in Ukraine, including through—

17 (A) engagement with members of the
18 Verkhovna Rada;

19 (B) training on government oversight, legal
20 education, political transparency and competi-
21 tion, and compliance with international obliga-
22 tions; and

23 (C) supporting the development of profes-
24 sional legislative staff to advise and assist mem-
25 ber of the Verkhovna Rada and committees in

1 the execution of their duties and build legal and
2 policy expertise within the Verkhovna Rada;
3 and

4 (6) to further build the capacity of civil society,
5 independent media, human rights, and other non-
6 governmental organizations in Ukraine, with an em-
7 phasis on—

8 (A) building capacity outside of Kyiv; and

9 (B) regional civil society training and ex-
10 change programs.

11 **TITLE III—SECURING UKRAINE**
12 **AGAINST RUSSIA’S USE OF**
13 **ENERGY AS A WEAPON**

14 **SEC. 301. IMPOSITION OF SANCTIONS WITH RESPECT TO**
15 **NORD STREAM 2.**

16 (a) IN GENERAL.—Not later than 15 days after the
17 date of the enactment of this Act, the President shall—

18 (1) impose sanctions under subsection (b) with
19 respect to any corporate officer of an entity estab-
20 lished for or responsible for the planning, construc-
21 tion, or operation of the Nord Stream 2 pipeline or
22 a successor entity; and

23 (2) impose sanctions under subsection (c) with
24 respect to any entity described in paragraph (1).

1 (b) INELIGIBILITY FOR VISAS, ADMISSION, OR PA-
 2 ROLE OF IDENTIFIED PERSONS AND CORPORATE OFFI-
 3 CERS.—

4 (1) VISAS, ADMISSION, OR PAROLE.—An alien
 5 described in subsection (a)(1) is—

6 (A) inadmissible to the United States;

7 (B) ineligible to receive a visa or other doc-
 8 umentation to enter the United States; and

9 (C) otherwise ineligible to be admitted or
 10 paroled into the United States or to receive any
 11 other benefit under the Immigration and Na-
 12 tionality Act (8 U.S.C. 1101 et seq.).

13 (2) CURRENT VISAS REVOKED.—

14 (A) IN GENERAL.—The visa or other entry
 15 documentation of an alien described in sub-
 16 section (a)(1) shall be revoked, regardless of
 17 when such visa or other entry documentation is
 18 or was issued.

19 (B) IMMEDIATE EFFECT.—A revocation
 20 under clause (i) shall—

21 (i) take effect immediately; and

22 (ii) automatically cancel any other
 23 valid visa or entry documentation that is in
 24 the alien's possession.

1 (c) BLOCKING OF PROPERTY OF IDENTIFIED PER-
2 SONS.—The President shall exercise all powers granted to
3 the President by the International Emergency Economic
4 Powers Act (50 U.S.C. 1701 et seq.) to the extent nec-
5 essary to block and prohibit all transactions in all property
6 and interests in property of an entity described in sub-
7 section (a)(1) if such property and interests in property
8 are in the United States, come within the United States,
9 or are or come within the possession or control of a United
10 States person.

11 (d) EXCEPTIONS.—

12 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
13 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
14 TIES.—Sanctions under this section shall not apply
15 to any authorized intelligence, law enforcement, or
16 national security activities of the United States.

17 (2) EXCEPTION TO COMPLY WITH UNITED NA-
18 TIONS HEADQUARTERS AGREEMENT.—Sanctions
19 under this section shall not apply with respect to the
20 admission of an alien to the United States if the ad-
21 mission of the alien is necessary to permit the
22 United States to comply with the Agreement regard-
23 ing the Headquarters of the United Nations, signed
24 at Lake Success June 26, 1947, and entered into
25 force November 21, 1947, between the United Na-

1 tions and the United States, the Convention on Con-
2 sular Relations, done at Vienna April 24, 1963, and
3 entered into force March 19, 1967, or other applica-
4 ble international obligations.

5 (3) EXCEPTION RELATING TO IMPORTATION OF
6 GOODS.—

7 (A) IN GENERAL.—Notwithstanding any
8 other provision of this section, the authorities
9 and requirements to impose sanctions under
10 this section shall not include the authority or a
11 requirement to impose sanctions on the impor-
12 tation of goods.

13 (B) GOOD DEFINED.—In this paragraph,
14 the term “good” means any article, natural or
15 man-made substance, material, supply or manu-
16 factured product, including inspection and test
17 equipment, and excluding technical data.

18 (e) CONDITIONS FOR REMOVAL OF SANCTIONS.—
19 Subject to review by Congress under section 216 of the
20 Countering America’s Adversaries Through Sanctions Act
21 (22 U.S.C. 9511), the President may waive the application
22 of sanctions under this section if the President—

23 (1) determines that the waiver is in the national
24 security interest of the United States; and

1 (2) submits to the appropriate committees of
2 Congress a report on the waiver and the reason for
3 the waiver.

4 (f) IMPLEMENTATION; PENALTIES.—

5 (1) IMPLEMENTATION.—The President may ex-
6 ercise all authorities provided to the President under
7 sections 203 and 205 of the International Emer-
8 gency Economic Powers Act (50 U.S.C. 1702 and
9 1704) to carry out this section.

10 (2) PENALTIES.—A person that violates, at-
11 tempts to violate, conspires to violate, or causes a
12 violation of this section or any regulation, license, or
13 order issued to carry out this section shall be subject
14 to the penalties set forth in subsections (b) and (c)
15 of section 206 of the International Emergency Eco-
16 nomic Powers Act (50 U.S.C. 1705) to the same ex-
17 tent as a person that commits an unlawful act de-
18 scribed in subsection (a) of that section.

19 (g) SUNSET.—The authority to impose sanctions
20 under this section shall terminate on the date that is 5
21 years after the date of the enactment of this Act.

22 (h) DEFINITIONS.—In this section:

23 (1) ADMISSION; ADMITTED; ALIEN.—The terms
24 “admission”, “admitted”, and “alien” have the

1 meanings given those terms in section 101 of the
2 Immigration and Nationality Act (8 U.S.C. 1101).

3 (2) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

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

9 (B) the Committee on Foreign Affairs and
10 the Committee on Financial Services of the
11 House of Representatives.

12 (3) UNITED STATES PERSON.—The term
13 “United States person” means—

14 (A) a United States citizen or an alien law-
15 fully admitted for permanent residence to the
16 United States;

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

21 (C) any person within the United States.

1 **SEC. 302. CONGRESSIONAL REVIEW OF WAIVER UNDER**
 2 **PROTECTING EUROPE'S ENERGY SECURITY**
 3 **ACT OF 2019.**

4 Section 7503(f) of the Protecting Europe's Energy
 5 Security Act of 2019 (title LXXV of Public Law 116–
 6 92; 22 U.S.C. 9526 note) is amended, in the matter pre-
 7 ceding paragraph (1), by striking “The President” and in-
 8 serting “Subject to review by Congress under section 216
 9 of the Countering America's Adversaries Through Sanc-
 10 tions Act (22 U.S.C. 9511), the President”.

11 **SEC. 303. APPLICATION OF CONGRESSIONAL REVIEW**
 12 **UNDER COUNTERING AMERICA'S ADVER-**
 13 **SARIES THROUGH SANCTIONS ACT.**

14 Section 216(a)(2) of the Countering America's Ad-
 15 versaries Through Sanctions Act (22 U.S.C. 9511(a)(2))
 16 is amended—

17 (1) in subparagraph (A)—

18 (A) in clause (i), by inserting “(other than
 19 sanctions described in clause (i)(IV) of that
 20 subparagraph)” after “subparagraph (B)”; and

21 (B) in clause (ii), by inserting “or other-
 22 wise remove” after “waive”; and

23 (2) in subparagraph (B)(i)—

24 (A) in subclause (II), by striking “; or”
 25 and inserting a semicolon;

1 (B) in subclause (III), by striking “; and”
 2 and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(IV) section 7503 of the Pro-
 5 tecting Europe’s Energy Security Act
 6 of 2019 (title LXXV of Public Law
 7 116–92; 22 U.S.C. 9526 note); or

8 “(V) section 301 of the Guar-
 9 anteeing Ukrainian Autonomy by Rein-
 10 forcing its Defense (GUARD) Act of
 11 2021; and”.

12 **SEC. 304. INCLUSION OF MATTER RELATING TO NORD**
 13 **STREAM 2 IN REPORT UNDER COUNTERING**
 14 **AMERICA’S ADVERSARIES THROUGH SANC-**
 15 **TIONS ACT.**

16 Each report submitted under section 216(a)(1) of the
 17 Countering America’s Adversaries Through Sanctions Act
 18 (22 U.S.C. 9511(a)(1)) relating to sanctions under section
 19 301 of this Act or section 7503 of the Protecting Europe’s
 20 Energy Security Act of 2019 (title LXXV of Public Law
 21 116–92; 22 U.S.C. 9526 note) shall include—

22 (1) an assessment of the security risks posed by
 23 Nord Stream 2, including—

24 (A) the presence along Nord Stream 2 or
 25 Nord Stream 1 infrastructure or pipeline cor-

ridors of undersea surveillance systems and sensors, fiber optic terminals, or other systems that are capable of conducting military or intelligence activities unrelated to civilian energy transmission, including those designed to enhance Russian Federation anti-submarine warfare, surveillance, espionage, or sabotage capabilities;

(B) the use of Nord Stream-affiliated infrastructure, equipment, personnel, vessels, financing, or other assets—

(i) to facilitate, carry out, or conceal Russian Federation maritime surveillance, espionage, or sabotage activities;

(ii) to justify the presence of Russian Federation naval vessels or military personnel or equipment in international waters or near North Atlantic Treaty Organization or partner countries;

(iii) to disrupt freedom of navigation;

or

(iv) to pressure or intimidate countries in the Baltic Sea;

(C) the involvement in the Nord Stream 2 pipeline or its affiliated entities of current or

1 former Russian, Soviet, or Warsaw Pact intel-
2 ligence and military personnel and any business
3 dealings between Nord Stream 2 and entities
4 affiliated with the intelligence or defense sector
5 of the Russian Federation; and

6 (D) malign influence activities of the Gov-
7 ernment of the Russian Federation, including
8 strategic corruption and efforts to influence Eu-
9 ropean decisionmakers, supported or financed
10 through the Nord Stream 2 pipeline;

11 (2) an assessment of whether the Russian Fed-
12 eration maintains gas transit through Ukraine at
13 levels consistent with the volumes set forth in the
14 Ukraine-Russian Federation gas transit agreement
15 of December 2019 and continues to pay the transit
16 fees specified in that agreement;

17 (3) an assessment of the status of negotiations
18 between the Russian Federation and Ukraine to se-
19 cure an agreement to extend gas transit through
20 Ukraine beyond the expiration of the agreement de-
21 scribed in paragraph (2);

22 (4) an assessment of whether the United States
23 and Germany have agreed on a common definition
24 for energy “weaponization” and the associated trig-
25 gers for sanctions and other enforcement actions,

1 pursuant to the Joint Statement of the United
2 States and Germany on support for Ukraine, Euro-
3 pean energy security, and our climate goals, dated
4 July 21, 2021; and

5 (5) a description of the consultations with
6 United States allies and partners in Europe, includ-
7 ing Ukraine, Poland, and the countries in Central
8 and Eastern Europe most impacted by the Nord
9 Stream 2 pipeline concerning the matters agreed to,
10 as described in paragraph (4).

11 **SEC. 305. UKRAINE SECURITY ASSISTANCE INITIATIVE.**

12 There is authorized to be appropriated \$50,000,000
13 for fiscal year 2022 for the Ukraine Security Assistance
14 Initiative for the purpose of providing lethal aid assist-
15 ance. Such amount is in addition to any other amounts
16 appropriated or otherwise made available for such fiscal
17 year for such purposes.

18 **SEC. 306. APPROPRIATE CONGRESSIONAL COMMITTEES**

19 **DEFINED.**

20 In this title, the term “appropriate congressional
21 committees” means—

22 (1) the Committee on Foreign Relations and
23 the Committee on Appropriations of the Senate; and

- 1 (2) the Committee on Foreign Affairs and the
- 2 Committee on Appropriations of the House of Rep-
- 3 resentatives.

