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2D SESSION

S. 3513

To impose additional sanctions with respect to the Russian Federation if the Government of the Russian Federation infringes on the territorial integrity of Ukraine, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 13 (legislative day, JANUARY 10), 2022

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose additional sanctions with respect to the Russian Federation if the Government of the Russian Federation infringes on the territorial integrity of Ukraine, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deterring Authori-
5 tarian Hostilities Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ACCOUNT; CORRESPONDENT ACCOUNT; PAY-
2 ABLE-THROUGH ACCOUNT.—The terms “account”,
3 “correspondent account”, and “payable-through ac-
4 count” have the meanings given those terms in sec-
5 tion 5318A of title 31, United States Code.

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

10 (3) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Banking, Housing,
14 and Urban Affairs, the Committee on Foreign
15 Relations, the Committee on Armed Services,
16 the Committee on Finance, the Select Com-
17 mittee on Intelligence, and the Committee on
18 Rules and Administration of the Senate; and

19 (B) the Committee on Financial Services,
20 the Committee on Foreign Affairs, the Com-
21 mittee on Armed Services, the Committee on
22 Ways and Means, the Permanent Select Com-
23 mittee on Intelligence, and the Committee on
24 House Administration of the House of Rep-
25 resentatives.

1 (4) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES AND LEADERSHIP.—The term “appropriate
3 congressional committees and leadership” means—

4 (A) the appropriate congressional commit-
5 tees;

6 (B) the majority leader and minority lead-
7 er of the Senate; and

8 (C) the Speaker, the majority leader, and
9 the minority leader of the House of Representa-
10 tives.

11 (5) FINANCIAL INSTITUTION.—The term “fi-
12 nancial institution” means a financial institution
13 specified in subparagraph (A), (B), (C), (D), (E),
14 (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T),
15 (Y), or (Z) of section 5312(a)(2) of title 31, United
16 States Code.

17 (6) FOREIGN FINANCIAL INSTITUTION.—The
18 term “foreign financial institution” has the meaning
19 given that term in regulations prescribed by the Sec-
20 retary of the Treasury.

21 (7) FOREIGN PERSON.—The term “foreign per-
22 son” means a person that is not a United States
23 person.

24 (8) GOOD.—The term “good” means any arti-
25 cle, natural or manmade substance, material, supply

1 or manufactured product, including inspection and
 2 test equipment, and excluding technical data.

3 (9) PERSON.—The term “person” means indi-
 4 vidual or entity.

5 (10) UNITED STATES PERSON.—The term
 6 “United States person” means—

7 (A) a United States citizen or an alien law-
 8 fully admitted for permanent residence to the
 9 United States;

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

14 (C) a person in the United States.

15 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO**
 16 **NORD STREAM 2 AG.**

17 Not later than 30 days after the date of the enact-
 18 ment of this Act, the President shall impose the sanctions
 19 described in subsection (b) of section 10 of the Support
 20 for the Sovereignty, Integrity, Democracy, and Economic
 21 Stability of Ukraine Act of 2014 (22 U.S.C. 8909), as
 22 added by section 228 of the Countering America’s Adver-
 23 saries Through Sanctions Act (Public Law 115–44; 131
 24 Stat. 911), with respect to Nord Stream 2 AG.

1 **SEC. 4. ASSESSMENT OF INFRINGEMENT OF TERRITORIAL**
2 **INTEGRITY OF UKRAINE BY RUSSIAN FED-**
3 **ERATION.**

4 (a) **ASSESSMENT REQUIRED.**—

5 (1) **IN GENERAL.**—Not later than 20 days after
6 the date of the enactment of this Act, and every 20
7 days thereafter, the Director of National Intel-
8 ligence, in consultation with the Director of the Cen-
9 tral Intelligence Agency, the Secretary of State, and
10 the Secretary of Defense, shall transmit to the ap-
11 propriate congressional committees and leadership
12 an assessment of whether or not the Government of
13 the Russian Federation, or any foreign person acting
14 as an agent of or on behalf of that Government, has
15 engaged, in the preceding 20-day period, in any act
16 that infringes on the integrity of the territory of
17 Ukraine (as in existence on the day before the date
18 of the enactment of this Act).

19 (2) **FORM.**—The assessment required by para-
20 graph (1) shall be submitted in an unclassified form,
21 but any supporting information may be submitted in
22 a classified annex.

23 (b) **EFFECT OF ASSESSMENT.**—If the Director of
24 National Intelligence assesses under subsection (a) that
25 the Government of the Russian Federation, or any foreign
26 person acting as an agent of or on behalf of that Govern-

1 ment, has engaged, in the preceding 20-day period, in any
2 act described in subsection (a)(1), the President shall im-
3 pose the sanctions described in section 5.

4 (c) CONGRESSIONAL REQUESTS.—Not later than 10
5 days after receiving a request from the chairman or rank-
6 ing member of one of the appropriate congressional com-
7 mittees with respect to whether the Government of the
8 Russian Federation, or any foreign person acting as an
9 agent for or on behalf of that Government, has engaged
10 in an act described in subsection (a)(1), the President
11 shall—

12 (1) determine if the Government of the Russian
13 Federation has engaged in such an act; and

14 (2) submit a classified or unclassified report to
15 the committee the chairman or ranking member of
16 which submitted the request with respect to that de-
17 termination that includes a statement of whether or
18 not the President imposed, or intends to impose,
19 sanctions described section 5.

20 **SEC. 5. IMPOSITION OF SANCTIONS.**

21 (a) IN GENERAL.—On and after the date on which
22 the Director of National Intelligence assesses under sec-
23 tion 4 that the Government of the Russian Federation,
24 or any foreign person acting as an agent of or on behalf
25 of that Government, has engaged in an act that infringes

1 on the territorial integrity of Ukraine, the President shall
2 impose the sanctions described in subsection (c) with re-
3 spect to a foreign person described in subsection (b).

4 (b) FOREIGN PERSONS DESCRIBED.—A foreign per-
5 son described in this subsection is a foreign person that
6 the Secretary of the Treasury, in consultation with the
7 Secretary of State, determines—

8 (1)(A) operates in—

9 (i) the energy, financial, mining, or aero-
10 space sectors of the economy of the Russian
11 Federation; or

12 (ii) any other sector of the economy of the
13 Russian Federation determined by the Sec-
14 retary of the Treasury, in consultation with the
15 Secretary of State, to support actions or poli-
16 cies that threaten the peace, security, or sta-
17 bility of Ukraine or any other state actor;

18 (B) has directly or indirectly engaged, or at-
19 tempted to engage, in a significant transaction for
20 the sale, supply, or transfer to or from the Russian
21 Federation of significant goods or services used in
22 connection with a sector of the economy of the Rus-
23 sian Federation described in subparagraph (A); or

24 (C) has knowingly engaged in a significant
25 transaction for the sale, supply, or transfer to or

1 from the Russian Federation of significant goods or
2 services used in connection with a sector of the econ-
3 omy of the Russian Federation described in subpara-
4 graph (A);

5 (2)(A) is the President, the Prime Minister, the
6 Minister of Defense, or the Ministry of Defense of
7 the Government of the Russian Federation; or

8 (B) is any entity controlled in whole or in part
9 by an person described subparagraph (A) or a suc-
10 cessor to such an entity that benefits the military of
11 the Russian Federation; or

12 (3) is a senior foreign political figure or oli-
13 garch in the Russian Federation identified in the re-
14 port required by section 241(a) of the Countering
15 America's Adversaries Through Sanctions Act (Pub-
16 lic Law 115-44; 131 Stat. 922);

17 (4) knowingly and materially violates, attempts
18 to violate, conspires to violate, or has caused or at-
19 tempted to cause a violation of any license, order,
20 regulation, or prohibition contained in or issued pur-
21 suant to Executive Order 14024 (50 U.S.C. 1701
22 note; relating to blocking property with respect to
23 specified harmful foreign activities of the Govern-
24 ment of the Russian Federation) or this Act;

1 (5) is an adult family member of any person de-
2 scribed in any of paragraphs (1) through (4);

3 (6) knowingly facilitates a significant trans-
4 action or transactions for or on behalf of a person
5 described, or a person that has engaged in the activ-
6 ity described, as the case may be, in any of para-
7 graphs (1) through (4);

8 (7) is owned or controlled by, or has acted for
9 or on behalf of, directly or indirectly, a person de-
10 scribed, or a person that has engaged in the activity
11 described, as the case may be, in any of paragraphs
12 (1) through (4); or

13 (8) has knowingly and materially assisted,
14 sponsored, or provided financial, material, or techno-
15 logical support for, or goods or services to or in sup-
16 port of, a person described, or a person that has en-
17 gaged in the activity described, as the case may be,
18 in any of paragraphs (1) through (4).

19 (c) SANCTIONS DESCRIBED.—The sanctions to be
20 imposed with respect to a foreign person described in sub-
21 section (b) are the following:

22 (1) BLOCKING OF PROPERTY.—The President
23 shall exercise all of the powers granted to the Presi-
24 dent under the International Emergency Economic
25 Powers Act (50 U.S.C. 1701 et seq.) to the extent

1 necessary to block and prohibit all transactions in
2 property and interests in property of the foreign per-
3 son if such property and interests in property are in
4 the United States, come within the United States, or
5 are or come within the possession or control of a
6 United States person.

7 (2) FACILITATION OF CERTAIN TRANS-
8 ACTIONS.—In the case of a foreign financial institu-
9 tion, the President shall prohibit the opening, and
10 prohibit or impose strict conditions on the maintain-
11 ing, in the United States of a correspondent account
12 or payable-through account by the foreign financial
13 institution.

14 (3) INELIGIBILITY FOR VISAS, ADMISSION, OR
15 PAROLE.—

16 (A) VISAS, ADMISSION, OR PAROLE.—An
17 alien described in subsection (b) is—

- 18 (i) inadmissible to the United States;
19 (ii) ineligible to receive a visa or other
20 documentation to enter the United States;
21 and
22 (iii) otherwise ineligible to be admitted
23 or paroled into the United States or to re-
24 ceive any other benefit under the Immigra-

tion and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—An alien described in subsection (b) is subject to revocation of any visa or other entry documentation, regardless of when the 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.

(C) PUBLIC AVAILABILITY OF INFORMATION.—Information about the denial or revocation of a visa or other documentation under this paragraph shall be made available to the public.

(d) DETERMINATION WITH RESPECT TO CERTAIN FOREIGN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a determination with respect to

1 whether any foreign financial institution identified in
2 paragraph (2) is a foreign person described in sub-
3 section (b).

4 (2) FOREIGN FINANCIAL INSTITUTION IDENTI-
5 FIED.—A foreign financial institution identified
6 under this subsection is any of the following:

7 (A) Sberbank.

8 (B) VTB Bank.

9 (C) Gazprombank.

10 (D) Vnesheconombank.

11 (E) Rosselkhozbank.

12 (e) EXTENSION OF PERIOD TO ALLOW CESSATION
13 OF PROHIBITED BUSINESS.—The President may delay
14 the imposition of sanctions under this section for not more
15 than 30 days if the President certifies to the appropriate
16 congressional committees that the extension—

17 (1) is in the national security interest of the
18 United States; and

19 (2) is necessary to enable non-Russian persons
20 impacted by sanctions under this section to wind
21 down business prohibited as a result of those sanc-
22 tions.

23 (f) CONGRESSIONAL REQUESTS.—Not later than 10
24 days after receiving a request from the chairman or rank-
25 ing member of one of the appropriate congressional com-

1 mittees with respect to whether a foreign person is de-
2 scribed in subsection (b), the President shall—

3 (1) determine if the person is so described; and

4 (2) submit a classified or unclassified report to
5 the committee the chairman or ranking member of
6 which submitted the request with respect to that de-
7 termination that includes a statement of whether or
8 not the President imposed or intends to impose
9 sanctions under this section with respect to that per-
10 son.

11 (g) IMPLEMENTATION; PENALTIES.—

12 (1) IMPLEMENTATION.—The President may ex-
13 ercise all authorities provided under sections 203
14 and 205 of the International Emergency Economic
15 Powers Act (50 U.S.C. 1702 and 1704) to carry out
16 this section.

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

1 (h) EXCEPTIONS.—

2 (1) HUMANITARIAN EXCEPTION.—Sanctions
3 under this section shall not apply with respect to
4 any person for conducting or facilitating a trans-
5 action for the provision (including any sale) of agri-
6 cultural commodities, food, medicine, or medical de-
7 vices to the Russian Federation.

8 (2) EXCEPTION TO COMPLY WITH INTER-
9 NATIONAL OBLIGATIONS AND FOR LAW ENFORCE-
10 MENT ACTIVITIES.—Sanctions under subsection
11 (c)(3) shall not apply with respect to an alien if ad-
12 mitting or paroling the alien into the United States
13 is necessary—

14 (A) to permit the United States to comply
15 with the Agreement regarding the Head-
16 quarters of the United Nations, signed at Lake
17 Success June 26, 1947, and entered into force
18 November 21, 1947, between the United Na-
19 tions and the United States, or other applicable
20 international obligations; or

21 (B) to carry out or assist law enforcement
22 activity in the United States.

23 (3) EXCEPTION FOR THE IMPORTATION OF
24 GOODS.—The requirement to impose sanctions under
25 this section shall not include the authority or a re-

1 quirement to impose sanctions with respect to the
2 importation of goods.

3 (i) NATIONAL SECURITY WAIVER.—

4 (1) IN GENERAL.—The President may, on a
5 case-by-case basis, waive the application of sanctions
6 under this section with respect to a person for re-
7 newable periods of not to exceed 90 days if the
8 President submits to the appropriate congressional
9 committees a determination in writing that—

10 (A) the waiver is in the vital national secu-
11 rity interest of the United States; and

12 (B) failing to use the waiver will cause sig-
13 nificant adverse harm to the vital national secu-
14 rity interests of the United States.

15 (2) SUNSET.—The authority to issue a waiver
16 under paragraph (1) shall terminate on the date
17 that is 2 years after the date of the enactment of
18 this Act.

19 **SEC. 6. PROHIBITION ON TRANSACTIONS INVOLVING CER-**
20 **TAIN RUSSIAN DEBT.**

21 (a) IN GENERAL.—The Secretary of the Treasury
22 shall, pursuant to such regulations as the Secretary may
23 prescribe, prohibit all transactions within the United
24 States or by a United States person in—

1 (1) sovereign debt of the Government of the
2 Russian Federation issued on or after the date of
3 the enactment of this Act, including governmental
4 bonds; and

5 (2) debt of any entity owned or controlled by
6 the Russian Federation issued on or after such date
7 of enactment, including bonds.

8 (b) IMPLEMENTATION; PENALTIES.—

9 (1) IMPLEMENTATION.—The President may ex-
10 ercise all authorities provided under sections 203
11 and 205 of the International Emergency Economic
12 Powers Act (50 U.S.C. 1702 and 1704) to carry out
13 this section.

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

1 **SEC. 7. REPORTS ON, AND AUTHORIZATION OF IMPOSITION**
2 **OF SANCTIONS WITH RESPECT TO, THE PRO-**
3 **VISION OF FINANCIAL COMMUNICATIONS**
4 **SERVICES TO THE CENTRAL BANK OF RUS-**
5 **SIAN FEDERATION AND OTHER PERSONS.**

6 (a) REPORT ON THE PROVISION OF FINANCIAL COM-
7 MUNICATIONS SERVICES TO CENTRAL BANK OF RUSSIAN
8 FEDERATION AND OTHER PERSONS.—Not later than 30
9 days after the date of the enactment of this Act, the
10 Comptroller General of the United States shall submit to
11 the appropriate congressional committees a list of all
12 known entities (including SWIFT) that provide financial
13 communications services to, or that enable or facilitate ac-
14 cess to such services for, the Central Bank of the Russian
15 Federation or any person subject to sanctions under sec-
16 tion 5.

17 (b) REPORT ON EFFORTS TO TERMINATE THE PRO-
18 VISION BY SWIFT OF SERVICES FOR CENTRAL BANK OF
19 RUSSIAN FEDERATION AND OTHER PERSONS.—Not later
20 than 10 days after the imposition of sanctions under sec-
21 tion 5, the Secretary of the Treasury shall submit to the
22 appropriate congressional committees a report on the sta-
23 tus of efforts to ensure that SWIFT has terminated the
24 provision of financial communications services to, and the
25 enabling and facilitation of access to such services for, the

1 Central Bank of the Russian Federation or any person
2 subject to sanctions under section 5.

3 (c) AUTHORIZATION FOR THE IMPOSITION OF SANC-
4 TIONS.—If, on or after the date that is 10 days after the
5 date on which the report required by subsection (b) is sub-
6 mitted, a global financial communications services pro-
7 vider has not terminated the provision of financial commu-
8 nications services to, and the enabling and facilitation of
9 access to such services for, the Central Bank of the Rus-
10 sian Federation or any person subject to sanctions under
11 section 5, the President may impose sanctions pursuant
12 to the International Emergency Economic Powers Act (50
13 U.S.C. 1701 et seq.) with respect to the financial commu-
14 nications services provider and the directors of, and share-
15 holders with a significant interest in, the provider.

16 (d) SWIFT DEFINED.—In this section, the term
17 “SWIFT” means the Society for Worldwide Interbank Fi-
18 nancial Telecommunication.

19 **SEC. 8. STRATEGY ON COORDINATION WITH EUROPEAN**
20 **UNION.**

21 Not later than 60 days after the date of the enact-
22 ment of this Act, the Secretary of State shall submit to
23 the appropriate congressional committees a strategy for
24 how the United States will work with member countries

1 of the European Union to impose sanctions similar to the
2 sanctions imposed under this Act.

3 **SEC. 9. TERMINATION.**

4 The President may terminate sanctions and other
5 measures imposed under this Act on or after the date on
6 which the Director of National Intelligence, in consulta-
7 tion with the Director of the Central Intelligence Agency,
8 the Secretary of State, and the Secretary of Defense, sub-
9 mits to the appropriate congressional committees and
10 leadership a certification that—

11 (1) the Government of the Russian Federation
12 has withdrawn all military and paramilitary forces
13 from territory under the control of the Government
14 of Ukraine as of the date of the enactment of this
15 Act; and

16 (2) the President has received credible commit-
17 ments from the Government of the Russian Federa-
18 tion that that Government will not engage in such
19 hostile action in the future.

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