

tive 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.)

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.)

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 of Designers of Data Processing (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