

(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

(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.)

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.

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].”

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.”

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,