

(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,

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.)

PROTECTING EUROPE'S ENERGY SECURITY

Pub. L. 116-92, div. F, title LXXV, Dec. 20, 2019, 133 Stat. 2300, 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 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; and

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

- “(i) sold, leased, or provided those vessels for the construction of such a project; or
- “(ii) facilitated deceptive or structured transactions to provide those vessels for the construction of such a project.

“(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 substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

“(f) WAIVERS.—

“(1) NATIONAL INTEREST WAIVER FOR VISA BAN.—The President may waive the application of sanctions under subsection (b) with respect to an alien if the President—

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

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

“(2) NATIONAL SECURITY WAIVER FOR ECONOMIC AND OTHER SANCTIONS.—The President may waive the application of sanctions under subsection (c) with respect to a person if the President—

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

“(B) 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) 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) 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.”

§ 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