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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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. 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 REGARDING UKRAINE

2 SEC. 101. STATEMENT OF POLICY.

3 It is the policy of the United States to—

4 (1) support the territorial integrity and sovereignty of Ukraine;

5 (2) declassify or downgrade United States intelligence on Russian malign activities in Ukraine, Belarus, and the Baltic and Black Sea nations, kinetic or nonkinetic, to the maximum extent possible,
to enable and encourage dissemination to United
States allies and partners and to the American pub-
lic;

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

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

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

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

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

(b) ELEMENTS.—The report required under sub-
section (a) shall include the following elements:
(1) A description of how relevant departments and agencies of the United States Government will work together to collectively support efforts by the Government of Ukraine to deter Russian aggression in the form of military incursions, cyber attacks, the coercive use of energy resources, the disruption of lawful commerce and traffic to Ukrainian ports, use of passportization, efforts to corrupt the Ukrainian political and economic systems, and attempts to manipulate the public through disinformation campaigns.

(2) A description of the United States current efforts and strategy to support Ukrainian diplomatic initiatives when they align with United States interests.

(3) A strategy on how the United States will use its voice and vote at the United Nations, OSCE, Council of Europe, NATO, and other relevant international bodies to support Ukraine and its reform efforts.

(4) A strategy on how the United States will assist Ukraine in bolstering its diplomatic, economic, energy, and maritime relationships with key Black Sea countries, including Bulgaria, Romania, Turkey, and Georgia.
(5) A strategy on how the United States will engage with Germany, France, Ukraine, and Russia to advance the Normandy Format and Minsk Agreements.

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

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

SEC. 103. SPECIAL ENVOY FOR UKRAINE.

(a) ESTABLISHMENT.—The President should appoint, by and with the consent of the Senate, a Special Envoy for Ukraine, who should report to the Assistant Secretary of State for Europe and Eurasia.
(b) RANK.—The Special Envoy for Ukraine shall have the rank and status of ambassador.

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

(1) serve as the United States liaison to the Normandy Format, tasked with leading the peace process between Ukraine and the Russian Federation;

(2) facilitate diplomatic outreach to and dialogue with countries in the Black Sea region that, like Ukraine, are faced with the impact of Russia’s growing militarization of the Sea;

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

(4) coordinate with the OSCE Special Monitoring Mission to Ukraine; and

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

(d) TERMINATION.—The Special Envoy for Ukraine position authorized under subsection (a) shall terminate 5 years after the date of the enactment of this Act.
SEC. 104. POTENTIAL DESIGNATION OF THE RUSSIAN FEDERATION AS A STATE SPONSOR OF TERRORISM.

(a) In General.—Should the Government of the Russian Federation, or any of its proxies, advance their militaries on the territory or airspace of Ukraine beyond the area occupied as of December 15, 2021, the Secretary of State shall, within 5 days of that advancement, designate the Russian Federation as a state sponsor of terrorism.

(b) State Sponsor of Terrorism Defined.—In this section, the term “state sponsor of terrorism” means a country, the government of which the Secretary of State has determined, for purposes of section 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A)(i)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SEC. 105. EXTENSION AND MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.

(a) Extension.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year
2017 (Public Law 114–328; 130 Stat. 2488) is amended by striking “or 2021” and inserting “2021, or 2022”.

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

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

“(A) a notification that the waiver is in the national security interest of the United States and a description of the national security interest covered by the waiver during the applicable reporting period;

“(B) a description of any condition or prerequisite placed by the Russian Federation on military cooperation between the United States and the Russian Federation;

“(C) a description of the results achieved by United States-Russian Federation military cooperation during the applicable reporting period and an assessment of whether such results meet the national security objectives described under subparagraph (A);

“(D) a description of the measures in place to mitigate counterintelligence or operational
security concerns and an assessment of whether such measures have succeeded, submitted in classified form as necessary; and

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

TITLE II—BOLSTERING UKRAINE’S DETERRENCE AGAINST RUSSIAN AGGRESSION

SEC. 201. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

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

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

(2) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

SEC. 202. AMENDMENT TO PRESIDENTIAL DRAWDOWN AUTHORITY.

The authority under section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) may be exercised during fiscal year 2022 for Ukraine to the maximum extent available for that fiscal year, without diminishing
the dollar limitation available under that section for such
fiscal year.

SEC. 203. FOREIGN MILITARY FINANCING.

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

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

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

(A) the objectives of such assistance or
support;

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

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

(2) A description of such other matters as the
Secretary considers appropriate.
(c) PRIORITIZATION.—Of the funds authorized under this section, $100,000,000 shall be set aside to—

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

(2) prioritize the procurement of vessels for the Ukrainian Navy and other articles that bolster the capacity of the Ukrainian Navy to counter Russian maritime aggression and maintain the freedom of innocent passage throughout the Black Sea; and

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

(d) AUTHORITY TO PROVIDE LETHAL ASSISTANCE.—The Secretary of State is authorized to provide lethal assistance under this section, including anti-armor weapon systems, mortars, crew-served weapons and ammunition, grenade launchers and ammunition, anti-tank weapons systems, anti-ship weapons systems, anti-aircraft weapons systems, and small arms and ammunition.

SEC. 204. EXPEDITED EXCESS DEFENSE ARTICLES TRANSFER PROGRAM.

(a) IN GENERAL.—During fiscal years 2022 through 2026, the delivery of excess defense articles to Ukraine shall be given the same priority as that given other countries and regions under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).
(b) NOTIFICATION.—Notwithstanding section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)), during fiscal years 2022 through 2026, the delivery of excess defense articles to Ukraine shall be subject to a 15-day notification requirement.

SEC. 205. STRATEGY ON EXCESS DEFENSE ARTICLES FROM ALLIES.

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

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A listing of all friendly and allied nations that have excess defense material that may be compatible with the needs and systems utilized by the Armed Forces of Ukraine, including air defense systems, small arms and ammunition, artillery and multiple-launch rocket systems, and anti-tank systems.

(2) A description of the diplomatic efforts undertaken by the United States Government to en-
courage allied nations to donate their excess defense articles to Ukraine on an expedited basis.

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

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

(b) ELEMENTS.—The report submitted under subsection (a) shall include the following elements:

(1) An assessment of the risk to the armed forces of Ukraine posed by aerial threats, including current threats from weaponized unmanned aerial vehicles, manned aircraft, and missile and rocket attacks.

(2) An assessment of the current defensive capabilities of Ukraine to counter the threats described in paragraph (1) and assessed gaps in capabilities to address such threats.

(3) A description of current efforts to build the defensive capabilities of Ukraine, an assessment of potential options for additional United States security assistance to address shortfalls identified pursuant to paragraph (2), and any considerations with
regard to absorption capacity, maintenance, and sustainment.

SEC. 207. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH UKRAINE.

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

(1) Training of future leaders.

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

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

(4) Enhancement of interoperability and capabilities for joint operations.

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

(b) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or support pursuant to subsection (a), the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on For-
foreign Affairs and the Committee on Appropriations of the House of Representatives a notification containing the following elements:

1. A detailed description of the assistance or support to be provided, including—
   (A) the objectives of such assistance or support;
   (B) the budget for such assistance or support; and
   (C) the expected or estimated timeline for delivery of such assistance or support.

2. A description of such other matters as the Secretary considers appropriate.

SEC. 208. STRATEGY ON IMET PROGRAMMING IN UKRAINE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Ukraine should fully utilize the United States IMET program, encourage eligible officers and civilian leaders to participate in the training, and promote successful graduates to positions of prominence in the Ukrainian Armed Forces.

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a strategy for the implementation of the IMET program in Ukraine authorized under section 207.
(c) ELEMENTS.—The strategy required under subsection (a) shall include the following elements:

1. A clear plan, developed in close consultation with the Ukrainian Ministry of Defense and the Armed Forces of Ukraine, for how the IMET program will be used by the United States Government and the Government of Ukraine to propel program graduates to positions of prominence in support of the Ukrainian military’s reform efforts in line with NATO standards.

2. An assessment of the education and training requirements of the Ukrainian military and clear recommendations for how IMET graduates should be assigned by the Ukrainian Ministry of Defense upon completion of education or training.

3. An accounting of the current combat requirements of the Ukrainian military and an assessment of the viability of alternative mobile training teams, distributed learning, and other flexible solutions to reach such students.

4. An identification of opportunities to influence the next generation of leaders through attendance at United States staff and war colleges, junior leader development programs, and technical schools.
(d) Form.—The strategy required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 209. SENSE OF CONGRESS ON LOAN PROGRAM.

It is the sense of Congress that—

(1) as appropriate, the United States Government should provide direct loans to Ukraine for the procurement of defense articles, defense services, and design and construction services pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) to support the further development of Ukraine’s military forces; and

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

SEC. 210. STRATEGY TO PROTECT UKRAINE’S DEFENSE INDUSTRY FROM STRATEGIC COMPETITORS.

(a) Sense of Congress.—It is the sense of Congress that the United States should work with the Government of Ukraine to ensure strategic assets and companies in Ukraine’s aerospace and defense sector are not subject to foreign ownership, control, or undue influence by strategic competitors to the United States, such as the People’s Republic of China (PRC). These efforts will require
support from across the executive branch and should leverage all available tools and authorities.

(b) Strategy Required.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the President, acting through the Secretary of Defense and the Secretary of State and in consultation with the heads of other relevant Departments and agencies as the President may determine, shall submit to the appropriate committees of Congress a strategy to support Ukraine in protecting its aerospace and defense industry from predatory investments.

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

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

(B) An assessment of the vulnerabilities that strategic competitors of the United States exploit to acquire strategic assets in the Ukrainian aerospace and defense sector, Ukraine’s progress in addressing them, and
United States initiatives to support these efforts such as assistance in strengthening Ukraine’s investment screening and national security vetting laws.

(C) An assessment of Ukraine’s efforts to make reforms necessary to incentivize Western investment in Ukraine’s aerospace and defense sector and United States support for these efforts.

(D) A strategy to—

(i) promote, as appropriate, United States direct investment in Ukraine’s aerospace and defense sector;

(ii) better leverage tools like debt financing, equity investments, and political risk insurance to incentivize greater participation by United States firms;

(iii) provide an alternative to PRC investments; and

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

(3) FORM.—The strategy required under paragraph (1) shall be submitted in classified form.
SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of State $50,000,000 for each of the fiscal years 2022 through 2026 for the purposes described in subsection (b) with respect to Ukraine.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) may only be used—

(1) to strengthen Ukraine’s cyber security, cyber resilience and intellectual property enforcement;

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

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

(B) the privatization of state-owned enterprises;

(C) regulatory independence;

(D) subsidy reform;

(E) land reform;

(F) corporate governance; and

(G) foreign investment screening;

(3) to combat corruption, improve the rule of law, and otherwise strengthen independent legal institutions, including by—

(A) expanding regional anti-corruption training and exchanges among Ukrainian Min-
istry officials, law enforcement officers, judges, and prosecutors to build peer support, share best practices, maintain reform momentum, and protect reforms from capture; and

(B) supporting regional training of United States Embassy personal responsible for supporting anti-corruption and the rule of law to improve their effectiveness in supporting the consolidation and expansion of reform;

(4) to respond to the humanitarian crises caused or aggravated by the invasion and occupation of Ukraine by the Russian Federation, including by supporting internally displaced persons and communities in conflict-affected areas;

(5) to improve participatory legislative processes in Ukraine, including through—

(A) engagement with members of the Verkhovna Rada;

(B) training on government oversight, legal education, political transparency and competition, and compliance with international obligations; and

(C) supporting the development of professional legislative staff to advise and assist member of the Verkhovna Rada and committees in
the execution of their duties and build legal and
policy expertise within the Verkhovna Rada;
and
(6) to further build the capacity of civil society,
independent media, human rights, and other non-
governmental organizations in Ukraine, with an em-
phasis on—
(A) building capacity outside of Kyiv; and
(B) regional civil society training and ex-
change programs.

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

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

(a) In General.—Not later than 15 days after the date of the enactment of this Act, the President shall—
(1) impose sanctions under subsection (b) with respect to any corporate officer of an entity estab-
lished for or responsible for the planning, construc-
tion, or operation of the Nord Stream 2 pipeline or a successor entity; and
(2) impose sanctions under subsection (e) with respect to any entity described in paragraph (1).
(b) Ineligibility for Visas, Admission, or Parole of Identified Persons and Corporate Officers.—

(1) Visas, admission, or parole.—An alien described in subsection (a)(1) is—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) 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.).

(2) Current visas revoked.—

(A) In general.—The visa or other entry documentation of an alien described in subsection (a)(1) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(B) 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) 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 an entity described in 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.

(d) 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 Na-
tions 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 RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions 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.

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

(1) determines that the waiver is in the national security interest of the United States; and
(2) submits to the appropriate committees of Congress a report on the waiver and the reason for the waiver.

(f) 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 (e) 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.

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

(h) DEFINITIONS.—In this section:

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

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” 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) 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.
SEC. 302. CONGRESSIONAL REVIEW OF WAIVER UNDER PROTECTING EUROPE’S ENERGY SECURITY ACT OF 2019.

Section 7503(f) of the Protecting Europe’s Energy Security Act of 2019 (title LXXV of Public Law 116-92; 22 U.S.C. 9526 note) is amended, in the matter preceding paragraph (1), by striking “The President” and inserting “Subject to review by Congress under section 216 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511), the President”.

SEC. 303. APPLICATION OF CONGRESSIONAL REVIEW UNDER COUNTERING AMERICA’S ADVERSARIES THROUGH SANCTIONS ACT.

Section 216(a)(2) of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(2)) is amended—

(1) in subparagraph (A)—

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

(B) in clause (ii), by inserting “or otherwise remove” after “waive”; and

(2) in subparagraph (B)(i)—

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

(C) by adding at the end the following:

“(IV) section 7503 of the Protecting Europe’s Energy Security Act of 2019 (title LXXV of Public Law 116–92; 22 U.S.C. 9526 note); or

“(V) section 301 of the Guaranteeing Ukrainian Autonomy by Reinforcing its Defense (GUARD) Act of 2021; and”.

SEC. 304. INCLUSION OF MATTER RELATING TO NORD STREAM 2 IN REPORT UNDER COUNTERING AMERICA’S ADVERSARIES THROUGH SANCTIONS ACT.


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

(A) the presence along Nord Stream 2 or Nord Stream 1 infrastructure or pipeline cor-
ridors of undersea surveillance systems and sen-
sors, fiber optic terminals, or other systems
that are capable of conducting military or intel-
ligence activities unrelated to civilian energy
transmission, including those designed to en-
hance Russian Federation anti-submarine war-
fare, surveillance, espionage, or sabotage capa-
bilities;

(B) the use of Nord Stream-affiliated in-
frastucture, equipment, personnel, vessels, fi-
nancing, 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 per-
sonnel or equipment in international
waters or near North Atlantic Treaty Or-
ganization or partner countries;

(iii) to disrupt freedom of navigation;
or

(iv) to pressure or intimidate coun-
tries in the Baltic Sea;

(C) the involvement in the Nord Stream 2
pipeline or its affiliated entities of current or
former Russian, Soviet, or Warsaw Pact intelligence and military personnel and any business dealings between Nord Stream 2 and entities affiliated with the intelligence or defense sector of the Russian Federation; and

(D) malign influence activities of the Government of the Russian Federation, including strategic corruption and efforts to influence European decisionmakers, supported or financed through the Nord Stream 2 pipeline;

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

(3) an assessment of the status of negotiations between the Russian Federation and Ukraine to secure an agreement to extend gas transit through Ukraine beyond the expiration of the agreement described in paragraph (2);

(4) an assessment of whether the United States and Germany have agreed on a common definition for energy “weaponization” and the associated triggers for sanctions and other enforcement actions,
pursuant to the Joint Statement of the United States and Germany on support for Ukraine, European energy security, and our climate goals, dated July 21, 2021; and

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

SEC. 305. UKRAINE SECURITY ASSISTANCE INITIATIVE.

There is authorized to be appropriated $50,000,000 for fiscal year 2022 for the Ukraine Security Assistance Initiative for the purpose of providing lethal aid assistance. Such amount is in addition to any other amounts appropriated or otherwise made available for such fiscal year for such purposes.

SEC. 306. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

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

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.