

prospect of ever having to use taxpayer dollars to rescue big banks from their own bad decisions.

This morning, Senators from both parties—SHERROD BROWN, a Democrat from Ohio, and DAVID VITTER, a Republican from Louisiana—called for this provision to be taken out of the spending bill. Here is what they said:

If Wall Street banks want to gamble, Congress should force them to pay for their losses, not put taxpayers on the hook for another bailout. Congress should not gamble on a possible government shutdown by attempting to tuck this controversial provision into a spending bill without having been considered by the committees of jurisdiction, where it can be subject to a transparent and rigorous debate.

Senators BROWN and VITTER are exactly right. This provision has no place in a must-pass spending bill.

Conservative activists have jumped in as well. They are raising their voices today to say that this provision has no place in a must-pass spending bill. Here is what one front-page contributor on the conservative blog RedState said this morning:

I have no way to refute the basic point that Democrats are making about the CRomnibus fight right now. In fact, I might even go so far as to say they are right. . . . what possible good faith reason can Republicans have for threatening to gum up the whole works over doing a favor to Wall Street? . . . generally speaking, if Nancy Pelosi is opposed to something then instinctively I know I should be for it. Beyond that I haven't the slightest clue why the proposed tweak to Dodd-Frank ought to be anything resembling a hill the Republicans should die for.

These conservative activists are right. If you believe in smaller government, how can you support a provision that would expand a government insurance program and put taxpayers on the hook for the riskiest private activities? If you thought the Ex-Im Bank exposed taxpayers to risk—even though it has never cost the taxpayers a dime—how can you support a provision to prevent another calamity such as the one that cost taxpayers billions of dollars just 6 years ago?

House Republican leaders are moving quickly to try to jam this bill through today before their own Members have had a chance to digest this Wall Street bailout provision. The fact sheet that Republican appropriators sent around to their Members explaining the provision doesn't even describe it accurately. According to the fact sheet, the provision in question would “protect farmers and other commodity producers from having to put down excessive collateral to get a loan, expand their businesses, and hedge their production.” Whatever you think about the bill, that description is flatly wrong. In fact, that description applies to yet another Wall Street reform roll-back that the Republicans are pushing right now, which is attached to a completely different bill.

Now, I don't know if Republican leaders in the House are deliberately trying to confuse their Members into voting

for a government bailout program or whether they just can't keep straight all their efforts to gut financial reform. Republican leaders are about to bring this bill up for a vote. So here is the bottom line. A vote for this bill is a vote for future taxpayer bailouts of Wall Street. When the next bailout comes, a lot of people will look back to this vote to see who was responsible for putting the government back on the hook to bail out Wall Street.

To Republican leaders in the House, I would ask this. You say you are against bailouts on Wall Street. I have heard you say it again and again for 5 years. So why in the world are you spending your time and your energy fighting for a provision written by Citigroup lobbyists that would increase the chance of future bailouts? Why, in the last minute as you head out the door and a spending bill must be passed, are you making it a priority to do Wall Street's bidding? Whom do you work for—Wall Street or the American people?

This fight isn't about conservatives or liberals. It is not about Democrats or Republicans. It is about money, and it is about power right here in Washington. This legal change could trigger more taxpayer bailouts and could ultimately threaten our entire economy, but it will also make a lot of money for Wall Street banks. According to Americans for Financial Reform, this change will be a huge boon to just a handful of our biggest banks: Citigroup, JPMorgan, Bank of America.

People are frustrated with Congress. Part of the reason, of course, is gridlock. But mostly it is because they see a Congress that works just fine for the big guys but won't lift a finger to help them. If big companies can deploy their armies of lobbyists and lawyers to get Congress to vote for special deals that benefit themselves, then we will simply confirm the view of the American people that the system is rigged.

This is a democracy. The American people sent us here—Republicans, Democrats and Independents. They sent us here to stand up for them, to stand up for taxpayers, to protect the economy. Nobody sent us here to stand up for Citigroup.

I urge my Republican colleagues in the House to withhold their support from this package until this risky giveaway is removed from the legislation. It is time for all of us to stand up and fight.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UKRAINE FREEDOM SUPPORT ACT OF 2014

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 573, S. 2828.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2828) to impose sanctions with respect to the Russian Federation, to provide additional assistance to Ukraine, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2828

*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 “Ukraine Freedom Support Act of 2014”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Statement of policy regarding Ukraine.
- Sec. 4. Sanctions relating to the defense and energy sectors of the Russian Federation.
- Sec. 5. Sanctions on Russian and other foreign financial institutions.
- Sec. 6. Codification of executive orders addressing the crisis in Ukraine.
- Sec. 7. Major non-NATO ally status for Ukraine, Georgia, and Moldova.
- Sec. 8. Increased military assistance for the Government of Ukraine.
- Sec. 9. Expanded nonmilitary assistance for Ukraine.
- Sec. 10. Expanded broadcasting in countries of the former Soviet Union.
- Sec. 11. *Support for Russian democracy and civil society organizations.*
- Sec. 12. *Report on non-compliance by the Russian Federation of its obligations under the INF Treaty.*

### SEC. 2. DEFINITIONS.

In this Act:

(1) **ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(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) **CONTROL.**—The term “control” means—

- (A) in the case of a corporation, to hold at least 50 percent (by vote or value) of the capital structure of the corporation; or
- (B) in the case of any other entity, to hold interests representing at least 50 percent of the capital structure of the entity.

(4) **DEFENSE ARTICLE; DEFENSE SERVICE; TRAINING.**—The terms “defense article”, “defense service”, and “training” have the

meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(5) **FINANCIAL INSTITUTION.**—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(6) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning given that term in section 561.308 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) **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.

(8) **NATIONAL.**—The term “national” has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(9) **PERSON.**—The term “person” means—

(A) an individual;

(B) a corporation, business association, partnership, society, trust, any other non-governmental entity, organization, or group, or any governmental entity operating as a business enterprise; or

(C) any successor to any entity described in subparagraph (B).

(10) **RUSSIAN PERSON.**—The term “Russian person” means—

(A) an individual who is a citizen or national of the Russian Federation; or

(B) an entity organized under the laws of the Russian Federation.

(11) **SPECIAL RUSSIAN CRUDE OIL PROJECT.**—The term “special Russian crude oil project” means a project intended to extract crude oil from—

(A) the exclusive economic zone of the Russian Federation in waters more than 500 feet deep;

(B) Russian Arctic offshore locations; or

(C) shale formations located in the Russian Federation.

(12) **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; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

### SEC. 3. STATEMENT OF POLICY REGARDING UKRAINE.

It is the policy of the United States to further assist the Government of Ukraine in restoring its sovereignty and territorial integrity to deter the Government of the Russian Federation from further destabilizing and invading Ukraine and other independent countries in Eastern Europe and Central Asia. That policy shall be carried into effect, among other things, through a comprehensive effort, in coordination with allies and partners of the United States where appropriate, that includes economic sanctions, diplomacy, assistance for the people of Ukraine, and the provision of military capabilities to the Government of Ukraine that will enhance the ability of that Government to defend itself and to restore its sovereignty and territorial integrity in the face of unlawful actions by the Government of the Russian Federation.

### SEC. 4. SANCTIONS RELATING TO THE DEFENSE AND ENERGY SECTORS OF THE RUSSIAN FEDERATION.

(a) **SANCTIONS RELATING TO THE DEFENSE SECTOR.**—

(1) **ROSOBORONEXPORT.**—Except as provided in subsection (d), not later than 30 days after the date of the enactment of this Act, the President shall impose 3 or more of the sanc-

tions described in subsection (c) with respect to Rosoboronexport.

(2) **RUSSIAN PRODUCERS, TRANSFERORS, OR BROKERS OF DEFENSE ARTICLES.**—Except as provided in subsection (d), not later than 45 days after the date of the enactment of this Act, the President shall impose 3 or more of the sanctions described in subsection (c) with respect to a person the President determines—

(A) is an entity—

(i) owned by the Government of the Russian Federation or controlled by nationals of the Russian Federation; and

(ii) that—

(I) manufactures or sells defense articles transferred into Syria or into the territory of a specified country without the consent of the internationally recognized government of that country;

(II) transfers defense articles into Syria or into the territory of a specified country without the consent of the internationally recognized government of that country; or

(III) brokers or otherwise assists in the transfer of defense articles into Syria or into the territory of a specified country without the consent of the internationally recognized government of that country; or

(B) knowingly, on or after the date of the enactment of this Act, assists, sponsors, or provides financial, material, or technological support for, or goods or services to or in support of, an entity described in subparagraph (A) with respect to an activity described in clause (ii) of that subparagraph.

(3) **SPECIFIED COUNTRY DEFINED.**—

(A) **IN GENERAL.**—In this subsection, the term “specified country” means—

(i) Ukraine, Georgia, and Moldova; and

(ii) any other country designated by the President as a country of significant concern for purposes of this subsection, such as Poland, Lithuania, Latvia, Estonia, and the Central Asia republics.

(B) **NOTICE TO CONGRESS.**—The President shall notify the appropriate congressional committees in writing not later than 15 days before—

(i) designating a country as a country of significant concern under subparagraph (A)(i); or

(ii) terminating a designation under that subparagraph, including the termination of any such designation pursuant to [subsection (g)] subsection (h).

(b) **SANCTIONS RELATED TO THE ENERGY SECTOR.**—

(1) **DEVELOPMENT OF SPECIAL RUSSIAN CRUDE OIL PROJECTS.**—Except as provided in subsection (d), not later than 45 days after the date of the enactment of this Act, the President shall impose 3 or more of the sanctions described in subsection (c) with respect to a person if the President determines that the person knowingly makes a significant investment in a special Russian crude oil project.

(2) **AUTHORIZATION FOR EXTENSION OF LICENSING LIMITATIONS ON CERTAIN EQUIPMENT.**—The President, through the Bureau of Industry and Security of the Department of Commerce or the Office of Foreign Assets Control of the Department of the Treasury, as appropriate, may impose additional licensing requirements for or other restrictions on the export or reexport of items for use in the energy sector of the Russian Federation, including equipment used for tertiary oil recovery.

(3) **CONTINGENT SANCTION RELATING TO GAZPROM.**—If the President determines that Gazprom is withholding significant natural gas supplies from member countries of the North Atlantic Treaty Organization, or further withholds significant natural gas supplies from countries such as Ukraine, Georgia, or Moldova, the President shall, not

later than 45 days after making that determination, impose the sanction described in subsection (c)(7) and at least one additional sanction described in subsection (c) with respect to Gazprom.

(c) **SANCTIONS DESCRIBED.**—The sanctions the President may impose with respect to a foreign person under subsection (a) or (b) are the following:

(1) **EXPORT-IMPORT BANK ASSISTANCE.**—The President may direct the Export-Import Bank of the United States not to approve the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the foreign person.

(2) **PROCUREMENT SANCTION.**—The President may prohibit the head of any executive agency (as defined in section 133 of title 41, United States Code) from entering into any contract for the procurement of any goods or services from the foreign person.

(3) **ARMS EXPORT PROHIBITION.**—The President may prohibit the exportation or provision by sale, lease or loan, grant, or other means, directly or indirectly, of any defense article or defense service to the foreign person and the issuance of any license or other approval to the foreign person under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(4) **DUAL-USE EXPORT PROHIBITION.**—The President may prohibit the issuance of any license and suspend any license for the transfer to the foreign person of any item the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) or the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) **PROPERTY TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(6) **BANKING TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the foreign person.

(7) **PROHIBITION ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign person.

(8) **EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.**—In the case of a foreign person who is an individual, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the foreign person, subject to regulatory exceptions 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, or other applicable international obligations.

(9) **SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.**—In the case of a foreign person that is an entity, the President may impose on the principal executive officer or officers of the foreign person, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in this subsection applicable to individuals.

(d) **EXCEPTIONS.**—

(1) **IMPORTATION OF GOODS.**—

(A) **IN GENERAL.**—The authority to block and prohibit all transactions in all property and interests in property under subsection (c)(5) shall not include the authority to impose sanctions on the importation of goods.

(B) **GOOD DEFINED.**—In this paragraph, the term “good” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(2) **ADDITIONAL EXCEPTIONS.**—The President shall not be required to apply or maintain the sanctions under subsection (a) or (b)—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that—

(I) the person to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services;

(II) the defense articles or services are essential;

(III) alternative sources are not readily or reasonably available; and

(IV) the national interests of the United States would be adversely affected by the application or maintenance of such sanctions; or

(iii) if the President determines in writing that—

(I) such articles or services are essential to the national security under defense co-production agreements; and

(II) the national interests of the United States would be adversely affected by the application or maintenance of such sanctions;

(B) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1));

(C) to products, technology, or services provided under contracts entered into before the date on which the President publishes in the Federal Register the name of the person with respect to which the sanctions are to be imposed;

(D) to—

(i) spare parts that are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of United States products, to the extent that alternative sources are not readily or reasonably available;

(E) to information and technology essential to United States products or production; or

(F) to food, medicine, medical devices, or agricultural commodities (as those terms are defined in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511)).

(e) **NATIONAL SECURITY WAIVER.**—

(1) **IN GENERAL.**—The President may waive the application of sanctions under subsection (a) or (b) with respect to a person if the President—

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

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

(2) **FORM OF REPORT.**—The report required by paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) **TRANSACTION-SPECIFIC NATIONAL SECURITY WAIVER.**—

(1) **IN GENERAL.**—The President may waive the application of sanctions under subsection (a) or (b) with respect to a specific transaction if the President—

(A) determines that the transaction is in the national security interest of the United States; and

(B) submits to the appropriate congressional committees a detailed report on the determination and the specific reasons for the determination that a waiver with respect to the transaction is necessary and appropriate.

(2) **FORM OF REPORT.**—The report required by paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, or conspires to violate, or causes a violation of, subsection (a) or (b) of this section, or an order or regulation prescribed under either such subsection, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of the International Emergency Economic Powers Act.

[(h) **TERMINATION.**—This section, and sanctions imposed under this section, shall terminate on the date on which the President submits to the appropriate congressional committees a certification that the Government of the Russian Federation has ceased ordering, controlling, or otherwise directing, supporting, or financing, significant acts intended to undermine the peace, security, stability, sovereignty, or territorial integrity of Ukraine, Georgia, and Moldova.]

(h) **TERMINATION.**—This section, and sanctions imposed under this section, shall terminate on the date on which the President submits to the appropriate congressional committees a certification that the Government of the Russian Federation has ceased ordering, controlling, or otherwise directing, supporting, or financing, significant acts intended to undermine the peace, security, stability, sovereignty, or territorial integrity of Ukraine, Georgia, and Moldova, including through an agreement between the appropriate parties.

#### **SEC. 5. SANCTIONS ON RUSSIAN AND OTHER FOREIGN FINANCIAL INSTITUTIONS.**

(a) **FACILITATION OF CERTAIN DEFENSE- AND ENERGY-RELATED TRANSACTIONS.**—The President may impose the sanction described in subsection (c) with respect to a foreign financial institution that the President determines engages, on or after the date of the enactment of this Act, in significant transactions involving—

(1) persons with respect to which sanctions are imposed under section 4; and

(2) activities described in subsection (a) or (b) of that section.

(b) **FACILITATION OF FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**—The President may impose the sanction described in subsection (c)

with respect to a foreign financial institution if the President determines that the foreign financial institution has, on or after the date that is 180 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Russian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, pursuant to—

(1) this Act;

(2) Executive Order 13660 (79 Fed. Reg. 13,493), 13661 (79 Fed. Reg. 15,535), or 13662 (79 Fed. Reg. 16,169); or

(3) any other executive order addressing the crisis in Ukraine.

(c) **SANCTION DESCRIBED.**—The sanction described in this subsection is, with respect to a foreign financial institution, a prohibition on the opening, and a prohibition or the imposition of strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by the foreign financial institution.

(d) **NATIONAL SECURITY WAIVER.**—The President may waive the application of sanctions under this section with respect to a foreign financial institution if the President—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees a report on the determination and the reasons for the determination.

(e) **TERMINATION.**—This section, and sanctions imposed under this section, shall terminate on the date on which the President submits to the appropriate congressional committees the certification described in section 4(h).

#### **SEC. 6. CODIFICATION OF EXECUTIVE ORDERS ADDRESSING THE CRISIS IN UKRAINE.**

(a) **IN GENERAL.**—United States [United States] sanctions with respect to the Russian Federation provided for in Executive Orders 13660 (79 Fed. Reg. 13,493), 13661 (79 Fed. Reg. 15,535), and 13662 (79 Fed. Reg. 16,169), as in effect on the day before the date of the enactment of this Act, shall remain in effect until the date on which the President submits to the appropriate congressional committees the certification described in section 4(h).

(b) **EXCEPTIONS AND WAIVERS.**—Sanctions referred to in subsection (a) shall, as appropriate, be subject to the exceptions and waivers provided for in subsections (d), (e), and (f) of section 4.

#### **SEC. 7. MAJOR NON-NATO ALLY STATUS FOR UKRAINE, GEORGIA, AND MOLDOVA.**

Section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) is amended by adding at the end the following:

“(c) **ADDITIONAL DESIGNATIONS.**—

“(1) **IN GENERAL.**—Effective on the date of the enactment of the Ukraine Freedom Support Act of 2014, Ukraine, Georgia, and Moldova are each designated as a major non-NATO ally for purposes of this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

“(2) **NOTICE OF TERMINATION OF DESIGNATION.**—The President shall notify Congress in accordance with subsection (a)(2) before terminating the designation of a country specified in paragraph (1).”.

#### **SEC. 8. INCREASED MILITARY ASSISTANCE FOR THE GOVERNMENT OF UKRAINE.**

(a) **IN GENERAL.**—The President is authorized to provide defense articles, defense services, and training to the Government of Ukraine for the purpose of countering offensive weapons and reestablishing the sovereignty and territorial integrity of Ukraine,

including anti-tank and anti-armor weapons, crew weapons and ammunition, counter-artillery radars to identify and target artillery batteries, fire control, range finder, and optical and guidance and control equipment, tactical troop-operated surveillance drones, and secure command and communications equipment, pursuant to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), and other relevant provisions of law.

(b) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit a report detailing the anticipated defense articles, defense services, and training to be provided pursuant to this section and a timeline for the provision of such defense articles, defense services, and training, to—

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

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

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of State \$350,000,000 for fiscal year 2015 to carry out activities under this section.

(2) **AVAILABILITY OF AMOUNTS.**—Amounts authorized to be appropriated pursuant to paragraph (1) shall remain available for obligation and expenditure through the end of fiscal year 2017.

(d) **AUTHORITY FOR THE USE OF FUNDS.**—The funds made available pursuant to subsection (c) for provision of defense articles, defense services, and training may be used to procure such articles, services, and training from the United States Government or other appropriate sources.

#### **SEC. 9. EXPANDED NONMILITARY ASSISTANCE FOR UKRAINE.**

(a) **ASSISTANCE TO INTERNALLY DISPLACED PEOPLE IN UKRAINE.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a plan, including actions by the United States Government, other governments, and international organizations, to meet the need for protection of and assistance for internally displaced persons in Ukraine, to—

(A) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives.

(2) **ELEMENTS.**—The plan required by paragraph (1) should include, as appropriate, activities in support of—

(A) helping to establish a functional and adequately resourced central registration system in Ukraine that can ensure coordination of efforts to provide assistance to internally displaced persons in different regions;

(B) encouraging adoption of legislation in Ukraine that protects internally displaced persons from discrimination based on their status and provides simplified procedures for obtaining the new residency registration or other official documentation that is a prerequisite to receiving appropriate social payments under the laws of Ukraine, such as pensions, and disability, child, and unemployment benefits; and

(C) helping to ensure that information is available to internally displaced persons about—

(i) government agencies and independent groups that can provide assistance to such persons in various regions; and

(ii) evacuation assistance available to persons seeking to flee armed conflict areas.

(3) **ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.**—The President shall instruct the United States permanent representative or executive director, as the case may be, to the relevant United Nations voluntary agencies, including the United Nations High Commissioner for Refugees and the United Nations Office for the Coordination of Humanitarian Affairs, and other appropriate international organizations, to use the voice and vote of the United States to support appropriate assistance for internally displaced persons in Ukraine.

(b) **ASSISTANCE TO THE DEFENSE SECTOR OF UKRAINE.**—The Secretary of State and the Secretary of Defense should assist entities in the defense sector of Ukraine to reorient exports away from customers in the Russian Federation and to find appropriate alternative markets for those entities in the defense sector of Ukraine that have already significantly reduced exports to and cooperation with entities in the defense sector of the Russian Federation.

(c) **ASSISTANCE TO ADDRESS THE ENERGY CRISIS IN UKRAINE.**—

(1) **EMERGENCY ENERGY ASSISTANCE.**—

(A) **PLAN REQUIRED.**—The Secretary of State and the Secretary of Energy, in collaboration with the Administrator of the United States Agency for International Development and the Administrator of the Federal Emergency Management Agency, shall work with officials of the Government of Ukraine to develop a short-term emergency energy assistance plan designed to help Ukraine address the potentially severe short-term, heating fuel and electricity shortages facing Ukraine in 2014 and 2015.

(B) **ELEMENTS.**—The plan required by subparagraph (A) should include strategies to address heating fuel and electricity shortages in Ukraine, including, as appropriate—

(i) the acquisition of short-term, emergency fuel supplies;

(ii) the repair or replacement of infrastructure that could impede the transmission of electricity or transportation of fuel;

(iii) the prioritization of the transportation of fuel supplies to the areas where such supplies are needed most;

(iv) streamlining emergency communications throughout national, regional, and local governments to manage the potential energy crisis resulting from heating fuel and electricity shortages;

(v) forming a crisis management team within the Government of Ukraine to specifically address the potential crisis, including ensuring coordination of the team's efforts with the efforts of outside governmental and nongovernmental entities providing assistance to address the potential crisis; and

(vi) developing a public outreach strategy to facilitate preparation by the population and communication with the population in the event of a crisis.

(C) **ASSISTANCE.**—The Secretary of State, the Secretary of Energy, and the Administrator of the United States Agency for International Development are authorized to provide assistance in support of, and to invest in short-term solutions for, enabling Ukraine to secure the energy safety of the people of Ukraine during 2014 and 2015, including through—

(i) procurement and transport of emergency fuel supplies, including reverse pipeline flows from Europe;

(ii) provision of technical assistance for crisis planning, crisis response, and public outreach;

(iii) repair of infrastructure to enable the transport of fuel supplies;

(iv) repair of power generating or power transmission equipment or facilities;

(v) procurement and installation of compressors or other appropriate equipment to enhance short-term natural gas production;

(vi) procurement of mobile electricity generation units; [and]

(vii) conversion of natural gas heating facilities to run on other fuels, including alternative energy sources[.]; and

(viii) provision of emergency weatherization and winterization materials and supplies.

(D) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of State, the Secretary of Energy, and the Administrator of the United States Agency for International Development \$50,000,000 in the aggregate for fiscal year 2015 to carry out activities under this paragraph.

(2) **REDUCTION OF UKRAINE'S RELIANCE ON ENERGY IMPORTS.**—

(A) **PLANS REQUIRED.**—The Secretary of State, in collaboration with the Secretary of Energy and the Administrator of the United States Agency for International Development, shall work with officials of the Government of Ukraine to develop medium- and long-term plans to increase energy production and efficiency to increase energy security by helping Ukraine reduce its dependence on natural gas imported from the Russian Federation.

(B) **ELEMENTS.**—The medium- and long-term plans required by subparagraph (A) should include strategies, as appropriate, to—

(i) improve corporate governance and unbundling of state-owned oil and gas sector firms;

(ii) increase production from natural gas fields and from other sources, including renewable energy;

(iii) license new oil and gas blocks transparently and competitively;

(iv) modernize oil and gas upstream infrastructure; and

(v) improve energy efficiency.

(C) **PRIORITIZATION.**—The Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of Energy should, during fiscal years 2015 through 2017, work with other donors, including multilateral agencies and nongovernmental organizations, to prioritize, to the extent practicable and as appropriate, the provision of assistance from such donors to help Ukraine to improve energy efficiency, increase energy supplies produced in Ukraine, and reduce reliance on energy imports from the Russian Federation, including natural gas.

(D) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$50,000,000 in the aggregate for fiscal years 2015 through 2017 to carry out activities under this paragraph.

(3) **SUPPORT FROM THE OVERSEAS PRIVATE INVESTMENT CORPORATION.**—The Overseas Private Investment Corporation shall—

(A) prioritize, to the extent practicable, support for investments to help increase energy efficiency, develop domestic oil and natural gas reserves, improve and repair electricity infrastructure, and develop renewable and other sources of energy in Ukraine; and

(B) implement procedures for expedited review and, as appropriate, approval, of applications by eligible investors (as defined in section 238 of the Foreign Assistance Act of 1961 (22 U.S.C. 2198)) for loans, loan guarantees, and insurance for such investments.

(4) **SUPPORT BY THE WORLD BANK GROUP AND THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.**—The President shall, to the

extent practicable and as appropriate, direct the United States Executive Directors of the World Bank Group and the European Bank for Reconstruction and Development to use the voice, vote, and influence of the United States to encourage the World Bank Group and the European Bank for Reconstruction and Development and other international financial institutions—

(A) to invest in, and increase their efforts to promote investment in, projects to improve energy efficiency, improve and repair electricity infrastructure, develop domestic oil and natural gas reserves, and develop renewable and other sources of energy in Ukraine; and

(B) to stimulate private investment in such projects.

(d) ASSISTANCE TO CIVIL SOCIETY IN UKRAINE.—

(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development shall, directly or through nongovernmental or international [organizations] organizations, such as the *Organization for Security and Co-operation in Europe*, the *National Endowment for Democracy*, and related organizations—

(A) strengthen the organizational and operational capacity of democratic civil society in Ukraine;

(B) support the efforts of independent media outlets to broadcast, distribute, and share information in all regions of Ukraine;

(C) counter corruption and improve transparency and accountability of institutions that are part of the Government of Ukraine; and

(D) provide support for democratic organizing and election monitoring in Ukraine.

(2) STRATEGY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a strategy to carry out the activities described in paragraph (1) [to the committees specified in subsection (a)(1).] to—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$20,000,000 for fiscal year 2015 to carry out this subsection.

(4) TRANSPARENCY REQUIREMENTS.—Any assistance provided pursuant to this subsection shall be conducted in as transparent a manner as possible, consistent with the nature and goals of this subsection. The President shall provide a briefing on the activities funded by this subsection at the request of the committees specified in paragraph (2).

#### SEC. 10. EXPANDED BROADCASTING IN COUNTRIES OF THE FORMER SOVIET UNION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Broadcasting Board of Governors shall submit to Congress a plan, including a cost estimate, for immediately and substantially increasing, and maintaining through fiscal year 2017, the quantity of Russian-language broadcasting into the countries of the former Soviet Union funded by the United States in order to counter Russian Federation propaganda.

(b) PRIORITIZATION OF BROADCASTING INTO UKRAINE, GEORGIA, AND MOLDOVA.—The plan required by subsection (a) shall prioritize broadcasting into Ukraine, Georgia, and Moldova by the Voice of America and Radio Free Europe/Radio Liberty.

(c) ADDITIONAL PRIORITIES.—In developing the plan required by subsection (a), the Chairman shall consider—

(1) near-term increases in Russian-language broadcasting for countries of the

former Soviet Union (other than the countries specified in subsection (b)), including Latvia, Lithuania, and Estonia; and

(2) increases in broadcasting in other critical languages, including Ukrainian and Romanian languages.

(d) BROADCASTING DEFINED.—In this section, the term “broadcasting” means the distribution of media content via radio broadcasting, television broadcasting, and Internet-based platforms, among other platforms.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Broadcasting Board of Governors \$10,000,000 for each of fiscal years 2015 through 2017 to carry out activities under this section.

(2) SUPPLEMENT NOT SUPPLANT.—Amounts authorized to be appropriated pursuant to paragraph (1) shall supplement and not supplant other amounts made available for activities described in this section.

#### SEC. 11. SUPPORT FOR RUSSIAN DEMOCRACY AND CIVIL SOCIETY ORGANIZATIONS.

(a) IN GENERAL.—The Secretary of State shall, directly or through nongovernmental or international organizations, such as the *Organization for Security and Co-operation in Europe*, the *National Endowment for Democracy*, and related organizations—

(1) improve democratic governance, transparency, accountability, rule of law, and anti-corruption efforts in the Russian Federation;

(2) strengthen democratic institutions and political and civil society organizations in the Russian Federation;

(3) expand uncensored Internet access in the Russian Federation; and

(4) expand free and unfettered access to independent media of all kinds in the Russian Federation, including through increasing United States Government-supported broadcasting activities, and assist with the protection of journalists and civil society activists who have been targeted for free speech activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$20,000,000 for each of fiscal years 2015 through 2017 to carry out the activities set forth in subsection (a).

(c) STRATEGY REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a strategy to carry out the activities set forth in subsection (a) to—

(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.

(d) TRANSPARENCY REQUIREMENTS.—Any assistance provided pursuant to this section shall be conducted in as transparent a manner as possible, consistent with the nature and goals of this section. The President shall provide a briefing on the activities funded by this section at the request of the committees specified in subsection (c).

#### SEC. 12. REPORT ON NON-COMPLIANCE BY THE RUSSIAN FEDERATION OF ITS OBLIGATIONS UNDER THE INF TREATY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Russian Federation is in violation of its obligations under the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988 (commonly referred to as the “Intermediate-Range Nuclear Forces Treaty” or “INF Treaty”).

(2) This behavior poses a threat to the United States, its deployed forces, and its allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should hold the Russian Federation accountable for being in violation of its obligations under the INF Treaty; and

(2) the President should demand the Russian Federation completely and verifiably eliminate the military systems that constitute the violation of its obligations under the INF Treaty.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the committees specified in subsection (d) a report that includes the following elements:

(A) A description of the status of the President's efforts, in cooperation with United States allies, to hold the Russian Federation accountable for being in violation of its obligations under the INF Treaty and obtain the complete and verifiable elimination of its military systems that constitute the violation of its obligations under the INF Treaty.

(B) The President's assessment as to whether it remains in the national security interests of the United States to remain a party to the INF Treaty, and other related treaties and agreements, while the Russian Federation is in violation of its obligations under the INF Treaty.

(C) Notification of any deployment by the Russian Federation of a ground launched ballistic or cruise missile system with a range of between 500 and 5,500 kilometers.

(D) A plan developed by the Secretary of State, in consultation with the Director of National Intelligence and the Defense Threat Reduction Agency (DTRA), to verify that the Russian Federation has fully and completely dismantled any ground launched cruise missiles or ballistic missiles with a range of between 500 and 5,500 kilometers, including details on facilities that inspectors need access to, people inspectors need to talk with, how often inspectors need the accesses for, and how much the verification regime would cost.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(d) COMMITTEES SPECIFIED.—The committees specified in this subsection are—

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

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. JOHNSON of South Dakota. Mr. President, the Banking Committee has jurisdiction over economic, trade, banking, and financial sanctions. During the last year, I have worked with my colleagues in Congress to authorize the President to impose tough sanctions targeting President Putin and his cronies, and he has enlisted our allies in that effort. We all agree that if Putin continues to intimidate the people of Ukraine he must face intensifying economic and political isolation.

But unlike with the sanctions bill enacted earlier this year, the Foreign Relations Committee did not consult the Banking Committee on this bill prior to its markup. Even so, my staff has worked cooperatively with Foreign Relations staff in recent weeks to fix many of the most significant textual problems which would have made its implementation unworkable. Those negotiations have now progressed to a point where I have been satisfied with the changes included in the substitute amendment. While it is still not perfect and contains some provisions

which in my view are unnecessary, we have made substantial progress.

The President has worked to impose punishing sanctions on Russia, maximizing their effect on Russia while minimizing their effect on the U.S. and Western allies. I heard personally from Secretary Lew the administration's concern that the mandatory global energy sanctions in a prior version of this bill could have driven a wedge between the U.S. and our allies. They could have ensnared potentially hundreds of our allies' businesses—including firms whose governments in Europe and elsewhere may otherwise be working with us to isolate Russia. That problem has now been resolved, and the substitute now gives the President discretion to target firms involved in these activities should he so choose. I am confident he will now be able to implement these measures in a way which is sensitive to the concerns of our allies, and which can protect innocent U.S. investors in pension funds, mutual funds, and emerging market funds which hold stock in European, Asian or other firms subject to potential sanction under the bill.

Sanctions should offer the President flexibility to continue to work with allies to maximize pressure on Russia as its economy reels under the stress of sanctions, falling world oil prices, and a falling ruble. I support the aid to Ukraine authorized in this bill, and I support further sanctions on Russia that will not drive a wedge between the U.S. and our allies, that will protect innocent U.S. investors, and that can be implemented with minimal confusion or delay. I am glad we were able finally to reach agreement on the bill and appreciate the cooperation of my colleagues in this effort.

Mr. DURBIN. I further ask unanimous consent that the committee-reported amendments be withdrawn; the Menendez-Corker substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time; and the Senate proceed to vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendments were withdrawn.

The amendment (No. 4092) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 2828), as amended, was passed.

Mr. DURBIN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPROVING THE TRANSFER OF YELLOW CREEK PORT PROPERTIES IN IUKA, MISSISSIPPI

### SAFE AND SECURE DRINKING WATER PROTECTION ACT OF 2014

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 3044 and S. 2785 and the Senate proceed to their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. DURBIN. I ask unanimous consent that the bills be read a third time and passed and the motions to reconsider be considered made and laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3044) was ordered to a third reading, was read the third time, and passed.

The bill (S. 2785) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2785

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Secure Drinking Water Protection Act of 2014".

#### SEC. 2. MICROCYSTINS IN DRINKING WATER.

(a) HEALTH ADVISORY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this Act as the "Administrator") shall develop and publish a health advisory including recommendations on—

(1)(A) the level of microcystins in drinking water below which the water is expected to be safe for human consumption; and

(B) feasible treatment techniques and other means for achieving that level; and

(2) standardized procedures for testing for microcystins in drinking water.

(b) REPORTS.—Not later than 180 days after the date of enactment of this Act, and each year thereafter, the Administrator shall submit to Congress a report that includes—

(1) a description of the status of the efforts of the Administrator to determine whether to regulate drinking water with respect to the level of microcystins;

(2) a description of the steps taken by the Administrator to promote testing of drinking water for microcystins in areas that have been affected by harmful algal blooms; and

(3) an analysis of available treatment techniques and other means for addressing microcystins in drinking water.

#### ENHANCING THE ABILITY OF COMMUNITY FINANCIAL INSTITUTIONS TO FOSTER ECONOMIC GROWTH AND SERVE THEIR COMMUNITIES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Banking, Housing, and Urban Affairs Committee be discharged from further consideration of H.R. 3329 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3329) to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I further ask unanimous consent that the King substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4093) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. CHANGES REQUIRED TO SMALL BANK HOLDING COMPANY POLICY STATEMENT ON ASSESSMENT OF FINANCIAL AND MANAGERIAL FACTORS.

(a) IN GENERAL.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the "Board") shall publish in the Federal Register proposed revisions to the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors (12 C.F.R. part 225 appendix C) that provide that the policy shall apply to bank holding companies and savings and loan holding companies which have pro forma consolidated assets of less than \$1,000,000,000 and that—

(1) are not engaged in significant nonbanking activities either directly or through a nonbank subsidiary;

(2) do not conduct significant off-balance sheet activities (including securitization and asset management or administration) either directly or through a nonbank subsidiary; and

(3) do not have a material amount of debt or equity securities outstanding (other than trust preferred securities) that are registered with the Securities and Exchange Commission.

(b) EXCLUSIONS.—The Board may exclude any bank holding company or savings and loan holding company, regardless of asset size, from the policy statement under subsection (a) if the Board determines that such action is warranted for supervisory purposes.

#### SEC. 2. CONFORMING AMENDMENT.

(a) IN GENERAL.—Subparagraph (C) of section 171(b)(5) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5371(b)(5)) is amended to read as follows:

“(C) any bank holding company or savings and loan holding company having less than \$1,000,000,000 in total consolidated assets that complies with the requirements of the Small Bank Holding Company Policy Statement on Assessment of Financial and Managerial Factors of the Board of Governors (12 C.F.R. part 225 appendix C), as the requirements of such Policy Statement are amended pursuant to section 1 of an Act entitled ‘To enhance the ability of community financial institutions to foster economic growth and