

Editorial Notes

AMENDMENTS

2017—Par. (2)(A). Pub. L. 115–44, §228(b)(1), inserted “the Committee on Banking, Housing, and Urban Affairs,” before “the Committee on Foreign Relations”.

Par. (2)(B). Pub. L. 115–44, §228(b)(2), inserted “the Committee on Financial Services” before “the Committee on Foreign Affairs”.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 113–95, §1, Apr. 3, 2014, 128 Stat. 1088, provided that: “This Act [enacting this chapter] may be cited as the ‘Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014.’”

§ 8902. United States policy toward Ukraine

It is the policy of the United States—

(1) to condemn the unjustified military intervention of the Russian Federation in the Crimea region of Ukraine and its concurrent occupation of that region, as well as any other form of political, economic, or military aggression against Ukraine;

(2) to reaffirm the commitment of the United States to, and to remind Russia of its ongoing commitment to, the 1994 Budapest Memorandum on Security Assurances, which was executed jointly with the Russian Federation and the United Kingdom and explicitly secures the independence, sovereignty, and territorial integrity and borders of Ukraine, and to demand the immediate cessation of improper activities, including the seizures of airfields and other locations, and the immediate return of Russian forces to their barracks;

(3) to work with United States partners in the European Union, the North Atlantic Treaty Organization, and at the United Nations to ensure that all nations recognize and not undermine, nor seek to undermine, the independence, sovereignty, or territorial or economic integrity of Ukraine;

(4) to use all appropriate economic elements of United States national power, in coordination with United States allies, to protect the independence, sovereignty, and territorial and economic integrity of Ukraine;

(5) to support the people of Ukraine in their desire to forge closer ties with Europe, including signing an Association Agreement with the European Union as a means to address endemic corruption, consolidate democracy, and achieve sustained prosperity;

(6) to use the voice and vote of the United States to secure sufficient resources through the International Monetary Fund to support needed economic structural reforms in Ukraine under conditions that will reinforce a sovereign decision by the Government of Ukraine to sign and implement an association agreement with the European Union;

(7) to help the Government of Ukraine prepare for the presidential election in May 2014;

(8) to reinforce the efforts of the Government of Ukraine to bring to justice those responsible for the acts of violence against peaceful protestors and other unprovoked acts of violence related to the antigovernment protests in¹ that began on November 21, 2013;

(9) to support the efforts of the Government of Ukraine to recover and return to the Ukrainian state funds stolen by former President Yanukovich, his family, and other current and former members of the Ukrainian government and elites;

(10) to support the continued professionalization of the Ukrainian military;

(11) to condemn economic extortion by the Russian Federation against Ukraine, Moldova, Lithuania, and other countries in the region designed to obstruct closer ties between the European Union and the countries of the Eastern Partnership and to reduce the harmful consequences of such extortion;

(12) to condemn the continuing and longstanding pattern and practice by the Government of the Russian Federation of physical and economic aggression toward neighboring countries;

(13) to enhance and extend our security cooperation with, security assistance to, and military exercises conducted with, states in Central and Eastern Europe, including North Atlantic Treaty Organization (NATO) member countries, NATO aspirants, and appropriate Eastern Partnership countries;

(14) to reaffirm United States defense commitments to its treaty allies under Article V of the North Atlantic Treaty;

(15) that the continued participation of the Russian Federation in the Group of Eight (G–8) nations should be conditioned on the Government of the Russian Federation respecting the territorial integrity of its neighbors and accepting and adhering to the norms and standards of free, democratic societies as generally practiced by every other member nation of the G–8 nations;

(16) to explore ways for the United States Government to assist the countries of Central and Eastern Europe to diversify their energy sources and achieve energy security; and

(17) to ensure the United States maintains its predominant leadership position and influence within the International Monetary Fund, and to guarantee the International Monetary Fund has the resources and governance structure necessary to support structural reforms in Ukraine and respond to and prevent a potentially serious financial crisis in Ukraine or other foreign economic crises that threatens United States national security.

(Pub. L. 113–95, §3, Apr. 3, 2014, 128 Stat. 1088.)

Statutory Notes and Related Subsidiaries

UKRAINE INVASION WAR CRIMES DETERRENCE AND ACCOUNTABILITY

Pub. L. 117–263, div. E, title LIX, §5948, Dec. 23, 2022, 136 Stat. 3482, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Ukraine Invasion War Crimes Deterrence and Accountability Act’.

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

“(1) in its premeditated, unprovoked, unjustified, and unlawful full-scale invasion of Ukraine that commenced on February 24, 2022, the military of the Government of the Russian Federation under the direction of President Vladimir Putin has committed war crimes that include but are not limited to—

¹ So in original.

“(A) the deliberate targeting of civilians and injuring or killing of noncombatants;

“(B) the deliberate targeting and attacking of hospitals, schools, and other non-military buildings dedicated to religion, art, science, or charitable purposes, such as the bombing of a theater in Mariupol that served as a shelter for noncombatants and had the word ‘children’ written clearly in the Russian language outside;

“(C) the indiscriminate bombardment of undefended dwellings and buildings;

“(D) the wanton destruction of property not justified by military necessity;

“(E) unlawful civilian deportations;

“(F) the taking of hostages; and

“(G) rape, or sexual assault or abuse;

“(2) the use of chemical weapons by the Government of the Russian Federation in Ukraine would constitute a war crime, and engaging in any military preparations to use chemical weapons or to develop, produce, stockpile, or retain chemical weapons is prohibited by the Chemical Weapons Convention, to which the Russian Federation is a signatory;

“(3) Vladimir Putin has a long record of committing acts of aggression, systematic abuses of human rights, and acts that constitute war crimes or other atrocities both at home and abroad, and the brutality and scale of these actions, including in the Russian Federation republic of Chechnya, Georgia, Syria, and Ukraine, demonstrate the extent to which his regime is willing to flout international norms and values in the pursuit of its objectives;

“(4) Vladimir Putin has previously sanctioned the use of chemical weapons at home and abroad, including in the poisonings of Russian spy turned double agent Sergei Skripal and his daughter Yulia and leading Russian opposition figure Aleksey Navalny, and aided and abetted the use of chemical weapons by President Bashar al-Assad in Syria; and

“(5) in 2014, the Government of the Russian Federation initiated its unprovoked war of aggression against Ukraine which resulted in its illegal occupation of Crimea, the unrecognized declaration of independence by the so-called ‘Donetsk People’s Republic’ and ‘Luhansk People’s Republic’ by Russia-backed proxies, and numerous human rights violations and deaths of civilians in Ukraine.

“(c) STATEMENT OF POLICY.—It is the policy of the United States—

“(1) to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine that began on February 24, 2022, for use in appropriate domestic, foreign, and international courts and tribunals prosecuting those responsible for such crimes consistent with applicable law, including with the American Service Members’ [Servicemembers’] Protection Act of 2002 (22 U.S.C. 7421 et seq.);

“(2) to help deter the commission of war crimes and other atrocities in Ukraine by publicizing to the maximum possible extent, including among Russian and other foreign military commanders and troops in Ukraine, efforts to identify and prosecute those responsible for the commission of war crimes during the full-scale Russian invasion of Ukraine that began on February 24, 2022; and

“(3) to continue efforts to identify, deter, and pursue accountability for war crimes and other atrocities committed around the world and by other perpetrators, and to leverage international cooperation and best practices in this regard with respect to the current situation in Ukraine.

“(d) REPORT ON UNITED STATES EFFORTS.—Not later than 90 days after the date of the enactment of this Act [Dec. 23, 2022], and consistent with the protection of intelligence sources and methods, the President shall submit to the appropriate congressional committees a report, which may include a classified annex, describing in detail the following:

“(1) United States Government efforts to collect, analyze, and preserve evidence and information related to war crimes and other atrocities committed during the full-scale Russian invasion of Ukraine since February 24, 2022, including a description of—

“(A) the respective roles of various agencies, departments, and offices, and the interagency mechanism established for the coordination of such efforts;

“(B) the types of information and evidence that are being collected, analyzed, and preserved to help identify those responsible for the commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022; and

“(C) steps taken to coordinate with, and support the work of, allies, partners, international institutions and organizations, and nongovernmental organizations in such efforts.

“(2) Media, public diplomacy, and information operations to make Russian military commanders, troops, political leaders and the Russian people aware of efforts to identify and prosecute those responsible for the commission of war crimes or other atrocities during the full-scale Russian invasion of Ukraine in 2022, and of the types of acts that may be prosecutable.

“(3) The process for a domestic, foreign, or international court or tribunal to request and obtain from the United States Government information related to war crimes or other atrocities committed during the full-scale Russian invasion of Ukraine in 2022.

“(e) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

“(B) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

“(2) ATROCITIES.—The term ‘atrocities’ has the meaning given that term in section 6(2) of the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (Public Law 115-441; 22 U.S.C. 2656 note).

“(3) WAR CRIME.—The term ‘war crime’ has the meaning given that term in section 2441(c) of title 18, United States Code.”

[Memorandum of President of the United States, Apr. 25, 2023, 88 F.R. 26469, delegated to the Secretary of State the authority to submit to Congress the report required by subsec. (d) of section 5948 of Pub. L. 117-263, set out above.]

RUSSIA AND BELARUS SPECIAL DRAWING RIGHTS EXCHANGE PROHIBITION

Pub. L. 117-185, Oct. 4, 2022, 136 Stat. 2197, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Russia and Belarus SDR Exchange Prohibition Act of 2022’.

“SEC. 2. SPECIAL DRAWING RIGHTS EXCHANGE PROHIBITION.

“(a) IN GENERAL.—The Secretary of the Treasury may not engage in any transaction involving the exchange of Special Drawing Rights issued by the International Monetary Fund that are held by the Russian Federation or Belarus.

“(b) ADVOCACY.—The Secretary of the Treasury shall—

“(1) vigorously advocate that the governments of the member countries of the International Monetary Fund, to the extent that the member countries issue freely usable currencies, prohibit transactions involving the exchange of Special Drawing Rights held by the Russian Federation or Belarus[;] and

“(2) direct the United States Executive Director at each international financial institution (as defined in

section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262r(c)(2)] to use the voice and vote of the United States to oppose the provision of financial assistance to the Russian Federation and Belarus, except to address basic human needs of the civilian population.

“(c) TERMINATION.—The preceding provisions of this section shall have no force or effect on the earlier of—

“(1) the date that is 5 years after the date of the enactment of this Act [Oct. 4, 2022]; or

“(2) 30 days after the date that the President reports to the Congress that the governments of the Russian Federation and Belarus have ceased destabilizing activities with respect to the sovereignty and territorial integrity of Ukraine.

“(d) WAIVER.—The President may waive the application of this section if the President reports to the Congress that the waiver is in the national interest of the United States and includes an explanation of the reasons therefor.”

COOPERATION BETWEEN THE UNITED STATES AND
UKRAINE REGARDING THE TITANIUM INDUSTRY

Pub. L. 117–81, div. F, title LXV, §6505, Dec. 27, 2021, 135 Stat. 2428, provided that:

“(a) STATEMENT OF POLICY.—It is the policy of the United States to engage with the Government of Ukraine on cooperation in the titanium industry as a potential alternative to Chinese and Russian sources on which the United States and Europe currently depend.

“(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of State shall submit to the appropriate congressional committees a report that describes the feasibility of utilizing titanium sources from Ukraine as a potential alternative to Chinese and Russian sources.

“(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, 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.”

§ 8903. Provision of costs of loan guarantees for Ukraine

(a) In general

From the unobligated balance of amounts appropriated or otherwise made available under the heading “economic support fund” under the heading “Funds Appropriated to the President” in title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) [128 Stat. 479] and in Acts making appropriations for the Department of State, foreign operations, and related programs for preceding fiscal years (other than amounts designated pursuant to section 901(b)(2)(A) of title 2), amounts shall be made available for the costs (as defined in section 661a of title 2) of loan guarantees for Ukraine that are hereby authorized to be provided under this chapter.

(b) Inapplicability of certain limitations

Amounts made available for the costs of loan guarantees for Ukraine pursuant to subsection (a) shall not be considered “assistance” for the purpose of provisions of law limiting assistance to Ukraine.

(Pub. L. 113–95, §4, Apr. 3, 2014, 128 Stat. 1090.)

§ 8904. Recovery of assets linked to governmental corruption in Ukraine

(a) Asset recovery

The Secretary of State, in coordination with the Attorney General and the Secretary of the Treasury, shall assist, on an expedited basis as appropriate, the Government of Ukraine to identify, secure, and recover assets linked to acts of corruption by Viktor Yanukovich, members of his family, or other former or current officials of the Government of Ukraine or their accomplices in any jurisdiction through appropriate programs, including the Kleptocracy Asset Recovery Initiative of the Department of Justice.

(b) Coordination

Any asset recovery efforts undertaken pursuant to subsection (a) shall be coordinated through the relevant bilateral or multilateral entities, including, as appropriate, the Egmont Group of Financial Intelligence Units, the Stolen Asset Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, the Camden Asset Recovery Inter-Agency Network, and the Global Focal Point Initiative of the International Criminal Police Organization (INTERPOL).

(c) Investigative assistance

The Secretary of State, in coordination with the Attorney General, shall assist the Government of Ukraine, the European Union, and other appropriate countries, on an expedited basis, with formal and informal investigative assistance and training, as appropriate, to support the identification, seizure, and return to the Government of Ukraine of assets linked to acts of corruption.

(d) Priority assigned

The Secretary of the Treasury shall ensure that the Financial Crimes Enforcement Network of the Department of the Treasury assists the Government of Ukraine, the European Union, and other appropriate countries under section 314(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (31 U.S.C. 5311 note).

(Pub. L. 113–95, §5, Apr. 3, 2014, 128 Stat. 1090.)

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REFERENCES IN TEXT

Section 314(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, referred to in subsec. (d), is section 314(a) of Pub. L. 107–56, which is set out as a note under section 5311 of Title 31, Money and Finance.

§ 8905. Democracy, civil society, governance, and technical assistance for Ukraine and other states in Central and Eastern Europe

(a) In general

The Secretary of State shall, subject to the availability of appropriations, directly or through nongovernmental organizations—

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