

under subsection (b) with respect to a person if the President submits to the appropriate congressional committees a notice that—

(1) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

(2) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under subsection (a) in the future.

(e)³ Application of new sanctions

The President may waive the initial application of sanctions under subsection (b) with respect to a person only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this chapter; and

(2) a certification that the Government of the Russian Federation is taking steps to implement the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, the Minsk Protocol, which was agreed to on September 5, 2014, and any successor agreements that are agreed to by the Government of Ukraine.

(e)³ Regulatory authority

The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(Pub. L. 113–95, §9, Apr. 3, 2014, 128 Stat. 1094; Pub. L. 115–44, title II, §§227, 230(b), Aug. 2, 2017, 131 Stat. 910, 916.)

Editorial Notes

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b)(1)(A), (3)(B), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

Section 4618 of title 50, referred to in subsec. (b)(3)(B), was repealed by Pub. L. 115–232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

CODIFICATION

Sections 227 and 230(b) of Pub. L. 115–44, which directed the amendment of section 9 of the “Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014”, were executed to this section, which is section 9 of the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014, to reflect the probable intent of Congress. See 2017 Amendment notes below.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115–44, §227(1)(A), substituted “shall” for “is authorized and encouraged to” in introductory provisions. See Codification note above.

³So in original. Two subssecs. (e) have been enacted.

Subsec. (a)(1). Pub. L. 115–44, §227(1)(B), substituted “President determines is, on or after August 2, 2017,” for “President determines is” and inserted “or elsewhere” after “in the Russian Federation”. See Codification note above.

Subsec. (c). Pub. L. 115–44, §227(3), substituted “except as provided in subsection (d), the President” for “The President” in introductory provisions. See Codification note above.

Subsecs. (d), (e). Pub. L. 115–44, §230(b), added subsec. (d) and redesignated former subsec. (d), relating to application of new sanctions, as (e). See Codification note above.

Pub. L. 115–44, §227(2), (4), added subsec. (d) and redesignated former subsec. (d), relating to regulatory authority, as (e). See Codification note above.

§ 8909. Mandatory imposition of sanctions with respect to certain transactions with persons that evade sanctions imposed with respect to the Russian Federation

(a) In general

The President shall impose the sanctions described in subsection (b) with respect to a foreign person if the President determines that the foreign person knowingly, on or after August 2, 2017—

(1) materially violates, attempts to violate, conspires to violate, or causes a violation of any license, order, regulation, or prohibition contained in or issued pursuant to any covered Executive order, this chapter, or the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8921 et seq.); or

(2) facilitates a significant transaction or transactions, including deceptive or structured transactions, for or on behalf of—

(A) any person subject to sanctions imposed by the United States with respect to the Russian Federation; or

(B) any child, spouse, parent, or sibling of an individual described in subparagraph (A).

(b) Sanctions described

The sanctions described in this subsection are the exercise of 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 a person determined by the President to be subject to subsection (a) 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.

(c) 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 subsection (b).

(2) Penalties

A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b) or any regulation, license, or order issued to carry out subsection (b) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50

U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) Application of new sanctions

The President may waive the initial application of sanctions under subsection (b) with respect to a person only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this chapter;

(2) in the case of sanctions imposed under this section in connection with a covered Executive order described in subparagraph (A), (B), (C), or (D) of subsection (f)(1), a certification that the Government of the Russian Federation is taking steps to implement the Minsk Agreement to address the ongoing conflict in eastern Ukraine, signed in Minsk, Belarus, on February 11, 2015, by the leaders of Ukraine, Russia, France, and Germany, the Minsk Protocol, which was agreed to on September 5, 2014, and any successor agreements that are agreed to by the Government of Ukraine; and

(3) in the case of sanctions imposed under this section in connection with a covered Executive order described in subparagraphs (E) or (F) of subsection (f)(1), a certification that the Government of the Russian Federation has made significant efforts to reduce the number and intensity of cyber intrusions conducted by that Government.

(e) Termination

Subject to section 9511 of this title, the President may terminate the application of sanctions under subsection (b) with respect to a person if the President submits to the appropriate congressional committees—

(1) a notice of and justification for the termination; and

(2) a notice that—

(A) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

(B) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under subsection (a) in the future.

(f) Definitions

In this section:

(1) Covered executive order

The term “covered Executive order” means any of the following:

(A) Executive Order No. 13660 (79 Fed. Reg. 13493; relating to blocking property of certain persons contributing to the situation in Ukraine).

(B) Executive Order No. 13661 (79 Fed. Reg. 15535; relating to blocking property of additional persons contributing to the situation in Ukraine).

(C) Executive Order No. 13662 (79 Fed. Reg. 16169; relating to blocking property of addi-

tional persons contributing to the situation in Ukraine).

(D) Executive Order No. 13685 (79 Fed. Reg. 77357; relating to blocking property of certain persons and prohibiting certain transactions with respect to the Crimea region of Ukraine).

(E) Executive Order No. 13694 (80 Fed. Reg. 18077; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), relating to the Russian Federation.

(F) Executive Order No. 13757 (82 Fed. Reg. 1; relating to taking additional steps to address the national emergency with respect to significant malicious cyber-enabled activities), relating to the Russian Federation.

(2) Foreign person

The term “foreign person” has the meaning given such term in section 595.304 of title 31, Code of Federal Regulations (as in effect on August 2, 2017).

(3) Structured

The term “structured”, with respect to a transaction, has the meaning given the term “structure” in paragraph (xx) of section 1010.100 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(Pub. L. 113–95, §10, as added Pub. L. 115–44, title II, §228(a), Aug. 2, 2017, 131 Stat. 911.)

Editorial Notes

REFERENCES IN TEXT

The Ukraine Freedom Support Act of 2014, referred to in subsec. (a)(1), is Pub. L. 113–272, Dec. 18, 2014, 128 Stat. 2952, which is classified generally to chapter 96A (§8921 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8921 of this title and Tables.

The International Emergency Economic Powers Act, referred to in subsec. (b), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

Executive Order No. 13660, referred to in subsec. (f)(1)(A), is Ex. Ord. No. 13660, Mar. 6, 2014, 79 F.R. 13493, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13661, referred to in subsec. (f)(1)(B), is Ex. Ord. No. 13661, Mar. 16, 2014, 79 F.R. 15535, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13662, referred to in subsec. (f)(1)(C), is Ex. Ord. No. 13662, Mar. 20, 2014, 79 F.R. 16169, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13685, referred to in subsec. (f)(1)(D), is Ex. Ord. No. 13685, Dec. 19, 2014, 79 F.R. 77357, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13694, referred to in subsec. (f)(1)(E), is Ex. Ord. No. 13694, Apr. 1, 2015, 80 F.R. 18077, which is listed in a table under section 1701 of Title 50, War and National Defense.

Executive Order No. 13757, referred to in subsec. (f)(1)(F), is Ex. Ord. No. 13757, Dec. 28, 2016, 82 F.R. 1, sections 1 to 3 of which amended Ex. Ord. No. 13694, which is listed in a table under section 1701 of Title 50, War and National Defense.

PRIOR PROVISIONS

A prior section 8909, Pub. L. 113–95, §10, Apr. 3, 2014, 128 Stat. 1096, which related to annual report on military and security developments involving the Russian Federation, and was superseded by Pub. L. 113–291, div. A, title XII, §1245, Dec. 19, 2014, 128 Stat. 3566, which is not classified to the Code, was repealed by Pub. L. 113–291, div. A, title XII, §1245(f), formerly §1245(e), Dec. 19, 2014, 128 Stat. 3568, renumbered §1245(f), Pub. L. 114–328, div. A, title XII, §1235(b)(1), Dec. 23, 2016, 130 Stat. 2491.

§ 8910. Mandatory imposition of sanctions with respect to transactions with persons responsible for human rights abuses

(a) In general

The President shall impose the sanctions described in subsection (b) with respect to a foreign person if the President determines that the foreign person, based on credible information, on or after August 2, 2017—

(1) is responsible for, complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses in any territory forcibly occupied or otherwise controlled by the Government of the Russian Federation;

(2) materially assists, sponsors, or provides financial, material, or technological support for, or goods or services to, a foreign person described in paragraph (1); or

(3) is owned or controlled by, or acts or purports to act for or on behalf of, directly or indirectly, a foreign person described in paragraph (1).

(b) Sanctions described

(1) Asset blocking

The exercise of 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 a person determined by the President to be subject to subsection (a) 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.

(2) Exclusion from the United States and revocation of visa or other documentation

In the case of an alien determined by the President to be subject to subsection (a), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 1201(i) of title 8, of any visa or other documentation of the alien.

(c) Application of new sanctions

The President may waive the initial application of sanctions under subsection (b) with respect to a person only if the President submits to the appropriate congressional committees—

(1) a written determination that the waiver—

(A) is in the vital national security interests of the United States; or

(B) will further the enforcement of this chapter; and

(2) a certification that the Government of the Russian Federation has made efforts to re-

duce serious human rights abuses in territory forcibly occupied or otherwise controlled by that Government.

(d) 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 subsection (b)(1).

(2) Penalties

A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(1) or any regulation, license, or order issued to carry out subsection (b)(1) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(e) Termination

Subject to section 9511 of this title, the President may terminate the application of sanctions under subsection (b) with respect to a person if the President submits to the appropriate congressional committees—

(1) a notice of and justification for the termination; and

(2) a notice—

(A) that—

(i) the person is not engaging in the activity that was the basis for the sanctions or has taken significant verifiable steps toward stopping the activity; and

(ii) the President has received reliable assurances that the person will not knowingly engage in activity subject to sanctions under subsection (a) in the future; or

(B) that the President determines that insufficient basis exists for the determination by the President under subsection (a) with respect to the person.

(Pub. L. 113–95, §11, as added Pub. L. 115–44, title II, §228(a), Aug. 2, 2017, 131 Stat. 913.)

Editorial Notes

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b)(1), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

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