

tion] or an amendment made by this section shall apply to any portion of a sanction that affects the importation of goods.”

Executive Documents

DELEGATION OF AUTHORITIES UNDER SECTION 1294 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019

Memorandum of President of the United States, Oct. 26, 2018, 83 F.R. 57671, provided:

Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Defense[,] and] the Assistant to the President for National Security Affairs

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State, in coordination with the Secretary of the Treasury, the Secretary of Defense, and the Assistant to the President for National Security Affairs, the functions and authorities vested in the President by section 1294 of the [John S. McCain] National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) [probably means 22 U.S.C. 9525(d), as added by section 1294(a) of Pub. L. 115-232].

The delegation in this memorandum shall apply to any provision of any future public law that is the same or substantially the same as the provision referenced in this memorandum.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 9526. Sanctions with respect to the development of pipelines in the Russian Federation

(a) In general

The President, in coordination with allies of the United States, may impose five or more of the sanctions described in section 9529 of this title with respect to a person if the President determines that the person knowingly, on or after August 2, 2017, makes an investment described in subsection (b) or sells, leases, or provides to the Russian Federation, for the construction of Russian energy export pipelines, goods, services, technology, information, or support described in subsection (c)—

(1) any of which has a fair market value of \$1,000,000 or more; or

(2) that, during a 12-month period, have an aggregate fair market value of \$5,000,000 or more.

(b) Investment described

An investment described in this subsection is an investment that directly and significantly contributes to the enhancement of the ability of the Russian Federation to construct energy export pipelines.

(c) Goods, services, technology, information, or support described

Goods, services, technology, information, or support described in this subsection are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of the construction, modernization, or repair of energy export pipelines by the Russian Federation.

(Pub. L. 115-44, title II, §232, Aug. 2, 2017, 131 Stat. 917.)

Statutory Notes and Related Subsidiaries

PROTECTING EUROPE’S ENERGY SECURITY

Pub. L. 116-92, div. F, title LXXV, Dec. 20, 2019, 133 Stat. 2300, as amended by Pub. L. 116-283, div. A, title XII, §1242(a)-(e), Jan. 1, 2021, 134 Stat. 3945-3947, provided that:

“SEC. 7501. SHORT TITLE.

“This title may be cited as the ‘Protecting Europe’s Energy Security Act of 2019’.

“SEC. 7502. SENSE OF CONGRESS.

“It is the sense of Congress that—

“(1) the United States and Europe share a common history, a common identity, and common values built upon the principles of democracy, rule of law, and individual freedoms;

“(2) the United States has encouraged and admired the European project, which has resulted in a common market and common policies, has achieved unprecedented prosperity and stability on the continent, and serves as a model for other countries to reform their institutions and prioritize anticorruption measures;

“(3) the relationships between the United States and Europe and the United States and Germany are critical to the national security interests of the United States as well as to global prosperity and peace, and Germany in particular is a crucial partner for the United States in multilateral efforts aimed at promoting global prosperity and peace;

“(4) the United States should stand against any effort designed to weaken those relationships; and

“(5) Germany has demonstrated leadership within the European Union and in international fora to ensure that sanctions imposed with respect to the Russian Federation for its malign activities are maintained.

“SEC. 7503. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF CERTAIN VESSELS FOR THE CONSTRUCTION OF CERTAIN RUSSIAN ENERGY EXPORT PIPELINES.

“(a) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act [Dec. 20, 2019], and every 90 days thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that identifies, for the period specified in paragraph (2)—

“(A) vessels that engaged in pipe-laying or pipe-laying activities at depths of 100 feet or more below sea level for the construction of the Nord Stream 2 pipeline project, the TurkStream pipeline project, or any project that is a successor to either such project;

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

“(i) sold, leased, or provided, or facilitated selling, leasing, or providing, those vessels for the construction of such a project;

“(ii) facilitated deceptive or structured transactions to provide those vessels for the construction of such a project;

“(iii) provided for those vessels underwriting services or insurance or reinsurance necessary or essential for the completion of such a project;

“(iv) provided services or facilities for technology upgrades or installation of welding equipment for, or retrofitting or tethering of, those vessels if the services or facilities are necessary or essential for the completion of such a project; or

“(v) provided services for the testing, inspection, or certification necessary or essential for the completion or operation of the Nord Stream 2 pipeline; and

“(C) the consultations carried out pursuant to subsection (i) and describes the nature of the con-

sultations and any concerns raised by the government of Norway, Switzerland, the United Kingdom, or any member country of the European Union.

“(2) PERIOD SPECIFIED.—The period specified in this paragraph is—

“(A) in the case of the first report required to be submitted by paragraph (1), the period beginning on the date of the enactment of this Act and ending on the date on which the report is submitted; and

“(B) in the case of any subsequent such report, the 90-day period preceding submission of the report.

“(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

“(1) IN GENERAL.—

“(A) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (2) is—

“(i) inadmissible to the United States;

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

“(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(B) CURRENT VISAS REVOKED.—

“(i) IN GENERAL.—The visa or other entry documentation of an alien described in paragraph (2) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

“(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

“(I) take effect immediately; and

“(II) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

“(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien is—

“(A) a foreign person identified under subsection (a)(1)(B);

“(B) a corporate officer of a person described in subparagraph (A); or

“(C) a principal shareholder with a controlling interest in a person described in subparagraph (A).

“(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of any person identified under subsection (a)(1)(B) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(d) WIND-DOWN PERIOD.—The President may not impose sanctions under this section with respect to a person identified in the first report submitted under subsection (a) if the President certifies in that report that the person has, not later than 30 days after the date of the enactment of this Act, engaged in good faith efforts to wind down operations that would otherwise subject the person to the imposition of sanctions under this section.

“(e) EXCEPTIONS.—

“(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

“(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

“(3) EXCEPTION FOR SAFETY OF VESSELS AND CREW.—Sanctions under this section shall not apply with respect to a person providing provisions to a vessel identified under subsection (a)(1)(A) if such provisions are intended for the safety and care of the crew aboard the vessel, the protection of human life aboard the vessel, or the maintenance of the vessel to avoid any environmental or other significant damage.

“(4) EXCEPTION FOR REPAIR OR MAINTENANCE OF PIPELINES.—Sanctions under this section shall not apply with respect to a person for engaging in activities necessary for or related to the repair or maintenance of, or environmental remediation with respect to, a pipeline project described in subsection (a)(1)(A).

“(5) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(B) GOOD DEFINED.—In this paragraph, the term ‘good’ means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

“(6) EXCEPTION FOR CERTAIN GOVERNMENTS AND GOVERNMENTAL ENTITIES.—Sanctions under this section shall not apply with respect to—

“(A) the European Union;

“(B) the government of Norway, Switzerland, the United Kingdom, or any member country of the European Union; or

“(C) any entity of the European Union or a government described in subparagraph (B) that is not operating as a business enterprise.

“(f) NATIONAL INTEREST WAIVER.—The President may waive the application of sanctions under this section with respect to a person if the President—

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

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

“(g) IMPLEMENTATION; PENALTIES.—

“(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

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

“(h) TERMINATION AND SUNSET.—The authority to impose sanctions under this section with respect to a person involved in the construction of a pipeline project described in subsection (a)(1)(A), and any sanctions imposed under this section with respect to that project, shall terminate on the date that is the earlier of—

“(1) the date on which the President certifies to the appropriate congressional committees that appropriate safeguards have been put in place—

“(A) to minimize the ability of the Government of the Russian Federation to use that project as a tool of coercion and political leverage, including by achieving the unbundling of energy production and transmission so that entities owned or controlled by that Government do not control the transmission network for the pipeline; and

“(B) to ensure, barring unforeseen circumstances, that the project would not result in a decrease of more than 25 percent in the volume of Russian en-

ergy exports transiting through existing pipelines in other countries, particularly Ukraine, relative to the average monthly volume of Russian energy exports transiting through such pipelines in 2018; or

“(2) the date that is 5 years after the date of the enactment of this Act [Dec. 20, 2019].

“(i) CONSULTATIONS.—Before imposing sanctions under this section, the Secretary of State shall consult with the relevant governments of Norway, Switzerland, the United Kingdom, and member countries of the European Union with respect to the imposition of such sanctions.

“(j) REPORT ON IMPACT OF SANCTIONS.—Not later than one year after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 [Jan. 1, 2021], and annually thereafter until all sanctions imposed under this section have terminated under subsection (h), the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report detailing the impact of the imposition of sanctions under this section that includes information on—

“(1) whether the goals of the sanctions have been met;

“(2) the diplomatic impact of the sanctions, including on relationships with the governments of Norway, Switzerland, the United Kingdom, and member countries of the European Union; and

“(3) the economic impact of the sanctions, including the impact on United States persons.

“(k) DEFINITIONS.—In this section:

“(1) ADMISSION; ADMITTED; ALIEN.—The terms ‘admission’, ‘admitted’, and ‘alien’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

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

“(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

“(3) FOREIGN PERSON.—The term ‘foreign person’ means an individual or entity that is not a United States person.

“(4) KNOWINGLY.—The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

“(5) PIPE-LAYING ACTIVITIES.—The term ‘pipe-laying activities’ means activities that facilitate pipe-laying, including site preparation, trenching, surveying, placing rocks, backfilling, stringing, bending, welding, coating, and lowering of pipe.

“(6) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

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

“(C) any person within the United States.”

[Pub. L. 116-283, div. A, title XII, § 1242(f), Jan. 1, 2021, 134 Stat. 3947, provided that: “The President may not impose sanctions with respect to a person identified in the first report submitted under section 7503(a) of the Protecting Europe’s Energy Security Act of 2019 [set out above], as amended by this section, after the date of the enactment of this Act [Jan. 1, 2021] for operations subject to sanctions by reason of the amendments made by this section [amending section 7503 of Pub. L. 116-92, set out above] if the President certifies in that report that the person has, not later than 30 days after such date of enactment, engaged in good faith efforts to wind down such operations.”]

[Functions and authorities of President under sections 7503(d), (f), and (h) of Pub. L. 116-92, set out above, delegated to Secretary of State, in consultation with the Secretary of the Treasury, and under sections 7503(c) and (g) of Pub. L. 116-92 to Secretary of the Treasury, in consultation with the Secretary of State, by section 1(a)(i)–(iii) and (b)(i), (ii) of Memorandum of President of the United States, Feb. 21, 2020, 85 F.R. 13717, set out as a note under section 286yy of this title.]

Executive Documents

EX. ORD. NO. 14039. BLOCKING PROPERTY WITH RESPECT TO CERTAIN RUSSIAN ENERGY EXPORT PIPELINES

Ex. Ord. No. 14039, Aug. 20, 2021, 86 F.R. 47205, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), the Protecting Europe’s Energy Security Act of 2019 (Title LXXV, National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92) [set out above], as amended by section 1242 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) (PEESA), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, in order to take additional steps with respect to the national emergency declared in Executive Order 14024 of April 15, 2021 (Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation) [50 U.S.C. 1701 note], hereby order:

SECTION 1. (a) With respect to any foreign person identified by the Secretary of State, in consultation with the Secretary of the Treasury, in a report to the Congress pursuant to section 7503(a)(1)(B) of PEESA, all property and interests in property of such person that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) Sanctions under subsection (a) of this section shall not apply to any foreign person with respect to whom a waiver under section 7503(f) of PEESA has been issued.

(c) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

SEC. 2. The Secretary of State shall implement section 7503(b) of PEESA as it applies to visas, and the Secretary of Homeland Security shall implement section 7503(b) of PEESA as it applies to admission and parole. Such implementation shall be consistent with any exceptions or waivers provided by statute, or in regulations, orders, or directives that may be issued pursuant to this order.

SEC. 3. The prohibitions in section 1 of this order include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

SEC. 4. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

SEC. 5. I hereby determine that the making of donations of the types of articles specified in section

203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in Executive Order 14024, and I hereby prohibit such donations as provided by section 1 of this order.

SEC. 6. For the purposes of this order:

(a) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term “foreign person” means an individual or entity that is not a United States person;

(c) the term “person” means an individual or entity; and

(d) the term “United States person” means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

SEC. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 14024, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

SEC. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and PEESA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All departments and agencies of the United States shall take all appropriate measures within their authority to carry out the provisions of this order.

SEC. 9. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government or the United Nations, including its programs, funds, and other entities and bodies, as well as its specialized agencies and related organizations, by employees, grantees, and contractors thereof.

SEC. 10. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

§ 9527. Sanctions with respect to investment in or facilitation of privatization of State-owned assets by the Russian Federation

(a) In general

The President shall impose five or more of the sanctions described in section 9529 of this title if the President determines that a person, with actual knowledge, on or after August 2, 2017, makes an investment of \$10,000,000 or more (or any combination of investments of not less than

\$1,000,000 each, which in the aggregate equals or exceeds \$10,000,000 in any 12-month period), or facilitates such an investment, if the investment directly and significantly contributes to the ability of the Russian Federation to privatize state-owned assets in a manner that unjustly benefits—

(1) officials of the Government of the Russian Federation; or

(2) close associates or family members of those officials.

(b) Application of new sanctions

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

(1) a written determination that the waiver—

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

(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.

(Pub. L. 115-44, title II, §233, Aug. 2, 2017, 131 Stat. 917.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1)(B), was in the original “this title”, meaning title II of Pub. L. 115-44, Aug. 2, 2017, 131 Stat. 898, which is classified principally to this chapter. For complete classification of title II to the Code, see section 201 of Pub. L. 115-44, set out as a Short Title note under section 9501 of this title and Tables.

§ 9528. Sanctions with respect to the transfer of arms and related materiel to Syria

(a) Imposition of sanctions

(1) In general

The President shall impose on a foreign person the sanctions described in subsection (b) if the President determines that such foreign person has, on or after August 2, 2017, knowingly exported, transferred, or otherwise provided to Syria significant financial, material, or technological support that contributes materially to the ability of the Government of Syria to—

(A) acquire or develop chemical, biological, or nuclear weapons or related technologies;

(B) acquire or develop ballistic or cruise missile capabilities;

(C) acquire or develop destabilizing numbers and types of advanced conventional weapons;

(D) acquire significant defense articles, defense services, or defense information (as