

§ 9563. Prioritization of efforts and assistance for energy infrastructure projects in Europe and Eurasia

(a) In general

In pursuing the policy described in section 9562 of this title, the Secretary of State, in consultation with the Secretary of Energy and the heads of other relevant United States agencies, shall, as appropriate, prioritize and expedite the efforts of the Department of State and those agencies in supporting the efforts of the European Commission and the governments of European and Eurasian countries to increase their energy security, including through—

(1) providing diplomatic and political support to the European Commission and those governments, as necessary—

(A) to facilitate international negotiations concerning cross-border infrastructure;

(B) to enhance Europe's regulatory environment with respect to energy; and

(C) to develop accessible, transparent, and competitive energy markets supplied by diverse sources, types, and routes of energy; and

(2) providing support to improve European and Eurasian energy markets, including early-stage project support and late-stage project support for the construction or improvement of energy and related infrastructure, as necessary—

(A) to diversify the energy sources and supply routes of European and Eurasian countries;

(B) to enhance energy market integration across the region; and

(C) to increase competition within energy markets.

(b) Project selection

(1) In general

The agencies described in subsection (a) shall identify energy infrastructure projects that would be appropriate for United States assistance under this section.

(2) Project eligibility

A project is eligible for United States assistance under this section if the project—

(A)(i) improves electricity transmission infrastructure, power generation through the use of a broad power mix (including fossil fuel and renewable energy), or energy efficiency; or

(ii) advances electricity storage projects, smart grid projects, distributed generation models, or other technological innovations, as appropriate; and

(B) is located in a European or Eurasian country.

(3) Preference

In selecting among projects that are eligible under paragraph (2), the agencies described in subsection (a) shall give preference to projects that—

(A) link the energy systems of 2 or more European or Eurasian countries;

(B) have already been identified by the European Commission as being integral for the energy security of European countries;

(C) are expected to enhance energy market integration;

(D) can attract funding from the private sector, an international financial institution, the government of the country in which the project will be carried out, or the European Commission; or

(E) have the potential to use United States goods and services during project implementation.

(c) Types of assistance

(1) Diplomatic and political support

The Secretary of State shall provide diplomatic and political support to the European Commission and the governments of European and Eurasian countries, as necessary, including by using the diplomatic and political influence and expertise of the Department of State to build the capacity of those countries to resolve any impediments to the development of projects selected under subsection (b).

(2) Early-stage project support

The Director of the Trade and Development Agency shall provide early-stage project support with respect to projects selected under subsection (b), as necessary.

(3) Late-stage project support

Agencies described in subsection (a) that provide late-stage project support shall do so with respect to projects selected under subsection (b), as necessary.

(d) Omitted

(e) Exception from certain limitation under BUILD Act

(1) In general

For purposes of providing support for projects under this section—

(A) the United States International Development Finance Corporation may provide support for projects in countries with upper-middle-income economies or high-income economies (as those terms are defined by the World Bank);

(B) the restriction under section 9612(c)(2) of this title shall not apply; and

(C) the Corporation shall restrict the provision of such support in a country described in subparagraph (A) unless—

(i) the President certifies to the appropriate congressional committees that such support furthers the national economic or foreign policy interests of the United States; and

(ii) such support is—

(I) designed to produce significant developmental outcomes or provide developmental benefits to the poorest population of that country; or

(II) necessary to preempt or counter efforts by a strategic competitor of the United States to secure significant political or economic leverage or acquire national security-sensitive technologies or infrastructure in a country that is an ally or partner of the United States.

(2) Definitions

In this subsection, the terms “appropriate congressional committees” and “less devel-

oped country” have the meanings given those terms in section 9601 of this title.

(Pub. L. 116–94, div. P, title XX, §2004, Dec. 20, 2019, 133 Stat. 3223.)

Editorial Notes

REFERENCES IN TEXT

The BUILD Act, referred to in subsec. (e), probably means the BUILD Act of 2018, also known as the Better Utilization of Investments Leading to Development Act of 2018, which is classified principally to chapter 103 (§9601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of this title and Tables.

CODIFICATION

Section was enacted as part of the European Energy Security and Diversification Act of 2019, and also as part of the Further Consolidated Appropriations Act, 2020, and not as part of the Countering Russian Influence in Europe and Eurasia Act of 2017 which comprises this chapter.

Section is comprised of section 2004 of Pub. L. 116–94. Subsec. (d) of section 2004 of Pub. L. 116–94 amended sections 2421 and 9543 of this title.

Executive Documents

DELEGATION OF AUTHORITY UNDER THE EUROPEAN ENERGY SECURITY AND DIVERSIFICATION ACT OF 2019

Memorandum of President of the United States, June 8, 2022, 87 F.R. 35853, provided:

Memorandum for the Secretary of State

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 the functions and authorities vested in the President by section 2004(e)(1)(C) of the European Energy Security and Diversification Act of 2019 (22 U.S.C. 9563(e)(1)(C)) (the “Act”). 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. Any reference in this memorandum to the Act shall be deemed to be a reference to such Act as amended from time to time.

You are authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

§ 9564. Progress reports

Not later than one year after December 20, 2019, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on progress made in providing assistance for projects under section 9563 of this title that includes—

(1) a description of the energy infrastructure projects the United States has identified for such assistance; and

(2) for each such project—

(A) a description of the role of the United States in the project, including in early-stage project support and late-stage project support;

(B) the amount and form of any debt financing and insurance provided by the United States Government for the project;

(C) the amount and form of any early-stage project support; and

(D) an update on the progress made on the project as of the date of the report.

(Pub. L. 116–94, div. P, title XX, §2005, Dec. 20, 2019, 133 Stat. 3226.)

Editorial Notes

CODIFICATION

Section was enacted as part of the European Energy Security and Diversification Act of 2019, and also as part of the Further Consolidated Appropriations Act, 2020, and not as part of the Countering Russian Influence in Europe and Eurasia Act of 2017 which comprises this chapter.

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§ 9601. Definitions

In this chapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—