

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the imposition of sanctions with respect to entities responsible for the planning, construction, or operation of the Nord Stream 2 pipeline and their corporate officers and to apply congressional review under the Countering America's Adversaries Through Sanctions Act to the removal of sanctions relating to Nord Stream 2.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 4350

To authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. RISCH to the
amendment (No. 3867) proposed by Mr. REED

Viz:

1 At the end of subtitle D of title XII, add the fol-
2 lowing:

3 **SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO**
4 **NORD STREAM 2.**

5 (a) IN GENERAL.—Not later than 15 days after the
6 date of the enactment of this Act, the President shall—

1 (1) impose sanctions under subsection (b) with
2 respect to any corporate officer of an entity estab-
3 lished for or responsible for the planning, construc-
4 tion, or operation of the Nord Stream 2 pipeline or
5 a successor entity; and

6 (2) impose sanctions under subsection (c) with
7 respect to any entity described in paragraph (1).

8 (b) INELIGIBILITY FOR VISAS, ADMISSION, OR PA-
9 ROLE OF IDENTIFIED PERSONS AND CORPORATE OFFI-
10 CERS.—

11 (1) IN GENERAL.—

12 (A) VISAS, ADMISSION, OR PAROLE.—An
13 alien described in subsection (a)(1) is—

14 (i) inadmissible to the United States;

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

17 and

18 (iii) otherwise ineligible to be admitted
19 or paroled into the United States or to re-
20 ceive any other benefit under the Immigra-
21 tion and Nationality Act (8 U.S.C. 1101 et
22 seq.).

23 (B) CURRENT VISAS REVOKED.—

24 (i) IN GENERAL.—The visa or other
25 entry documentation of an alien described

1 in subsection (a)(1) shall be revoked, re-
2 gardless of when such visa or other entry
3 documentation is or was issued.

4 (ii) IMMEDIATE EFFECT.—A revoca-
5 tion under clause (i) shall—

6 (I) take effect immediately; and

7 (II) automatically cancel any
8 other valid visa or entry documenta-
9 tion that is in the alien's possession.

10 (c) BLOCKING OF PROPERTY OF IDENTIFIED PER-
11 SONS.—The President shall exercise all powers granted to
12 the President by the International Emergency Economic
13 Powers Act (50 U.S.C. 1701 et seq.) to the extent nec-
14 essary to block and prohibit all transactions in all property
15 and interests in property of an entity described in sub-
16 section (a)(1) if such property and interests in property
17 are in the United States, come within the United States,
18 or are or come within the possession or control of a United
19 States person.

20 (d) EXCEPTIONS.—

21 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
22 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
23 TIES.—Sanctions under this section shall not apply
24 to any authorized intelligence, law enforcement, or
25 national security activities of the United States.

1 (2) EXCEPTION TO COMPLY WITH UNITED NA-
2 TIONS HEADQUARTERS AGREEMENT.—Sanctions
3 under this section shall not apply with respect to the
4 admission of an alien to the United States if the ad-
5 mission of the alien is necessary to permit the
6 United States to comply with the Agreement regard-
7 ing the Headquarters of the United Nations, signed
8 at Lake Success June 26, 1947, and entered into
9 force November 21, 1947, between the United Na-
10 tions and the United States, the Convention on Con-
11 sular Relations, done at Vienna April 24, 1963, and
12 entered into force March 19, 1967, or other applica-
13 ble international obligations.

14 (3) EXCEPTION RELATING TO IMPORTATION OF
15 GOODS.—

16 (A) IN GENERAL.—Notwithstanding any
17 other provision of this section, the authorities
18 and requirements to impose sanctions under
19 this section shall not include the authority or a
20 requirement to impose sanctions on the impor-
21 tation of goods.

22 (B) GOOD DEFINED.—In this paragraph,
23 the term “good” means any article, natural or
24 man-made substance, material, supply or manu-

1 factured product, including inspection and test
2 equipment, and excluding technical data.

3 (e) CONDITIONS FOR REMOVAL OF SANCTIONS.—

4 Subject to review by Congress under section 216 of the
5 Countering America’s Adversaries Through Sanctions Act
6 (22 U.S.C. 9511), the President may waive the application
7 of sanctions under this section if the President—

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

10 (2) submits to the appropriate congressional
11 committees a report on the waiver and the reason
12 for the waiver.

13 (f) IMPLEMENTATION; PENALTIES.—

14 (1) IMPLEMENTATION.—The President may ex-
15 ercise all authorities provided to the President under
16 sections 203 and 205 of the International Emer-
17 gency Economic Powers Act (50 U.S.C. 1702 and
18 1704) to carry out this section.

19 (2) PENALTIES.—A person that violates, at-
20 tempts to violate, conspires to violate, or causes a
21 violation of this section or any regulation, license, or
22 order issued to carry out this section shall be subject
23 to the penalties set forth in subsections (b) and (c)
24 of section 206 of the International Emergency Eco-
25 nomic Powers Act (50 U.S.C. 1705) to the same ex-

1 tent as a person that commits an unlawful act de-
2 scribed in subsection (a) of that section.

3 (g) SUNSET.—The authority to impose sanctions
4 under this section shall terminate on the date that is 5
5 years after the date of the enactment of this Act.

6 (h) DEFINITIONS.—In this section:

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

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

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

17 (B) the Committee on Foreign Affairs and
18 the Committee on Financial Services of the
19 House of Representatives.

20 (3) UNITED STATES PERSON.—The term
21 “United States person” means—

22 (A) a United States citizen or an alien law-
23 fully admitted for permanent residence to the
24 United States;

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

5 (C) any person within the United States.

6 **SEC. 1238. CONGRESSIONAL REVIEW OF WAIVER UNDER**
7 **PROTECTING EUROPE’S ENERGY SECURITY**
8 **ACT OF 2019.**

9 Section 7503(f) of the Protecting Europe’s Energy
10 Security Act of 2019 (title LXXV of Public Law 116–
11 92; 22 U.S.C. 9526 note) is amended, in the matter pre-
12 ceding paragraph (1), by striking “The President” and in-
13 serting “Subject to review by Congress under section 216
14 of the Countering America’s Adversaries Through Sanc-
15 tions Act (22 U.S.C. 9511), the President”.

16 **SEC. 1239. APPLICATION OF CONGRESSIONAL REVIEW**
17 **UNDER COUNTERING AMERICA’S ADVER-**
18 **SARIES THROUGH SANCTIONS ACT.**

19 Section 216(a)(2) of the Countering America’s Ad-
20 versaries Through Sanctions Act (22 U.S.C. 9511(a)(2))
21 is amended—

22 (1) in subparagraph (A)—

23 (A) in clause (i), by inserting “(other than
24 sanctions described in clause (i)(IV) of that
25 subparagraph)” after “subparagraph (B)”; and

1 (B) in clause (ii), by inserting “or other-
2 wise remove” after “waive”; and

3 (2) in subparagraph (B)(i)—

4 (A) in subclause (II), by striking “; or”
5 and inserting a semicolon;

6 (B) in subclause (III), by striking “; and”
7 and inserting a semicolon; and

8 (C) by adding at the end the following:

9 “(IV) section 7503 of the Pro-
10 tecting Europe’s Energy Security Act
11 of 2019 (title LXXV of Public Law
12 116–92; 22 U.S.C. 9526 note); or

13 “(V) section 1237 of the Na-
14 tional Defense Authorization Act for
15 Fiscal Year 2022; and”.

16 **SEC. 1240. INCLUSION OF MATTER RELATING TO NORD**
17 **STREAM 2 IN REPORT UNDER COUNTERING**
18 **AMERICA’S ADVERSARIES THROUGH SANC-**
19 **TIONS ACT.**

20 Each report submitted under section 216(a)(1) of the
21 Countering America’s Adversaries Through Sanctions Act
22 (22 U.S.C. 9511(a)(1)) relating to sanctions under section
23 1237 of this Act or section 7503 of the Protecting Eu-
24 rope’s Energy Security Act of 2019 (title LXXV of Public
25 Law 116–92; 22 U.S.C. 9526 note) shall include—

1 (1) an assessment of the security risks posed by
2 Nord Stream 2, including—

3 (A) the presence along Nord Stream 2 or
4 Nord Stream 1 infrastructure or pipeline cor-
5 ridors of undersea surveillance systems and sen-
6 sors, fiber optic terminals, or other systems
7 that are capable of conducting military or intel-
8 ligence activities unrelated to civilian energy
9 transmission, including those designed to en-
10 hance Russian Federation anti-submarine war-
11 fare, surveillance, espionage, or sabotage capa-
12 bilities;

13 (B) the use of Nord Stream-affiliated in-
14 frastructure, equipment, personnel, vessels, fi-
15 nancing, or other assets—

16 (i) to facilitate, carry out, or conceal
17 Russian Federation maritime surveillance,
18 espionage, or sabotage activities;

19 (ii) to justify the presence of Russian
20 Federation naval vessels or military per-
21 sonnel or equipment in international
22 waters or near North Atlantic Treaty Or-
23 ganization or partner countries;

24 (iii) to disrupt freedom of navigation;

25 or

1 (iv) to pressure or intimidate coun-
2 tries in the Baltic Sea;

3 (C) the involvement in the Nord Stream 2
4 pipeline or its affiliated entities of current or
5 former Russian, Soviet, or Warsaw Pact intel-
6 ligence and military personnel and any business
7 dealings between Nord Stream 2 and entities
8 affiliated with the intelligence or defense sector
9 of the Russian Federation; and

10 (D) malign influence activities of the Gov-
11 ernment of the Russian Federation, including
12 strategic corruption and efforts to influence Eu-
13 ropean decision-makers, supported or financed
14 through the Nord Stream 2 pipeline;

15 (2) an assessment of whether the Russian Fed-
16 eration maintains gas transit through Ukraine at
17 levels consistent with the volumes set forth in the
18 Ukraine-Russian Federation gas transit agreement
19 of December 2019 and continues to pay the transit
20 fees specified in that agreement;

21 (3) an assessment of the status of negotiations
22 between the Russian Federation and Ukraine to se-
23 cure an agreement to extend gas transit through
24 Ukraine beyond the expiration of the agreement de-
25 scribed in paragraph (2); and

1 (4) an assessment of whether the United States
2 and Germany have agreed on a common definition
3 for energy “weaponization” and the associated trig-
4 gers for sanctions and other enforcement actions,
5 pursuant to the Joint Statement of the United
6 States and Germany on support for Ukraine, Euro-
7 pean energy security, and our climate goals, dated
8 July 21, 2021; and

9 (5) a description of the consultations with
10 United States allies and partners in Europe, includ-
11 ing Ukraine, Poland, and the countries in Central
12 and Eastern Europe most impacted by the Nord
13 Stream 2 pipeline concerning the matters agreed to
14 as described in paragraph (4).