

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1189

To require the Secretary of State to determine whether the Russian Federation should be designated as a state sponsor of terrorism and whether Russian-sponsored armed entities in Ukraine should be designated as foreign terrorist organizations.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. GARDNER

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stopping Malign Ac-
5 tivities from Russian Terrorism Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

1 (A) the Committee on Foreign Relations of
2 the Senate; and

3 (B) the Committee on Foreign Affairs of
4 the House of Representatives.

5 (2) STATE SPONSOR OF TERRORISM.—The term
6 “state sponsor of terrorism” means a country, the
7 government of which the Secretary of State has de-
8 termined, for purposes of section 1754(c)(1)(A)(i) of
9 the Export Control Reform Act of 2018 (50 U.S.C.
10 4813(c)(1)(A)(i)), section 620A of the Foreign As-
11 sistance Act of 1961 (22 U.S.C. 2371), section 40
12 of the Arms Export Control Act (22 U.S.C. 2780),
13 or any other provision of law, is a government that
14 has repeatedly provided support for acts of inter-
15 national terrorism.

16 **SEC. 3. DETERMINATION ON THE DESIGNATION OF THE**
17 **RUSSIAN FEDERATION AS A STATE SPONSOR**
18 **OF TERRORISM.**

19 (a) IN GENERAL.—Not later than 90 days after the
20 date of the enactment of this Act, the Secretary of State
21 shall submit a determination to the appropriate congres-
22 sional committees that indicates whether the Russian Fed-
23 eration meets the criteria to be designated as a state spon-
24 sor of terrorism.

1 (b) FORM.—The determination required under sub-
2 section (a) shall be submitted in unclassified form, but
3 may include a classified annex, if appropriate.

4 **SEC. 4. DETERMINATION ON THE DESIGNATION OF THE**
5 **RUSSIAN-SUPPORTED ARMED FORCES IN THE**
6 **DONBAS REGION OF UKRAINE AS FOREIGN**
7 **TERRORIST ORGANIZATIONS.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of the enactment of this Act, the Secretary of State
10 shall submit a determination to the appropriate congres-
11 sional committees that indicates whether armed entities
12 that are physically present in the Donbas region of
13 Ukraine and are controlled or aided by the Russian Fed-
14 eration, or armed entities that are associated or controlled
15 by the “Donetsk People’s Republic” or the “Lugansk Peo-
16 ple’s Republic”, meet the criteria to be designated as for-
17 eign terrorist organizations under section 219 of the Im-
18 migration and Nationality Act (8 U.S.C. 1189).

19 (b) FORM.—The determination required under sub-
20 section (a) shall be submitted in unclassified form, but
21 may include a classified annex, if appropriate.

22 **SEC. 5. RULES OF CONSTRUCTION.**

23 Nothing in this Act may be construed—

24 (1) to authorize the use of military force; or

1 (2) to limit bilateral military-to-military dia-
2 logue between the United States and the Russian
3 Federation for the purpose of reducing the risk of
4 conflict.