

**22 USC Ch. 96: SOVEREIGNTY, INTEGRITY, DEMOCRACY, AND ECONOMIC STABILITY OF UKRAINE**

**From Title 22—FOREIGN RELATIONS AND INTERCOURSE**

**CHAPTER 96—SOVEREIGNTY, INTEGRITY, DEMOCRACY, AND ECONOMIC STABILITY OF UKRAINE**

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**§8901. Definitions**

In this chapter:

**(1) Alien**

The term "alien" has the meaning given that term in section 1101(a) of title 8.

**(2) Appropriate congressional committees**

The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Appropriations, and the majority leader and minority leader of the Senate; and

(B) the Committee on Financial Services<sup>1</sup> the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Speaker and minority leader of the House of Representatives.

**(3) Materially assisted**

The term "materially assisted" means the provision of assistance that is significant and of a kind directly relevant to acts described in paragraph (1), (2), or (3) of section 8907(a) of this title or acts described in section 8908(a)(1) of this title.

**(4) 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; or

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

(Pub. L. 113–95, §2, Apr. 3, 2014, 128 Stat. 1088; Pub. L. 115–44, title II, §228(b), Aug. 2, 2017, 131 Stat. 914.)

#### EDITORIAL NOTES

#### AMENDMENTS

**2017**—Par. (2)(A). Pub. L. 115–44, §228(b)(1), inserted "the Committee on Banking, Housing, and Urban Affairs," before "the Committee on Foreign Relations".

Par. (2)(B). Pub. L. 115–44, §228(b)(2), inserted "the Committee on Financial Services" before "the Committee on Foreign Affairs".

#### STATUTORY NOTES AND RELATED SUBSIDIARIES

#### SHORT TITLE

Pub. L. 113–95, §1, Apr. 3, 2014, 128 Stat. 1088, provided that: "This Act [enacting this chapter] may be cited as the 'Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014'."

<sup>1</sup> So in original. Probably should be followed by a comma.

### §8902. United States policy toward Ukraine

It is the policy of the United States—

(1) to condemn the unjustified military intervention of the Russian Federation in the Crimea region of Ukraine and its concurrent occupation of that region, as well as any other form of political, economic, or military aggression against Ukraine;

(2) to reaffirm the commitment of the United States to, and to remind Russia of its ongoing commitment to, the 1994 Budapest Memorandum on Security Assurances, which was executed jointly with the Russian Federation and the United Kingdom and explicitly secures the independence, sovereignty, and territorial integrity and borders of Ukraine, and to demand the immediate cessation of improper activities, including the seizures of airfields and other locations, and the immediate return of Russian forces to their barracks;

(3) to work with United States partners in the European Union, the North Atlantic Treaty Organization, and at the United Nations to ensure that all nations recognize and not undermine, nor seek to undermine, the independence, sovereignty, or territorial or economic integrity of Ukraine;

(4) to use all appropriate economic elements of United States national power, in coordination with United States allies, to protect the independence, sovereignty, and territorial and economic integrity of Ukraine;

(5) to support the people of Ukraine in their desire to forge closer ties with Europe, including signing an Association Agreement with the European Union as a means to address endemic corruption, consolidate democracy, and achieve sustained prosperity;

(6) to use the voice and vote of the United States to secure sufficient resources through the International Monetary Fund to support needed economic structural reforms in Ukraine under conditions that will reinforce a sovereign decision by the Government of Ukraine to sign and implement an association agreement with the European Union;

(7) to help the Government of Ukraine prepare for the presidential election in May 2014;

(8) to reinforce the efforts of the Government of Ukraine to bring to justice those responsible for the acts of violence against peaceful protestors and other unprovoked acts of violence related to the antigovernment protests in <sup>1</sup> that began on November 21, 2013;

(9) to support the efforts of the Government of Ukraine to recover and return to the Ukrainian state funds stolen by former President Yanukovych, his family, and other current and former members of the Ukrainian government and elites;

(10) to support the continued professionalization of the Ukrainian military;

(11) to condemn economic extortion by the Russian Federation against Ukraine, Moldova, Lithuania, and other countries in the region designed to obstruct closer ties between the European Union and the countries of the Eastern Partnership and to reduce the harmful consequences of such extortion;

(12) to condemn the continuing and long-standing pattern and practice by the Government of the Russian Federation of physical and economic aggression toward neighboring countries;

(13) to enhance and extend our security cooperation with, security assistance to, and military exercises conducted with, states in Central and Eastern Europe, including North Atlantic Treaty Organization (NATO) member countries, NATO aspirants, and appropriate Eastern Partnership countries;

(14) to reaffirm United States defense commitments to its treaty allies under Article V of the North Atlantic Treaty;

(15) that the continued participation of the Russian Federation in the Group of Eight (G–8) nations should be conditioned on the Government of the Russian Federation respecting the territorial integrity of its neighbors and accepting and adhering to the norms and standards of free, democratic societies as generally practiced by every other member nation of the G–8 nations;

(16) to explore ways for the United States Government to assist the countries of Central and Eastern Europe to diversify their energy sources and achieve energy security; and

(17) to ensure the United States maintains its predominant leadership position and influence within the International Monetary Fund, and to guarantee the International Monetary Fund has the resources and governance structure necessary to support structural reforms in Ukraine and respond to and prevent a potentially serious financial crisis in Ukraine or other foreign economic crises that threatens United States national security.

(Pub. L. 113–95, §3, Apr. 3, 2014, 128 Stat. 1088.)

<sup>1</sup> *So in original.*

## **§8903. Provision of costs of loan guarantees for Ukraine**

### **(a) In general**

From the unobligated balance of amounts appropriated or otherwise made available under the heading "economic support fund" under the heading "Funds Appropriated to the President" in title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014 (division K of Public Law 113–76) [128 Stat. 479] and in Acts making appropriations for the Department of State, foreign operations, and related programs for preceding fiscal years (other than amounts designated pursuant to section 901(b)(2)(A) of title 2), amounts shall be made available for the costs (as defined in section 661a of title 2) of loan guarantees for Ukraine that are hereby authorized to be provided under this chapter.

### **(b) Inapplicability of certain limitations**

Amounts made available for the costs of loan guarantees for Ukraine pursuant to subsection (a) shall not be considered "assistance" for the purpose of provisions of law limiting assistance to Ukraine.

(Pub. L. 113–95, §4, Apr. 3, 2014, 128 Stat. 1090.)

## **§8904. Recovery of assets linked to governmental corruption in Ukraine**

### **(a) Asset recovery**

The Secretary of State, in coordination with the Attorney General and the Secretary of the Treasury, shall assist, on an expedited basis as appropriate, the Government of Ukraine to identify, secure, and recover assets linked to acts of corruption by Viktor Yanukovich, members of his family, or other former or current officials of the Government of Ukraine or their accomplices in any jurisdiction through appropriate programs, including the Kleptocracy Asset Recovery Initiative of the Department of Justice.

### **(b) Coordination**

Any asset recovery efforts undertaken pursuant to subsection (a) shall be coordinated through the relevant bilateral or multilateral entities, including, as appropriate, the Egmont Group of Financial Intelligence Units, the Stolen Asset Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, the Camden Asset Recovery Inter-Agency Network, and the Global Focal Point Initiative of the International Criminal Police Organization (INTERPOL).

### **(c) Investigative assistance**

The Secretary of State, in coordination with the Attorney General, shall assist the Government of Ukraine, the European Union, and other appropriate countries, on an expedited basis, with formal and informal investigative assistance and training, as appropriate, to support the identification, seizure, and return to the Government of Ukraine of assets linked to acts of corruption.

**(d) Priority assigned**

The Secretary of the Treasury shall ensure that the Financial Crimes Enforcement Network of the Department of the Treasury assists the Government of Ukraine, the European Union, and other appropriate countries under section 314(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (31 U.S.C. 5311 note).

(Pub. L. 113–95, §5, Apr. 3, 2014, 128 Stat. 1090.)

**EDITORIAL NOTES****REFERENCES IN TEXT**

Section 314(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, referred to in subsec. (d), is section 314(a) of Pub. L. 107–56, which is set out as a note under section 5311 of Title 31, Money and Finance.

## **§8905. Democracy, civil society, governance, and technical assistance for Ukraine and other states in Central and Eastern Europe**

**(a) In general**

The Secretary of State shall, subject to the availability of appropriations, directly or through nongovernmental organizations—

- (1) improve democratic governance, transparency, accountability, rule of law, and anti-corruption efforts in Ukraine;
- (2) support efforts by the Government of Ukraine to foster greater unity among the people and regions of the country;
- (3) support the people and Government of Ukraine in preparing to conduct and contest free and fair elections, including through domestic and international election monitoring;
- (4) assist in diversifying Ukraine's economy, trade, and energy supplies, including at the national, regional, and local levels;
- (5) strengthen democratic institutions and political and civil society organizations in Ukraine;
- (6) expand free and unfettered access to independent media of all kinds in Ukraine and assist with the protection of journalists and civil society activists who have been targeted for free speech activities;
- (7) support political and economic reform initiatives by Eastern Partnership countries; and
- (8) support the efforts of the Government of Ukraine, civil society, and international organizations to enhance the economic and political empowerment of women in Ukraine and to prevent and address violence against women and girls in Ukraine, and support the inclusion of women in Ukraine in any negotiations to restore Ukraine's security, independence, sovereignty, or territorial or economic integrity.

**(b) Authorization of appropriations**

There is authorized to be appropriated to the Secretary of State \$50,000,000 for fiscal year 2015 to carry out the activities set forth in subsection (a). Amounts appropriated for the activities set forth in subsection (a) shall be used pursuant to the authorization and requirements contained in this section. Additional amounts may be authorized to be appropriated under other provisions of law.

**(c) Strategy requirement**

Not later than 60 days after April 3, 2014, the President shall submit to the appropriate congressional committees a strategy to carry out the activities set forth in subsection (a).

**(d) Notification requirement****(1) In general**

Funds appropriated or otherwise made available pursuant to subsection (b) may not be obligated until 15 days after the date on which the President has provided notice of intent to obligate such funds to the appropriate congressional committees.

**(2) Waiver**

The President may waive the notification requirement under paragraph (1) if the President determines that failure to do so would pose a substantial risk to human health or welfare, in which case notification shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable in the context of the circumstances necessitating such

waiver.

(Pub. L. 113–95, §6, Apr. 3, 2014, 128 Stat. 1091.)

## **§8906. Enhanced security cooperation with Ukraine and other countries in Central and Eastern Europe**

### **(a) In general**

The President shall, subject to the availability of appropriations—

- (1) enhance security cooperation efforts and relationships amongst countries in Central and Eastern Europe and among the United States, the European Union, and countries in Central and Eastern Europe;
- (2) provide additional security assistance, including defense articles and defense services (as those terms are defined in section 2794 of this title) and military training, to countries in Central and Eastern Europe, including Ukraine; and
- (3) support greater reform, professionalism, and capacity-building efforts within the military, intelligence, and security services in Central and Eastern Europe, including Ukraine.

### **(b) Authorization of appropriations**

There is authorized to be appropriated to the President a total of \$100,000,000 for fiscal years 2015 through 2017 to carry out this section. Amounts appropriated for the activities set forth in subsection (a) shall be used pursuant to the authorization and requirements contained in this section. Additional amounts may be authorized to be appropriated under other provisions of law.

### **(c) Strategy requirement**

Not later than 60 days after April 3, 2014, the President shall submit to the appropriate congressional committees a strategy to carry out the activities set forth in subsection (a).

### **(d) Notification requirement**

#### **(1) In general**

Funds appropriated or otherwise made available pursuant to subsection (b) may not be obligated until 15 days after the date on which the President has provided notice of intent to obligate such funds to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives.

#### **(2) Waiver**

The President may waive the notification requirement under paragraph (1) if the President determines that failure to do so would pose a substantial risk to human health or welfare, in which case notification shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable in the context of the circumstances necessitating such waiver.

(Pub. L. 113–95, §7, Apr. 3, 2014, 128 Stat. 1092.)

## **§8907. Sanctions on persons responsible for violence or undermining the peace, security, stability, sovereignty, or territorial integrity of Ukraine**

### **(a) In general**

The President shall impose the sanctions described in subsection (b) with respect to—

- (1) any person, including a current or former official of the Government of Ukraine or a person acting on behalf of that Government, that the President determines has perpetrated, or is responsible for ordering, controlling, or otherwise directing, significant acts of violence or gross human rights abuses in Ukraine against persons associated with the antigovernment protests in Ukraine that began on November 21, 2013;
- (2) any person that the President determines has perpetrated, or is responsible for ordering, controlling, or otherwise directing, significant acts that are intended to undermine the peace, security, stability, sovereignty, or territorial integrity of Ukraine, including acts of economic extortion;
- (3) any official of the Government of the Russian Federation, or a close associate or family member of such an official, that the President determines is responsible for, complicit in, or responsible for ordering, controlling, or otherwise directing, acts of significant corruption in Ukraine, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign

jurisdictions; and

(4) any individual that the President determines materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the commission of acts described in paragraph (1), (2), or (3).

**(b) Sanctions described**

**(1) In general**

The sanctions described in this subsection are the following:

**(A) 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.

**(B) 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.

**(2) Penalties**

A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1)(A) or any regulation, license, or order issued to carry out paragraph (1)(A) 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.

**(3) Exception relating to the importation of goods**

**(A) In general**

The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

**(B) Good defined**

In this paragraph, the term "good" has the meaning given that term in section 4618<sup>1</sup> of title 50 (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

**(4) Exception to comply with United Nations headquarters agreement**

Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States 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, or other applicable international obligations.

**(c) Waiver**

The President may waive the application of sanctions under subsection (b) with respect to a person if the President—

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

(2) on or before the date on which the waiver takes effect, submits to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives a notice of and a justification for the waiver.

**(d) 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 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) Regulatory authority**

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

(Pub. L. 113–95, §8, Apr. 3, 2014, 128 Stat. 1093; Pub. L. 115–44, title II, §230(a), Aug. 2, 2017, 131 Stat. 915.)

#### 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.

#### AMENDMENTS

**2017**—Subsecs. (d), (e). Pub. L. 115–44, which directed amendment of section 8 of the "Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014" by adding subsec. (d) and redesignating former subsec. (d) as (e), was executed to this section, which is section 8 of the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014, to reflect the probable intent of Congress.

<sup>1</sup> See References in Text note below.

### **§8908. Sanctions on persons in the Russian Federation complicit in or responsible for significant corruption**

#### **(a) In general**

The President shall impose the sanctions described in subsection (b) with respect to—

(1) any official of the Government of the Russian Federation, or a close associate or family member of such an official, that the President determines is, on or after August 2, 2017, responsible for, or complicit in, or responsible for ordering, controlling, or otherwise directing, acts of significant corruption in the Russian Federation or elsewhere, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; and

(2) any individual who has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an act described in paragraph (1).

#### **(b) Sanctions described**

##### **(1) In general**

The sanctions described in this subsection are the following:

##### **(A) 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.

##### **(B) 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.

##### **(2) Penalties**

A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1)(A) or any regulation, license, or order issued to carry out paragraph (1)(A) 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.

**(3) Exception relating to the importation of goods****(A) In general**

The authority to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

**(B) Good defined**

In this paragraph, the term "good" has the meaning given that term in section 4618 <sup>1</sup> of title 50 (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

**(4) Exception to comply with United Nations headquarters agreement**

Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States 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, or other applicable international obligations.

**(c) Waiver**

except <sup>2</sup> as provided in subsection (d), the President may waive the application of sanctions under subsection (b) with respect to a person if the President—

- (1) determines that such a waiver is in the national security interests of the United States; and
- (2) on or before the date on which the waiver takes effect, submits to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives a notice of and a justification for the waiver.

**(d) 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 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) <sup>3</sup> 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) <sup>3</sup> 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.

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.

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be capitalized.

<sup>3</sup> So in original. Two subsecs. (e) have been enacted.

## **§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 additional 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 reduce 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.