

Calendar No. 231

117TH CONGRESS
1ST SESSION

S. 3436

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18 (legislative day, DECEMBER 17), 2021

Mr. CRUZ (for himself and Mr. RISCH) introduced the following bill; which was read twice and ordered placed on the calendar

A BILL

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, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Europe’s
3 Energy Security Implementation Act”.

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

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

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

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

15 (b) INELIGIBILITY FOR VISAS, ADMISSION, OR PA-
16 ROLE OF IDENTIFIED PERSONS AND CORPORATE OFFI-
17 CERS.—

18 (1) IN GENERAL.—

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

21 (i) inadmissible to the United States;

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

25 (iii) otherwise ineligible to be admitted
26 or paroled into the United States or to re-

1 ceive any other benefit under the Immigra-
2 tion and Nationality Act (8 U.S.C. 1101 et
3 seq.).

4 (B) CURRENT VISAS REVOKED.—

5 (i) IN GENERAL.—The visa or other
6 entry documentation of an alien described
7 in subsection (a)(1) shall be revoked, re-
8 gardless of when such visa or other entry
9 documentation is or was issued.

10 (ii) IMMEDIATE EFFECT.—A revoca-
11 tion under clause (i) shall—

12 (I) take effect immediately; and

13 (II) automatically cancel any
14 other valid visa or entry documenta-
15 tion that is in the alien's possession.

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

1 (d) CONDITIONS FOR REMOVAL OF SANCTIONS.—

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

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

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

11 (e) IMPLEMENTATION; PENALTIES.—

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

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

1 (f) EXCEPTIONS.—

2 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
3 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
4 TIES.—Sanctions under this section shall not apply
5 to any authorized intelligence, law enforcement, or
6 national security activities of the United States.

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

20 (3) EXCEPTION RELATING TO IMPORTATION OF
21 GOODS.—

22 (A) IN GENERAL.—Notwithstanding any
23 other provision of this section, the authorities
24 and requirements to impose sanctions under
25 this section shall not include the authority or a

1 requirement to impose sanctions on the impor-
2 tation of goods.

3 (B) GOOD DEFINED.—In this paragraph,
4 the term “good” means any article, natural or
5 man-made substance, material, supply or manu-
6 factured product, including inspection and test
7 equipment, and excluding technical data.

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

11 (h) DEFINITIONS.—In this section:

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

16 (2) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

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

22 (B) the Committee on Foreign Affairs and
23 the Committee on Financial Services of the
24 House of Representatives.

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

3 (A) a United States citizen or an alien law-
4 fully admitted for permanent residence to the
5 United States;

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

10 (C) any person within the United States.

11 **SEC. 3. CONGRESSIONAL REVIEW OF WAIVER UNDER PRO-**
12 **TECTING EUROPE’S ENERGY SECURITY ACT**
13 **OF 2019.**

14 Section 7503(f) of the Protecting Europe’s Energy
15 Security Act of 2019 (title LXXV of Public Law 116–
16 92; 22 U.S.C. 9526 note) is amended, in the matter pre-
17 ceding paragraph (1), by striking “The President” and in-
18 serting “Subject to review by Congress under section 216
19 of the Countering America’s Adversaries Through Sanc-
20 tions Act (22 U.S.C. 9511), the President”.

1 **SEC. 4. APPLICATION OF CONGRESSIONAL REVIEW UNDER**
 2 **COUNTERING AMERICA'S ADVERSARIES**
 3 **THROUGH SANCTIONS ACT.**

4 Section 216(a)(2) of the Countering America's Ad-
 5 versaries Through Sanctions Act (22 U.S.C. 9511(a)(2))
 6 is amended—

7 (1) in subparagraph (A)—

8 (A) in clause (i), by inserting “(other than
 9 sanctions described in clause (i)(IV) of that
 10 subparagraph)” after “subparagraph (B)”; and

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

13 (2) in subparagraph (B)(i)—

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

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

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

19 “(IV) section 7503 of the Pro-
 20 tecting Europe's Energy Security Act
 21 of 2019 (title LXXV of Public Law
 22 116–92; 22 U.S.C. 9526 note); or

23 “(V) section 2 of the Protecting
 24 Europe's Energy Security Implemen-
 25 tation Act; and”.

1 **SEC. 5. INCLUSION OF MATTER RELATING TO NORD**
2 **STREAM 2 IN REPORT UNDER COUNTERING**
3 **AMERICA'S ADVERSARIES THROUGH SANC-**
4 **TIONS ACT.**

5 Each report submitted under section 216(a)(1) of the
6 Countering America's Adversaries Through Sanctions Act
7 (22 U.S.C. 9511(a)(1)) relating to sanctions under section
8 2 of this Act or section 7503 of the Protecting Europe's
9 Energy Security Act of 2019 (title LXXV of Public Law
10 116–92; 22 U.S.C. 9526 note) shall include—

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

13 (A) the presence along Nord Stream 2 or
14 Nord Stream 1 infrastructure or pipeline cor-
15 ridors of undersea surveillance systems and sen-
16 sors, fiber optic terminals, or other systems
17 that are capable of conducting military or intel-
18 ligence activities unrelated to civilian energy
19 transmission, including those designed to en-
20 hance Russian Federation anti-submarine war-
21 fare, surveillance, espionage, or sabotage capa-
22 bilities;

23 (B) the use of Nord Stream-affiliated in-
24 frastructure, equipment, personnel, vessels, fi-
25 nancing, or other assets—

1 (i) to facilitate, carry out, or conceal
2 Russian Federation maritime surveillance,
3 espionage, or sabotage activities;

4 (ii) to justify the presence of Russian
5 Federation naval vessels or military per-
6 sonnel or equipment in international
7 waters or near North Atlantic Treaty Or-
8 ganization or partner countries;

9 (iii) to disrupt freedom of navigation;
10 or

11 (iv) to pressure or intimidate coun-
12 tries in the Baltic Sea;

13 (C) the involvement in the Nord Stream 2
14 pipeline or its affiliated entities of current or
15 former Russian, Soviet, or Warsaw Pact intel-
16 ligence and military personnel and any business
17 dealings between Nord Stream 2 and entities
18 affiliated with the intelligence or defense sector
19 of the Russian Federation; and

20 (D) malign influence activities of the Gov-
21 ernment of the Russian Federation, including
22 strategic corruption and efforts to influence Eu-
23 ropean decision-makers, supported or financed
24 through the Nord Stream 2 pipeline;

1 (2) an assessment of whether the Russian Fed-
2 eration maintains gas transit through Ukraine at
3 levels consistent with the volumes set forth in the
4 Ukraine-Russian Federation gas transit agreement
5 of December 2019 and continues to pay the transit
6 fees specified in that agreement;

7 (3) an assessment of the status of negotiations
8 between the Russian Federation and Ukraine to se-
9 cure an agreement to extend gas transit through
10 Ukraine beyond the expiration of the agreement de-
11 scribed in paragraph (2); and

12 (4) an assessment of whether the United States
13 and Germany have agreed on a common definition
14 for energy “weaponization” and the associated trig-
15 gers for sanctions and other enforcement actions,
16 pursuant to the Joint Statement of the United
17 States and Germany on support for Ukraine, Euro-
18 pean energy security, and our climate goals, dated
19 July 21, 2021; and

20 (5) a description of the consultations with
21 United States allies and partners in Europe, includ-
22 ing Ukraine, Poland, and the countries in Central
23 and Eastern Europe most impacted by the Nord
24 Stream 2 pipeline concerning the matters agreed to
25 as described in paragraph (4).

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