

## Calendar No. 169

116TH CONGRESS  
1ST SESSION

# S. 1441

To impose sanctions with respect to the provision of certain vessels for the construction of Russian energy export pipelines, and for other purposes.

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### IN THE SENATE OF THE UNITED STATES

MAY 14, 2019

Mr. CRUZ (for himself, Mrs. SHAHEEN, Mr. BARRASSO, Mr. COTTON, Mr. JOHNSON, and Mr. GARDNER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 31, 2019

Reported by Mr. RISCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To impose sanctions with respect to the provision of certain vessels for the construction of Russian energy export pipelines, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Europe’s  
5 Energy Security Act of 2019”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States and Europe share a com-  
4 mon history, a common identity, and common values  
5 built upon the principles of democracy, rule of law,  
6 and individual freedoms;

7 (2) the United States has encouraged and ad-  
8 mired the European project, which has resulted in a  
9 common market and common policies, has achieved  
10 unprecedented prosperity and stability on the con-  
11 tinent, and serves as a model for other countries to  
12 reform their institutions and prioritize  
13 anticorruption measures;

14 (3) the relationships between the United States  
15 and Europe and the United States and Germany are  
16 critical to the national security interests of the  
17 United States as well as to global prosperity and  
18 peace, and Germany in particular is a crucial part-  
19 ner for the United States in multilateral efforts  
20 aimed at promoting global prosperity and peace;

21 (4) the United States should stand against any  
22 effort designed to weaken those relationships; and

23 (5) Germany has demonstrated leadership with-  
24 in the European Union and in international fora to  
25 ensure that sanctions imposed with respect to the

1 Russian Federation for its malign activities are  
 2 maintained.

3 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO PRO-**  
 4 **VISION OF CERTAIN VESSELS FOR THE CON-**  
 5 **STRUCTION OF RUSSIAN ENERGY EXPORT**  
 6 **PIPELINES.**

7 (a) **REPORT REQUIRED.**—Not later than 60 days  
 8 after the date of the enactment of this Act, and every 90  
 9 days thereafter, the Secretary of State shall submit to the  
 10 appropriate congressional committees a report that identi-  
 11 fies, for the period beginning on the date of the enactment  
 12 of this Act and ending on the date of the report—

13 (1) vessels that engaged in pipe-laying at  
 14 depths of 100 feet or more below sea level for the  
 15 construction of Russian energy export pipelines; and

16 (2) foreign persons that have sold, leased, pro-  
 17 vided, or facilitated the provision of those vessels for  
 18 the construction of such pipelines.

19 (b) **INADMISSIBILITY TO UNITED STATES OF IDENTI-**  
 20 **FIED PERSONS AND CORPORATE OFFICERS.**—The Sec-  
 21 retary of State shall deny a visa to, and the Secretary of  
 22 Homeland Security shall exclude from the United States  
 23 of, any alien who is—

24 (1) a foreign person identified under subsection

25 (a)(2);

1           (2) a corporate officer of a person described in  
2       paragraph (1); or

3           (3) a principal shareholder with a controlling  
4       interest in a person described in paragraph (1).

5       (c) BLOCKING OF PROPERTY OF IDENTIFIED PER-  
6       SONS.—The President shall exercise all powers granted to  
7       the President by the International Emergency Economic  
8       Powers Act (50 U.S.C. 1701 et seq.) to the extent nec-  
9       essary to block and prohibit all transactions in all property  
10      and interests in property of any person identified under  
11      subsection (a)(2) if such property and interests in prop-  
12      erty are in the United States, come within the United  
13      States, or are or come within the possession or control  
14      of a United States person.

15      (d) SANCTIONS FOR PROVISION OF UNDERWRITING  
16      SERVICES OR INSURANCE OR REINSURANCE FOR IDENTI-  
17      FIED VESSELS.—

18           (1) IN GENERAL.—The President may impose 5  
19      or more of the sanctions described in paragraph (2)  
20      with respect to a foreign person if the President de-  
21      termines that the person knowingly, on or after the  
22      date of the enactment of this Act, provides under-  
23      writing services or insurance or reinsurance for a  
24      vessel identified under subsection (a)(1).

(2) ~~SANCTIONS DESCRIBED.~~—The sanctions that may be imposed with respect to a foreign person under paragraph (1) are the following:

(A) ~~EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.~~—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the foreign person.

(B) ~~EXPORT SANCTION.~~—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the foreign person under—

(i) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.);

(ii) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(iii) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(iv) any other statute that requires the prior review and approval of the

1 United States Government as a condition  
2 for the export or reexport of goods or serv-  
3 ices.

4 (C) LOANS FROM UNITED STATES FINAN-  
5 CIAL INSTITUTIONS.—The United States Gov-  
6 ernment may prohibit any United States finan-  
7 cial institution from making loans or providing  
8 credits to the foreign person totaling more than  
9 \$10,000,000 in any 12-month period unless  
10 such person is engaged in activities to relieve  
11 human suffering and the loans or credits are  
12 provided for such activities.

13 (D) PROHIBITIONS ON FINANCIAL INSTI-  
14 TUTIONS.—The following prohibitions may be  
15 imposed with respect to the foreign person if  
16 the foreign person is a financial institution:

17 (i) PROHIBITION ON DESIGNATION AS  
18 PRIMARY DEALER.—Neither the Board of  
19 Governors of the Federal Reserve System  
20 nor the Federal Reserve Bank of New  
21 York may designate, or permit the continu-  
22 ation of any prior designation of, such fi-  
23 nancial institution as a primary dealer in  
24 United States Government debt instru-  
25 ments.

1                   (ii) PROHIBITION ON SERVICE AS A  
 2                   REPOSITORY OF GOVERNMENT FUNDS.—  
 3                   Such financial institution may not serve as  
 4                   agent of the United States Government or  
 5                   serve as repository for United States Gov-  
 6                   ernment funds.

7                   The imposition of either sanction under clause  
 8                   (i) or (ii) shall be treated as 1 sanction for pur-  
 9                   poses of paragraph (1); and the imposition of  
 10                  both such sanctions shall be treated as 2 sanc-  
 11                  tions for purposes of paragraph (1).

12                (E) PROCUREMENT SANCTION.—The  
 13                  United States Government may not procure, or  
 14                  enter into any contract for the procurement of,  
 15                  any goods or services from the foreign person.

16                (F) FOREIGN EXCHANGE.—The President  
 17                  may, pursuant to such regulations as the Presi-  
 18                  dent may prescribe, prohibit any transactions in  
 19                  foreign exchange that are subject to the juris-  
 20                  diction of the United States and in which the  
 21                  foreign person has any interest.

22                (G) BANKING TRANSACTIONS.—The Presi-  
 23                  dent may, pursuant to such regulations as the  
 24                  President may prescribe, prohibit any transfers  
 25                  of credit or payments between financial institu-

tions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the foreign person.

(H) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(i) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(ii) dealing in or exercising any right, power, or privilege with respect to such property; or

(iii) conducting any transaction involving such property.

(I) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or pur-



chasing significant amounts of equity or debt instruments of the foreign person.

~~(J)~~ EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign person.

~~(K)~~ SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the foreign person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this paragraph.

~~(c)~~ EXCEPTIONS.—

~~(1)~~ EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this subsection shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed

1 at Lake Success June 26, 1947, and entered into  
2 force November 21, 1947, between the United Na-  
3 tions and the United States, the Convention on Con-  
4 sular Relations, done at Vienna April 24, 1963, and  
5 entered into force March 19, 1967, or other applica-  
6 ble international obligations.

7 (2) EXCEPTION RELATING TO IMPORTATION OF  
8 GOODS.—

9 (A) IN GENERAL.—A requirement or the  
10 authority to block and prohibit all transactions  
11 in all property and interests in property under  
12 this section shall not include the authority to  
13 impose sanctions on the importation of goods.

14 (B) GOOD DEFINED.—In this paragraph,  
15 the term “good” means any article, natural or  
16 man-made substance, material, supply or manu-  
17 factured product, including inspection and test  
18 equipment, and excluding technical data.

19 (f) NATIONAL SECURITY WAIVER.—The President  
20 may waive the application of sanctions under this section  
21 with respect to a person if the President—

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

1           (2) submits to the appropriate congressional  
2 committees a report on the waiver and the reasons  
3 for the waiver.

4           (g) IMPLEMENTATION; PENALTIES.—

5           (1) IMPLEMENTATION.—The President may ex-  
6 ercise all authorities provided to the President under  
7 sections 203 and 205 of the International Emer-  
8 gency Economic Powers Act (50 U.S.C. 1702 and  
9 1704) to carry out this section.

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

19          (h) DEFINITIONS.—In this section:

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

24           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
25 TEES.—The term “appropriate congressional com-

mittees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) FOREIGN PERSON.—The term “foreign person” means an individual or entity that is not a United States person.

(4) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) 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 any jurisdiction within the United States, including a foreign branch of such an entity.

**SEC. 4. STRATEGY TO IMPROVE ENERGY SECURITY OF EUROPEAN ALLIES OF THE UNITED STATES.**

(a) IN GENERAL.—The President shall direct the Secretary of State, in coordination with the heads of other Federal agencies, as appropriate, to develop a strategy to

1 improve the national and regional energy security of allies  
 2 of the United States in Europe.

3 (b) ELEMENTS.—The strategy required by subsection  
 4 (a) shall include elements—

5 (1) to deepen the role of United States diplo-  
 6 macy in Europe and the Middle East in enhancing  
 7 the energy security of allies of the United States in  
 8 Europe;

9 (2) to diversify the energy sources of such al-  
 10 lies;

11 (3) to counter efforts by the Russian Federa-  
 12 tion to establish energy dominance over Europe; and

13 (4) to improve the resilience of energy infra-  
 14 structure of such allies.

15 **SEC. 5. REPORT ON EFFECTS OF NORD STREAM 2 ON THE**  
 16 **NATIONAL SECURITY OF THE UNITED**  
 17 **STATES.**

18 Not later than 90 days after the date of the enact-  
 19 ment of this Act, the Secretary of State shall submit to  
 20 the appropriate congressional committees (as defined in  
 21 section 3(h)) a report that includes the following:

22 (1) An assessment of the effects of the Nord  
 23 Stream 2 natural gas pipeline on the national secu-  
 24 rity of the United States, including an assessment of

1 the effect that increased dependence by countries in  
2 Europe on Russian natural gas would have on—

3 (A) the energy security of Europe;

4 (B) the diplomatic security and foreign  
5 policy of Ukraine;

6 (C) the diplomatic security and foreign pol-  
7 icy of Germany; and

8 (D) United States diplomatic missions and  
9 facilities of the United States Government in  
10 Europe.

11 (2) A description of activities of, or support by,  
12 the Government of the Russian Federation aimed at  
13 influencing opinions of the public and elites in Eu-  
14 rope to generate support for Nord Stream 2 and  
15 other Russian energy export projects, including  
16 through—

17 (A) propaganda activities through media  
18 and digital platforms, including broadcast and  
19 satellite-based television, radio, internet, and  
20 print media; or

21 (B) funding or otherwise supporting third-  
22 party groups in Europe such as think tanks,  
23 academic institutions, trade associations, and  
24 other nongovernmental organizations.

1 **SEC. 6. REPORT ON ENTITIES INVOLVED IN CONSTRUC-**  
 2 **TION OR REPAIR OF NORD STREAM 2.**

3 (a) IN GENERAL.—Not later than 180 days after the  
 4 date of the enactment of this Act, and annually thereafter  
 5 until the date that is 6 years after such date of enactment,  
 6 the Secretary of State shall submit to the appropriate con-  
 7 gressional committees (as defined in section 3(h)) a report  
 8 that includes—

9 (1) a list of all entities, including financial insti-  
 10 tutions, directly or indirectly providing goods, serv-  
 11 ices, information, or technology for the construction  
 12 or repair of the Nord Stream 2 natural gas pipeline;  
 13 and

14 (2) an assessment of whether each entity on the  
 15 list required by paragraph (1) has knowingly en-  
 16 gaged in a significant transaction with, or provided  
 17 goods, services, information, or technology to or  
 18 for—

19 (A) a Russian person the property or inter-  
 20 ests in property of which have been blocked  
 21 pursuant to the International Emergency Eco-  
 22 nomic Powers Act (50 U.S.C. 1701 et seq.);

23 (B) any person with respect to which sanc-  
 24 tions have been imposed under section 231 of  
 25 the Countering America's Adversaries Through  
 26 Sanctions Act (22 U.S.C. 9525); or

1           (C) any person with respect to which sanc-  
2           tions have been imposed under—

3           (i) any other provision of title II of  
4           the Countering America's Adversaries  
5           Through Sanctions Act (22 U.S.C. 9501 et  
6           seq.);

7           (ii) the Support for the Sovereignty,  
8           Integrity, Democracy, and Economic Sta-  
9           bility of Ukraine Act of 2014 (22 U.S.C.  
10          8901 et seq.); or

11          (iii) the Ukraine Freedom Support  
12          Act of 2014 (22 U.S.C. 8921 et seq.).

13          (b) **RUSSIAN PERSON DEFINED.**—In this section, the  
14          term “Russian person” has the meaning given that term  
15          in section 2 of the Ukraine Freedom Support Act of 2014  
16          (22 U.S.C. 8921).

17          **SECTION 1. SHORT TITLE.**

18                 *This Act may be cited as the “Protecting Europe’s En-  
19          ergy Security Act of 2019”.*

20          **SEC. 2. SENSE OF CONGRESS.**

21                 *It is the sense of Congress that—*

22                         *(1) the United States and Europe share a com-  
23          mon history, a common identity, and common values  
24          built upon the principles of democracy, rule of law,  
25          and individual freedoms;*



1           (2) *the United States has encouraged and ad-*  
2           *mired the European project, which has resulted in a*  
3           *common market and common policies, has achieved*  
4           *unprecedented prosperity and stability on the con-*  
5           *tinent, and serves as a model for other countries to*  
6           *reform their institutions and prioritize*  
7           *anticorruption measures;*

8           (3) *the relationships between the United States*  
9           *and Europe and the United States and Germany are*  
10          *critical to the national security interests of the United*  
11          *States as well as to global prosperity and peace, and*  
12          *Germany in particular is a crucial partner for the*  
13          *United States in multilateral efforts aimed at pro-*  
14          *moting global prosperity and peace;*

15          (4) *the United States should stand against any*  
16          *effort designed to weaken those relationships; and*

17          (5) *Germany has demonstrated leadership within*  
18          *the European Union and in international fora to en-*  
19          *sure that sanctions imposed with respect to the Rus-*  
20          *sian Federation for its malign activities are main-*  
21          *tained.*

1 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO PRO-**  
 2 **VISION OF CERTAIN VESSELS FOR THE CON-**  
 3 **STRUCTION OF CERTAIN RUSSIAN ENERGY**  
 4 **EXPORT PIPELINES.**

5 *(a) REPORT REQUIRED.—*

6 *(1) IN GENERAL.—Not later than 60 days after*  
 7 *the date of the enactment of this Act, and every 90*  
 8 *days thereafter, the Secretary of State, in consultation*  
 9 *with the Secretary of the Treasury, shall submit to the*  
 10 *appropriate congressional committees a report that*  
 11 *identifies, for the period specified in paragraph (2)—*

12 *(A) vessels that engaged in pipe-laying at*  
 13 *depths of 100 feet or more below sea level for the*  
 14 *construction of the Nord Stream 2 pipeline*  
 15 *project, the TurkStream pipeline project, or any*  
 16 *project that is a successor to either such project;*  
 17 *and*

18 *(B) foreign persons that have—*

19 *(i) knowingly sold, leased, or provided*  
 20 *those vessels for the construction of such a*  
 21 *project; or*

22 *(ii) intentionally facilitated deceptive*  
 23 *or structured transactions to provide those*  
 24 *vessels for the construction of such a project.*

25 *(2) PERIOD SPECIFIED.—The period specified in*  
 26 *this paragraph is—*

1           (A) *in the case of the first report required*  
 2           *to be submitted by paragraph (1), the period be-*  
 3           *ginning on the date of the enactment of this Act*  
 4           *and ending on the date on which the report is*  
 5           *submitted; and*

6           (B) *in the case of any subsequent such re-*  
 7           *port, the 90-day period preceding submission of*  
 8           *the report.*

9           (b) *INADMISSIBILITY TO UNITED STATES OF IDENTI-*  
 10          *FIED PERSONS AND CORPORATE OFFICERS.—The Secretary*  
 11          *of State shall deny a visa to, and the Secretary of Home-*  
 12          *land Security shall exclude from the United States, any*  
 13          *alien who is—*

14               (1) *a foreign person identified under subsection*  
 15          *(a)(1)(B);*

16               (2) *a corporate officer of a person described in*  
 17          *paragraph (1); or*

18               (3) *a principal shareholder with a controlling*  
 19          *interest in a person described in paragraph (1).*

20           (c) *BLOCKING OF PROPERTY OF IDENTIFIED PER-*  
 21          *SONS.—The President shall exercise all powers granted to*  
 22          *the President by the International Emergency Economic*  
 23          *Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary*  
 24          *to block and prohibit all transactions in all property and*  
 25          *interests in property of any person identified under sub-*

1 *section (a)(1)(B) if such property and interests in property*  
 2 *are in the United States, come within the United States,*  
 3 *or are or come within the possession or control of a United*  
 4 *States person.*

5 *(d) SANCTIONS FOR PROVISION OF UNDERWRITING*  
 6 *SERVICES OR INSURANCE OR REINSURANCE FOR IDENTI-*  
 7 *FIED VESSELS.—*

8 *(1) IN GENERAL.—The President may impose 3*  
 9 *or more of the sanctions described in paragraph (2)*  
 10 *with respect to a foreign person if the President deter-*  
 11 *mines that the person knowingly, on or after the date*  
 12 *of the enactment of this Act, provides significant un-*  
 13 *derwriting services or insurance or reinsurance for a*  
 14 *vessel identified under subsection (a)(1)(A).*

15 *(2) SANCTIONS DESCRIBED.—The sanctions that*  
 16 *may be imposed with respect to a foreign person*  
 17 *under paragraph (1) are the following:*

18 *(A) EXPORT-IMPORT BANK ASSISTANCE FOR*  
 19 *EXPORTS TO SANCTIONED PERSONS.—The Presi-*  
 20 *dent may direct the Export-Import Bank of the*  
 21 *United States not to give approval to the*  
 22 *issuance of any guarantee, insurance, extension*  
 23 *of credit, or participation in the extension of*  
 24 *credit in connection with the export of any goods*  
 25 *or services to the foreign person.*

1           (B) *EXPORT SANCTION.*—*The President*  
2           *may order the United States Government not to*  
3           *issue any specific license and not to grant any*  
4           *other specific permission or authority to export*  
5           *any goods or technology to the foreign person*  
6           *under—*

7                     *(i) the Export Control Reform Act of*  
8                     *2018 (50 U.S.C. 4801 et seq.);*

9                     *(ii) the Arms Export Control Act (22*  
10                    *U.S.C. 2751 et seq.);*

11                    *(iii) the Atomic Energy Act of 1954*  
12                    *(42 U.S.C. 2011 et seq.); or*

13                    *(iv) any other statute that requires the*  
14                    *prior review and approval of the United*  
15                    *States Government as a condition for the*  
16                    *export or reexport of goods or services.*

17           (C) *LOANS FROM UNITED STATES FINAN-*  
18           *CIAL INSTITUTIONS.*—*The United States Govern-*  
19           *ment may prohibit any United States financial*  
20           *institution from making loans or providing cred-*  
21           *its to the foreign person totaling more than*  
22           *\$10,000,000 in any 12-month period unless such*  
23           *person is engaged in activities to relieve human*  
24           *suffering and the loans or credits are provided*  
25           *for such activities.*

1                   (D) *PROHIBITIONS ON FINANCIAL INSTITU-*  
 2                   *TIONS.—The following prohibitions may be im-*  
 3                   *posed with respect to the foreign person if the*  
 4                   *foreign person is a financial institution:*

5                   (i) *PROHIBITION ON DESIGNATION AS*  
 6                   *PRIMARY DEALER.—Neither the Board of*  
 7                   *Governors of the Federal Reserve System*  
 8                   *nor the Federal Reserve Bank of New York*  
 9                   *may designate, or permit the continuation*  
 10                  *of any prior designation of, such financial*  
 11                  *institution as a primary dealer in United*  
 12                  *States Government debt instruments.*

13                  (ii) *PROHIBITION ON SERVICE AS A*  
 14                  *REPOSITORY OF GOVERNMENT FUNDS.—*  
 15                  *Such financial institution may not serve as*  
 16                  *an agent of the United States Government*  
 17                  *or serve as a repository for United States*  
 18                  *Government funds.*

19                  *The imposition of either sanction under clause*  
 20                  *(i) or (ii) shall be treated as 1 sanction for pur-*  
 21                  *poses of paragraph (1), and the imposition of*  
 22                  *both such sanctions shall be treated as 2 sanc-*  
 23                  *tions for purposes of paragraph (1).*

24                  (E) *PROCUREMENT SANCTION.—The United*  
 25                  *States Government may not procure, or enter*

1        *into any contract for the procurement of, any*  
2        *goods or services from the foreign person.*

3                (F) *FOREIGN EXCHANGE.*—*The President*  
4        *may, pursuant to such regulations as the Presi-*  
5        *dent may prescribe, prohibit any transactions in*  
6        *foreign exchange that are subject to the jurisdic-*  
7        *tion of the United States and in which the for-*  
8        *ign person has any interest.*

9                (G) *BANKING TRANSACTIONS.*—*The Presi-*  
10       *dent may, pursuant to such regulations as the*  
11       *President may prescribe, prohibit any transfers*  
12       *of credit or payments between financial institu-*  
13       *tions or by, through, or to any financial institu-*  
14       *tion, to the extent that such transfers or pay-*  
15       *ments are subject to the jurisdiction of the*  
16       *United States and involve any interest of the for-*  
17       *ign person.*

18               (H) *PROPERTY TRANSACTIONS.*—*The Presi-*  
19       *dent may, pursuant to such regulations as the*  
20       *President may prescribe, prohibit any person*  
21       *from—*

22                (i) *acquiring, holding, withholding,*  
23                *using, transferring, withdrawing, trans-*  
24                *porting, importing, or exporting any prop-*  
25                *erty that is subject to the jurisdiction of the*

1           *United States and with respect to which the*  
 2           *foreign person has any interest;*

3                 *(ii) dealing in or exercising any right,*  
 4                 *power, or privilege with respect to such*  
 5                 *property; or*

6                 *(iii) conducting any transaction in-*  
 7                 *volving such property.*

8                 *(I) BAN ON INVESTMENT IN EQUITY OR*  
 9                 *DEBT OF SANCTIONED PERSON.—The President*  
 10                 *may, pursuant to such regulations or guidelines*  
 11                 *as the President may prescribe, prohibit any*  
 12                 *United States person from investing in or pur-*  
 13                 *chasing significant amounts of equity or debt in-*  
 14                 *struments of the foreign person.*

15                 *(J) EXCLUSION OF CORPORATE OFFI-*  
 16                 *CERS.—The President may direct the Secretary*  
 17                 *of State to deny a visa to, and the Secretary of*  
 18                 *Homeland Security to exclude from the United*  
 19                 *States, any alien that the President determines*  
 20                 *is a corporate officer or principal of, or a share-*  
 21                 *holder with a controlling interest in, the foreign*  
 22                 *person.*

23                 *(K) SANCTIONS ON PRINCIPAL EXECUTIVE*  
 24                 *OFFICERS.—The President may impose on the*  
 25                 *principal executive officer or officers of the for-*



1            *eign person, or on persons performing similar*  
 2            *functions and with similar authorities as such*  
 3            *officer or officers, any of the sanctions under this*  
 4            *paragraph.*

5            *(e) WIND-DOWN PERIOD.—The President may not im-*  
 6            *pose sanctions under this section with respect to a person*  
 7            *identified in the first report submitted under subsection (a)*  
 8            *if the President certifies in that report that the person has,*  
 9            *not later than 30 days after the date of the enactment of*  
 10           *this Act, engaged in good faith efforts to wind down oper-*  
 11           *ations that would otherwise subject the person to the imposi-*  
 12           *tion of sanctions under this section.*

13           *(f) EXCEPTIONS.—*

14           *(1) EXCEPTION FOR INTELLIGENCE, LAW EN-*  
 15           *FORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—*  
 16           *Sanctions under this section shall not apply to any*  
 17           *authorized intelligence, law enforcement, or national*  
 18           *security activities of the United States.*

19           *(2) EXCEPTION TO COMPLY WITH UNITED NA-*  
 20           *TIONS HEADQUARTERS AGREEMENT.—Sanctions*  
 21           *under this section shall not apply with respect to the*  
 22           *admission of an alien to the United States if the ad-*  
 23           *mission of the alien is necessary to permit the United*  
 24           *States to comply with the Agreement regarding the*  
 25           *Headquarters of the United Nations, signed at Lake*

1       *Success June 26, 1947, and entered into force Novem-*  
 2       *ber 21, 1947, between the United Nations and the*  
 3       *United States, the Convention on Consular Relations,*  
 4       *done at Vienna April 24, 1963, and entered into force*  
 5       *March 19, 1967, or other applicable international ob-*  
 6       *ligations.*

7               (3) *EXCEPTION FOR SAFETY OF VESSELS AND*  
 8       *CREW.—Sanctions under this section shall not apply*  
 9       *with respect to a person providing provisions to a*  
 10       *vessel identified under subsection (a)(1)(A) if such*  
 11       *provisions are intended for the safety and care of the*  
 12       *crew aboard the vessel, the protection of human life*  
 13       *aboard the vessel, or the maintenance of the vessel to*  
 14       *avoid any environmental or other significant damage.*

15              (4) *EXCEPTION FOR REPAIR OR MAINTENANCE*  
 16       *OF PIPELINES.—Sanctions under this section shall*  
 17       *not apply with respect to a person for engaging in ac-*  
 18       *tivities necessary for or related to the repair or main-*  
 19       *tenance of, or environmental remediation with respect*  
 20       *to, a pipeline project described in subsection*  
 21       *(a)(1)(A).*

22              (5) *EXCEPTION RELATING TO IMPORTATION OF*  
 23       *GOODS.—*

24                       (A) *IN GENERAL.—A requirement or the au-*  
 25       *thority to block and prohibit all transactions in*

1        *all property and interests in property under this*  
 2        *section shall not include the authority to impose*  
 3        *sanctions on the importation of goods.*

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

9        *(g) WAIVERS.—*

10                *(1) NATIONAL INTEREST WAIVER FOR VISA*  
 11        *BAN.—The President may waive the application of*  
 12        *sanctions under subsection (b) with respect to an*  
 13        *alien if the President—*

14                *(A) determines that the waiver is in the na-*  
 15        *tional interests of the United States; and*

16                *(B) submits to the appropriate congres-*  
 17        *sional committees a report on the waiver and the*  
 18        *reasons for the waiver.*

19                *(2) NATIONAL SECURITY WAIVER FOR ECONOMIC*  
 20        *AND OTHER SANCTIONS.—The President may waive*  
 21        *the application of sanctions under subsection (c) or*  
 22        *(d) with respect to a person if the President—*

23                *(A) determines that the waiver is in the na-*  
 24        *tional security interests of the United States;*  
 25        *and*

1                   (B) submits to the appropriate congres-  
 2                   sional committees a report on the waiver and the  
 3                   reasons for the waiver.

4           (h) IMPLEMENTATION; PENALTIES.—

5                   (1) IMPLEMENTATION.—The President may exer-  
 6                   cise all authorities provided to the President under  
 7                   sections 203 and 205 of the International Emergency  
 8                   Economic Powers Act (50 U.S.C. 1702 and 1704) to  
 9                   carry out this section.

10                  (2) PENALTIES.—A person that violates, at-  
 11                  tempts to violate, conspires to violate, or causes a vio-  
 12                  lation of this section or any regulation, license, or  
 13                  order issued to carry out this section shall be subject  
 14                  to the penalties set forth in subsections (b) and (c) of  
 15                  section 206 of the International Emergency Economic  
 16                  Powers Act (50 U.S.C. 1705) to the same extent as a  
 17                  person that commits an unlawful act described in  
 18                  subsection (a) of that section.

19                  (i) TERMINATION AND SUNSET.—The authority to im-  
 20                  pose sanctions under this section with respect to a person  
 21                  involved in the construction of a pipeline project described  
 22                  in subsection (a)(1)(A), and any sanctions imposed under  
 23                  this section with respect to that project, shall terminate on  
 24                  the date that is the earlier of—

1           (1) *the date on which the President certifies to*  
2           *the appropriate congressional committees that appro-*  
3           *priate safeguards have been put in place—*

4                   (A) *to minimize the ability of the Govern-*  
5                   *ment of the Russian Federation to use that*  
6                   *project as a tool of coercion and political lever-*  
7                   *age, including by achieving—*

8                           (i) *the unbundling of energy produc-*  
9                           *tion and transmission so that entities*  
10                          *owned or controlled by that Government do*  
11                          *not control the transmission network for the*  
12                          *pipeline;*

13                          (ii) *transparency in the energy market*  
14                          *of the Russian Federation; and*

15                          (iii) *effective regulatory oversight of*  
16                          *that market; and*

17                   (B) *to ensure, barring unforeseen cir-*  
18                   *cumstances, that the project would not result in*  
19                   *a decrease of more than 25 percent in the volume*  
20                   *of Russian energy exports transiting through ex-*  
21                   *isting pipelines in other countries, particularly*  
22                   *Ukraine, relative to the average monthly volume*  
23                   *of Russian energy exports transiting through*  
24                   *such pipelines in 2018; or*

1           (2) *the date that is 10 years after the date of the*  
 2           *enactment of this Act.*

3           (j) *DEFINITIONS.—In this section:*

4           (1) *ADMISSION; ADMITTED; ALIEN.—The terms*  
 5           *“admission”, “admitted”, and “alien” have the mean-*  
 6           *ings given those terms in section 101 of the Immigra-*  
 7           *tion and Nationality Act (8 U.S.C. 1101).*

8           (2) *APPROPRIATE CONGRESSIONAL COMMIT-*  
 9           *TEES.—The term “appropriate congressional commit-*  
 10          *tees” means the Committee on Foreign Relations of*  
 11          *the Senate and the Committee on Foreign Affairs of*  
 12          *the House of Representatives.*

13          (3) *FOREIGN PERSON.—The term “foreign per-*  
 14          *son” means an individual or entity that is not a*  
 15          *United States person.*

16          (4) *KNOWINGLY.—The term “knowingly”, with*  
 17          *respect to conduct, a circumstance, or a result, means*  
 18          *that a person has actual knowledge, or should have*  
 19          *known, of the conduct, the circumstance, or the result.*

20          (5) *UNITED STATES PERSON.—The term “United*  
 21          *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. 4. LIST OF ENTITIES INVOLVED IN CONSTRUCTION OR**  
 7                   **REPAIR OF THE NORD STREAM 2 PIPELINE.**

8           (a) *IN GENERAL.*—Not later than 180 days after the  
 9   date of the enactment of this Act, and annually thereafter  
 10   until the date that is 6 years after such date of enactment,  
 11   the Secretary of State, in consultation with the Secretary  
 12   of the Treasury, shall submit to the appropriate congress-  
 13   sional committees (as defined in section 3(j)) a list of all  
 14   entities, including financial institutions, directly or indi-  
 15   rectly providing significant goods, services, information, or  
 16   technology for the construction or repair of the Nord Stream  
 17   2 pipeline project.

18           (b) *FORM.*—The list required by subsection (a) shall  
 19   be submitted in unclassified form but may include a classi-  
 20   fied annex.

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116TH CONGRESS  
1ST Session

**S. 1441**

**A BILL**

To impose sanctions with respect to the provision of certain vessels for the construction of Russian energy export pipelines, and for other purposes.

JULY 31, 2019

Reported with an amendment