

PEESA (Sec. 7503 of FY2020 NDAA), as amended (by FY2021 NDAA Sec. 1242)

Section 7503. IMPOSITION OF SANCTIONS WITH RESPECT TO PROVISION OF CERTAIN VESSELS FOR THE CONSTRUCTION OF CERTAIN RUSSIAN ENERGY EXPORT PIPELINES

(a) REPORT REQUIRED

(1) IN GENERAL – Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that identifies, for the period specified in paragraph (a)

(A) vessels that engaged in pipe-laying or pipe-laying activities at depths of 100 feet or more below sea level for the construction of the Nord Stream 2 pipeline project, the Turkstream pipeline project, or any project that is a successor to either such project;

(B) foreign persons that the Secretary of State, in consultation with the Secretary of the Treasury, determines have knowingly --

(i) sold, leased, or provided, or facilitated selling, leasing, or providing, those vessels for the construction of such a project;

(ii) facilitated deceptive or structured transactions to provide those vessels for the construction of such a project;

(iii) provided for those vessels underwriting services or insurance or reinsurance necessary or essential for the completion of such a project;

(iv) provided services or facilities for technology upgrades or installation of welding equipment for, or retrofitting or tethering of, those vessels if the services or facilities are necessary or essential for the completion of such a project; or

(v) provided services for the testing, inspection, or certification necessary or essential for the completion or operation of the Nord Stream 2 pipeline; and

(C) the consultations carried out pursuant to subsection (i) and describes the nature of the consultations and any concerns raised by the government of Norway, Switzerland, the United Kingdom, or any member country of the European Union.

(2) PERIOD SPECIFIED – The period specified in this paragraph is

(A) in the case of the first report required to be submitted by paragraph (1), the period beginning on the date of the enactment of this Act and ending on the date on which the report is submitted; and

(B) in the case of any subsequent such report, the 90-day period preceding submission of the report.

(b) INELGIBILITY FOR VISAS, ADMISSION OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS –

(1) IN GENERAL –

(A) VISAS, ADMISSION, or PAROLE. -- An alien described in paragraph (2) is

(i) inadmissible to the United States;

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

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8. U.S. 1101 et seq.)

(B) CURRENT VISAS REVOKED –

(i) **IN GENERAL.**-- The visa or other entry documentation of an alien described in paragraph (2) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) **IMMEDIATE EFFECT.**-- A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) ALIENS DESCRIBED.-- An alien is described in this paragraph if the alien is—

(A) a foreign person identified under subsection (a)(1)(B)

(B) a corporate officer of a person described in subparagraph (A); or

(C) a principal shareholder with a controlling interest in a person described in subparagraph (A).

(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.-- The President shall exercise 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 any person identified under subsection (a)(1)(B) 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.

(d) WIND-DOWN PERIOD.-- The President may not impose sanctions under this section with respect to a person identified in the first report submitted under subsection (a) if the President certifies in that report that the person has, not later than 30 days after the date of the enactment of

this Act, engaged in good faith efforts to wind down operations that would otherwise subject the person to the imposition of sanctions under this section.

(e) EXCEPTIONS.--

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.--Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.--Sanctions under this section 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 at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

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

(4) EXCEPTION FOR REPAIR OR MAINTENANCE OF PIPELINES.--Sanctions under this section shall not apply with respect to a person for engaging in activities necessary for or related to the repair or maintenance of, or environmental remediation with respect to, a pipeline project described in subsection (a)(1)(A).

(5) EXCEPTION RELATING TO IMPORTATION OF GOODS.--

(A) IN GENERAL.--Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions authorized under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) GOODS DEFINED.-- In this paragraph, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(6) EXCEPTION FOR CERTAIN GOVERNMENTS AND GOVERNMENTAL ENTITIES.-- Sanctions under this section shall not apply with respect to--

(A) the European Union;

(B) the government of Norway, Switzerland, the United Kingdom, or any member country of the European Union; or

(C) any entity of the European Union or a government described in subparagraph (B) that is not operating as a business enterprise.

(f) NATIONAL INTEREST WAIVER.---The President may waive the application of sanctions under this section with respect to a person if the President--

- (1) determines that the waiver is in the national interests of the United States; and
- (2) submits to the appropriate congressional committees a report on the waiver and the reasons for the waiver.

(g) 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 this section.

(2) PENALTIES.-- A person that violates, attempts to violate, conspires to violate, or causes violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of 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.

(h) TERMINATION AND SUNSET. ---The authority to impose sanctions under this section with respect to a person involved in the construction of a pipeline project described in subsection (a)(1)(A), and any sanctions imposed under this section with respect to that project, shall terminate on the date that is the earlier of---

(1) the date on which the President certifies to the appropriate congressional committees that appropriate safeguard have been put in place--

(A) to minimize the ability of the Government of the Russian Federation to use that project as a tool of coercion and political leverage, including by achieving the unbundling of energy production and transmission so that entities owned or controlled by that Government do not control the transmission network for the pipeline; and

(B) to ensure, barring unforeseen circumstances, that the project would not result in a decrease of more than 25% in the volume of Russian energy exports transiting through existing pipelines in other countries, particularly Ukraine, relative to the average monthly volume of Russian energy exports transiting through such pipelines in 2018; or

(2) the date that is 5 years after the date of the enactment of this Act.

(i) CONSULTATIONS.-- Before imposing sanctions under this section, the Secretary of State shall consult with the relevant governments of Norway, Switzerland, the United Kingdom, and member countries of the European Union with respect to the imposition of sanctions.

(j) **REPORT ON IMPACT OF SANCTIONS.**--Not later than one year after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and annually thereafter until all sanctions imposed under this section have terminated under subsection (h), the Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report detailing the impact of the imposition of sanctions under this section that include information on--

- (1) whether the goals of the sanctions have been met;
- (2) the diplomatic impact of the sanctions, including on relationships with the governments of Norway, Switzerland, the United Kingdom, and member countries of the European Union; and
- (3) the economic impact of the sanctions, including the impact on United States persons.

(k) **DEFINITIONS**—In this section:

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

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**--The term “appropriate congressional committees” means--

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

(B) the Committee on Foreign Affairs and the Committee on Financial Services 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) **PIPE-LAYING ACTIVITIES.**---The term “pipe-laying activities” means activities that facilitate pipe-laying, including site preparation, trenching, surveying, placing rocks, backfilling, stringing, bending, welding, coating, and lowering of pipe.

(6) **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;

(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; or

(C) any person within the United States.

Sec. 1242(f) [of the FY2021 NDAA]. WIND-DOWN PERIOD.--The President may not impose sanctions with respect to a person identified in the first report submitted under section 7503(a) of the Protecting Europe's Energy Security Act of 2019, as amended by this section, after the date of the enactment of this Act for operations subject to sanctions by reason of the amendments made by this section if the President certifies in that report that the person has, not later than 30 days after such date of enactment, engaged in good faith efforts to wind down such operations.