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FOR IMMEDIATE RELEASE

December 1, 2021

### **A Pivotal Point for a Strategic Partner**

The United States Senate is currently engaged in a vigorous debate on amendments to the annual National Defense Authorization Act (NDAA), which is considered “must-pass” legislation every year. Previous NDAA bills have included the stipulation that the United States “remains a steadfast partner of Ukraine and it is in the United States national security interest [to] assist the Government of Ukraine in countering Russian military aggression.” To that end, the United States has increased military assistance to Ukraine in each of the past 7 years, and authorized sanctions on the Nord Stream 2 pipeline project. Those measures previously passed with overwhelming bipartisan support, reflecting the United States’ commitment to Ukraine.

The Ukrainian Congress Committee of America (UCCA), the representative organization of nearly 2 million Americans of Ukrainian descent, agrees with the United States Congress and the Administration in their assessments of the inherent value of Ukraine as a strategic partner and that the Nord Stream 2 pipeline is a geopolitical scheme designed to provide Russia with additional malign influence on our European allies and partners.

Fundamentally, the cornerstone of U.S. foreign policy is to meet the challenges and confront threats of tomorrow by enacting resolute decisions today. It is in this context that UCCA supports enacting immediate sanctions that would impede the completion of the NordStream2 pipeline, as stipulated in Senator Risch’s Amendment ([S.Amdt.4859](#)) and the strengthening of the strategic partnership between Ukraine and the United States as outlined in amendments by Senator Menendez ([S.Amdt.4832](#)) and that of Senators Portman and Shaheen ([S.Amdt.4540](#)). Such proposed amendments can thwart Russian aggression in its various forms and are consistent with Secretary of State Antony Blinken’s assertion that the goal of U.S. policy should be to “ensure that Russia cannot use energy as a coercive tool as a weapon against Ukraine, or anyone else in Europe.”

Since 2014, Russia’s continuing and currently escalating aggressive behavior towards Ukraine and other sovereign countries are rightfully viewed with alarm by our NATO allies, most notably the states neighboring Ukraine. This is understood to be a threat to the stable trans-Atlantic security framework. In fact, Ukraine’s accession to NATO would prove to be indispensable to the security alliance’s objective of securing peace in Europe.


These three initiatives to invoke sanctions against Russia’s egregious actions in Ukraine as well, as to provide support for Ukraine in the NDAA, need to be lauded and supported. Thus, UCCA calls upon senators to support the above-mentioned amendments and maintain their commitments made to our allies and partners in Eastern Europe. The Ukrainian American community is grateful for the unwavering bipartisan support for the territorial integrity, sovereignty, and independence of its strategic partner – Ukraine.

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5:13 pm  
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AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: 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.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**AMENDMENT N<sup>o</sup> 4859**

To By Risch

To: Amndt. No. 3867

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R Page(s)

GPO: 2018 33-682 (mac)

military  
military  
Depart-  
personnel  
urposes.  
and

*and Mr. Portman, Mr. Cruz, Mr. Barraso,  
Mr. Johnson, Mr. Cotton,  
Mr. Daines, and Mr. Wicker*

Ordered to lie on the table and to be printed  
AMENDMENT intended to be proposed by Mr. RISCH to the amendment (No. 3867) proposed by Mr. REED

Viz:

- 1 At the end of subtitle D of title XII, add the fol-
- 2 lowing:
- 3 **SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO**
- 4 **NORD STREAM 2.**
- 5 (a) IN GENERAL.—Not later than 15 days after the
- 6 date of the enactment of this Act, the President shall—

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

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

8 (b) INELIGIBILITY FOR VISAS, ADMISSION, OR PA-  
9 ROLE OF IDENTIFIED PERSONS AND CORPORATE OFFI-  
10 CERS.—

11 (1) IN GENERAL.—

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

14 (i) inadmissible to the United States;

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

18 (iii) otherwise ineligible to be admitted  
19 or paroled into the United States or to re-  
20 ceive any other benefit under the Immigra-  
21 tion and Nationality Act (8 U.S.C. 1101 et  
22 seq.).

23 (B) CURRENT VISAS REVOKED.—

24 (i) IN GENERAL.—The visa or other  
25 entry documentation of an alien described

1 in subsection (a)(1) shall be revoked, re-  
2 gardless of when such visa or other entry  
3 documentation is or was issued.

4 (ii) IMMEDIATE EFFECT.—A revoca-  
5 tion under clause (i) shall—

6 (I) take effect immediately; and

7 (II) automatically cancel any  
8 other valid visa or entry documenta-  
9 tion that is in the alien's possession.

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

20 (d) CONDITIONS FOR REMOVAL OF SANCTIONS.—  
21 Subject to review by Congress under section 216 of the  
22 Countering America's Adversaries Through Sanctions Act  
23 (22 U.S.C. 9511), the President may waive the application  
24 of sanctions under this section if the President—

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

3 (2) submits to the appropriate congressional  
4 committees a report on the waiver and the reason  
5 for the waiver.

6 (e) IMPLEMENTATION; PENALTIES.—

7 (1) IMPLEMENTATION.—The President may ex-  
8 ercise all authorities provided to the President under  
9 sections 203 and 205 of the International Emer-  
10 gency Economic Powers Act (50 U.S.C. 1702 and  
11 1704) to carry out this section.

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

21 (f) EXCEPTIONS.—

22 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-  
23 FORCEMENT, AND NATIONAL SECURITY ACTIVI-  
24 TIES.—Sanctions under this section shall not apply

1 to any authorized intelligence, law enforcement, or  
2 national security activities of the United States.

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

16 (3) EXCEPTION RELATING TO IMPORTATION OF  
17 GOODS.—

18 (A) IN GENERAL.—Notwithstanding any  
19 other provision of this section, the authorities  
20 and requirements to impose sanctions under  
21 this section shall not include the authority or a  
22 requirement to impose sanctions on the impor-  
23 tation of goods.

24 (B) GOOD DEFINED.—In this paragraph,  
25 the term “good” means any article, natural or

1 man-made substance, material, supply or manu-  
2 factured product, including inspection and test  
3 equipment, and excluding technical data.

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

7 (h) DEFINITIONS.—In this section:

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

12 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
13 TEES.—The term “appropriate congressional com-  
14 mittees” means—

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

18 (B) the Committee on Foreign Affairs and  
19 the Committee on Financial Services of the  
20 House of Representatives.

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

23 (A) a United States citizen or an alien law-  
24 fully admitted for permanent residence to the  
25 United States;

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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. 1238. CONGRESSIONAL REVIEW OF WAIVER UNDER**  
7 **PROTECTING EUROPE'S ENERGY SECURITY**  
8 **ACT OF 2019.**

9 Section 7503(f) of the Protecting Europe's Energy  
10 Security Act of 2019 (title LXXV of Public Law 116–  
11 92; 22 U.S.C. 9526 note) is amended, in the matter pre-  
12 ceding paragraph (1), by striking “The President” and in-  
13 serting “Subject to review by Congress under section 216  
14 of the Countering America's Adversaries Through Sanc-  
15 tions Act (22 U.S.C. 9511), the President”.

16 **SEC. 1239. APPLICATION OF CONGRESSIONAL REVIEW**  
17 **UNDER COUNTERING AMERICA'S ADVER-**  
18 **SARIES THROUGH SANCTIONS ACT.**

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

22 (1) in subparagraph (A)—

23 (A) in clause (i), by inserting “(other than  
24 sanctions described in clause (i)(IV) of that  
25 subparagraph)” after “subparagraph (B)”; and

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

3 (2) in subparagraph (B)(i)—

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

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

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

9 “(IV) section 7503 of the Pro-  
10 tecting Europe’s Energy Security Act  
11 of 2019 (title LXXV of Public Law  
12 116–92; 22 U.S.C. 9526 note); or

13 “(V) section 1237 of the Na-  
14 tional Defense Authorization Act for  
15 Fiscal Year 2022; and”.

16 **SEC. 1240. INCLUSION OF MATTER RELATING TO NORD**  
17 **STREAM 2 IN REPORT UNDER COUNTERING**  
18 **AMERICA’S ADVERSARIES THROUGH SANC-**  
19 **TIONS ACT.**

20 Each report submitted under section 216(a)(1) of the  
21 Countering America’s Adversaries Through Sanctions Act  
22 (22 U.S.C. 9511(a)(1)) relating to sanctions under section  
23 1237 of this Act or section 7503 of the Protecting Eu-  
24 rope’s Energy Security Act of 2019 (title LXXV of Public  
25 Law 116–92; 22 U.S.C. 9526 note) shall include—

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

3 (A) the presence along Nord Stream 2 or  
4 Nord Stream 1 infrastructure or pipeline cor-  
5 ridors of undersea surveillance systems and sen-  
6 sors, fiber optic terminals, or other systems  
7 that are capable of conducting military or intel-  
8 ligence activities unrelated to civilian energy  
9 transmission, including those designed to en-  
10 hance Russian Federation anti-submarine war-  
11 fare, surveillance, espionage, or sabotage capa-  
12 bilities;

13 (B) the use of Nord Stream-affiliated in-  
14 frastructure, equipment, personnel, vessels, fi-  
15 nancing, or other assets—

16 (i) to facilitate, carry out, or conceal  
17 Russian Federation maritime surveillance,  
18 espionage, or sabotage activities;

19 (ii) to justify the presence of Russian  
20 Federation naval vessels or military per-  
21 sonnel or equipment in international  
22 waters or near North Atlantic Treaty Or-  
23 ganization or partner countries;

24 (iii) to disrupt freedom of navigation;

25 or

1 (iv) to pressure or intimidate coun-  
2 tries in the Baltic Sea;

3 (C) the involvement in the Nord Stream 2  
4 pipeline or its affiliated entities of current or  
5 former Russian, Soviet, or Warsaw Pact intel-  
6 ligence and military personnel and any business  
7 dealings between Nord Stream 2 and entities  
8 affiliated with the intelligence or defense sector  
9 of the Russian Federation; and

10 (D) malign influence activities of the Gov-  
11 ernment of the Russian Federation, including  
12 strategic corruption and efforts to influence Eu-  
13 ropean decision-makers, supported or financed  
14 through the Nord Stream 2 pipeline;

15 (2) an assessment of whether the Russian Fed-  
16 eration maintains gas transit through Ukraine at  
17 levels consistent with the volumes set forth in the  
18 Ukraine-Russian Federation gas transit agreement  
19 of December 2019 and continues to pay the transit  
20 fees specified in that agreement;

21 (3) an assessment of the status of negotiations  
22 between the Russian Federation and Ukraine to se-  
23 cure an agreement to extend gas transit through  
24 Ukraine beyond the expiration of the agreement de-  
25 scribed in paragraph (2); and

1 (4) an assessment of whether the United States  
2 and Germany have agreed on a common definition  
3 for energy “weaponization” and the associated trig-  
4 gers for sanctions and other enforcement actions,  
5 pursuant to the Joint Statement of the United  
6 States and Germany on support for Ukraine, Euro-  
7 pean energy security, and our climate goals, dated  
8 July 21, 2021; and

9 (5) a description of the consultations with  
10 United States allies and partners in Europe, includ-  
11 ing Ukraine, Poland, and the countries in Central  
12 and Eastern Europe most impacted by the Nord  
13 Stream 2 pipeline concerning the matters agreed to  
14 as described in paragraph (4).

Shortly, the Senate will vote on two Russia sanctions amendments to NDAA. Only one -- **Risch amendment #4859 (attached)** -- imposes immediate sanctions against Russia by fully applying two existing rounds of mandatory Congressional sanctions against the Kremlin's Nord Stream 2 gas pipeline that were passed on an overwhelmingly bipartisan basis in PEESA (2019) and PEESCA (2020).

Risch amendment #4859 -- a continuation of the bipartisan sanctions adopted by Congress in 2019 and 2020 -- will put a final stop to Putin's pipeline, which, if made operational, would leave Ukraine entirely vulnerable to escalated Russian aggression and drastically increase Europe's dependence on Russia for the next 50 years. This is not in the U.S. national interest.

**Please have your boss vote in favor of Risch amendment #4859.** No other NDAA amendment being offered, including Menendez amendment #4868, imposes immediate sanctions on Nord Stream 2. While we appreciate Senator Menendez's amendment #4868, it does not impose immediate sanctions against Nord Stream 2 in time to stop the pipeline before it becomes operational and **is not a substitute** for Risch amendment #4859. There is no justification for voting in favor of Menendez #4868 but voting against Risch #4859.

**A vote against Risch amendment #4859 is a decision to protect Russia's most malign geopolitical project, Nord Steam 2.**

On behalf of our Ukrainian friends and allies, who are on the front lines safeguarding Europe and the West from Russian aggression, we urge you to vote in favor of Risch #4859.

**President of Ukraine Volodymyr Zelensky:**



**Prime Minister of Ukraine Denys Shmygal:**



**Speaker of the Ukrainian Parliament Ruslan Stefanchuk:**



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