

Administration of Donald J. Trump, 2017

Memorandum on Delegation of Certain Functions and Authorities Under the Countering America's Adversaries Through Sanctions Act of 2017, the Ukraine Freedom Support Act of 2014, and the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014
September 29, 2017

Memorandum for the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence

Subject: Delegation of Certain Functions and Authorities under the Countering America's Adversaries Through Sanctions Act of 2017, the Ukraine Freedom Support Act of 2014, and the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

Section 1. (a) I hereby delegate to the Secretary of State the functions and authorities vested in the President by the following provisions of the Countering America's Adversaries Through Sanctions Act of 2017 (Public Law 115–44) (the "Act"):

- (i) section 222(c) through (d);
- (ii) section 224(b)(2);
- (iii) section 224(c);
- (iv) section 226, with respect to the national interest determination under section 5 of the Ukraine Freedom Support Act of 2014 (Public Law 113–272) (UFSA), as amended by the Act;
- (v) section 227, with respect to the waiver authority in section 9(d) of the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014 (Public Law 113–95) (SSIDESU), as amended by the Act;
- (vi) section 228, with respect to the waiver and visa denial authority in section 10(d) and section 11(b)(2) and (c) of the SSIDESU, as amended by the Act;
- (vii) section 229(g)(1) and (2);
- (viii) section 233(b);
- (ix) section 234(c);
- (x) the waiver authority in section 236(b);
- (xi) section 255;
- (xii) section 256;
- (xiii) section 313, with respect to section 203(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122) (NKSPEA), as amended by the Act; and

(xiv) section 315(a), with respect to the identifications described in section 16(c)(1)(C) of the Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*), as amended by the Act.

(b) I hereby delegate to the Secretary of State, in consultation with the Secretary of the Treasury, the functions and authorities vested in the President by the following provisions of the Act:

(i) section 225, with respect to determinations under section 4(b)(1) of the UFSA, as amended by the Act, and including the selection of sanctions under section 4(c) of the UFSA, as amended by the Act, to be exercised in consultation with the heads of other executive departments and agencies (agencies), as appropriate;

(ii) section 231(a) through (d) of the Act, including the selection of sanctions from section 235, to be exercised in consultation with the heads of other agencies, as appropriate;

(iii) section 232, including the selection of sanctions from section 235 of the Act, to be exercised in consultation with the heads of other agencies, as appropriate;

(iv) section 314, with respect to section 205(a)(1) of the NKSPEA, as amended by the Act, and with guidance from the Director of National Intelligence with respect to section 205(a)(1)(A) through (D) of the NKSPEA, as amended by the Act; and

(v) section 321(b), with respect to section 302B(c) of the NKSPEA, as amended by the Act.

(c) I hereby delegate to the Secretary of State and the Secretary of the Treasury, the functions and authorities vested in the President by the following sections of the Act:

(i) section 234(a), to be exercised commensurate with authorizations in previous Presidential actions, including Executive Orders 13382 and 13582;

(ii) section 216(a), to be exercised commensurate with delegations in this memorandum and previously delegated authorities; and

(iii) section 236(c), to be exercised commensurate with delegations in this memorandum and previously delegated authorities.

(d) I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State, the functions and authorities vested in the President by the following provisions of the Act:

(i) section 222(b);

(ii) section 224(a), including the selection of sanctions under section 235 of the Act and under section 4(c) of the UFSA, to be exercised in consultation with the heads of other agencies, as appropriate;

(iii) section 224(b)(1);

(iv) section 227, with respect to determinations relating to conduct triggering sanctions under section 9(a) of the SSIDESU, as amended by the Act;

(v) section 228, with respect to section 10(a) through (c), and (e) and section 11(a), (b)(1), (d), and (e) of the SSIDESU, as amended by the Act;

(vi) section 229(b), with respect to section 5(e) of the UFSA, as amended by the Act;

(vii) section 230, with respect to section 8(d) and section 9(d) of the SSIDESU, as amended by the Act;

(viii) section 233(a), including the selection of sanctions from section 235, to be exercised in consultation with the heads of other agencies, as appropriate;

(ix) section 234(b)(1);

(x) section 311(d); and

(xi) section 321(b), with respect to section 302B(a) and (b) of the NKSPEA, as amended by the Act.

(e) I hereby delegate to the Secretary of the Treasury, in consultation with and with the participation of the Secretary of State, the functions and authorities vested in the President by section 318 of the Act.

(f) I hereby delegate to the Secretary of State, with input from the Director of National Intelligence, and in consultation with the Secretary of the Treasury, the functions and authorities vested in the President by section 317 of the Act.

(g) I hereby delegate to the Director of National Intelligence, in consultation with the Secretary of State and the Secretary of the Treasury, the functions and authorities vested in the President by section 316 of the Act. Consultation with the Secretary of State and the Secretary of the Treasury shall address the questions of knowledge, material support, and facilitation described in sections 316(a)(2) and 316(a)(3) of the Act, respectively, and the determinations described in section 316(a)(4) of the Act.

(h) I hereby delegate the functions and authorities vested in the President by section 333 of the Act to the heads of the appropriate agencies, to be exercised commensurate with the delegations in this memorandum.

(i) I hereby delegate to the Secretary of State the functions and authorities vested in the President by section 4(e) and 4(f) and section 5(d) of the UFSA.

(j) I hereby delegate to the Secretary of State, in consultation with the Secretary of the Treasury, the functions and authorities vested in the President by the following provisions of the UFSA, as amended by the Act:

(i) section 4(i); and

(ii) section 5(g), with respect to the certification described therein.

(k) I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State, the functions and authorities vested in the President by the following provisions of the UFSA, as amended by the Act:

(i) section 4(h)(1);

(ii) section 5(a) and 5(b), with respect to determinations regarding engagement in or facilitation of significant transactions; and

(iii) section 5(f)(1).

(l) I hereby delegate to the Secretary of State the functions and authorities vested in the President by the following provisions of the SSIDESU:

(i) section 8(b)(1)(B);

- (ii) section 8(c);
- (iii) section 9(b)(1)(B); and
- (iv) section 9(c).

(m) I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State, the functions and authorities vested in the President by the following provisions of SSIDESU, as amended by the Act:

- (i) section 8(a);
- (ii) section 8(b)(1)(A);
- (iii) section 8(e);
- (iv) section 9(b)(1)(A); and
- (v) section 9(e).

Sec. 2. The delegations in this memorandum shall apply to any provisions of any future public laws that are the same or substantially the same as those provisions referenced in this memorandum.

Sec. 3. The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register*.

DONALD J. TRUMP

NOTE: An original was not available for verification of the content of this memorandum.

Categories: Communications to Federal Agencies : Countering America's Adversaries Through Sanctions Act of 2017, the Ukraine Freedom Support Act of 2014, and the Support for the Sovereignty, Integrity, Democracy, and Economic Stability of Ukraine Act of 2014, delegation of functions and authorities, memorandum.

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