

United States Senate

WASHINGTON, DC 20510

September 13, 2021

The Honorable Bob Menendez
Chairman
Senate Committee on Foreign Relations
423 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Sherrod Brown
Chairman
Senate Committee on Banking, Housing, and Urban Affairs
534 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairmen Menendez and Brown:

As you know, President Biden has reversed longstanding U.S. policy on Nord Stream 2 by greenlighting the completion of the pipeline and abandoning efforts to thwart its progress. The administration's so-called "deal" with Germany hands Vladimir Putin a geostrategic victory, entrenches corrupt Russian influence in Europe, and drastically weakens the security of Ukraine, Poland, and other states on the frontline of Kremlin aggression.

We believe that the administration's policy reversal is unacceptable, and have taken steps in the committees that you respectively chair to pressure the administration to change course. Specifically, Senator Cruz has held over State Department nominees awaiting consideration by the Senate Foreign Relations Committee and has withheld consent for confirmation without floor consideration, and has similarly denied unanimous consent to Treasury Department nominees. Senator Toomey, in conjunction with every Republican member of the Senate Banking Committee, has committed to vote against reporting out from committee two Treasury Department nominees, Brian Nelson and Elizabeth Rosenberg, unless the administration applies the Countering America's Adversaries Through Sanctions Act (CAATSA; P.L. 115-44) to Nord Stream 2 AG (NS2 AG).

There is a way out of this impasse. If the president sanctions NS2 AG—the Gazprom-owned holding company responsible for the construction and operation of the pipeline—under CAATSA Section 228, Senator Cruz will lift his holds on career State Department nominees and Treasury Department nominees and Senator Toomey will drop his objection to Mr. Nelson and Ms. Rosenberg. These positions have been conveyed to the Biden administration in granular detail. For Senator Toomey, the administration must follow the law and sanction NS2 AG under CAATSA Section 228 in order for his objections to fall. For Senator Cruz, if the administration commits to maintaining NS2 AG on the Specially Designated Nationals and Blocked Persons List, Senator Cruz will lift his holds immediately. If the administration elects to remove the sanctioning of NS2 AG, Senator Cruz will still agree to lift his holds if and when Congress votes on a joint resolution of disapproval pursuant to CAATSA Section 216.

Whether NS2 AG is sanctioned under CAATSA is not simply a matter of policy preference; it is the law. CAATSA Section 228 requires sanctions on any person engaged in evading sanctions on behalf of a separately-sanctioned Russian entity. There is overwhelming evidence that NS2 AG meets the statutory requirement for being sanctioned.

We are hopeful that the president will follow the law and sanction NS2 AG as soon as possible, clearing a path to confirmation for nominees in both of your committees.

Sincerely,



Pat Toomey
U.S. Senator



Ted Cruz
U. S. Senator