Purpose: To require the imposition of sanctions with respect to the Government of the Russian Federation relating to the provision of bounties for the killing of members of the Armed Forces of the United States and members of the Resolute Support Mission led by the North Atlantic Treaty Organization and with respect to certain Russian political figures and oligarchs.


S. 4049

To authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MENENDEZ to the amendment (No. 2301) proposed by Mr. INHOFE

Viz:

1 At the end of title XII, add the following:

2 Subtitle H—Sanctions With

3 Respect to the Russian Federation

4 SEC. 1291. DEFINITIONS.

5 In this subtitle:

6 (1) ADMISSION; ADMITTED; ALIEN.—The terms

7 “admission”, “admitted”, and “alien” have the

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term “appropriate congressional committees and leadership” means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(3) FINANCIAL INSTITUTION.—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(4) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning
given that term in regulations prescribed by the Secretary of the Treasury.

(5) 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.

(6) UNITED STATES FINANCIAL INSTITUTION.—The term “United States financial institution” has the meaning given that term in regulations prescribed by the Secretary of the Treasury.

(7) 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 of any jurisdiction within the United States, including a foreign branch of such an entity.
SEC. 1292. IMPOSITION OF SANCTIONS WITH RESPECT TO
GOVERNMENT OF RUSSIAN FEDERATION RELATING TO BOUNTIES ON MEMBERS OF
ARMED FORCES AND ALLIED FORCES IN AFGHANISTAN.

(a) Certification and Report.—

(1) Certification required.—Not later than 15 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees and leadership a certification with respect to—

(A) whether or not the Government of the Russian Federation, or proxies of that Government, was responsible for offering bounties for the killing of members of the Armed Forces of the United States or members of the Resolute Support Mission led by the North Atlantic Treaty Organization (commonly referred to as “NATO”) in Afghanistan;

(B) whether the information described in subparagraph (A) was provided to—

(i) senior officials of the United States Government, including the President and the Vice President, and, if so, when that information was provided to those officials; and
(ii) allies of the United States serving in Afghanistan under the NATO-led Resolute Support Mission.

(2) REPORT REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and leadership a report describing the measures taken by the Department of Defense to provide greater protection to members of the Armed Forces of the United States in Afghanistan.

(3) FORM.—The certification required by paragraph (1) and the report required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—If the Director of National Intelligence certifies under subsection (a)(1)(A) that the Government of the Russian Federation or any of its proxies was responsible for bounties described in that subsection, the President shall, not later than 15 days after the date of the certification, impose the following sanctions:

(A) ASSET BLOCKING.—The President shall exercise all of the powers granted to the
President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of each person described in paragraph (2) 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.

(B) Aliens inadmissible for visas, admission, or parole.—

(i) 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.C. 1101 et seq.).

(ii) Current visas revoked.—
7

(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 subclause (I) shall—

(aa) take effect immediately;

and

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

(C) **REJECTION OF TRANSACTIONS WITH DEFENSE AND INTELLIGENCE SECTORS OF RUSSIAN FEDERATION.**—The Secretary of the Treasury shall instruct all United States financial institutions to reject all financial transactions involving any person on the list, as of the date of the enactment of this Act, produced by the Secretary of State pursuant to section 231(e) of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525(e)).
(2) PERSONS DESCRIBED.—A person described in this paragraph is any of the following:

(A) Vladimir Putin or any person acting for or on behalf of Vladimir Putin, including any person managing any of his assets anywhere in the world.

(B) Any senior official of the Government of the Russian Federation determined by the President to have been involved in the activity described in subsection (a)(1)(A).

(C) Any official of a defense or intelligence unit of that Government, including the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation, if that unit is determined by the President to have been involved in the activity described in subsection (a)(1)(A).

SEC. 1293. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS WITH CERTAIN RUSSIAN POLITICAL FIGURES AND OLIGARCHS.

(a) IN GENERAL.—On and after the date that is 30 days after the date of the enactment of this Act, the President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to
block and prohibit all transactions in property and interests in property of each person described in subsection (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.

(b) PERSONS DESCRIBED.—The persons described in this subsection are—

(1) political figures, oligarchs, and other persons that facilitate illicit and corrupt activities, directly or indirectly, on behalf of the President of the Russian Federation, Vladimir Putin, and persons acting for or on behalf of such political figures, oligarchs, and persons;

(2) Russian parastatal entities that facilitate illicit and corrupt activities, directly or indirectly, on behalf of the President of the Russian Federation, Vladimir Putin;

(3) family members of persons described in paragraph (1) or (2) that derive significant benefits from such illicit and corrupt activities; and

(4) persons, including financial institutions, that knowingly engage in significant transactions with persons described in paragraph (1), (2), or (3).
Section 241 of the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 922) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following:

“(b) UPDATED REPORT.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary of the Treasury, in consultation with the Director of National Intelligence and the Secretary of State, shall submit to the appropriate congressional committees an updated report on oligarchs and parastatal entities of the Russian Federation that builds on the report submitted under subsection (a) on January 29, 2018, by—

“(1) including the matters described in paragraphs (1) through (5) of subsection (a); and

“(2) excluding from the portion of the report responsive to paragraph (1) of subsection (a) any individual with respect to which there is no credible information suggesting the individual has the close fi-
nancial or political relationships, or engages in the illicit activities, described in subsection (a).”;

(3) in subsection (c), as redesignated by paragraph (1), by striking “The report required under subsection (a)” and inserting “The reports required by subsections (a) and (b)”.

(d) STRATEGY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and leadership a strategy describing how the President will coordinate with the European Union and its individual member countries with respect to efforts to deny Russian persons described in the updated report required by subsection (b) of section 241 of the Countering America’s Adversaries Through Sanctions Act, as amended by subsection (c), access to financial institutions or real estate in the European Union or United States.

SEC. 1294. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this subtitle.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of the
provisions of subparagraph (A) or (C) of section 1292(b)(1) or section 1293(a), or any regulation, license, or order issued to carry out such provisions, shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the 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.

SEC. 1295. EXCEPTIONS.

(a) INTELLIGENCE ACTIVITIES.—This subtitle shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(b) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under section 1292(b)(1)(B) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(1) 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, or other applicable international obligations; or
(2) to carry out or assist law enforcement activity in the United States.

(c) Exception relating to importation of goods.—

(1) In general.—The authorities and requirements to impose sanctions under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) Good defined.—In this subsection, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(d) Exception relating to activities of the National Aeronautics and Space Administration.—

(1) In general.—This subtitle shall not apply with respect to activities of the National Aeronautics and Space Administration.

(2) Rule of construction.—Nothing in this subtitle or the amendments made by this title shall be construed to authorize the imposition of any sanction or other condition, limitation, restriction, or prohibition, that directly or indirectly impedes the supply by any entity of the Russian Federation of
any product or service, or the procurement of such product or service by any contractor or subcon-
tractor of the United States or any other entity, re-
lating to or in connection with any space launch con-
ducted for—

(A) the National Aeronautics and Space Administration; or

(B) any other non-Department of Defense customer.

SEC. 1296. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed—

(1) to supersede the limitations or exceptions on the use of rocket engines for national security pur-
poses under section 1608 of the Carl Levin and Howard P. “Buck” McKeon National Defense Au-

(2) to prohibit a contractor or subcontractor of the Department of Defense from acquiring compo-
nents referred to in such section 1608.