

AMENDMENT NO. _____ Calendar No. _____

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.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

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

1 meanings given those terms in section 101 of the
2 Immigration and Nationality Act (8 U.S.C. 1101).

3 (2) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES AND LEADERSHIP.—The term “appropriate
5 congressional committees and leadership” means—

6 (A) the Committee on Foreign Relations,
7 the Committee on Banking, Housing, and
8 Urban Affairs, the Committee on Armed Serv-
9 ices, the Select Committee on Intelligence, and
10 the majority leader and the minority leader of
11 the Senate; and

12 (B) the Committee on Foreign Affairs, the
13 Committee on Financial Services, the Com-
14 mittee on Armed Services, the Permanent Se-
15 lect Committee on Intelligence, and the Speak-
16 er, the majority leader, and the minority leader
17 of the House of Representatives.

18 (3) FINANCIAL INSTITUTION.—The term “fi-
19 nancial institution” means a financial institution
20 specified in subparagraph (A), (B), (C), (D), (E),
21 (F), (G), (H), (I), (J), (M), or (Y) of section
22 5312(a)(2) of title 31, United States Code.

23 (4) FOREIGN FINANCIAL INSTITUTION.—The
24 term “foreign financial institution” has the meaning

1 given that term in regulations prescribed by the Sec-
2 retary of the Treasury.

3 (5) KNOWINGLY.—The term “knowingly”, with
4 respect to conduct, a circumstance, or a result,
5 means that a person has actual knowledge, or should
6 have known, of the conduct, the circumstance, or the
7 result.

8 (6) UNITED STATES FINANCIAL INSTITUTION.—
9 The term “United States financial institution” has
10 the meaning given that term in regulations pre-
11 scribed by the Secretary of the Treasury.

12 (7) UNITED STATES PERSON.—The term
13 “United States person” means—

14 (A) a United States citizen or an alien law-
15 fully admitted for permanent residence to the
16 United States; or

17 (B) an entity organized under the laws of
18 the United States or of any jurisdiction within
19 the United States, including a foreign branch of
20 such an entity.

1 **SEC. 1292. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **GOVERNMENT OF RUSSIAN FEDERATION RE-**
3 **LATING TO BOUNTIES ON MEMBERS OF**
4 **ARMED FORCES AND ALLIED FORCES IN AF-**
5 **GHANISTAN.**

6 (a) CERTIFICATION AND REPORT.—

7 (1) CERTIFICATION REQUIRED.—Not later than
8 15 days after the date of the enactment of this Act,
9 the Director of National Intelligence shall submit to
10 the appropriate congressional committees and lead-
11 ership a certification with respect to—

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

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

22 (i) senior officials of the United
23 States Government, including the Presi-
24 dent and the Vice President, and, if so,
25 when that information was provided to
26 those officials; and

1 (ii) allies of the United States serving
2 in Afghanistan under the NATO-led Reso-
3 lute Support Mission.

4 (2) REPORT REQUIRED.—Not later than 15
5 days after the date of the enactment of this Act, the
6 Secretary of Defense shall submit to the appropriate
7 congressional committees and leadership a report de-
8 scribing the measures taken by the Department of
9 Defense to provide greater protection to members of
10 the Armed Forces of the United States in Afghani-
11 stan.

12 (3) FORM.—The certification required by para-
13 graph (1) and the report required by paragraph (2)
14 shall be submitted in unclassified form but may in-
15 clude a classified annex.

16 (b) IMPOSITION OF SANCTIONS.—

17 (1) IN GENERAL.—If the Director of National
18 Intelligence certifies under subsection (a)(1)(A) that
19 the Government of the Russian Federation or any of
20 its proxies was responsible for bounties described in
21 that subsection, the President shall, not later than
22 15 days after the date of the certification, impose
23 the following sanctions:

24 (A) ASSET BLOCKING.—The President
25 shall exercise all of the powers granted to the

1 President under the International Emergency
2 Economic Powers Act (50 U.S.C. 1701 et seq.)
3 to the extent necessary to block and prohibit all
4 transactions in property and interests in prop-
5 erty of each person described in paragraph (2)
6 if such property and interests in property are in
7 the United States, come within the United
8 States, or are or come within the possession or
9 control of a United States person.

10 (B) ALIENS INADMISSIBLE FOR VISAS, AD-
11 MISSION, OR PAROLE.—

12 (i) VISAS, ADMISSION, OR PAROLE.—

13 An alien described in paragraph (2) is—

14 (I) inadmissible to the United
15 States;

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

19 (III) otherwise ineligible to be
20 admitted or paroled into the United
21 States or to receive any other benefit
22 under the Immigration and Nation-
23 ality Act (8 U.S.C. 1101 et seq.).

24 (ii) CURRENT VISAS REVOKED.—

1 (I) IN GENERAL.—The visa or
2 other entry documentation of an alien
3 described in paragraph (2) shall be re-
4 voked, regardless of when such visa or
5 other entry documentation is or was
6 issued.

7 (II) IMMEDIATE EFFECT.—A rev-
8 ocation under subclause (I) shall—

9 (aa) take effect immediately;

10 and

11 (bb) automatically cancel
12 any other valid visa or entry doc-
13 umentation that is in the alien’s
14 possession.

15 (C) REJECTION OF TRANSACTIONS WITH
16 DEFENSE AND INTELLIGENCE SECTORS OF
17 RUSSIAN FEDERATION.—The Secretary of the
18 Treasury shall instruct all United States finan-
19 cial institutions to reject all financial trans-
20 actions involving any person on the list, as of
21 the date of the enactment of this Act, produced
22 by the Secretary of State pursuant to section
23 231(e) of the Countering America’s Adversaries
24 Through Sanctions Act (22 U.S.C. 9525(e)).

1 (2) PERSONS DESCRIBED.—A person described
2 in this paragraph is any of the following:

3 (A) Vladimir Putin or any person acting
4 for or on behalf of Vladimir Putin, including
5 any person managing any of his assets any-
6 where in the world.

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

11 (C) Any official of a defense or intelligence
12 unit of that Government, including the Main
13 Intelligence Agency of the General Staff of the
14 Armed Forces of the Russian Federation, if
15 that unit is determined by the President to have
16 been involved in the activity described in sub-
17 section (a)(1)(A).

18 **SEC. 1293. IMPOSITION OF SANCTIONS WITH RESPECT TO**
19 **TRANSACTIONS WITH CERTAIN RUSSIAN PO-**
20 **LITICAL FIGURES AND OLIGARCHS.**

21 (a) IN GENERAL.—On and after the date that is 30
22 days after the date of the enactment of this Act, the Presi-
23 dent shall exercise all of the powers granted to the Presi-
24 dent under the International Emergency Economic Powers
25 Act (50 U.S.C. 1701 et seq.) to the extent necessary to

1 block and prohibit all transactions in property and inter-
2 ests in property of each person described in subsection (b),
3 if such property and interests in property are in the
4 United States, come within the United States, or are or
5 come within the possession or control of a United States
6 person.

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

9 (1) political figures, oligarchs, and other per-
10 sons that facilitate illicit and corrupt activities, di-
11 rectly or indirectly, on behalf of the President of the
12 Russian Federation, Vladimir Putin, and persons
13 acting for or on behalf of such political figures,
14 oligarchs, and persons;

15 (2) Russian parastatal entities that facilitate il-
16 licit and corrupt activities, directly or indirectly, on
17 behalf of the President of the Russian Federation,
18 Vladimir Putin;

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

22 (4) persons, including financial institutions,
23 that knowingly engage in significant transactions
24 with persons described in paragraph (1), (2), or (3).

1 (c) UPDATED REPORT ON OLIGARCHS AND
2 PARASTATAL ENTITIES OF THE RUSSIAN FEDERATION.—
3 Section 241 of the Countering America’s Adversaries
4 Through Sanctions Act (Public Law 115–44; 131 Stat.
5 922) is amended—

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

8 (2) by inserting after subsection (a) the fol-
9 lowing:

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

19 “(1) including the matters described in para-
20 graphs (1) through (5) of subsection (a); and

21 “(2) excluding from the portion of the report
22 responsive to paragraph (1) of subsection (a) any in-
23 dividual with respect to which there is no credible in-
24 formation suggesting the individual has the close fi-

1 nancial or political relationships, or engages in the
2 illicit activities, described in subsection (a).”; and

3 (3) in subsection (c), as redesignated by para-
4 graph (1), by striking “The report required under
5 subsection (a)” and inserting “The reports required
6 by subsections (a) and (b)”.

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

18 **SEC. 1294. IMPLEMENTATION; PENALTIES.**

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

24 (b) PENALTIES.—A person that violates, attempts to
25 violate, conspires to violate, or causes a violation of the

1 provisions of subparagraph (A) or (C) of section
2 1292(b)(1) or section 1293(a), or any regulation, license,
3 or order issued to carry out such provisions, shall be sub-
4 ject to the penalties set forth in subsections (b) and (c)
5 of section 206 of the International Emergency Economic
6 Powers Act (50 U.S.C. 1705) to the same extent as a per-
7 son that commits an unlawful act described in subsection
8 (a) of that section.

9 **SEC. 1295. EXCEPTIONS.**

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

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

20 (1) to permit the United States to comply with
21 the Agreement regarding the Headquarters of the
22 United Nations, signed at Lake Success June 26,
23 1947, and entered into force November 21, 1947,
24 between the United Nations and the United States,
25 or other applicable international obligations; or

1 (2) to carry out or assist law enforcement activ-
2 ity in the United States.

3 (c) EXCEPTION RELATING TO IMPORTATION OF
4 GOODS.—

5 (1) IN GENERAL.—The authorities and require-
6 ments to impose sanctions under this subtitle shall
7 not include the authority or a requirement to impose
8 sanctions on the importation of goods.

9 (2) GOOD DEFINED.—In this subsection, the
10 term “good” means any article, natural or manmade
11 substance, material, supply or manufactured prod-
12 uct, including inspection and test equipment, and ex-
13 cluding technical data.

14 (d) EXCEPTION RELATING TO ACTIVITIES OF THE
15 NATIONAL AERONAUTICS AND SPACE ADMINISTRA-
16 TION.—

17 (1) IN GENERAL.—This subtitle shall not apply
18 with respect to activities of the National Aeronautics
19 and Space Administration.

20 (2) RULE OF CONSTRUCTION.—Nothing in this
21 subtitle or the amendments made by this title shall
22 be construed to authorize the imposition of any
23 sanction or other condition, limitation, restriction, or
24 prohibition, that directly or indirectly impedes the
25 supply by any entity of the Russian Federation of

1 any product or service, or the procurement of such
2 product or service by any contractor or subcon-
3 tractor of the United States or any other entity, re-
4 lating to or in connection with any space launch con-
5 ducted for—

6 (A) the National Aeronautics and Space
7 Administration; or

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

10 **SEC. 1296. RULE OF CONSTRUCTION.**

11 Nothing in this subtitle shall be construed—

12 (1) to supersede the limitations or exceptions on
13 the use of rocket engines for national security pur-
14 poses under section 1608 of the Carl Levin and
15 Howard P. “Buck” McKeon National Defense Au-
16 thorization Act for Fiscal Year 2015 (Public Law
17 113–291; 128 Stat. 3626; 10 U.S.C. 2271 note), as
18 amended by section 1607 of the National Defense
19 Authorization Act for Fiscal Year 2016 (Public Law
20 114–92; 129 Stat. 1100) and section 1602 of the
21 National Defense Authorization Act for Fiscal Year
22 2017 (Public Law 114–328; 130 Stat. 2582); or

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