

1 (1) IMPOSITION OF SANCTIONS.—If the Presi-
2 dent determines that the government of any foreign
3 country is materially violating United Nations sanc-
4 tions, the President shall impose the sanctions de-
5 scribed in subsection (b) with respect to that country
6 so long as such violation continues, except as other-
7 wise provided in subsection (c)(2) and subsection
8 (d).

9 (2) PUBLICATION OF DETERMINATION.—Any
10 determination under this subsection shall be pub-
11 lished in the Federal Register.

12 (b) SANCTIONS.—The sanctions to be imposed with
13 respect to a country pursuant to subsection (a) are as fol-
14 lows:

15 (1) FOREIGN ASSISTANCE.—The United States
16 Government shall terminate assistance to that coun-
17 try under the Foreign Assistance Act of 1961, ex-
18 cept for assistance involving the provision of food
19 and other humanitarian assistance.

20 (2) MILITARY ASSISTANCE.—The United States
21 Government shall terminate all foreign military fi-
22 nancing for that country under the Arms Export
23 Control Act.

24 (3) ARMS SALES.—The United States Govern-
25 ment shall terminate—

1 (A) sales to that country under the Arms
2 Export Control Act of any defense article, de-
3 fense service, or design and construction serv-
4 ice, and

5 (B) licenses for the export to that country
6 of any item on the United States Munitions
7 List.

8 (4) MULTILATERAL ASSISTANCE.—The United
9 States Government shall oppose the extension by any
10 international financial institution of any loan or
11 other financial or technical assistance to that coun-
12 try, except for assistance directed specifically to pro-
13 grams which serve the basic human needs of the
14 people of that country.

15 (5) FINANCIAL ASSISTANCE.—The United
16 States Government shall deny to that country any
17 credit, credit guarantee, or other financial assistance
18 by any department, agency, or instrumentality of the
19 Government, except that this paragraph does not
20 apply to—

21 (A) food or other humanitarian assistance,
22 or

23 (B) any transaction subject to the report-
24 ing requirements of title V of the National Se-

1 curity Act of 1947 (relating to congressional
2 oversight of intelligence activities).

3 (6) COMMERCIAL CREDIT.—The United States
4 Government shall prohibit any United States deposi-
5 tory institution (as defined in section 19(b) of the
6 Federal Reserve Act) from making any loan or pro-
7 viding any credit to the government of that country,
8 except for loans or credits for the purpose of pur-
9 chasing food or other humanitarian items.

10 (7) EXPORTS.—The United States Government
11 shall prohibit exports to that country of such goods
12 and technology as the President may specify, except
13 that—

14 (A) section 6(g) of the Export Administra-
15 tion Act of 1979 applies with respect to export
16 controls pursuant to this paragraph, and

17 (B) any prohibition under this paragraph
18 shall not apply with respect to any transaction
19 subject to the reporting requirements of title V
20 of the National Security Act of 1947 (relating
21 to congressional oversight of intelligence activi-
22 ties).

23 (8) IMPORTS.—The United States Government
24 shall prohibit the entry into the customs territory of
25 the United States of such articles as the President

1 may specify that are growth, product, or manufac-
2 ture of that country.

3 (c) CONSULTATION WITH AND ACTIONS BY FOREIGN
4 GOVERNMENT.—

5 (1) CONSULTATIONS.—If the President makes a
6 determination described in subsection (a) with re-
7 spect to the government of a foreign country, the
8 Congress urges the President to initiate consulta-
9 tions immediately with that government to encour-
10 age it to comply with the United Nations sanctions
11 with respect to which that determination was made.

12 (2) ACTIONS BY A FOREIGN GOVERNMENT.—In
13 order to pursue such consultations, the President
14 may delay imposition of sanctions pursuant to this
15 section for up to 30 days. Following these consulta-
16 tions, the President shall impose sanctions unless
17 the President determines and certifies to the Con-
18 gress that that government has taken specific and
19 effective actions to comply with the United Nations
20 sanctions with respect to which the President made
21 the determination under subsection (a). If the Presi-
22 dent determines and certifies to the Congress that
23 that government is in the process of taking such ac-
24 tions, the President may delay the imposition of
25 sanctions for up to an additional 30 days.

1 (3) REPORT TO CONGRESS.—Not later than 30
2 days after making a determination with respect to
3 the government of a foreign country under sub-
4 section (a), the President shall submit to the Con-
5 gress a report on the status of consultations pursu-
6 ant to this subsection and on the basis for any de-
7 termination under paragraph (2) of this subsection
8 that such government has taken specific corrective
9 actions.

10 (d) WAIVER.—A sanction which is required to be im-
11 posed against a country under subsection (b) shall not
12 apply if the President determines and certifies to the Con-
13 gress that the application of that sanction against such
14 country would have a serious adverse effect on vital United
15 States interests. The President shall transmit with such
16 certification a statement setting forth the specific reasons
17 for the President's determination.

18 **SEC. 3. PERSONS VIOLATING UNITED NATIONS SANCTIONS.**

19 (a) DETERMINATION.—

20 (1) IMPOSITION OF SANCTIONS.—If the Presi-
21 dent determines that a person is materially violating
22 United Nations sanctions, the President shall impose
23 the sanctions described in subsection (c) on each
24 sanctioned person for a period of 2 years, except as

1 otherwise provided in subsection (d)(2) and sub-
2 section (e).

3 (2) PUBLICATION OF DETERMINATION.—Any
4 determination under this subsection shall be pub-
5 lished in the Federal Register.

6 (b) ADVISORY OPINIONS.—Upon the request of any
7 person, the President may issue a written advisory opinion
8 to that person as to whether a proposed activity by that
9 person would subject that person to sanctions under this
10 section. Any person who relies in good faith on such an
11 advisory opinion which states that the proposed activity
12 would not subject a person to such sanctions, and any per-
13 son who thereafter engages in such activity, shall not be
14 made subject to such sanctions solely on account of such
15 activity.

16 (c) SANCTIONS.—

17 (1) IN GENERAL.—The sanctions to be imposed
18 pursuant to subsection (a) are as follows:

19 (A) The United States Government shall
20 not procure, or enter into any contract for the
21 procurement of, any goods or services from a
22 sanctioned person.

23 (B) The United States Government shall
24 not issue any license for any export by or to a
25 sanctioned person.

1 (C) The United States Government shall
2 prohibit the entry into the customs territory of
3 the United States of all articles that are
4 growth, product, or manufacture of a sanc-
5 tioned person.

6 (2) EXCEPTIONS.—The President shall not be
7 required to apply or maintain sanctions under this
8 section with respect to the following:

9 (A) Procurement or importation of defense
10 articles or defense services—

11 (i) if the procurement or importation
12 is under an existing contract or sub-
13 contract, including the exercise of options
14 for production quantities to satisfy require-
15 ments essential to the national security of
16 the United States;

17 (ii) if the President determines that
18 the sanctioned person is a sole source sup-
19 plier of such articles or services, that such
20 articles or services are essential, and that
21 alternative sources are not readily or rea-
22 sonably available; or

23 (iii) if the President determines that
24 such articles or services are essential to the

1 national security under defense
2 coproduction agreements.

3 (B) Procurement or importation of spare
4 parts or component parts (but not finished
5 products) which are essential to United States
6 products or production.

7 (C) Procurement of routine servicing and
8 maintenance of products, to the extent that al-
9 ternative sources are not readily or reasonably
10 available.

11 (D) Procurement of, or importation of arti-
12 cles containing, information and technology es-
13 sential to United States products or production.

14 (E) Procurement, exports, or imports of
15 products or services provided under contracts
16 entered into before the date on which the Presi-
17 dent's determination is published in the Federal
18 Register pursuant to subsection (a)(2).

19 (F) Procurement, exports, or imports of
20 food or other humanitarian items.

21 (d) CONSULTATION WITH AND ACTIONS BY FOREIGN
22 GOVERNMENT OF JURISDICTION.—

23 (1) CONSULTATIONS.—If the President makes a
24 determination described in subsection (a) with re-
25 spect to a foreign person, the Congress urges the

1 President to initiate consultations immediately with
2 the government with primary jurisdiction over that
3 foreign person with respect to the imposition of
4 sanctions pursuant to this section.

5 (2) ACTIONS BY GOVERNMENT OF JURISDIC-
6 TION.—In order to pursue such consultations with
7 that government, the President may delay imposition
8 of sanctions pursuant to this section for up to 90
9 days. Following these consultations, the President
10 shall impose sanctions unless the President deter-
11 mines and certifies to the Congress that that govern-
12 ment has taken specific and effective actions, includ-
13 ing appropriate penalties, to terminate the involve-
14 ment of the foreign person in the violations de-
15 scribed in subsection (a). If the President deter-
16 mines and certifies to the Congress that that govern-
17 ment is in the process of taking such actions, the
18 President may delay the imposition of sanctions for
19 up to an additional 90 days.

20 (3) REPORT TO CONGRESS.—Not later than 90
21 days after making a determination under subsection
22 (a), the President shall submit to the Congress a re-
23 port on the status of consultations with the appro-
24 priate government under this subsection and on the
25 basis for any determination under paragraph (2) of

1 this subsection that such government has taken spe-
2 cific corrective actions.

3 (e) WAIVER.—

4 (1) CRITERION FOR WAIVER.—After the end of
5 the 12-month period beginning on the date on which
6 a sanction is imposed on a sanctioned person under
7 this section, the President may waive the application
8 of that sanction with respect to that person if the
9 President determines and certifies to the Congress
10 that the continued imposition of that sanction with
11 respect to that person would have a serious adverse
12 effect on vital United States interests.

13 (2) NOTIFICATION OF AND REPORT TO CON-
14 GRESS.—If the President decides to exercise the
15 waiver authority provided in paragraph (1), the
16 President shall so notify the Congress not less than
17 30 days before the waiver takes effect. Such notifica-
18 tion shall include a report fully articulating the ra-
19 tionale and circumstances which led the President to
20 exercise the waiver authority.

21 **SEC. 4. DEFINITIONS.**

22 For purposes of this Act, the following definitions
23 apply:

24 (1) SANCTIONED PERSON.—The term “sanc-
25 tioned person” means—

1 (A) the person with respect to which the
2 President makes the determination described in
3 section 3(a);

4 (B) any successor entity to that person;

5 (C) any person that is a parent or subsidi-
6 ary of that person if that parent or subsidiary
7 materially and with requisite knowledge assisted
8 in the activities which were the basis of that de-
9 termination; and

10 (D) any person that is an affiliate of that
11 person if that affiliate materially and with req-
12 uisite knowledge assisted in the activities which
13 were the basis of that determination and if that
14 affiliate is controlled in fact by that person.

15 (2) UNITED NATIONS SANCTIONS.—The term
16 “United Nations sanctions” means measures that
17 members of the United Nations have been called
18 upon to apply by the United Nations Security Coun-
19 cil, acting under article 41 of the Charter of the
20 United Nations, in order to enforce decisions of the
21 Security Council.

22 (3) VIOLATING UNITED NATIONS SANCTIONS.—
23 The term “violating United Nations sanctions”—

24 (A) in the case of the government of a for-
25 eign country, means failing to apply measures

1 called for by the United Nations Security Coun-
2 cil; and

3 (B) in the case of person, means engaging
4 in activities that are prohibited under United
5 Nations sanctions, without regard to whether
6 the foreign government with primary jurisdic-
7 tion over those activities has applied the meas-
8 ures called for by the United Nations Security
9 Council.

10 **SEC. 5. EFFECTIVE DATE.**

11 This Act applies with respect to violations of United
12 Nations sanctions that occur on or after the date of enact-
13 ment of this Act.

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