

*Whitehouse*  
S.L.C.

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To authorize the seizure and forfeiture of assets of Russian kleptocrats.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

**S. 4638**

To a

**AMENDMENT N<sup>o</sup> 2402**

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By

*Whitehouse*

To:

*S. 4638*

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**Page(s)**

and

GPO: 2022 50-123 (mac)

AMENDMENT intended to be proposed by Mr. WHITEHOUSE (for himself,

Viz:

Mr. Graham,  
Mr. Blumenthal,  
Mr. Risch, and  
Mr. Bennett)

- 1 At the end of title XII, add the following:
- 2 **Subtitle G—Asset Seizure for**
- 3 **Ukraine Reconstruction Act**

4 **SEC. 1291. SHORT TITLE.**

5 This subtitle may be cited as the “Asset Seizure for

6 Ukraine Reconstruction Act”.

1 **SEC. 1292. NATIONAL EMERGENCY DECLARATION RELAT-**  
2 **ING TO HARMFUL ACTIVITIES OF RUSSIAN**  
3 **FEDERATION RELATING TO UKRAINE.**

4 The procedures under section 1293 shall apply if the  
5 President—

6 (1) declares a national emergency under section  
7 201 of the National Emergencies Act (50 U.S.C.  
8 1621) with respect to actions of the Government of  
9 the Russian Federation or nationals of the Russian  
10 Federation that threaten the peace, security, sta-  
11 bility, sovereignty, or territorial integrity of Ukraine;  
12 and

13 (2) declares that the use of the procedures  
14 under section 1293 are necessary as a response to  
15 the national emergency.

16 **SEC. 1293. PROCEDURES.**

17 (a) **NONJUDICIAL FORFEITURE.**—Property may be  
18 forfeited through nonjudicial civil forfeiture under section  
19 609 of the Tariff Act of 1930 (19 U.S.C. 1609), without  
20 regard to limitation under section 607(a)(1) of that Act  
21 (19 U.S.C. 1607(a)(1)), if—

22 (1) the President makes the declaration de-  
23 scribed in section 1292; and

24 (2) the Attorney General, or a designee, makes  
25 the certification described in subsection (b) with re-  
26 spect to the property.

1 (b) CERTIFICATION.—After seizure of property and  
2 prior to forfeiture of the property under subsection (a),  
3 the Attorney General, or a designee, shall certify that,  
4 upon forfeiture, the property will be covered forfeited  
5 property (as defined in section 1708(c) of the Additional  
6 Ukraine Supplemental Appropriations Act, 2023 (division  
7 M of Public Law 117–328; 136 Stat. 5200), as amended  
8 by this subtitle).

9 **SEC. 1294. EXPANSION OF FORFEITED PROPERTY AVAIL-**  
10 **ABLE TO REMEDIATE HARMS TO UKRAINE**  
11 **FROM RUSSIAN AGGRESSION.**

12 (a) IN GENERAL.—Section 1708(c) of the Additional  
13 Ukraine Supplemental Appropriations Act, 2023 (division  
14 M of Public Law 117–328; 136 Stat. 5200) is amended—

15 (1) in paragraph (2), by striking “which prop-

16 erty belonged” and all that follows and inserting the

17 following: “which property—

18 “(A) belonged to, was possessed by, or was

19 controlled by a person the property or interests

20 in property of which were blocked pursuant to

21 any license, order, regulation, or prohibition im-

22 posed by the United States under the authority

23 provided by the International Emergency Eco-

24 nomic Powers Act (50 U.S.C. 1701 et seq.) or

25 any other provision of law, with respect to—

1                   “(i) the Russian Federation; or

2                   “(ii) actions or policies that under-  
3                   mine the democratic processes and institu-  
4                   tions in Ukraine or threaten the peace, se-  
5                   curity, stability, sovereignty, or territorial  
6                   integrity of Ukraine;

7                   “(B) was involved in an act in violation of  
8                   or a conspiracy or scheme to violate—

9                   “(i) any license, order, regulation, or  
10                  prohibition described in subparagraph (A);  
11                  or

12                  “(ii) any restriction on the export, re-  
13                  export, or in-country transfer of items im-  
14                  posed by the United States under the Ex-  
15                  port Administration Regulations, or any  
16                  restriction on the export, reexport, or re-  
17                  transfer of defense articles under the  
18                  International Traffic in Arms Regulations  
19                  under subchapter M of chapter I of title  
20                  22, Code of Federal Regulations, with re-  
21                  spect to—

22                  “(I) the Russian Federation,  
23                  Belarus, the Crimea region of  
24                  Ukraine, or the so-called ‘Donetsk

1 People's Republic' or 'Luhansk Peo-  
2 ple's Republic' regions of Ukraine;

3 "(II) any person in any such  
4 country or region on a restricted par-  
5 ties list; or

6 "(III) any person located in any  
7 other country that has been added to  
8 a restricted parties list in connection  
9 with the malign conduct of the Rus-  
10 sian Federation in Ukraine, including  
11 the annexation of the Crimea region  
12 of Ukraine in March 2014 and the in-  
13 vasion beginning in February 2022 of  
14 Ukraine, as substantially enabled by  
15 Belarus; or

16 "(C) was involved in any related con-  
17 spiracy, scheme, or other Federal offense aris-  
18 ing from the actions of, or doing business with  
19 or acting on behalf of, the Russian Federation,  
20 Belarus, the Crimea region of Ukraine, or the  
21 so-called 'Donetsk People's Republic' or  
22 'Luhansk People's Republic' regions of  
23 Ukraine."; and

24 (2) by adding at the end the following:

1           “(3) The term ‘Export Administration Regula-  
2           tions’ has the meaning given that term in section  
3           1742 of the Export Control Reform Act of 2018 (50  
4           U.S.C. 4801).

5           “(4) The term ‘restricted parties list’ means  
6           any of the following lists maintained by the Bureau  
7           of Industry and Security:

8                   “(A) The Entity List set forth in Supple-  
9                   ment No. 4 to part 744 of the Export Adminis-  
10                  tration Regulations.

11                  “(B) The Denied Persons List maintained  
12                  pursuant to section 764.3(a)(2) of the Export  
13                  Administration Regulations.

14                  “(C) The Unverified List set forth in Sup-  
15                  plement No. 6 to part 744 of the Export Ad-  
16                  ministration Regulations.”.

17           (b) **EXTENSION OF AUTHORITY.**—Section 1708(d) of  
18           the Additional Ukraine Supplemental Appropriations Act,  
19           2023 is amended by striking “May 1, 2025” and inserting  
20           “the date that is 3 years after the date of the enactment  
21           of the Asset Seizure for Ukraine Reconstruction Act”.

22           **SEC. 1295. RULEMAKING.**

23           The Attorney General and the Secretary of the Treas-  
24           ury may prescribe regulations to carry out this subtitle

1 without regard to the requirements of section 553 of title  
2 5, United States Code.

3 **SEC. 1296. TERMINATION.**

4 (a) IN GENERAL.—The provisions of this subtitle  
5 shall terminate on the date that is 3 years after the date  
6 of the enactment of this Act.

7 (b) SAVINGS PROVISION.—The termination of this  
8 subtitle under subsection (a) shall not—

9 (1) terminate the applicability of the procedures  
10 under this subtitle to any property seized prior to  
11 the date of the termination under subsection (a); or

12 (2) moot any legal action taken or pending legal  
13 proceeding not finally concluded or determined on  
14 that date.