

118TH CONGRESS
1ST SESSION

H. R. 6491

To authorize the seizure and forfeiture of assets of Russian kleptocrats,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2023

Mr. WILSON of South Carolina (for himself and Mr. COHEN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the seizure and forfeiture of assets of Russian
kleptocrats, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Asset Seizure for
5 Ukraine Reconstruction Act”.

1 **SEC. 2. NATIONAL EMERGENCY DECLARATION RELATING**
2 **TO HARMFUL ACTIVITIES OF RUSSIAN FED-**
3 **ERATION RELATING TO UKRAINE.**

4 The procedures under section 3 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 3 are necessary as a response to the
15 national emergency.

16 **SEC. 3. 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 2; 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 Act).

9 **SEC. 4. EXPANSION OF FORFEITED PROPERTY AVAILABLE**
10 **TO REMEDIATE HARMS TO UKRAINE FROM**
11 **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. 5. RULEMAKING.**

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

1 out regard to the requirements of section 553 of title 5,
2 United States Code.

3 **SEC. 6. TERMINATION.**

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

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

9 (1) terminate the applicability of the procedures
10 under this Act to any property seized prior to the
11 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.

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