

118TH CONGRESS
1ST SESSION

S. 3359

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2023

Mr. WHITEHOUSE (for himself, Mr. GRAHAM, Mr. BLUMENTHAL, Mr. RISCH,
and Mr. BENNET) introduced the following bill; which was read twice and
referred to the Committee on the Judiciary

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”.

6 **SEC. 2. NATIONAL EMERGENCY DECLARATION RELATING**
7 **TO HARMFUL ACTIVITIES OF RUSSIAN FED-**
8 **ERATION RELATING TO UKRAINE.**

9 The procedures under section 3 shall apply if the
10 President—

1 (1) declares a national emergency under section
2 201 of the National Emergencies Act (50 U.S.C.
3 1621) with respect to actions of the Government of
4 the Russian Federation or nationals of the Russian
5 Federation that threaten the peace, security, sta-
6 bility, sovereignty, or territorial integrity of Ukraine;
7 and

8 (2) declares that the use of the procedures
9 under section 3 are necessary as a response to the
10 national emergency.

11 **SEC. 3. PROCEDURES.**

12 (a) NONJUDICIAL FORFEITURE.—Property may be
13 forfeited through nonjudicial civil forfeiture under section
14 609 of the Tariff Act of 1930 (19 U.S.C. 1609), without
15 regard to limitation under section 607(a)(1) of that Act
16 (19 U.S.C. 1607(a)(1)), if—

17 (1) the President makes the declaration de-
18 scribed in section 2; and

19 (2) the Attorney General, or a designee, makes
20 the certification described in subsection (b) with re-
21 spect to the property.

22 (b) CERTIFICATION.—After seizure of property and
23 prior to forfeiture of the property under subsection (a),
24 the Attorney General, or a designee, shall certify that,
25 upon forfeiture, the property will be covered forfeited

1 property (as defined in section 1708(c) of the Additional
2 Ukraine Supplemental Appropriations Act, 2023 (division
3 M of Public Law 117–328; 136 Stat. 5200), as amended
4 by this Act).

5 **SEC. 4. EXPANSION OF FORFEITED PROPERTY AVAILABLE**
6 **TO REMEDIATE HARMS TO UKRAINE FROM**
7 **RUSSIAN AGGRESSION.**

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

11 (1) in paragraph (2), by striking “which prop-
12 erty belonged” and all that follows and inserting the
13 following: “which property—

14 “(A) belonged to, was possessed by, or was
15 controlled by a person the property or interests
16 in property of which were blocked pursuant to
17 any license, order, regulation, or prohibition im-
18 posed by the United States under the authority
19 provided by the International Emergency Eco-
20 nomic Powers Act (50 U.S.C. 1701 et seq.) or
21 any other provision of law, with respect to—

22 “(i) the Russian Federation; or

23 “(ii) actions or policies that under-
24 mine the democratic processes and institu-
25 tions in Ukraine or threaten the peace, se-

1 curity, stability, sovereignty, or territorial
2 integrity of Ukraine;

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

5 “(i) any license, order, regulation, or
6 prohibition described in subparagraph (A);
7 or

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

18 “(I) the Russian Federation,
19 Belarus, the Crimea region of
20 Ukraine, or the so-called ‘Donetsk
21 People’s Republic’ or ‘Luhansk Peo-
22 ple’s Republic’ regions of Ukraine;

23 “(II) any person in any such
24 country or region on a restricted par-
25 ties list; or

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

11 “(C) was involved in any related con-
12 spiracy, scheme, or other Federal offense aris-
13 ing from the actions of, or doing business with
14 or acting on behalf of, the Russian Federation,
15 Belarus, the Crimea region of Ukraine, or the
16 so-called ‘Donetsk People’s Republic’ or
17 ‘Luhansk People’s Republic’ regions of
18 Ukraine.”; and

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

20 “(3) The term ‘Export Administration Regula-
21 tions’ has the meaning given that term in section
22 1742 of the Export Control Reform Act of 2018 (50
23 U.S.C. 4801).

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

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

7 “(B) The Denied Persons List maintained
8 pursuant to section 764.3(a)(2) of the Export
9 Administration Regulations.

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

13 (b) EXTENSION OF AUTHORITY.—Section 1708(d) of
14 the Additional Ukraine Supplemental Appropriations Act,
15 2023 is amended by striking “May 1, 2025” and inserting
16 “the date that is 3 years after the date of the enactment
17 of the Asset Seizure for Ukraine Reconstruction Act”.

18 **SEC. 5. RULEMAKING.**

19 The Attorney General and the Secretary of the Treas-
20 ury may prescribe regulations to carry out this Act with-
21 out regard to the requirements of section 553 of title 5,
22 United States Code.

1 **SEC. 6. TERMINATION.**

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

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

7 (1) terminate the applicability of the procedures
8 under this Act to any property seized prior to the
9 date of the termination under subsection (a); or

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

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