

118TH CONGRESS
2D SESSION

S. 4438

To expand the categories of forfeited property available to remediate harms to Ukraine from Russian aggression, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2024

Mr. MANCHIN (for himself and Mr. GRAHAM) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To expand the categories of forfeited property available to remediate harms to Ukraine from Russian aggression, 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 “Transferring Illicit As-
5 sets to Ukraine Act of 2024”.

1 **SEC. 2. EXPANSION OF FORFEITED PROPERTY AVAILABLE**
2 **TO REMEDIATE HARMS TO UKRAINE FROM**
3 **RUSSIAN AGGRESSION.**

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

7 (1) in subsection (a), by inserting “from any
8 forfeiture fund” after “The Attorney General may
9 transfer”; and

10 (2) in subsection (c)—

11 (A) in paragraph (2), by striking “which
12 property belonged” and all that follows and in-
13 serting the 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 covered legal authority;

18 “(B) was involved in an act in violation of,
19 or a conspiracy or scheme to violate or cause a
20 violation of—

21 “(i) any covered legal authority; or

22 “(ii) any restriction on the export, re-
23 export, or in-country transfer of items im-
24 posed by the United States under the Ex-
25 port Administration Regulations, or any
26 restriction on the export, reexport, or re-

1 transfer of defense articles under the
2 International Traffic in Arms Regulations
3 under subchapter M of chapter I of title
4 22, Code of Federal Regulations, with re-
5 spect to—

6 “(I) the Russian Federation,
7 Belarus, the Crimea region of
8 Ukraine, or the so-called Donetsk and
9 Luhansk People’s Republic regions of
10 Ukraine;

11 “(II) any person in any such
12 country or region on a restricted parties
13 list; or

14 “(III) any person located in any
15 other country that has been added to
16 a restricted parties list in connection
17 with the malign conduct of the Russian
18 Federation in Ukraine, including
19 the annexation of the Crimea region
20 of Ukraine in March 2014 and the in-
21 vasion beginning in February 2022 of
22 Ukraine, as substantially enabled by
23 Belarus; or

24 “(C) was involved in any related con-
25 spiracy, scheme, or other Federal offense aris-

1 ing from the actions of, or doing business with
2 or acting on behalf of, the Russian Federation,
3 Belarus, or the Crimea region of Ukraine, or
4 the so-called Donetsk and Luhansk People’s
5 Republic regions of Ukraine.”; and

6 (B) by adding at the end the following:

7 “(3) The term ‘covered legal authority’ means
8 any license, order, regulation, or prohibition imposed
9 by the United States under the authority provided
10 by the International Emergency Economic Powers
11 Act (50 U.S.C. 1701 et seq.) or any other provision
12 of law, with respect to—

13 “(A) the Russian Federation;

14 “(B) the national emergency—

15 “(i) declared in Executive Order
16 13660 (50 U.S.C. 1701 note; relating to
17 blocking property of certain persons con-
18 tributing to the situation in Ukraine);

19 “(ii) expanded by—

20 “(I) Executive Order 13661 (50
21 U.S.C. 1701 note; relating to blocking
22 property of additional persons contrib-
23 uting to the situation in Ukraine);
24 and

1 “(II) Executive Order 13662 (50
2 U.S.C. 1701 note; relating to blocking
3 property of additional persons contrib-
4 uting to the situation in Ukraine);
5 and

6 “(iii) relied on for additional steps
7 taken in Executive Order 13685 (50
8 U.S.C. 1701 note; relating to blocking
9 property of certain persons and prohibiting
10 certain transactions with respect to the
11 Crimea region of Ukraine);

12 “(C) the national emergency, as it relates
13 to the Russian Federation—

14 “(i) declared in Executive Order
15 13694 (50 U.S.C. 1701 note; relating to
16 blocking the property of certain persons
17 engaging in significant malicious cyber-en-
18 abled activities); and

19 “(ii) relied on for additional steps
20 taken in Executive Order 13757 (50
21 U.S.C. 1701 note; relating to taking addi-
22 tional steps to address the national emer-
23 gency with respect to significant malicious
24 cyber-enabled activities);

25 “(D) the national emergency—

1 “(i) declared in Executive Order
2 14024 (50 U.S.C. 1701 note; relating to
3 blocking property with respect to specified
4 harmful foreign activities of the Govern-
5 ment of the Russian Federation);

6 “(ii) expanded by Executive Order
7 14066 (50 U.S.C. 1701 note; relating to
8 prohibiting certain imports and new invest-
9 ments with respect to continued Russian
10 Federation efforts to undermine the sov-
11 ereignty and territorial integrity of
12 Ukraine); and

13 “(iii) relied on for additional steps
14 taken in—

15 “(I) Executive Order 14039 (22
16 U.S.C. 9526 note; relating to blocking
17 property with respect to certain Rus-
18 sian energy export pipelines);

19 “(II) Executive Order 14068 (50
20 U.S.C. 1701 note; relating to prohib-
21 iting certain imports, exports, and
22 new investment with respect to contin-
23 ued Russian Federation aggression);
24 and

1 “(III) Executive Order 14071
2 (50 U.S.C. 1701 note; relating to pro-
3 hibiting new investment in and certain
4 services to the Russian Federation in
5 response to continued Russian Fed-
6 eration aggression); and

7 “(iv) which may be expanded or relied
8 on in future Executive orders; or

9 “(E) actions or policies that undermine the
10 democratic processes and institutions in
11 Ukraine or threaten the peace, security, sta-
12 bility, sovereignty, or territorial integrity of
13 Ukraine.

14 “(4) The term ‘Export Administration Regula-
15 tions’ has the meaning given that term in section
16 1742 of the Export Control Reform Act of 2018 (50
17 U.S.C. 4801).

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

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

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

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

7 (b) SEMIANNUAL REPORTS.—Such section is further
8 amended—

9 (1) by redesignating subsections (c) and (d) as
10 subsections (d) and (e), respectively; and

11 (2) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) Not later than 180 days after the date of the
14 enactment of the Transferring Illicit Assets to Ukraine
15 Act of 2024, and every 180 days thereafter, the Secretary
16 of State, in consultation with the Attorney General and
17 the Secretary of the Treasury, shall submit to the appro-
18 priate congressional committees a report on progress made
19 in remediating the harms of Russian aggression toward
20 Ukraine as a result of transfers made under subsection
21 (a).”.

22 (c) PLAN REQUIRED.—

23 (1) IN GENERAL.—Not later than 30 days after
24 the date of the enactment of this Act, the Attorney
25 General, in consultation with the Secretary of the

1 Treasury and the Secretary of State, shall submit to
2 the appropriate congressional committees a plan for
3 using the authority provided by section 1708 of the
4 Additional Ukraine Supplemental Appropriations
5 Act, 2023, as amended by this section.

6 (2) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES DEFINED.—In this section, the term “appro-
8 priate congressional committees” has the meaning
9 given that term by section 1708 of the Additional
10 Ukraine Supplemental Appropriations Act, 2023, as
11 amended by this section.

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