

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

2
3 S. 2296

4
5 To authorize appropriations for fiscal year 2026 for military activities of the Department of
6 Defense, for military construction, and for defense activities of the Department of Energy, to
7 prescribe military personnel strengths for such fiscal year, and for other purposes.

8
9 Amendment intended to be proposed by Mr. Whitehouse

10
11 Viz:

12 At the end of title XII, add the following:

13 **Subtitle F—Seizure and Forfeiture of Assets of Russian**
14 **Kleptocrats**

15 **SEC. 1271. SHORT TITLE.**

16 This subtitle may be cited as the “Deterring Adversary Ill-Gotten Gains Act”.

17 **SEC. 1272. PROCEDURES FOR FORFEITURE OF ASSETS**
18 **OF RUSSIAN KLEPTOCRATS.**

19 (a) Nonjudicial Forfeiture.—Property subject to forfeiture under title 18, United States Code,
20 may be forfeited through nonjudicial civil forfeiture under section 609 of the Tariff Act of 1930
21 (19 U.S.C. 1609), without regard to limitation under section 607(a)(1) of that Act (19 U.S.C.
22 1607(a)(1)), if the Attorney General, or a designee, makes the certification described in
23 subsection (b) with respect to the property.

24 (b) Certification.—After seizure of property and prior to forfeiture of the property under
25 subsection (a), the Attorney General, or a designee, shall certify that, upon forfeiture, the
26 property will be covered forfeited property (as defined in section 1708(c) of the Additional
27 Ukraine Supplemental Appropriations Act, 2023 (division M of Public Law 117–328; 136 Stat.
28 5200), as amended by this subtitle).

29 **SEC. 1273. EXPANSION OF FORFEITED PROPERTY**
30 **AVAILABLE TO REMEDIATE HARMS TO UKRAINE**
31 **FROM RUSSIAN AGGRESSION.**

32 (a) In General.—Section 1708(c) of the Additional Ukraine Supplemental Appropriations Act,
33 2023 (division M of Public Law 117–328; 136 Stat. 5200) is amended—

34 (1) in paragraph (2), by striking “which property belonged” and all that follows and
35 inserting the following: “which property—

36 “(A) belonged to, was possessed by, or was controlled by a person the property or
37 interests in property of which were blocked pursuant to any license, order, regulation,

1 or prohibition imposed by the United States under the authority provided by the
2 International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other
3 provision of law, with respect to—

4 “(i) the Russian Federation; or

5 “(ii) actions or policies that undermine the democratic processes and
6 institutions in Ukraine or threaten the peace, security, stability, sovereignty, or
7 territorial integrity of Ukraine;

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

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

11 “(ii) any restriction on the export, reexport, or in-country transfer of items
12 imposed by the United States under the Export Administration Regulations, or
13 any restriction on the export, reexport, or retransfer of defense articles under the
14 International Traffic in Arms Regulations under subchapter M of chapter I of title
15 22, Code of Federal Regulations, with respect to—

16 “(I) the Russian Federation, Belarus, the Crimea region of Ukraine, or the
17 so-called ‘Donetsk People’s Republic’ or ‘Luhansk People’s Republic’
18 regions of Ukraine;

19 “(II) any person in any such country or region on a restricted parties list;
20 or

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

26 “(C) was involved in any related conspiracy, scheme, or other Federal offense
27 arising from the actions of, or doing business with or acting on behalf of, the Russian
28 Federation, Belarus, the Crimea region of Ukraine, or the so-called ‘Donetsk People’s
29 Republic’ or ‘Luhansk People’s Republic’ regions of Ukraine.”; and

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

31 “(3) The term ‘Export Administration Regulations’ has the meaning given that term in
32 section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

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

35 “(A) The Entity List set forth in Supplement No. 4 to part 744 of the Export
36 Administration Regulations.

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

39 “(C) The Unverified List set forth in Supplement No. 6 to part 744 of the Export
40 Administration Regulations.”.

1 (b) Extension of Authority.—Section 1708(d) of the Additional Ukraine Supplemental
2 Appropriations Act, 2023, is amended by striking “May 1, 2025” and inserting “the date that is 3
3 years after the date of the enactment of the Deterring Adversary Ill-Gotten Gains Act”.

4 SEC. 1274. RULEMAKING.

5 The Attorney General and the Secretary of the Treasury may prescribe regulations to carry out
6 this subtitle without regard to the requirements of section 553 of title 5, United States Code.

7 SEC. 1275. TERMINATION.

8 (a) In General.—The provisions of this subtitle shall terminate on the date that is 3 years after
9 the date of the enactment of this Act.

10 (b) Savings Provision.—The termination of this subtitle under subsection (a) shall not—

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

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