

AMENDMENT TO RULES COMMITTEE PRINT 117-

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OFFERED BY MS. SPEIER OF CALIFORNIA

Page 1348, insert after line 23 the following (and conform the table of contents accordingly):

1 SEC. 5806. STREAMLINING SEIZURE OF RUSSIAN ASSETS.

2 (a) GENERAL FORFEITURE AUTHORITY.—

3 (1) FORFEITURE AUTHORITY RELATED TO RUS-
4 SIAN HARMFUL FOREIGN ACTIVITIES SANCTIONS IN-
5 VOLVING UKRAINE .—If the President declares a na-
6 tional emergency pursuant to section 202 of the
7 International Emergency Economic Powers Act re-
8 garding the actions and policies of the Russian Fed-
9 eration regarding Ukraine or Russia’s other harmful
10 foreign activities impacting Ukraine, the authority
11 granted to the President by this section may be ex-
12 ercised if the President also declares, in the initial
13 declaration or in a later separate declaration, that
14 the use of the authority provided in this section is
15 necessary as a response to such national emergency.

16 (2) SCOPE OF AUTHORITY.—

1 (A) IN GENERAL.—Property is subject to
2 forfeiture to the United States under this sec-
3 tion if—

4 (i) the property is subject to an exer-
5 cise of authority pursuant to section 203 of
6 the International Emergency Economic
7 Powers Act under an Executive Order de-
8 claring, expanding or taking additional
9 steps to address a Presidentially declared
10 national emergency pursuant to section
11 202 of the International Emergency Eco-
12 nomic Powers Act that involves in whole or
13 in part—

14 (I) actions of the Russian Fed-
15 eration or its nationals that threaten
16 the peace, security, stability, sov-
17 ereignty, or territorial integrity of
18 Ukraine; or

19 (II) other harmful foreign activi-
20 ties of the Government of the Russian
21 Federation regarding the actions and
22 policies of the Russian Federation re-
23 garding Ukraine or Russia's other
24 harmful foreign activities impacting
25 Ukraine; and

1 (ii) the property is subject to United
2 States jurisdiction; and

3 (iii) the property is—

4 (I) any property, real or per-
5 sonal, that constitutes or is derived
6 from proceeds traceable to a violation
7 of section 215, 2331, 2324 [or
8 227A], or 1032 of title 18, United
9 States Code; or

10 (II) property subject to forfeiture
11 pursuant to section 981(a) of title 18,
12 United States Code.

13 (B) VESTING.—All right, title, and interest
14 in property described in subparagraph (A) shall
15 vest in the United States upon commission of
16 the act giving rise to forfeiture pursuant to this
17 section.

18 (C) RETROACTIVE EFFECT.—This section
19 shall apply with retroactive effect to property
20 subject to an exercise of authority described in
21 subparagraph (A)(i) that occurred prior to the
22 date of the enactment of this section.

23 (D) INNOCENT OWNER DEFENSE.—

24 (i) IN GENERAL.—An innocent own-
25 er's interest in property shall not be for-

1 feited under this section. The claimant
2 shall have the burden of proving that the
3 claimant is an innocent owner by a prepon-
4 derance of the evidence.

5 (ii) DEFINITION OF INNOCENT
6 OWNER.—With respect to a property inter-
7 est in existence at the time the illegal con-
8 duct giving rise to forfeiture took place,
9 the term “innocent owner” means an
10 owner who did not know of the conduct
11 giving rise to forfeiture; or upon learning
12 of the conduct giving rise to the forfeiture,
13 did all that reasonably could be expected
14 under the circumstances to terminate such
15 use of the property. With respect to a
16 property interest acquired after the con-
17 duct giving rise to the forfeiture has taken
18 place, the term means a person who, at the
19 time that person acquired the interest in
20 the property was a bona fide purchaser or
21 seller for value (including a purchaser or
22 seller of goods or services for value); and
23 did not know and was reasonably without
24 cause to believe that the property was sub-
25 ject to forfeiture.

1 (iii) NO OWNERSHIP OF CONTRA-
2 BAND.—Notwithstanding any provision of
3 this subsection, no person may assert an
4 ownership interest under this subsection in
5 contraband or other property that it is ille-
6 gal to possess.

7 (iv) DEFINITION OF OWNER.—In this
8 subsection, the term “owner”—

9 (I) means a person with an own-
10 ership interest in the specific property
11 sought to be forfeited, including a
12 leasehold, lien, mortgage, recorded se-
13 curity interest, or valid assignment of
14 an ownership interest; and

15 (II) does not include—

16 (aa) a person with only a
17 general unsecured interest in, or
18 claim against, the property or es-
19 tate of another;

20 (bb) a bailee unless the bail-
21 or is identified and the bailee
22 shows a colorable legitimate in-
23 terest in the property seized; or

1 (cc) a nominee who exercises
2 no dominion or control over the
3 property.

4 (3) PROCEDURES.—

5 (A) (The Attorney General, and the Sec-
6 retary of the Treasury, with other officials as
7 the Attorney General or the Secretary deems
8 appropriate, are authorized to investigate, and
9 identify property subject to forfeiture pursuant
10 to paragraph (2)(A). Except as provided in sec-
11 tion 985 of title 18, United States Code, any
12 property subject to forfeiture to the United
13 States under this section may be seized by the
14 Attorney General. Notwithstanding the provi-
15 sions of rule 41 of the Federal Rules of Crimi-
16 nal Procedure, a seizure warrant may be issued
17 pursuant to this subsection by a judicial officer
18 in the United States District Court for the Dis-
19 trict of Columbia and may be executed in any
20 district in which the property is found or trans-
21 mitted to the central authority of any foreign
22 state for service in accordance with any treaty
23 or other international agreement. A proceeding
24 pursuant to this section may proceed without a
25 warrant at the discretion of the Secretary, in

1 consultation with the Attorney General, if the
2 property is blocked pursuant to an exercise of
3 authority under section 203 of the International
4 Emergency Economic Powers Act. The Sec-
5 retary or a court shall order such property to
6 be transferred to the Secretary in any order of
7 forfeiture. The Attorney General is authorized
8 to transfer property seized pursuant to this
9 subparagraph to the Secretary.

10 (B) The Secretary is authorized to make
11 expenditures and create accounts to store and
12 maintain the property.

13 (C) The Attorney General, in consultation
14 with the Secretary and with the assistance of
15 other officials as the Attorney General or the
16 Secretary deems appropriate, shall compile a
17 record, which may include classified material, to
18 aid in making a determination of whether prop-
19 erty is forfeitable pursuant to section 4902(a).
20 The Secretary shall make an initial determina-
21 tion of the whether the property is subject to
22 forfeiture pursuant to a preponderance of the
23 evidence standard.

24 (D) Prior to the order of forfeiture, the At-
25 torney General shall provide notice of the initial

1 determination to any person named in a rel-
2 evant exercise of authority pursuant to section
3 203 of the International Emergency Economic
4 Powers Act, to any person identified as appear-
5 ing to have a protected legal interest in the
6 property, and to the public through publication
7 on the internet or other means the Secretary
8 deems appropriate. The Secretary shall order
9 forfeiture of the property unless within 60 days
10 of the issuance of the notice a request is filed
11 for administrative reconsideration of the initial
12 determination.

13 (E) Upon review of a request for adminis-
14 trative reconsideration, the Secretary shall de-
15 termine, in consultation with the Attorney Gen-
16 eral, based on a preponderance of the evidence,
17 whether the property is forfeitable pursuant to
18 paragraph (2)(A) and whether the claimant has
19 established an innocent owner defense pursuant
20 to paragraph (2).

21 (F) The Secretary shall issue a decision
22 upon administrative reconsideration, and this
23 decision shall become final 10 days after it has
24 been issued unless a claimant in the administra-
25 tive proceeding seeks judicial review of the deci-

1 sion. If no claimant files a timely request for
2 judicial review, the Secretary may order for-
3 feiture of the property.

4 (G) The Attorney General and the Sec-
5 retary may designate a delegee who shall carry
6 out their functions under this paragraph.

7 (4) JUDICIAL REVIEW.—A claimant in an ad-
8 ministrative proceeding pursuant to paragraph (3)
9 may seek judicial review of the Secretary's decision
10 on reconsideration by filing a petition for review in
11 the United States District Court for the District of
12 Columbia within 10 days of the issuance of the deci-
13 sion. A petition filed pursuant to this section shall
14 be assigned for hearing at the earliest possible date,
15 shall take all possible precedence over other matters
16 pending on the docket of the court at that time, and
17 shall be expedited by the court to the greatest extent
18 practicable. The Attorney General shall file the ad-
19 ministrative record with the district court within 20
20 days of the filing of the petition for review unless
21 the court allows additional time. There shall be no
22 discovery, unless the court permits discovery at the
23 court's discretion upon a motion from the petitioner
24 and a showing by the petitioner of good cause and
25 that discovery would be in the interest of justice. If

1 the court grants a motion for discovery by the peti-
2 tioner, the Attorney General shall then be entitled to
3 request discovery at the court's discretion. Section
4 203(c) of the International Emergency Economic
5 Powers Act and section 6 of title 18, United States
6 Code, shall apply in any proceeding pursuant to this
7 paragraph. A petitioner may request a jury trial.
8 The Secretary's decision shall be upheld if, upon re-
9 view of the administrative record and any informa-
10 tion adduced in the judicial proceeding, the court
11 finds that the Secretary's decision was supported by
12 a preponderance of the evidence and was not based
13 on legal error. If the Secretary's decision is upheld,
14 the court shall promptly order the property forfeited.
15 Any appeal from the district court's decision shall be
16 heard and decided on an expedited basis.

17 (5) DISPOSITION AND REMEDIATION.—

18 (A) IN GENERAL.—The Secretary is au-
19 thorized to dispose of any property forfeited
20 pursuant to this section and to make expendi-
21 tures and create accounts. The costs of any ac-
22 tions by the Attorney General or the Secretary
23 under this section may be paid from such ac-
24 counts.

1 (B) TRANSFER.—The Secretary, in con-
2 sultation with the Attorney General, is author-
3 ized to transfer any proceeds of forfeitures pur-
4 suant to this Act to the Secretary of State for
5 use to provide assistance to Ukraine to address
6 harms caused by the actions of the Russian
7 Federation or its nationals in Ukraine. Such
8 proceeds transferred to the Secretary of State
9 shall be considered to be foreign assistance
10 under the Foreign Assistance Act of 1961 for
11 purposes of making available the administrative
12 authorities contained in that Act.

13 (b) CRIMINAL PROVISIONS.—

14 (1) RECEIPT OF PROCEEDS OF CORRUPT DEAL-
15 INGS WITH THE GOVERNMENT OF THE RUSSIAN
16 FEDERATION.—Chapter 113 of title 18, United
17 States Code, is amended by adding at the end the
18 following (and conforming the table of contents ac-
19 cordingly):

20 **“§ 2324. Receipt of Proceeds of Corrupt Dealings with**
21 **the Government of the Russian Federa-**
22 **tion**

23 “(a) IN GENERAL.—Whoever knowingly receives,
24 conceals, barter, sells, or disposes of any property consti-
25 tuting or traceable to the proceeds of corrupt dealing with

1 the Government of the Russian Federation shall be fined
2 under this title or imprisoned not more than 10 years, or
3 both.

4 “(b) DEFINITION.—In this section, the term ‘corrupt
5 dealing’ means any transaction, course of dealing, con-
6 tract, grant, loan, charter, direct or indirect benefit, or
7 other economic or financial advantage obtained from or
8 through the Government of the Russian Federation, or
9 any of its officials, employees, or agents, and as to
10 which—

11 “(1) federal offense was committed involving
12 foreign official corruption, and associated money
13 laundering, fraud, or other related conduct; viola-
14 tions of sanctions imposed under the International
15 Emergency Economic Powers Act (50 U.S.C. 1701,
16 et seq.) and other relevant sanctions and related
17 laws; violations of export controls under the Export
18 Control Reform Act (ECRA) (50 U.S.C. 4801-
19 4852); war crimes (section 2441); cybercrimes (sec-
20 tions 1028, 1028A, 1029, and 1030); and violations
21 by a foreign public official, or an associate of such
22 a person, of the Foreign Agents Registration Act
23 (22 U.S.C. 611, et seq.), of an offense constituting
24 bank fraud, or of the Prohibition on Concealment of

1 the Source of Assets in Monetary Transactions (31
2 U.S.C. 5335); or

3 “(2) a violation of any applicable foreign law
4 was committed that would have been an offense in
5 paragraph (1) had it occurred within the jurisdiction
6 of the United States.”.

7 (2) MONEY LAUNDERING.—Section
8 1956(e)(7)(D) of title 18, United States Code, is
9 amended by inserting after “section 2320 (relating
10 to trafficking in counterfeit goods and services),”
11 the following: “section 2324 (relating to receipt of
12 proceeds of corrupt dealings with the Government of
13 the Russian Federation),”.

