AMENDMENT NO.    Calendar No.  

Purpose: To authorize the Secretary of State to provide additional assistance to Ukraine using assets confiscated from the Central Bank of the Russian Federation and other sovereign assets of the Russian Federation.


H. R. 7900

To authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _______ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. RISCH (for himself and Mr. WHITEHOUSE) to the amendment (No. 5499) proposed by Mr. REED

Viz:

1. At the end of title XII, add the following:

2 Subtitle G—Additional Measures in
3  Response to Invasion of Ukraine
4  by the Russian Federation

5 SEC. 1280. SHORT TITLE.
6 This subtitle may be cited as the “Russian Elites,
7 Proxies, and Oligarchs Act of 2022” or the “REPO Act
8 of 2022”.
PART I—CONFISCATION AND REPURPOSING OF RUSSIAN ASSETS

SEC. 1281. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) On February 24, 2022, the Government of the Russian Federation violated the sovereignty and territorial integrity of Ukraine by again engaging in a premeditated and illegal invasion of Ukraine.

(2) The international community has condemned the illegal invasion of Ukraine by the Russian Federation, as well as the commission of war crimes by the Russian Federation, including through the deliberate targeting of civilians and civilian infrastructure and the commission of sexual violence.

(3) The leaders of the Group of Seven (G7) have called the Russian Federation’s “unprovoked and completely unjustified attack on the democratic state of Ukraine” a “serious violation of international law and a grave breach of the United Nations Charter and all commitments Russia entered in the Helsinki Final Act and the Charter of Paris and its commitments in the Budapest Memorandum.”

(4) The United Nations General Assembly adopted a resolution, by a vote of 141 to 5, that de-
manded that the Russian Federation “immediately cease its use of force against Ukraine and immediately, completely, and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders”.

(5) On March 16, 2022, the International Court of Justice issued provisional measures ordering the Russian Federation to “immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine”.

(6) Under international law, a country that is responsible for an internationally wrongful act is under an obligation to make restitution by reestablishing the situation that existed before the wrongful act was committed. The Russian Federation bears such responsibility to provide restitution to Ukraine.

(7) As of April 21, 2022, the World Bank estimated that the invasion of Ukraine by the Russian Federation had led to at least $60,000,000,000 in damage to the physical infrastructure of Ukraine.

(8) According the President of Ukraine, Volodymyr Zelenskyy, as of May 3, 2022, it could cost an estimated $600,000,000,000 to rebuild Ukraine as a result of the illegal invasion by the Russian Federation.
(b) SENSE OF CONGRESS.—It is the sense of Congress that the extreme illegal actions taken by the Russian Federation present a unique situation, justifying the establishment of a legal authority. In this case, that authority is the authority of the United States Government or other countries to confiscate sovereign assets of the Russian Federation for the purpose of assisting Ukraine.

SEC. 1282. SENSE OF CONGRESS REGARDING IMPORTANCE OF THE RUSSIAN FEDERATION PROVIDING DUE REPARATIONS TO UKRAINE.

It is the sense of Congress that—

(1) the Russian Federation bears responsibility for the financial burden of the reconstruction of Ukraine and for countless other costs associated with the illegal invasion of Ukraine by the Russian Federation that began on February 24, 2022;

(2) the full cost of the Russian Federation’s unlawful war against Ukraine and the amount of money the Russian Federation must pay Ukraine should be assessed by a bona fide independent, international arbitral body or claims commission;

(3) the Russian Federation should participate in any international process to assess the full cost of the Russian Federation’s unlawful war on Ukraine, and if it fails to do so, the United States should ex-
plore other avenues for providing reparations to Ukraine, including confiscation and repurposing of frozen assets;

(4) the Secretary of State should lead robust engagement on all bilateral and multilateral aspects of the United States response to the efforts of the Russian Federation to undermine the sovereignty and territorial integrity of Ukraine, including on any policy coordination and alignment regarding the disposition of sovereign assets of the Russian Federation in the context of restitution;

(5) the confiscation and repurposing of sovereign assets of the Russian Federation by the United States is in the vital national security interests of the United States and consistent with United States and international law; and

(6) the United States should work with international allies and partners on the confiscation and repurposing of sovereign assets of the Russian Federation as part of a coordinated, multilateral effort, including with G7 countries and other countries in which assets of the Central Bank of the Russian Federation are located.
SEC. 1283. AUTHORITY TO PROVIDE ADDITIONAL ASSISTANCE TO UKRAINE USING ASSETS CONFISCATED FROM THE CENTRAL BANK OF THE RUSSIAN FEDERATION AND OTHER SOVEREIGN ASSETS OF THE RUSSIAN FEDERATION.

(a) REPORTING ON RUSSIAN CENTRAL BANK ASSETS.—

(1) Notice required.—Not later than 90 days after the date of the enactment of this Act, the President shall, by means of such instructions or regulations as the President may prescribe, require any United States financial institution at which assets of the Central Bank of the Russian Federation are located, and that knows or should know of such assets, to provide notice of such assets, including relevant information required under section 501.603(b)(ii) of title 31, Code of Federal Regulations, to the Secretary of the Treasury not later than 10 days after detection of such assets.

(2) Report required.—

(A) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the President shall submit to the appropriate congressional committees a report detailing the sta-
of property and interests in property of the
Central Bank of the Russian Federation subject
to the jurisdiction of the United States.

(B) FORM.—The report required by sub-
paragraph (A) shall be submitted in unclassi-
fied form, but may include a classified annex.

(b) CONFINEMENT.—

(1) IN GENERAL.—The President may con-
fiscate any of the following funds and other property
subject to the jurisdiction of the United States:

(A) Funds and other property of—

(i) the Central Bank of the Russian
Federation; and

(ii) the Russian Direct Investment
Fund.

(B) Any sovereign funds of the Russian
Federation held in a financial institution that
is—

(i) owned or controlled by the Govern-
ment of the Russian Federation; and

(ii) on the list of specially designated
nationals and blocked persons maintained
by the Office of Foreign Assets Control of
the Department of the Treasury.
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(2) LIQUIDATION AND DEPOSIT.—The President shall—

(A) deposit any funds confiscated under paragraph (1) into the Ukraine Support Fund established under subsection (c);

(B) liquidate or sell any other property confiscated under paragraph (1) and deposit the funds resulting from such liquidation or sale into the Ukraine Support Fund established under subsection (c); and

(C) make all such funds available for the purposes described in subsection (d).

(3) METHOD OF CONFISCATION.—The President shall confiscate funds and other property under paragraph (1) through instructions or licenses or in such other manner as the President determines appropriate.

(4) VESTING.—All right, title, and interest in funds and other property confiscated under paragraph (1) shall vest in the Government of the United States.

(5) NOTIFICATION REQUIREMENT.—The Secretary of State shall notify the appropriate congressional committees not later than 14 days after any
confiscation of funds or other property under this
subsection.

(c) Establishment of the Ukraine Support Fund.—

(1) In general.—The President shall establish
a non-interest-bearing account, to be known as the
"Ukraine Support Fund", to consist of the funds de-
posited into the account under subsection (b).

(2) Use of funds.—The funds in the account
established under paragraph (1) shall be available to
be used only as specified in subsection (d).

(d) Use of Confiscated Property.—

(1) In general.—Funds in the Ukraine Sup-
port Fund shall be available to the Secretary of
State, in consultation with the Administrator of the
United States Agency for International Develop-
ment, for the purpose of restoring Ukraine to its
status before the unlawful invasion by the Russian
Federation that began on February 24, 2022, in-
cluding through provision of such funds to the Gov-
ernment of Ukraine for the following purposes:

(A) Reconstruction and rebuilding efforts
in Ukraine.

(B) To provide humanitarian assistance to
the people of Ukraine.
(C) To provide security assistance to Ukraine.

(D) For other purposes the Secretary determines directly and effectively support the recovery of Ukraine and the welfare of the people of Ukraine.

(2) Notification.—

(A) In general.—The Secretary of State shall notify the appropriate congressional committees not fewer than 15 days before providing any funds from the Ukraine Support Fund to the Government of Ukraine or to any other person for the purposes described in paragraph (1).

(B) Elements.—A notification under subparagraph (A) with respect to the provision of funds to the Government of Ukraine shall specify—

(i) the amount of funds to be provided;

(ii) the purpose for which such funds are provided; and

(iii) the recipient.
(c) Deposit of Additional Proceeds of Other Seized Russian Assets into Ukraine Support Fund.—

(1) In General.—In addition to the funds required to be deposited into the Ukraine Support Fund under subsection (b), the President may deposit into the Fund for use by the Secretary of State other funds that are the proceeds of the liquidation of sovereign assets of the Russian Federation or private assets seized from Russian persons in response to the premeditated and illegal invasion of Ukraine by the Russian Federation that began on February 24, 2022.

(2) Notification.—The Secretary of State shall notify the appropriate congressional committees not fewer than 5 days after a deposit into the Ukraine Support Fund is made under subsection (a).

(f) Judicial Review.—

(1) In General.—The confiscation of funds and other property under subsection (b)(1) shall not be subject to judicial review.

(2) Rule of Construction.—Nothing in this subsection shall be construed to limit any private in-
individual or entity from asserting due process claims in United States courts.

(g) EXCEPTION FOR UNITED STATES OBLIGATIONS UNDER VIENNA CONVENTIONS.—The authorities provided by this section may not be exercised in a manner inconsistent with the obligations of the United States under—

(1) the Convention on Diplomatic Relations, done at Vienna April 18, 1961, and entered into force April 24, 1964 (23 UST 3227);

(2) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force on March 19, 1967 (21 UST 77);

(3) the Agreement Regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947 (TIAS 1676); or

(4) any other relevant international agreement.

(h) SUNSET.—The authority to confiscate, liquidate, and transfer funds and other property under this section shall terminate on the earlier of—

(1) the date that is 5 years after the date of the enactment of this Act; or

(2) the date on which the President determines and certifies to the appropriate congressional com-
mittees that the Russian Federation is participating
in a bona fide claims process that will result in the
payment of all amounts determined to be owed to
Ukraine.

SEC. 1284. REPORT ON USE OF CONFISCATED ASSETS FOR
RECONSTRUCTION.
Not later than 90 days after the date of the enact-
ment of this Act, and every 90 days thereafter, the Sec-
retary of State, in consultation with the Secretary of the
Treasury, shall submit to the appropriate congressional
committees a report that contains—

(1) the amount and source of funds or other
property confiscated pursuant to subsection (b) of
section 1283;

(2) the amount and source of funds or other,
property deposited into the Ukraine Support Fund
under subsection (b) or (e) of that section; and

(3) a detailed description and accounting of
how such funds were used to meet the purposes de-
scribed in subsection (d) of that section.
SEC. 1285. ASSESSMENT BY SECRETARY OF STATE AND ADMINISTRATOR OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON RECONSTRUCTION AND REBUILDING NEEDS OF UKRAINE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees an assessment of the most pressing needs of Ukraine for reconstruction, rebuilding, security assistance, and humanitarian aid.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An estimate of the rebuilding and reconstruction needs of Ukraine, as of the date of the assessment, resulting from the unlawful invasion of Ukraine by the Russian Federation, including—

(A) a description of the sources and methods for the estimate; and

(B) an identification of the locations or regions in Ukraine with the most pressing needs.

(2) An estimate of the humanitarian needs, as of the date of the assessment, of the people of Ukraine, including Ukrainians residing inside in the
internationally recognized borders of Ukraine or outside those borders, resulting from the unlawful invasion of Ukraine by the Russian Federation.

(3) An assessment of the extent to which the needs described in paragraphs (1) and (2) have been met or funded, by any source, as of the date of the assessment.

(4) An identification of which such needs should be prioritized, including any assessment or request by the Government of Ukraine with respect to the prioritization of such needs.

SEC. 1286. EXCEPTION RELATING TO IMPORTATION OF GOODS.

(a) IN GENERAL.—The authorities and requirements under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) GOOD DEFINED.—In this section, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

SEC. 1287. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations
of the Senate and the Committee on Foreign Affairs
of the House of Representatives.

(2) **FINANCIAL INSTITUTION.**—The term "financial institution" means a financial institution
specified in subparagraph (A), (B), (C), (D), (E),
(F), (G), (H), (I), (J), (M), or (Z) of section
5312(a)(2) of title 31, United States Code.

(3) **RUSSIAN PERSON.**—The term "Russian person" means—

(A) an individual who is a citizen or na-
nional of the Russian Federation, or

(B) an entity organized under the laws of
the Russian Federation.

(4) **UNITED STATES FINANCIAL INSTITUTION.**—
The term "United States financial institution"
means a financial institution organized under the
laws of the United States or of any jurisdiction with-
in the United States, including a foreign branch of
such an institution.
PART II—MULTILATERAL SANCTIONS

COORDINATION

SEC. 1291. STATEMENT OF POLICY REGARDING COORDINATION OF MULTILATERAL SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION.

(a) IN GENERAL.—In response to the Russian Federation’s unprovoked and illegal invasion of Ukraine, it is the policy of the United States that—

(1) the United States, along with the European Union, the United Kingdom, and other willing allies and partners of the United States, should lead a coordinated international sanctions regime to freeze sovereign assets of the Russian Federation and assets of Russian oligarchs, with the aim of identifying Russian oligarchs who have assisted or facilitated the regime of Vladimir Putin or the Russian Federation’s violation of Ukraine’s sovereignty and territorial integrity;

(2) the head of the Office of Sanctions Coordination of the Department of State should engage in interagency and multilateral coordination with agencies of the European Union, the United Kingdom, and other allies and partners of the United States to ensure the ongoing implementation and enforcement of sanctions with respect to the Russian Federation in response to its invasion of Ukraine;
(3) the Secretary of State, in consultation with the Secretary of the Treasury, should, to the extent practical and consistent with relevant United States law, lead and coordinate with the European Union and the United Kingdom with respect to enforcement of sanctions imposed with respect to the Russian Federation;

(4) the United States should provide relevant technical assistance, implementation guidance, and support relating to enforcement and implementation of sanctions imposed with respect to the Russian Federation;

(5) where appropriate, the head of the Office of Sanctions Coordination, in coordination with the Bureau of Economic and Business Affairs and the Bureau of European and Eurasian Affairs of the Department of State and the Department of the Treasury, should seek private sector input regarding sanctions policy with respect to the Russian Federation and the implementation of and compliance with sanctions imposed with respect to the Russian Federation; and

(6) the Secretary of State, in coordination with the Secretary of the Treasury, should continue robust diplomatic engagement with allies and partners
of the United States, including the United Kingdom
and the European Union, to encourage such allies
and partners to impose sanctions with respect to the
Russian Federation.
(b) EXTENSION OF HIRING AUTHORITY FOR OFFICE OF SANCTIONS COORDINATION.—Section 1 of the
State Department Basic Authorities Act of 1956 (22
U.S.C. 2651a) is amended—
(1) by redesignating subsection (h) (as added
by section 361 of division FF of the Consolidated
Appropriations Act, 2021 (Public Law 116–260;
134 Stat. 3131)) as subsection (k); and
(2) in paragraph (4)(B) of subsection (k), as
redesignated by paragraph (1), by striking “the date
that is two years after the date of the enactment of
this subsection” and inserting “December 31,
2024”.
(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be
appropriated to the Office of Sanctions Coordination
of the Department of State $15,000,000 for each of
fiscal years 2023, 2024, and 2025 to carry out this
section.
(2) SUPPLEMENT NOT SUPPLANT.—The
amounts authorized to be appropriated by paragraph
(1) shall supplement and not supplant other amounts authorized to be appropriated for the Office of Sanctions Coordination.

SEC. 1292. ASSESSMENT OF IMPACT OF UKRAINE-RELATED SANCTIONS ON THE ECONOMY OF THE RUSSIAN FEDERATION.

(a) REPORT AND BRIEFINGS.—At the times specified in subsection (b), the President shall submit a report and provide a briefing to the appropriate congressional committees on the impact on the economy of the Russian Federation of sanctions imposed by the United States and other countries with respect to the Russian Federation in response to the unlawful invasion of Ukraine by the Russian Federation.

(b) TIMING.—The President shall—

(1) submit a report and provide a briefing described in subsection (a) to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act; and

(2) submit to the appropriate congressional committees a report described in subsection (a) every 180 days thereafter until December 31, 2024.

(c) ELEMENTS.—Each report required by this section shall include—

(1) an assessment of—
(A) the impacts of the sanctions described in subsection (a), disaggregated by major economic sector, including the energy, aerospace and defense, shipping, banking, and financial sectors;

(B) the macroeconomic impact of those sanctions on Russian, European, and global economy market trends, including shifts in global markets as a result of those sanctions; and

(C) efforts by other countries or actors and offshore financial providers to facilitate sanctions evasion by the Russian Federation or take advantage of gaps in international markets resulting from the international sanctions regime in place with respect to the Russian Federation; and

(2) recommendations for further sanctions enforcement measures based on trends described in paragraph (1)(B).
SEC. 1293. INFORMATION ON VOTING PRACTICES IN THE
UNITED NATIONS WITH RESPECT TO THE IN-
VASION OF UKRAINE BY THE RUSSIAN FED-
ERATION.

Section 406(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a(b)), is amended—

(1) in paragraph (4), by striking “Assembly
on” and all that follows through “opposed by the
United States” and inserting the following: “Assem-
bly on—”

“(A) resolutions specifically related to
Israel that are opposed by the United States;
and

“(B) resolutions specifically related to the
invasion of Ukraine by the Russian Federa-
tion.”;

(2) in paragraph (5), by striking “; and” and
inserting a semicolon;

(3) by redesignating paragraph (6) as para-
graph (7); and

(4) by inserting after paragraph (5) the fol-
lowing:

“(6) an analysis and discussion, prepared in
consultation with the Secretary of State, of the ex-
tent to which member countries supported United
States policy objectives in the Security Council and the General Assembly with respect to the invasion of Ukraine by the Russian Federation; and". 