

THE WHITE HOUSE

WASHINGTON

April 28, 2022

Dear Madam Speaker:

I am writing to provide you with my request for fiscal year (FY) 2022 emergency supplemental funding for critical security and economic assistance to Ukraine.

I appreciate the Congress' continued bipartisan support for Ukraine, NATO, and other partner countries affected by Russia's War in Ukraine. My Administration is committed to providing the Ukrainian people the assistance they need. Our assistance to date has made a difference on the battlefield, helping Ukraine win the battle for Kyiv. This \$33.0 billion request for additional funding and authority builds on the Congress' supplemental appropriation of \$13.6 billion on March 15, 2022, and seeks to address immediate and near-term security and economic needs. Additional security assistance will put urgently needed equipment into the hands of Ukraine's military and police, including ammunition, armored vehicles, small arms, demining assistance, and unmanned aircraft systems. Economic assistance will provide Direct Budget Support to provide rapid, flexible funds to assist the Government of Ukraine in responding to the immediate crisis and continue to provide basic citizen services. Additional food security and humanitarian assistance will provide wheat and other commodities to people in need, build countries' resilience to global food supply and price shocks, and provide lifesaving aid to people displaced by or otherwise impacted by Russia's War in Ukraine. Additionally, the request includes funding to support the production of United States food crops that are experiencing a global shortage due to the war in Ukraine, for example, wheat and soybeans helping to address rising food prices here at home and around the world. The request also would help increase domestic production for strategic minerals and materials produced in Russia or Ukraine and respond to global shortfalls and reduce

price pressures. The request also outlines a number of authorities needed to support Ukraine, our European allies and partners, and address other emergent global needs. The details of this request are set forth in an enclosed addendum.

Though we expect our NATO allies and EU partners will be making even larger collective contributions than the United States, there is no doubt that continuing to support Ukraine in this war against Russian aggression will require a substantial additional investment on our part. What I want to make clear to the Congress and the American people is this: the cost of failing to stand up to violent aggression in Europe has always been higher than the cost of standing firm against such attacks. That is as it always has been, and as it always will be. America must meet this moment, and do its part.

In addition to the legislative proposals in this package, my Administration is also sending a proposal to the Congress to enhance the United States' ability to hold Russia accountable financially for its ongoing invasion of Ukraine. These proposals would strengthen our whole-of-government approach -- along with those of our international partners -- by providing for expanded and expedited measures for investigating, prosecuting, and forfeiting assets of Russian oligarchs to be used for the benefit of Ukraine.

Finally, I also appreciate the Congress' bipartisan support for ensuring we can continue to provide the American people with the tools they need to protect themselves from COVID-19, and again urge the Congress to act promptly to provide the \$22.5 billion I requested on March 2, 2022. Without additional funding, we are unable to purchase additional life-saving treatments for the American people, and we are losing our spot in line to other countries for vaccines that may provide better and more durable protection against multiple variants. We also must stop the spread of possible new variants from around the world as every COVID variant has emerged from overseas. We have to keep vaccinating the world to save lives here at home and protect our economy from further supply chain disruptions, but we need funding to help get shots into arms. To avoid needless deaths in the United States and around the world, I urge the Congress to include this much needed, life-saving COVID funding as part of this supplemental funding request.

I urge the Congress to address these critical and urgent needs promptly. The amounts included in this request are requested to be designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for FY 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Scott". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

The Honorable Nancy Pelosi
Speaker of the
House of Representatives
Washington, D.C. 20515

ADDENDUM A: DETAILED FUNDING REQUEST

ASSISTANCE TO UKRAINE

Department of Defense (DOD) – \$16.4 billion

The request includes funding to provide additional military capabilities and equipment to Ukraine, to replenish additional DOD stocks provided to Ukraine, to continue to support U.S. troop deployments in neighboring countries in support of broader NATO efforts, and to procure high-demand munitions for the U.S. and approved coalition partners.

Critical Defense Capabilities and Equipment for Ukraine, including Replenishment of DOD Stocks (\$11.4 billion). This includes \$6 billion for the Ukraine Security Assistance Initiative, which directly supports Ukraine by funding the acquisition of critical defense capabilities and equipment. \$5.4 billion is to replenish DOD stocks provided to Ukraine under Presidential Drawdown authority, including a requested \$5 billion increase in Presidential Drawdown authority under Foreign Assistance Act Section 506(a)(1).

Continued U.S. Military Direct Support in the Region (\$2.6 billion). This funding is for the deployment of U.S. military units to support the U.S. European Command and NATO Response Forces including costs for transportation of U.S. personnel and equipment, temporary duty, special pay, fuel, flying hours, airlift, weapons system sustainment, medical support, and other unit support costs.

Cybersecurity, Intelligence, and Other Defense Support (\$1.9 billion). This funding supports ongoing operational surges across multiple national defense components, including accelerated cyber capabilities, weapons systems upgrades, increased intelligence support, improving industrial base production capabilities for missiles and strategic minerals, and classified programs.

Critical Munitions Acquisitions and Defense Exports (\$550 million). This includes \$500 million to establish a Critical Munitions Acquisition Fund to procure high-demand munitions for the U.S. and approved coalition partners, build critical war reserves, and expedite availability of munition systems. An additional \$50 million is for establishing a Defense Exportability Transfer Account to enable DOD to make more systems exportable and coalition interoperable.

Department of State (State) and USAID – \$14.1 billion

The request includes a total of \$14.1 billion for State and USAID to bolster U.S. economic and security assistance to Ukraine as well as regional allies and partners (e.g. Poland, Lithuania, the Baltics, and Eastern flank countries). Funding would also help food insecure countries around the world through providing food assistance; agriculture, food security, and resilience programming, and humanitarian aid. The request includes the following:

Direct Macroeconomic Support for the Government of Ukraine (\$7.5 billion). This funding would provide the Government of Ukraine with critically needed liquidity to ensure that the GOU can continue to operate and respond to critical needs in the wake of Russia's

unprovoked and unjustified invasion. These funds, when combined with support from other donors, will allow the GOU to continue to pay salaries and pensions; ensure adequate supplies of food, energy, and health care services; and respond to other operational challenges the country is facing as businesses shutter and revenue collection plummets.

Economic and Development Assistance (\$500 million). This funding would provide maximum flexibility to respond to the most critical needs to support the resilience of the Ukrainian people, as well as emergent needs resulting from the war in Ukraine. This funding could also help build upon existing resources to support the resumption of diplomatic and development operations in Ukraine including at U.S. Embassy Kyiv. Additional efforts could also focus on resilience for countries to counter disinformation/propaganda narratives, provide support for their public messaging and engagement, support activists, journalists, and independent media, and promote accountability for Russian human rights violations.

Security Assistance (\$4.5 billion). This funding will provide direct security and military assistance to Ukraine and our partners. Of this funding, \$4 billion for Foreign Military Financing (FMF) would provide additional direct and immediate support for Ukraine critical to achieving victory over Russia, bolstering the defense requirements of the Eastern Flank and other regional partners, and enabling diversification away from Russian systems to include aviation, artillery, armor, air defense, communications, and coastal defenses and related support and training. These FMF resources will continue to build capacity, ween countries off of Russian systems, and deter Russian aggression and support Ukraine's and other Eastern European countries' top security requirements. An additional \$400 million for International Narcotics Control and Law Enforcement (INCLE) would support the provision of urgently needed equipment, including small arms and ammunition, to the Ukrainian State Border Guard Service and the National Police of Ukraine, as well as to neighboring border authorities. An additional \$100 million for Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) funding would support the clearing of landmines, improvised explosive devices, and other explosive remnants of war and assist the Government of Ukraine in securing and addressing threats related to chemical, biological, radiological, and nuclear materials.

Food Security and Humanitarian Assistance (\$1.6 billion). This funding would provide emergency food assistance to people around the world suffering from hunger due to the conflict in Ukraine and other drivers of global food insecurity as well as help countries build their resilience against food price, supply, and other shocks beyond the immediate term. It will also provide lifesaving humanitarian assistance, including support to internally displaced and vulnerable communities. Global food security and humanitarian needs are at an unprecedented level and rising, and the Ukraine crisis and its global impacts are exacerbating an already dire situation. The impacts of the war in Ukraine are further adding to the stress that climate change is placing on the global food supply, and contributing to unprecedented levels of food insecurity and humanitarian needs.

Additional Authorities. In addition to the funding request described above, State requires a number of authorities changes to allow for maximum flexibility in supporting Ukraine, our European allies and partners, and other emergent global needs. The request includes \$8 billion in military drawdown authority under the Foreign Assistance Act (FAA) Section 506(a)(1) (an

increase of \$5 billion above the previously approved Ukraine Supplemental); and \$1 billion (an increase of \$500 million above the previously approved Ukraine Supplemental) in notwithstanding authority under the FAA Section 614. Additional authorities are also requested to provide direct commercial contracting authority for Ukraine under FMF, as well as an increase to the Special Defense Acquisition Fund (SDAF) Cap.

Department of the Treasury – \$650 million

The request includes a total of \$650 million for Treasury International Programs to allow Treasury to work through the international financial institutions to support Ukraine and other countries impacted by the crisis.

European Bank for Reconstruction and Development (\$500 million). This funding would support a \$500 million contribution to the European Bank for Reconstruction and Development (EBRD) to address critical food security, energy, and other emerging needs in Ukraine.

Global Agriculture and Food Security Program (\$150 million). This funding would help countries weather the impacts of rising food insecurity and support investments to make their agricultural systems more resilient and productive. A U.S. contribution will help spur other donors to invest in this impactful multilateral tool.

Additional Authorities. In addition to the funding requested above, Treasury requires legislative authority to be able to lend up to \$21 billion to the Resilience and Sustainability Trust (RST) and the Poverty Reduction and Growth Trust (PGRT), which will enable the International Monetary Fund to respond more effectively to Russia's war in Ukraine and broader spillovers to promote a more secure global economy.

The Export-Import Bank of the United States of America (EXIM)

Additional Authorities. With Russia's further invasion into Ukraine, new risks have emerged for certain segments of the Export-Import Bank's (EXIM) portfolio, and EXIM's outstanding exposure is at significant risk of default due to the global sanctions levied against Russia. The request includes language that would temporarily increase the default rate cap from 2 percent to 4 percent through September 2023 to allow EXIM to continue supporting transactions in the event the default rate rises above the current 2 percent cap.

The United States International Development Finance Corporation (DFC)

Additional Authorities. The request includes language to temporarily authorize DFC to operate in countries affected by Russia's war in Ukraine, regardless of the country's income status.

Department of Health and Human Services - \$1.2 billion

The request includes a total of \$1.2 billion for HHS to support Ukrainians entering the United States, including through the new Uniting for Ukraine program.

Refugee and Entrant Assistance (\$1.2 billion). This funding would provide time-limited cash and medical assistance, as well as targeted supports such as English language education, job training, trauma-informed mental health services, and resources for local school districts to support Ukrainians arriving in the United States, including through the Uniting for Ukraine program.

Department of Justice--\$67 million

General Administration (\$67 million). This funding would support the Department's KleptoCapture Task force by allowing the Department to pursue high value asset seizures of sanctioned individuals related to Russian actions in Ukraine. Proceeds from seized and forfeited assets will be used to remediate the harm caused in Ukraine.

Department of Agriculture--\$620 million

Increase Food Production to Help Mitigate Global Food Disruptions (\$500 million). The request provides incentives to increase U.S. production of food crops to make up for short falls in global food production due to the war in Ukraine by temporarily increasing marketing assistance loan rates for wheat, edible oilseeds including soybeans, and rice to encourage greater supply availability for humanitarian needs or export. The funding would also provide incentive payments through crop insurance to increase wheat production by encouraging US farmers to double crop wheat.

Bill Emerson Humanitarian Trust (\$20 million). This funding would provide emergency humanitarian food assistance to developing countries. When a food crisis arises and food aid is not available from other U.S. government programs, the Secretary of Agriculture may authorize the release of funds from the trust in order to quickly meet immediate needs. Reimbursement of the trust will provide flexibility in how the USG can respond to the evolving food crises.

Food For Progress (\$100 million). This funding would provide additional Food for Progress Assistance for countries in Africa and the Middle East. U.S. agricultural commodities are transported and donated to recipient countries are sold on the local market and the proceeds are used to support agricultural, economic, or infrastructure development programs. This funding would also provide increased transportation funds for commodities to allow for full Food For Progress mission delivery.

DEPARTMENT OF AGRICULTURE
GENERAL PROVISIONS—THIS TITLE

Sec. ____. There is hereby appropriated to the Secretary of Agriculture \$20,000,000, to remain available until expended, to carry out the Bill Emerson Humanitarian Trust, as authorized by the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$20 million to the Department of Agriculture to reimburse the Bill Emerson Humanitarian Trust to provide flexibility to respond to the evolving food crises.

Sec. ____. (a) There is hereby appropriated to the Secretary of Agriculture \$100,000,000, to remain available until September 30, 2023, for the costs of furnishing eligible commodities, including transportation and other authorized costs, under 7 U.S.C. 1736o, notwithstanding 7 U.S.C. 1736o(f)(3).

(b) The amount appropriated in subsection (a) is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$100 million to the Department of Agriculture to provide additional Food for Progress food assistance in Africa and the Middle East.

Sec. ____. (a) The Secretary may extend to 12 months the term of any marketing assistance loan for the applicable 2022 crop year authorized by section 1201 of the Agricultural Act of 2014, as amended (7 U.S.C. 9031).

(b) For the purposes of each of the 2022 and 2023 crop years, the loan rate for a marketing assistance loan under section 1201 of the Agricultural Act of 2014, as amended (7 U.S.C. 9031) for the following loan commodities shall be equal to the following:

- (1) In the case of wheat, \$5.52 per bushel;
- (2) In the case of long grain rice, \$8.49 per hundredweight;
- (3) In the case of medium grain rice, \$8.49 per hundredweight;
- (4) In the case of soybeans, \$8.71 per bushel;

(5) In the case of other oilseeds, \$14.13 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed;

(B) Rapeseed;

(C) Canola;

(D) Safflower;

(E) Flaxseed;

(F) Mustard seed;

(G) Crambe;

(H) Sesame seed; and

(I) Other oilseeds designated by the Secretary;

(6) In the case of dry peas, \$7.44 per hundredweight;

(7) In the case of lentils, \$15.73 per hundredweight;

(8) In the case of small chickpeas, \$12.10 per hundredweight; and

(9) In the case of large chickpeas, \$16.94 per hundredweight.

(c) For the purposes of sections 1116(b)(2), 1117(b)(1)(B)(ii), and 1117(b)(2)(A)(ii)(II) of the Agricultural Act of 2014 (7 U.S.C. 9016 and 9017) the applicable national average loan rate for a marketing assistance loan for the 2022 and 2023 crop years shall remain such rate as in effect on the day before the date of enactment of this Act.

(d) Following the respective 2023 crop years, the loan rates for marketing assistance loans for the loan commodities in this section shall revert to the applicable loan rates in effect on the day before the date of enactment of this Act.

(e) The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

“SEC. 525. DOUBLE CROPPING FOR DEMOCRACY PROGRAM.

“(a) IN GENERAL.—For the 2023 crop year, the Federal Crop Insurance Corporation (FCIC) shall carry out a program from the funds described in section 516(c) of the Federal Crop Insurance Act (7 U.S.C. 1516(c)) to provide additional premium subsidies to producers for each

acre on which such producers plant and insure soybeans under a policy offered by FCIC following another FCIC insured crop.

“(b) PREMIUM SUBSIDY AMOUNT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an additional premium subsidy to a producer under subsection (a) shall be in an amount equal to —

“(A) \$10, multiplied by

“(B) the number of acres of the producer described in such subsection (a).

“(2) LIMITATION.—A premium subsidy under paragraph (1) shall not exceed the amount of the premium owed by the producer with respect to the acres described in subsection (a).

“(c) EXCLUSION OF DOUBLE CROPPING RULES.—Producers participating in the program described in this section will not be subject to the indemnity reduction in section 508A(b) of the Federal Crop Insurance Act (7 U.S.C. 1508a(b)).”.

This request would authorize increasing the terms of the Marketing Assistance Loan to temporarily increase rates pursuant to 7 U.S.C. 9032(b) for crop year 2022 and 2023. This increase would allow the Department of Agriculture to raise food and feed to levels that provide a better safety net and credit opportunity without triggering significant payments. Additionally, This request would authorize the Federal Crop Insurance Program to provide incentive payments to increase wheat production by encouraging U.S. farmers to double crop wheat (e.g. planting soybeans in the spring and wheat in the fall on the same land), to encourage additional production of U.S. commodities.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for “Operation and Maintenance, Army”, \$1,493,532,000, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$1.5 billion to the Department of Defense for Army personnel and operational support in response to the situation in Ukraine. Funding would be used for temporary duty costs, intelligence analysis, flying hours, maintenance, weapon system sustainment, and other unit support costs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

OPERATION AND MAINTENANCE

Operation and Maintenance, Navy

For an additional amount for “Operation and Maintenance, Navy”, \$939,779,000, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$940 million to the Department of Defense for Navy personnel and operational support in response to the situation in Ukraine. Funding would be used for temporary duty costs, intelligence analysis, flying hours, maintenance, weapon system sustainment, and other unit support costs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

OPERATION AND MAINTENANCE

Operation and Maintenance, Air Force

For an additional amount for “Operation and Maintenance, Air Force”, \$195,262,000, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$195 million to the Department of Defense for Air Force personnel and operational support in response to the situation in Ukraine. Funding would be used for temporary duty costs, intelligence analysis, flying hours, maintenance, weapon system sustainment, and other unit support costs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

OPERATION AND MAINTENANCE

Operation and Maintenance, Space Force

For an additional amount for “Operation and Maintenance, Space Force”, \$800,000, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$800,000 to the Department of Defense for Space Force personnel and operational support in response to the situation in Ukraine. Funding would be used for temporary duty costs, intelligence analysis, flying hours, maintenance, weapon system sustainment, and other unit support costs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

OPERATION AND MAINTENANCE

Operation and Maintenance, Defense-Wide

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$11,606,824,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided*, That of the total amount provided under this heading, \$6,000,000,000, to remain available until September 30, 2026, shall be for the Ukraine Security Assistance Initiative: *Provided further*, That such funds shall be available to the Secretary of Defense under the same terms and conditions as are provided for in section 8139 of the Department of Defense Appropriations Act, 2022 (division C of Public Law 117-103) and shall be available notwithstanding section 8130 of division C of Public Law 117-103: *Provided further*, That of the total amount provided under this heading, up to \$5,400,000,000 may be transferred to accounts under the headings “Operation and Maintenance”, “Procurement”, and “Revolving and Management Funds” for replacement of defense articles from the stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to the Government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States: *Provided further*, That funds transferred pursuant to the preceding proviso shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of the details of such transfers not less than 15 days before any such transfer: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back and merged with this appropriation: *Provided further*, That the transfer authority provided herein is in addition to any other transfer authority provided by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$11.6 billion to the Department of Defense (DOD) for several large activities in response to the situation in Ukraine, including: \$5.4 billion to replace defense articles from the DOD stocks; reimbursement for defense services and military education and training provided to the Government of Ukraine under section 506(a)(1) of the Foreign Assistance Act of 1961, as amended; and \$6 billion for the Ukraine Security Assistance Initiative. The request would also provide personnel and operational support such as temporary duty costs, intelligence analysis, flying hours, maintenance, weapon system sustainment, and other unit support costs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

OPERATION AND MAINTENANCE

Defense Health Program

For an additional amount for “Defense Health Program”, \$13,900,000, which shall be for operation and maintenance to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$14 million to the Department of Defense to support surgical and inpatient medical care for Ukrainian Service Members at Landstuhl Regional Medical Center in Landstuhl, Germany.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Missile Procurement, Army

For an additional amount for “Missile Procurement, Army”, \$356,232,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$356 million to the Army for Patriot missile system launchers and related equipment and weapon systems for the European theater of operations.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Procurement of Weapons and Tracked Combat Vehicles, Army

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, \$255,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$255,000 to the Army for Patriot missile system launchers and related equipment and weapon systems for the European theater of operations.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Procurement of Ammunition, Army

For an additional amount for “Procurement of Ammunition, Army”, \$111,223,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$111 million to the Army for Patriot missile system launchers and related equipment and weapon systems for the European theater of operations.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Other Procurement, Army

For an additional amount for “Other Procurement, Army”, \$119,000,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$119 million to the Army for Patriot missile system launchers and related equipment and weapon systems for the European theater of operations.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Other Procurement, Navy

For an additional amount for “Other Procurement, Navy”, \$1,250,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$1 million for the Other Procurement, Navy account within the Department of Defense for classified programs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Aircraft Procurement, Air Force

For an additional amount for “Aircraft Procurement, Air Force”, \$28,500,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$29 million to the Air Force for weapon systems upgrades required for the European theater of operations.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Other Procurement, Air Force

For an additional amount for “Other Procurement, Air Force”, \$101,382,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$101 million to the Air Force for cybersecurity and weapon systems upgrades required for the European theater of operations.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Procurement, Defense-Wide

For an additional amount for “Procurement, Defense-Wide”, \$24,218,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$24 million to the Department of Defense for cybersecurity and weapon systems upgrades required for the European theater of operations.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

PROCUREMENT

Defense Production Act Purchases

For an additional amount for “Defense Production Act Purchases”, \$600,000,000, to remain available until expended, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$100 million to mitigate industrial base constraints to allow for faster missile production in order to resupply U.S. stocks transferred to Ukraine and \$500 million to expand domestic capacity and invest in domestic production of strategic and critical minerals essential to the national defense.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$6,700,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$7 million to the Army for a classified program.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS
RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Navy

For an additional amount for “Research, Development, Test and Evaluation, Navy”, \$43,000,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$43 million to the Department of Defense for unmanned surface vehicle modifications and joint urgent operational needs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS
RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Air Force

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$135,240,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$135 million to the Department of Defense for classified programs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$72,103,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$72 million to the Department of Defense for classified programs.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for “Defense Working Capital Funds”, \$965,000, to respond to the situation in Ukraine and for related expenses: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$1 million to the Department of Defense for travel, lodging, per diem, and differential pay for a Defense Logistics Agency Rapid Deployment Team to assist with expediting the flow of materials into U.S. European Command to support U.S. Forces and partners.

DEPARTMENT OF DEFENSE--MILITARY PROGRAMS

GENERAL PROVISIONS—THIS TITLE

Sec. ____ . (a) There is established in the Treasury of the United States a fund to be known as the “Critical Munitions Acquisition Fund” (hereafter in this section referred to as the “Fund”): *Provided*, That the Fund shall be used as a revolving fund separate from other accounts, under the control of the Secretary of Defense, to finance the acquisition of critical munitions in advance of the transfer of such munitions to eligible foreign countries: *Provided further*, That the purpose of the Fund shall be to ensure that adequate stocks of critical munitions are available for allies and partners of the United States during times of conflict and to contribute to a strategic posture of more credible global deterrence: *Provided further*, That the Secretary of Defense may use the Fund to keep on continuous order munitions that the Secretary deems as critical due to a reduction in current stocks or identification as having a high use rate during a conflict.

(b) The Fund shall consist of—

(1) collections from sales made under letters of offer (or transfers made under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)) of munitions acquired under this section, representing the value of such items calculated in accordance with subparagraph (B) or (C) of section 21(a)(1) or section 22 of the Arms Export Control Act (22 U.S.C. 2761(a)(1), 2762) or section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403), as appropriate;

(2) contributions of money from any United States or foreign person or entity, foreign government, or international organization for use by the Department for purposes of the Fund;

(3) such amounts as may be authorized and appropriated or otherwise made available for the purposes of the Fund; and

(4) amounts transferred to the Fund: *Provided*, That the Secretary may transfer funds from appropriations of the Department to the Fund in such amounts as the Secretary determines necessary to carry out the purposes of this section: *Provided further*, That amounts transferred to the Fund shall remain available until expended: *Provided further*, That no amounts may be transferred pursuant to this paragraph until the expiration of 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense.

(c) Amounts in the Fund shall be available for obligation without further appropriation or authorization.

(d) (1) No munition acquired by the Secretary of Defense under this section may be transferred to any foreign country unless such transfer is authorized by the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or other applicable law.

(2) The Secretary of Defense may authorize the use by the armed forces of munitions acquired under this section prior to transfer to a foreign country, if such use is necessary to meet national defense requirements and the armed forces bear the costs of replacement and transport, maintenance, storage, and other such associated costs of such munitions.

(3) Except as provided in paragraph (2), the Fund may be used to pay for storage, maintenance, and other costs related to the storage, preservation and preparation for transfer of munitions acquired under this section prior to their transfer, and the administrative costs of the Department of Defense incurred in the acquisition of such items to the extent not reimbursed pursuant to section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)).

(e) There is hereby appropriated to the Fund, \$500,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would authorize the Secretary of Defense to establish the Critical Munitions Acquisition Fund (CMAF), a revolving fund, which would receive an appropriation of \$500 million. The fund would advance procure high-demand munitions in anticipation of supporting sustained contingency operations, deterring potential adversaries, and building critical war reserves by allies and partners. This proposal supports the National Defense Strategy's priorities to: 1) increase lethality; and 2) strengthen alliances and partnerships, as well as the National Security Presidential Memorandum revisions to the Conventional Arms Transfer Policy. The CMAF would expedite the availability of critical munition systems to approved allies and partners, increasing the capability and lethality of a combined force while strengthening U.S. ties with those allies and partners. The use of CMAF would support warfighting demands and eliminate normal acquisition lead-times for these critical weapon systems. Furthermore, it would maintain U.S. readiness by preventing the Department of Defense from having to supply these munitions out of its limited inventories.

Sec. ____ . (a) There is established in the Department of Defense an account to be known as the “Defense Exportability Transfer Account” (hereafter in this section referred to as the “Account”).

(b) The Account shall consist of—

(1) amounts appropriated to the Account;

(2) amounts transferred to the Account under subsection (d); and

(3) amounts credited to the Account under subsection (e).

(c)(1) Funds in the Account shall be available to develop program protection strategies for Department of Defense systems identified for possible future export, to design and incorporate exportability features into such systems during the research and development phases of such systems, and to integrate design features that enhance interoperability of such systems with those of friendly foreign countries.

(2) Amounts in the Account are in addition to any other funds available to the Department of Defense for the purposes specified in paragraph (1).

(d)(1) The Secretary of Defense may transfer funds from the Account to appropriations of the Department of Defense available for research, development, test and evaluation in such amounts as the Secretary determines necessary to carry out the purposes of this section: *Provided*, That funds so transferred shall be available for the same time period and the same purposes as the appropriation to which transferred.

(2) The Secretary may transfer funds from appropriations of the Department available for research, development, test and evaluation to the Account in such amounts as the Secretary determines necessary to carry out the purposes of this section: *Provided*, That funds transferred to the Account shall remain available until expended.

(3) Funds may not be transferred under paragraphs (1) or (2) until the expiration of 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

(4) The authority to transfer funds under this subsection is in addition to any other transfer authority available to the Department of Defense.

(e) Costs incurred by the Department of Defense for designing and incorporating exportability features into Department of Defense systems shall be treated as nonrecurring costs under section 21(e)(1) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)): *Provided*, That amounts collected as recoupments by the Department on foreign military sales, direct commercial sales, and sales of items developed under international cooperative projects that incorporate such exportability features shall be credited to the Account and shall remain available until expended to carry out the purposes of the Account.

(f) There is hereby appropriated to the Account, \$50,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would authorize the Secretary of Defense to establish a new Defense Exportability Transfer Account (DETA), which would receive an appropriation of \$50 million that would be used to pay for non-recurring engineering (NRE) and program protection strategies required to make current and future Department of Defense (DOD) systems exportable and coalition interoperable. The DETA would be replenished by non-recurring cost recoupment to fund the account from future foreign military sales, Cooperative Program memorandums of understandings, or direct commercial sales contracts for sale or transfer of DOD systems benefiting from DETA exportability investments. Specific NRE efforts for exportability that would qualify for the account would include, but not be limited to, technology and engineering design activity for program protection such as Anti-Tamper, Differential Capability modifications, Modular Open Systems Architecture, System Assurance and Software Assurance.

Sec. _____. (a) Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. 4533(a)) is amended—

(1) in paragraph (5), in the matter preceding subparagraph (A), by striking “, on a non-delegable basis,”;

(2) in paragraph (6), by striking subparagraph (C); and

(3) in paragraph (7)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” before “The requirements of paragraphs (1) through (6) may be waived”; and

(C) by adding at the end the following new subparagraph (B):

“(B) The requirements for paragraph (6) may be waived for funds reprogrammed into the Defense Production Act Fund in accordance with section 1301 of title 31 or through the Program, Planning, Budget, and Execution process from other programs, services, or agencies.”.

(b) Section 304 of such Act (50 U.S.C. 4534) is amended by striking subsection (e), and redesignating subsections (f) and (g) as (e) and (f), respectively.

(c) Section 702(7)(A) of such Act (50 U.S.C. 4552(7)(A)) is amended in paragraph 7 by striking “United States or Canada” and inserting “United States, the United Kingdom of Great Britain and Northern Ireland, Australia, or Canada”.

(d) Section 711 of such Act (50 U.S.C. 4561) is amended by striking “is authorized to be appropriated \$133,000,000 for fiscal year 2015 and each fiscal year thereafter” and inserting “are hereby authorized to be appropriated such sums as may be necessary and appropriate”.

This request would amend the Defense Production Act to broaden the authorities available under the Act by: 1) authorizing certain delegations of authority by the President; 2) eliminating the \$50 million limitation under the Act; 3) authorizing certain notifications to the Congress to be waived for funds reprogrammed into the Defense Production Act Fund; 4) eliminating the \$750 million cap in the Defense Production Act Fund; 5) expanding the definition of "domestic source" to include certain business activities performed in the United Kingdom of Great Britain and Northern Ireland and Australia; and 6) amending the authorization of appropriations.

Sec. ____ . For fiscal years 2022 and 2023, section 331(g)(1) of title 10, United States Code, shall be applied by substituting “\$950,000,000” for “\$450,000,000”.

This request would increase, for fiscal years 2022 and 2023, the value of support that the Secretary of Defense may provide to friendly foreign countries in the conduct of operations from \$450 million to \$950 million. This increase would enable the Department to respond to a wide range of requests from partners and allies for assistance in transporting their contributions of capabilities and equipment to bolster Ukraine’s defensive operations. Section 331 authorizes logistic support, supplies, and services; procurement of equipment for the purpose of loan; provision of specialized training; and small scale construction. The increase would complement related authorities such as Presidential Drawdown and the Ukraine Security Assistance Initiative and help enable contributions to reach Ukraine at an operationally-relevant pace.

Sec. ____ . Subsection (c) of section 114 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “\$2,500,000,000” and inserting “\$3,500,000,000”; and

(2) by striking paragraph (3).

This request would increase, by \$1 billion, the maximum size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES

Refugee and Entrant Assistance

For an additional amount for “Refugee and Entrant Assistance”, \$1,202,192,152, to be merged with and available for the same period as funds appropriated in Public Law 117-103 “for carrying out such sections 414, 501, 462, and 235”, which shall be available for any purpose funded under such heading in such law and for carrying out refugee and entrant assistance activities, including in support of citizens or nationals of Ukraine, or a person who last habitually resided in Ukraine, for whom such refugee and entrant assistance activities are authorized: *Provided*, That amounts made available under this heading in this Act may be used by the Director of the Office of Refugee Resettlement (Director) to issue awards or supplement awards previously made by the Director: *Provided further*, That the Director, in carrying out section 412(c)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1)(A)) with amounts made available under this heading in this Act, may allocate such amounts among the States in a manner that accounts for the most current data available: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$1.2 billion to the Department of Health and Human Services to support time-limited cash and medical assistance, as well as support services such as English language education and job training, for Ukrainian parolees arriving in the United States, including as a part of the Uniting for Ukraine program.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

GENERAL PROVISIONS—THIS TITLE

Sec. ____ . (a) In General.—Notwithstanding any other provision of law, a citizen or national of Ukraine (or a person who last habitually resided in Ukraine) shall be eligible for the benefits described in subsection (b) if—

(1) such individual completed security and law enforcement background checks to the satisfaction of the Secretary of Homeland Security and was subsequently—

(A) paroled into the United States between February 24, 2022 and September 30, 2023; or

(B) paroled into the United States after September 30, 2023 and—

(i) is the spouse, child (regardless of age), sibling, parent, legal guardian, or primary caregiver of an individual described in subparagraph (A); or

(ii) is the parent, legal guardian, or primary caregiver of an individual described in subparagraph (A) who is determined to be an unaccompanied child under section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) or section 412(d)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)(B)); and

(2) such individual has not had his or her parole terminated by the Secretary of Homeland Security.

(b) Benefits.—An individual described in subsection (a) shall be eligible for—

(1) resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) to the same extent as such refugees, but shall not be eligible for the program of initial resettlement authorized by section 412(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1522(b)(1));

(2) services described under section 412(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)) (including legal assistance), subject to subparagraph (B) of such section, if such individual is an unaccompanied alien child as defined under section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)): *Provided*, That notwithstanding any other provision of this section, such services shall continue until the month after such child attains 18 years or age (or such higher age as the State’s child welfare services plan under part B or part E of title IV of the Social Security Act prescribes for the availability of such services to any other child in that State); and

(3) a driver’s license or identification card under section 202 of the REAL ID Act of 2005 (division B of Public Law 109-13), notwithstanding subsection (c)(2)(B) of such Act.

(c) Clarifications.—

(1) Nothing in this section shall be interpreted to preclude an individual described in subsection (a) from applying for or receiving any immigration benefits to which such individual is otherwise eligible; and

(2) Section 421(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) shall not apply with respect to determining the eligibility and the amount of benefits made available pursuant to subsection (b).

(d) Non-Application of the Paperwork Reduction Act.—Chapter 35 of title 44, United States Code (commonly referred to as the Paperwork Reduction Act of 1995), shall not apply to any action taken to implement this section that involves translating a currently approved collection of information into a new language.

This request would authorize making Ukrainian parolees entering the United States eligible for public benefits such as the Supplemental Nutrition Assistance Program, Medicaid, and the Supplemental Security Income program, as well as the refugee resettlement benefits provided by the Department of Health and Human Services' Office of Refugee Resettlement. The request would not extend eligibility for the initial resettlement program provided to refugees through the Department of State to Ukrainian parolees due to the sponsorship component of the Uniting for Ukraine program.

DEPARTMENT OF HOMELAND SECURITY

GENERAL PROVISIONS

Sec. ____ . (a) IN GENERAL.— Section 203(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)) is amended by adding at the end the following:

“(D) Notwithstanding subparagraph (B), the requirements of subparagraph (A) that an alien’s services in the sciences, arts, professions, or business be sought by an employer in the United States shall not apply to aliens (and the parents, spouses, and children of such aliens if accompanying or following to join) who—

“(i) are citizens of Russia;

“(ii) have earned a masters or doctoral degree in the United States or an equivalent foreign degree in a field involving science, technology, engineering, or mathematics, including but not limited to degrees relevant to the following fields: Advanced Computing, Advanced Engineering Materials, Advanced Gas Turbine Engine Technologies, Advanced Manufacturing, Advanced and Networked Sensing and Signature Management, Advanced Nuclear Energy Technologies, Advanced Particle Detector Instrumentation Technologies, Artificial Intelligence, Autonomous Systems and Robotics, Biotechnologies, Communication and Networking Technologies, Cybersecurity, Directed Energy, Financial Technologies, Human-Machine Interfaces, Hypersonics, Advanced Missile Propulsion Technologies, Networked Sensors and Sensing, Quantum Information Technologies, Renewable Energy Generation and Storage, Semiconductors and Microelectronics, Space Technologies and Systems; and

“(iii) are seeking admission to engage in work in the United States in an endeavor related to science, technology, engineering, or mathematics.”.

(b) ADJUDICATION AND VETTING.—Petitions and applications submitted under this section should be adjudicated expeditiously, as appropriate, within 90 days upon submission of all required documents, and should receive a timely adjudication, as appropriate, including any necessary steps to complete a security or fraud assessment of the applicant.

(c) NUMERICAL LIMITATIONS.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

“(F) Immigrants described in subparagraph (D) of section 203(b)(2).”.

(d) TERMINATION.—The authority of subsection (a) shall terminate 4 years after the date of enactment of this Act.

This request would amend section 203(b)(2) of the Immigration and Nationality Act to eliminate the requirement that Russian STEM professionals have an employer sponsor in the United States before applying for an employment-based visa, and would require the Department of Homeland Security to expedite consideration of such applications. This authority would help

the United States attract and retain Russian STEM talent and undercut Russia's innovative potential, benefitting U.S. national security.

Sec. . (a) Notwithstanding any other provision of law, an Afghan national is hereafter be eligible to apply for adjustment of status as described in subsection (b), if the Afghan national:

(1) was paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) between July 31, 2021 and September 30, 2022; and

(2) successfully completed background checks and screening in accordance with the policies and procedures put in place as part of Operation Allies Welcome (or any predecessor or successor operation) or equivalent background checks and screening.

(b) Adjustment of Status – The Secretary of Homeland Security, in the Secretary's discretion, may adjust the status of an Afghan national described in subsection (a), whose parole has not been terminated, to that of an individual lawfully admitted for permanent residence provided that the Afghan national:

(1) has been continuously physically present in the United States for at least one year after having been paroled, but an applicant shall not be considered to have failed to maintain continuous physical presence in the United States by virtue of brief, casual, and innocent absences from the United States;

(2) is otherwise admissible to the United States as an immigrant, excluding the grounds of inadmissibility specified in section 212(a)(4), (5), and (7)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4), (5), (7)(A)); and

(3) clears any additional background checks and screening, as specified by the Secretary.

(c) Spouses and Children – A spouse or child (as defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Immigration and Nationality Act) of any Afghan national described in subsection (a) who is subsequently paroled or admitted into the United States at any point after the entry of that Afghan national shall be eligible to apply for adjustment of status in accordance with subsection (b).

(d) Parents and Legal Guardians of Unaccompanied Children – A parent or legal guardian of an Afghan national who is described in subsection (a) and who has been determined to be an unaccompanied alien child as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), shall be eligible to apply for adjustment of status in accordance with subsection (b), if the parent or legal guardian has been paroled or admitted into the United States at any point after such child.

(e) Definition – For purposes of this section, the term “Afghan national” means a citizen or national of Afghanistan or any other person who last habitually resided in Afghanistan who has no nationality.

(f) Waiver of Fees – The Secretary of Homeland Security shall allow for requests for waiver of any fees in connection with any application filed pursuant to subsection (b) of this section.

(g) Date of Approval – Upon approval of such an application for adjustment of status, the Secretary shall create a record of the alien’s admission as an alien lawfully admitted for permanent residence as of the date of the alien’s inspection and parole or admission described in subsection (a)(1) or (c).

This request would authorize the Department of Homeland Security to adjust the status of individuals from Afghanistan paroled into the United States between July 31, 2021 and September 30, 2022 to that of lawful permanent resident upon meeting requisite criteria.

DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION

Salaries and Expenses

For an additional amount for “General Administration, Salaries and Expenses”, \$67,000,000, to remain available until expended, for expenses authorized by section 524(c) of title 28, United States Code, to respond to the situation in Ukraine and for related expenses: *Provided*, That amounts provided under this heading in this Act may not be used to increase the number of permanent positions: *Provided further*, That funds appropriated under this heading in this Act may be transferred to, and merged with, other appropriation accounts of the Department of Justice, to respond to the situation in Ukraine and for related expenses: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$67 million to the Department of Justice's General Administration to support the KleptoCapture Task Force. Funds would be used to hold accountable those individuals and entities in violation of recent sanctions related to Russian actions in Ukraine by pursuing the seizure of high value assets, with the proceeds of these forfeited assets used to remediate the harm caused in Ukraine.

DEPARTMENT OF JUSTICE

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(Including Transfer of Funds)

Sec. ____ . (a) Funds appropriated by this title under the heading “General Administration, Salaries and Expenses”, or available pursuant to section 524(c) of title 28, United States Code, may be used to investigate, seize, detain, forfeit, inventory, safeguard, maintain, advertise, sell, or dispose of any property, real or personal, tangible or intangible, related to Russian aggression, including Russian aggression toward Ukraine, or for any other necessary expense incident to the seizure, detention, forfeiture, or disposal of such property.

(b) The authorities provided in this section are in addition to any other authority provided by law.

Sec. ____ . (a) The Attorney General may retain property forfeited in connection with the United States’ response to Russian aggression, including Russian aggression toward Ukraine.

(b) With the concurrence of the Secretary of State and the Secretary of Treasury, the Attorney General may transfer all or a portion of the property retained under subsection (a), or net proceeds of such property, to remediate the harms of Russian aggression, including Russian aggression toward Ukraine, on such terms and conditions as the Attorney General may determine, including where such property is forfeited pursuant to:

(1) section 981 or section 982 of title 18, United States Code;

(2) section 853 or section 881 of title 21, United States Code;

(3) foreign official corruption, and associated money laundering, fraud, or other related conduct;

(4) a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), where not inconsistent with the Justice For United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144), and other relevant sanctions and related laws;

(5) violations of export controls under the Export Control Reform Act (ECRA) (50 U.S.C. §§ 4801-4852);

(6) war crimes (18 U.S.C. § 2441);

(7) cybercrimes (18 U.S.C. §§ 1028, 1028A, 1029, 1030); or

(8) a violation by a foreign public official, or an associate of such person, of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.), of an offense constituting bank fraud, or of section 5335 of title 31, United States Code.

(c) The authorities provided in this section are in addition to any other authority provided by law.

This request would authorize the Department of Justice to use funds provided to the General Administration account by this request to be used towards the investigation, seizure, and forfeiture of assets related to Russian aggression, in addition to any authority currently provided to the Department. In addition, this request would authorize the Attorney General to use the net revenue from forfeited assets to remediate the harms of Russian aggression, through retention, transference, or transference of net proceeds of forfeited property.

DEPARTMENT OF STATE

OTHER

Migration and Refugee Assistance

For an additional amount for “Migration and Refugee Assistance”, \$150,000,000, to remain available until expended, to address humanitarian needs in, and to assist refugees from, Ukraine, and for additional support for vulnerable populations and communities: *Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.*

This request would provide \$150 million through the Department of State to support anticipated additional needs of refugees from Ukraine as well as for increased requirements of overseas humanitarian responses where the needs of displaced people have been exacerbated by Russia’s invasion.

DEPARTMENT OF STATE

OTHER

International Narcotics Control and Law Enforcement

For an additional amount for “International Narcotics Control and Law Enforcement”, \$400,000,000, to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$400 million to the Department of State, International Narcotics Control and Law Enforcement account to provide equipment to the Ukrainian State Border Guard Service, the National Police of Ukraine, and neighboring border authorities.

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

Economic Support Fund

For an additional amount for “Economic Support Fund”, \$8,760,000,000 to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine, including direct financial support, of which up to \$760,000,000 may be made available for food security and agricultural development programs: *Provided*, That funds appropriated under this heading in this Act may be made available notwithstanding any other provision of law and may be made available as contributions: *Provided further*, That funds appropriated under this heading in this Act may be transferred to, and merged with, funds available under the heading “Assistance for Europe, Eurasia and Central Asia” for assistance and related programs for Ukraine and other countries identified in section 3 of the FREEDOM Support Act (22 U.S.C. 5801) and section 3(c) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5402(c)): *Provided further*, That funds appropriated under this heading in this Act may be transferred to, and merged with, funds available under the headings “Global Health Programs”, “Transition Initiatives”, and “International Narcotics Control and Law Enforcement”: *Provided further*, That funds appropriated under this heading in this Act may be transferred to, and merged with, funds available under the headings “Diplomatic Programs”, “Capital Investment Fund”, “Embassy Security Construction and Maintenance”, and “Operating Expenses” for purposes of reopening and reestablishing a diplomatic and development presence at U.S. Embassy Kyiv: *Provided further*, That the transfer authority provided in the previous proviso is in addition to any other transfer authority provided by law: *Provided further*, That upon a determination that all or part of the funds transferred pursuant to the authorities provided under this heading are not necessary for such purposes, such amounts may be transferred back to such appropriations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$8.8 billion to the Department of State for economic support and assistance to the people of Ukraine and other affected countries, including direct budgetary support, as well as support for food security, democracy, anticorruption, cybersecurity, counter-disinformation, human rights, atrocity documentation, energy, and emergency infrastructure needs. Funds would also be used by the Department of State and the U.S. Agency for International Development for diplomatic and development support costs to reestablish the U.S. Embassy Kyiv. In addition, this request would authorize the transfer of these funds to the Assistance for Europe, Eurasia and Central Asia account and several other Department of State accounts to carry out these purposes.

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

Foreign Military Financing Program

For an additional amount for “Foreign Military Financing Program”, \$4,000,000,000, to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$4 billion for the Foreign Military Financing Program for additional support for Ukraine, and countries affected by the situation in Ukraine, including North Atlantic Treaty Organization eastern flank countries, and other partners in the region, to build their capacity, and deter Russian aggression. Additional Foreign Military Financing Program funding would allow the U.S. Government to support Ukraine’s and other eastern European countries’ top security requirements and wean countries off of Russian systems.

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL SECURITY ASSISTANCE

Nonproliferation, Anti-Terrorism, Demining and Related Programs

For an additional amount for “Nonproliferation, Anti-terrorism, Demining and Related Programs”, \$100,000,000, to remain available until September 30, 2024, for assistance for Ukraine and countries impacted by the situation in Ukraine: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$100 million to the Nonproliferation, Anti-terrorism, Demining and Related Programs account to fund clearing landmines and other explosive remnants of war in order to facilitate rapid humanitarian access and protection of civilians in areas of Ukraine targeted by Russia. Funds would also be used to assist Ukraine in securing materials and addressing a range of issues related to chemical, biological, radiological, and nuclear materials.

INTERNATIONAL ASSISTANCE PROGRAMS

MULTILATERAL ASSISTANCE

Contribution to the European Bank for Reconstruction and Development

For payment by the Secretary of the Treasury to the European Bank for Reconstruction and Development and its trust funds and facilities, \$500,000,000, to remain available until September 30, 2025, for assistance and related programs for Ukraine and countries impacted by the situation in Ukraine: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$500 million in contributions to the European Bank for Reconstruction and Development (EBRD) to address food security, energy, and other urgent needs in Ukraine. This funding would be used, in part, for a grant contribution to EBRD's Financial Intermediary and Private Enterprise Investment Special Fund, which would serve as a mechanism to channel donor contributions to address energy and food security needs in Ukraine. This would include support for small- and medium- sized agrobusinesses during the fall harvest and for natural gas purchases by the Ukrainian state energy company.

INTERNATIONAL ASSISTANCE PROGRAMS

MULTILATERAL ASSISTANCE

Global Agriculture and Food Security Program

For an additional payment to the Global Agriculture and Food Security Program by the Secretary of the Treasury, \$150,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$150 million for a payment to the Global Agriculture and Food Security Program (GAFSP), a multilateral trust fund for agricultural projects. Funding would assist countries in weathering the impacts of rising food insecurity and support investments to make their agricultural systems more resilient and productive.

INTERNATIONAL ASSISTANCE PROGRAMS
AGENCY FOR INTERNATIONAL DEVELOPMENT

International Disaster Assistance

For an additional amount for “International Disaster Assistance”, \$700,000,000, to remain available until expended, to address humanitarian needs in Ukraine and countries impacted by the situation in Ukraine, including the provision of emergency food and shelter, and for assistance for vulnerable populations and communities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide \$700 million to the International Disaster Assistance account of the U.S. Agency for International Development to provide lifesaving humanitarian assistance, including emergency food assistance, to countries impacted by the situation in Ukraine.

DEPARTMENT OF STATE AND OTHER INTERNATIONAL PROGRAMS

GENERAL PROVISIONS

Sec. ____ . For fiscal year 2022, section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) shall be applied—

(1) in subsection (a)(4)(A)(ii), by substituting “\$1,000,000,000” for “\$250,000,000”; and

(2) in subsection (a)(4)(C), by substituting “\$200,000,000” for “\$50,000,000”, “\$1,000,000,000” for “\$250,000,000”, “\$1,000,000,000” for “\$500,000,000”, and “\$1,500,000,000” for “\$1,000,000,000”.

This request would amend the Foreign Assistance Act of 1961 by increasing the current global cap on the authority under section 614, as well as the limitations in section 614(a)(4)(C), to meet emergent threats and other global needs.

Sec. ____ . Section 7015(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117-103), section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), and any other similar provision of this or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, shall not apply to funds appropriated under the heading “Administration of Foreign Affairs” in this Act: *Provided*, That notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after the obligation of such funds.

This request would provide the authority to reprogram supplemental funds appropriated in this Act under the heading “Administration of Foreign Affairs” without prior notification to Congress, but subject to notification no later than 3 days of obligation.

Sec. ____ . Funds appropriated by this title under the headings “Economic Support Fund”, “International Disaster Assistance”, “Migration and Refugee Assistance”, “Foreign Military Financing Program”, “International Narcotics Control and Law Enforcement”, and “Nonproliferation, Anti-terrorism, Demining and Related Programs” may be transferred to, and merged with, funds available under such headings and with funds available under the headings “Diplomatic Programs”, “Capital Investment Fund”, “Embassy Security Construction and Maintenance”, “Educational and Cultural Exchange Programs”, “Operating Expenses”, “Assistance for Europe, Eurasia and Central Asia”, “Global Health Programs”, “Transition Initiatives”, “International Organizations and Programs”, and “Complex Crises Fund” to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That amounts transferred pursuant to this section are

designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

This request would provide the authority to transfer funds across supplemental emergency accounts in this Act to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine. This authority would allow the United States to provide the most targeted assistance as the circumstances in Ukraine and elsewhere continue to evolve.

Sec. ____ . For fiscal years 2022 through 2027, section 1412(c) of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9612(c)) shall not apply to support provided by the Development Finance Corporation under section 1421 of such Act to respond to the situation in Ukraine and in countries impacted by the situation in Ukraine.

This request would exempt the Development Finance Corporation (DFC) for fiscal years 2022 through 2027 from the provisions of section 1412(c) of the BUILD Act, which requires DFC to prioritize support in particular countries, in order to more easily direct support to relevant countries in response to the situation in Ukraine.

Sec. ____ . During fiscal years 2022 and 2023, Ukraine may utilize funds made available under the heading “Foreign Military Financing Program” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act.

This request would authorize Ukraine to utilize Foreign Military Financing Program funds appropriated in this Act and prior Acts to the Department of State to contract directly with U.S. companies to procure defense related materials which would facilitate the delivery of military assistance and security sector support.

Sec. ____ . Section 2606(a) of the Ukraine Supplemental Appropriations Act, 2022 (division N of Public Law 117-103) is amended by striking “fiscal year 2022” and inserting “fiscal years 2022 through 2024”: *Provided*, That funds made available under the heading “Foreign Military Financing Program” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be available for loans under such section.

This request would extend current authority to fiscal years 2022 through 2024 to use funds appropriated in this Act and prior Acts for Foreign Military Financing loans to Ukraine and North Atlantic Treaty Organization allies to meet emergent threats and other global needs.

Sec. ____ . Section 7035(b)(5) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117-103) is amended by striking “\$900,000,000” and inserting “\$1,900,000,000”.

This request would increase the global cap on obligations for the Special Defense Acquisition Fund from \$900 million to \$1.9 billion, in order to support the response to the situation in Ukraine.

Sec. ____ . For fiscal year 2022, section 7015(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117-103), or any similar provision of this or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, shall not apply to funds made available under the heading “Foreign Military Financing Program” for Ukraine and countries impacted by the situation in Ukraine in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs: *Provided*, That notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after the obligation of such funds.

This request would amend the congressional notification requirements for Foreign Military Financing Program funds to support expedited delivery of military aid to Ukraine and countries affected by the situation in Ukraine. The request would require the Department of State to notify the Committees on Appropriations no later than three days after the obligation of funds.

Sec. ____ . For fiscal year 2022, section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)) shall be applied by substituting “\$100,000,000” for “\$25,000,000”.

This request would increase the statutory cap provided under section 552(c)(2) of the Foreign Assistance Act of 1961 for FY 2022 from \$25 million to \$100 million. The increased authority would facilitate the transfer of additional commodities and services from Federal agencies to provide assistance to Ukraine or other countries affected by the situation in Ukraine.

Sec. ____ . Section 2601 of the Ukraine Supplemental Appropriations Act, 2022 (division N of Public Law 117-103) is amended by striking “\$3,000,000,000” and inserting “\$8,000,000,000”.

This request would increase the current Foreign Assistance Act section 506(a)(1) drawdown limits for military assistance from \$3 billion to \$8 billion.

Sec. ____ . Funds appropriated in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be reprogrammed for assistance for Ukraine without regard to any minimum amounts specifically designated in such Acts.

This request would provide the authority to reprogram funds appropriated in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs for assistance to Ukraine without regard to any minimum amounts specifically designated in such Acts. This authority would provide the needed flexibility to match resources with evolving needs and decrease reliance on new appropriations.

EXPORT-IMPORT BANK OF THE UNITED STATES

Sec. ____ . (a) Section 6(a)(3) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(3)) shall be applied through September 30, 2023, by substituting “4 percent” for “2 percent” each place it appears.

(b) Section 8(g) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(g)) shall be applied through September 30, 2023, by substituting “4 percent” for “2 percent” each place it appears.

This request would authorize the Export-Import Bank (EXIM) to temporarily increase the default rate cap from 2 percent to 4 percent through September 2023 to allow EXIM to continue supporting transactions in the event the default rate rises above the current 2 percent cap.

DEPARTMENT OF THE TREASURY

TITLE VI—GENERAL PROVISIONS

Sec. ____ . Funds appropriated under the heading “Contributions to the International Monetary Fund Facilities and Trust Funds” in division K of Public Law 117-103 shall be available to cover the cost, as defined in section 502 of the Congressional Budget act of 1974, of loans made by the Secretary of the Treasury to the Poverty Reduction and Growth Trust or to the Resilience and Sustainability Trust of the International Monetary Fund (IMF): *Provided*, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$21,000,000,000 in the aggregate, and the Secretary of the Treasury is authorized to make such loans: *Provided further*, That the Exchange Stabilization Fund and the financing account corresponding to transactions with the IMF are authorized to enter into such transactions as necessary to effectuate the loans authorized by this section.

This request would authorize the Department of the Treasury to lend up to \$21 billion to the Resilience and Sustainability Trust (RST) and the Poverty Reduction and Growth Trust (PRGT), which would enable the International Monetary Fund to respond more effectively to the situation in Ukraine and promote a more secure global economy. Support for the RST would help countries reduce their reliance on Russian oil and gas over time, and support for the PRGT will support zero-interest loans to the world's poorest countries to help them cope with rising food insecurity, rising poverty, and debt vulnerabilities.

KLEPTOCRACY ASSET RECOVERY PACKAGE: 6 LEGISLATIVE PROPOSALS

Descriptions and section-by-section analyses by proposal

The following is a package of six legislative proposals that would improve the United States' ability to hold Russia accountable financially for its ongoing invasion of Ukraine.

1. *Establishing Streamlined Administrative Authority to Seize and Forfeit Kleptocrat Assets*
2. *Enabling Transfer to Ukraine the Proceeds from Forfeited Property in Kleptocracy Asset Recovery Actions to Remediate Harms from Russian Aggression*
3. *Clamping Down on Facilitation of Sanctions Evasion*
4. *Leveraging Foreign Partners' Ability to Freeze and Seize Oligarch Wealth*
5. *Modernizing Racketeering to Include Sanctions Evasion*
6. *Expanding the Time Limit to "Follow the [Oligarchic] Money"*

These proposals would strengthen our whole-of-government approach—along with those of our international partners—in investigating, prosecuting, and forfeiting assets of Russian oligarchs to be used for the benefit of Ukraine.

Proposal 1: Establishing Streamlined Administrative Authority to Seize and Forfeit Kleptocrat Assets

Existing domestic forfeiture law is limited in scope and contains procedural requirements that can be exploited by well-funded oligarchs and other sophisticated foreign adversaries during a national emergency. This proposal would limit such exploitation by creating additional authority to seize and forfeit assets related to the current national emergencies declared with respect to harmful foreign activities of the Government of the Russian Federation and its actions and policies with respect to Ukraine. It would do so by creating a new streamlined administrative process for the seizure and forfeiture of property subject to the jurisdiction of the United States that is owned by sanctioned Russian oligarchs and that has a nexus to specified unlawful or wrongful conduct. Providing this authority requires enacting a new law that will be codified in Title 50 and a new addition to the criminal law provisions of Title 18.

Existing forfeiture laws have gaps and limitations that can be exploited in times of national emergencies.

- Existing civil and criminal forfeiture statutes cover a limited range of offenses or wrongful conduct and contain procedural requirements that can be exploited by well-funded adversaries to escape accountability for criminal violations of U.S. sanctions.
- Existing national defense authorities allow seizure and forfeiture only when the United States is engaged in armed hostilities, and do not authorize seizure and forfeiture in connection with other national emergencies.
- Under the existing national emergencies regarding the harmful foreign activities of the Government of the Russian Federation and its actions and policies with respect to Ukraine,

the United States has limited authority to seize and forfeit the assets of sanctioned Russian persons, even when that property has a nexus to wrongful conduct.

New forfeiture authority will allow the United States to seize sanctioned oligarch assets and use them to remediate harms in Ukraine.

- The new forfeiture authority would create a new administrative process by which the Department of the Treasury, in coordination with and with the support of the Department of Justice, could forfeit certain oligarch property linked to wrongful conduct.
- The new forfeiture authority would apply if the President determines that use of this authority is necessary to respond to Russia's ongoing aggression against Ukraine, and would apply to property that has a nexus to specified unlawful conduct.
- The authority would have a more expansive reach than existing forfeiture law.
- By creating a streamlined administrative determination and limited judicial review, the authority would allow an expeditious response to the present international emergency.
- The Department of State would work together with the Departments of Justice and Treasury to use the funds to remediate the harm caused in Ukraine.

Proposal 2: Enabling Transfer of the Proceeds of Forfeited Property in Kleptocracy Asset Recovery Actions to Ukraine to Remediate Harms of Russian Aggression

The second proposal would improve the United States' ability to use forfeited funds to remediate harms caused to Ukraine by Russia's war of aggression against Ukraine, and by foreign corruption and foreign corrupt officials. Generally, forfeited funds are used to compensate victims of the crimes underlying the forfeitures (to the extent they have not already been made whole), and for law enforcement purposes. In cases involving foreign government corruption, however, the United States often cannot return forfeited funds to the direct victim—a foreign government or one of its agencies—because the foreign nation remains under the influence or control of corrupt leadership. This proposal would permit the Departments of Justice, the Treasury, and State to work together to return funds forfeited to the U.S. government to remediate harms of Russian aggression toward Ukraine. Providing this authority requires amendments to multiple statutes governing the use of forfeited funds.

The proposal sets forth a class of cases for this new authority, defined in an addition to 18 U.S.C. § 981, a civil forfeiture statute. The class would include foreign official corruption, and associated money laundering, fraud, or other related conduct; violations of sanctions imposed under the International Emergency Economic Powers Act (50 U.S.C. § 1701, *et seq.*) and other relevant sanctions and related laws; violations of export controls under the Export Control Reform Act (ECRA) (50 U.S.C. §§ 4801-4852); war crimes (18 U.S.C. § 2441); cybercrimes (18 U.S.C. §§ 1028, 1028A, 1029, 1030); violations by a foreign public official, or an associate of such a person, of the Foreign Agents Registration Act (22 U.S.C. § 611, *et seq.*); commission of an offense constituting bank fraud; or violations of the Prohibition on Concealment of the Source of Assets in Monetary Transactions (31 U.S.C. § 5335). This definition of the class of cases would be incorporated in other amendments.

The proposal would allow the Attorney General to use forfeited funds to remediate harms caused by Russian aggression toward Ukraine, and would provide congruent authority to the Secretary of the Treasury for funds deposited in the Department of the Treasury Forfeiture Fund, all to be exercised in consultation with each other and with the concurrence of the Secretary of State.

Proposal 3: Clamping Down on Facilitation of Sanctions Evasion

Under current law, the United States can forfeit the proceeds of sanctions violations, taking away violators' profits. This proposal would expand forfeiture authorities to reach property used to facilitate sanctions violations, enabling the government to take away the violators' "tools of the trade" and to further counteract sanctions violations.

The International Economic Emergency Powers Act (IEEPA), pursuant to which the U.S. government issues and enforces sanctions, includes a specific provision, 50 U.S.C. § 1705, establishing an offense for violating "any license, order, regulation, or prohibition issued under" IEEPA. That existing provision, which also encompasses attempts and conspiracies to violate IEEPA, provides for both civil and criminal penalties, including fines and terms of imprisonment. Separate statutory authority also exists for both civil and criminal forfeiture of the proceeds of these violations. *See* 18 U.S.C. § 981(a)(1)(C); 18 U.S.C. § 1956(c)(7)(D); 28 U.S.C. § 2461(c). This proposal would amend IEEPA's penalty provision to extend the existing forfeiture authorities to facilitating property, not just to proceeds of the offenses. The proposal would amend 50 U.S.C. § 1705 to add new criminal and civil forfeiture subsections that authorize the forfeiture of "any property, real or personal, tangible or intangible, that was *used or intended to be used to commit or to facilitate* the commission of such violation" (emphasis added).

Proposal 4: Leveraging Foreign Partners' Ability to Recover Oligarch Wealth

The fourth proposal would improve the United States' ability to work with our international partners to recover assets linked to foreign corruption. As kleptocrats and other criminals commit crimes and launder money in multiple jurisdictions, this proposal would expand upon existing U.S. law to facilitate enforcement of foreign restraint and forfeiture orders for criminal property. The proposal would improve our ability to take these actions here in the United States, thereby supporting international efforts to forfeit criminal property.

This proposal would amend 28 U.S.C. § 2467 in several ways, including by (1) establishing notice, standing, and default procedures; (2) authorizing the Attorney General, with the concurrence of the Secretary of the Treasury and the Secretary of State, to enforce restraint orders from certain civil law jurisdictions; (3) authorizing interlocutory sale of property; and (4) clarifying that recovered property is forfeited to the United States and subject to authority for disposition of forfeited assets as in domestic forfeiture cases. This proposal would also make additional technical amendments.

Proposal 5: Modernizing Racketeering to Include Sanctions Evasion

The fifth proposal would improve the United States' ability to investigate and prosecute sanctions evasion by adding criminal violations of IEEPA (specifically, 50 U.S.C. § 1705) and the Export Control Reform Act (ECRA) (50 U.S.C. §§4801-4852) to the definition of "racketeering activity" in the Racketeer Influenced and Corrupt Organizations (RICO) Act, 18 U.S.C. § 1961, *et seq.*

The United States generally adopts an "enterprise theory" in investigations of sanctions evasion, under which impactful prosecutions are built by identifying a common criminal network with overlapping interests, actors, and assets, and working to dismantle the network in a single prosecution that speaks to the full scope of criminal activity. However, in the sanctions area, prosecutors are currently unable to use sanctions evasion as a central element to a comprehensive, and powerful, charge.

Adding references to 50 U.S.C. § 1705 and ECRA in the list of predicate racketeering acts set out in 18 U.S.C. § 1961(1) would address this gap and provide an important tool in such cases. Inclusion of section 1705 and ECRA would allow for sanctions evasion or evasion of export control laws to be charged along with evidence of fraud, money laundering, extortion, and other predicate acts that often surround sanctions evasion schemes, but currently must be charged separately. This change would also provide a basis for extending the life of criminal activity under applicable statutes of limitations, for example, by allowing a charge for older extortion and expropriation of property where a recent sanction evasion exists (a fact pattern that is particularly common with respect to the current Russian sanctions effort).

This proposal would extend a powerful forfeiture tool against racketeering enterprises engaged in sanction evasion. Whereas current forfeitures for violations of section 1705 are limited to the proceeds of that crime (or, potentially to certain property "involved in" the conduct if assets are used to launder the proceeds of sanctions violations), RICO forfeitures may extend to the assets of the enterprise that reach beyond specific funds and into, for example, the assets of entities or properties used to promote the enterprise's success or status.

Proposal 6: Expanding the Time Limit to "Follow the [Oligarchic] Money"

The sixth proposal is focused not on short-term forfeiture actions but on criminal prosecutions of oligarchs. It would improve the United States' ability to pursue money laundering charges and post-conviction forfeitures in connection with sentencing based on foreign offenses by extending the statute of limitations, assisting in investigations and prosecutions of kleptocracy-related and other crimes. The proposal would amend 18 U.S.C. § 1956(c)(7) to make any conduct in violation of foreign law, a "specified unlawful activity" for purposes of the federal money laundering statutes, if the conduct would have been a "specified unlawful activity" had it occurred within the jurisdiction of the United States, and to extend the statute of limitations in such cases and for cases involving offenses against foreign nations defined in § 1956(c)(7)(B) or a new subsection (H). This change would ensure that the United States can prosecute violators and seek forfeitures based on foreign offenses more effectively by extending the statute of limitations from five years to ten

years. The change would also extend the statute of limitations for seeking forfeiture of property based on these offenses, as a critical tool to deprive criminals of their ill-gotten gains.

Complex money laundering cases require significant efforts to investigate and prosecute, as the most sophisticated kleptocrats and other criminals use complicated schemes and often violate the laws of multiple jurisdictions and launder illicit funds through them. The United States often works with international partners to investigate and identify assets for seizure and forfeitures. Extending the statute of limitations would provide sufficient time for investigators and prosecutors to “follow the money,” identify violations, and seek forfeiture in these cases involving foreign offenses or offenses against foreign nations.

SECTION-BY-SECTION ANALYSES BY PROPOSAL

Proposal 1: Establishing Streamlined Administrative Authority to Seize and Forfeit Kleptocrat Assets

Creation of new 50 U.S.C. Chapter 59

The proposal would enact a new law, to be codified as Chapter 59 in Title 50, which covers authorities related to national defense. The provisions of new Chapter 59 would be limited in scope to addressing the national emergencies declared by the President regarding the actions and policies of the Russian Federation regarding Ukraine and Russia's other harmful foreign activities. These provisions would 1) define a class of property subject to a new forfeiture authority; 2) authorize the Department of the Treasury ("Treasury") to seize and forfeit that property and set forth a process for reviewing that determination; and 3) set forth the authority for the Secretary of the Treasury ("Secretary"), with the concurrence of the Secretary of State and the Attorney General, to use the forfeited funds as remediation.

Creation of new 50 U.S.C. § 4901

The proposal would enact a law to be codified as 50 U.S.C. § 4901 that authorizes a new forfeiture authority based on the President's determination that a national emergency regarding the actions and policies of the Russian Federation regarding Ukraine or Russia's other harmful foreign activities is of sufficient severity that an existing sanctions regime related to that emergency requires a supplemental response.

Creation of new 50 U.S.C. § 4902

The proposal would enact a law to be codified as 50 U.S.C. § 4902 that describes the scope of the new forfeiture authority. The authority would be expressly retroactive and would apply to all blocked property so long as 1) the property is subject to U.S. jurisdiction, and 2) the property is derived from or used in specified unlawful conduct or similar wrongful conduct. The authority would incorporate an affirmative defense for innocent owners that parallels that in 18 U.S.C. § 983(d).

The class of unlawful conduct and similar wrongful conduct would include a specific list of offenses, including a new offense provision at 18 U.S.C. § 228 (possession of proceeds from corrupt dealings with the Russian government), and including offenses used in existing forfeiture law, such as corruptly soliciting or promising a benefit in connection with certain business transactions (as defined in 18 U.S.C. § 215), supporting any act of international terrorism (as defined in 18 U.S.C. § 2331), or knowingly concealing certain assets or property (as defined in 18 U.S.C. § 1032). The class of wrongful conduct would also include a catchall provision

Creation of new 50 U.S.C. § 4903

The proposal would enact a law to be codified as 50 U.S.C. § 4903 that describes the new administrative seizure and forfeiture process, and that directs the promulgation of regulations.

The proposal would authorize the Secretary of the Treasury or a delegee (herein referred to as the "Secretary"), in consultation with the Attorney General or a delegee (herein referred to as the

“Attorney General”) as well as other departments and agencies as appropriate, to identify blocked property of a covered person for seizure and/or forfeiture. The proposal would authorize the Attorney General to seize the identified, blocked property based on a showing that the property facilitated the unlawful or wrongful conduct specified in 50 U.S.C. § 4901, is the proceeds of such conduct, or is otherwise traceable to such conduct. The proposal would also include language authorizing Treasury to store and maintain property during the pendency of any forfeiture.

The proposal would authorize the Secretary with making an initial determination, in consultation with the Attorney General, based on a preponderance of the evidence, that property is subject to forfeiture. It would charge the Secretary, in coordination with and with the assistance of the Department of Justice and the Federal Bureau of Investigation, as well as other departments and agencies as appropriate, with creating a record (potentially to include classified information) demonstrating that the property in question 1) is owned by a covered person and 2) has facilitated unlawful or wrongful conduct, is the proceeds of such conduct, or is otherwise traceable to such conduct.

The proposal would provide that the Secretary shall order forfeiture of the property if the Secretary, in consultation with the Attorney General, determines by a preponderance of the evidence that the property 1) is owned by a covered person and 2) has facilitated unlawful conduct, is the proceeds of unlawful conduct, or is otherwise traceable to unlawful conduct. Prior to ordering forfeiture, the Secretary would provide notice to individuals the Secretary identifies as having an interest in the property and a means to receive service and public notice of the determination and written notice to any identified party that appears to have a protected legal interest in the property.

The Secretary’s determination would become final 60 days after such notice is issued, unless the covered person, or any other person claiming a legal interest in the property, seeks administrative reconsideration of the decision. The proposal would authorize a covered person, or any other person claiming a legal interest in the property, to seek reconsideration by the Secretary of the determination. A request for reconsideration would have to be made within the 60-day period following notice of the determination.

Upon review of a request for reconsideration, the Secretary would determine, in consultation with the Attorney General, based on a preponderance of the evidence, whether the property 1) is owned by a covered person and 2) has facilitated unlawful conduct, is the proceeds of unlawful conduct, or is otherwise traceable to unlawful conduct. The Secretary would also determine, as applicable, whether the petitioner had met the burden of establishing an innocent owner defense by a preponderance of the evidence. If the Secretary makes such a determination, the Secretary would issue a decision to that effect. That decision would become final within 10 days unless judicial review is sought. If the decision becomes final, the property could be forfeited immediately.

The proposal would direct Treasury to promulgate regulations to carry out the administrative process described in this section. Such regulations would more specifically explain the steps of the process and the standards applicable to administrative reconsideration, including the submission of additional information and claimant’s rights of access to agency records. The regulations would also establish any required separation of functions or other internal processes necessary to establish that the process is consistent with due process and any other legal requirements. The proposal would authorize the initial promulgation of such regulations without notice and comment.

Creation of new 50 U.S.C. § 4904

The proposal would enact a law to be codified as 50 U.S.C. § 4904, providing for judicial review of the administrative seizure and forfeiture determination set forth in 50 U.S.C. § 4903.

The proposal would authorize a covered person, or any other person claiming a legal interest in the property, to seek judicial review of the Secretary's determination. A petition for review would need to be made within the 10-day period following the Secretary's forfeiture determination. Jurisdiction would lie solely in the U.S. District Court for the District of Columbia, and discovery would be available only upon a showing of good cause and that the discovery would be in the interest of justice at the discretion of the court. The petitioner would have the ability to move for a jury trial. The court would uphold the Secretary's determination if it found, upon review of the administrative record and any information adduced in the judicial proceeding, that the Secretary's decision was supported by a preponderance of the evidence and was not based on legal error.

Consistent with due process, the proposal would allow for the court's *ex parte* and in camera consideration of any classified material, as well as processes to ensure the protection of classified material and the ability to provide unclassified summaries in lieu of the classified material.

Appeal would be on an expedited basis. If the court upholds the Secretary's determination, the Secretary would promptly order forfeiture of the property.

Creation of new 50 U.S.C. § 4905

The proposal would enact a law to be codified as 50 U.S.C. § 4905, authorizing the Secretary to liquidate any forfeited property under this chapter. The Secretary of State would be authorized to direct any net proceeds for remediation of the harms to Ukraine, as the Secretary of State, with the concurrence of the Secretary and the Attorney General, deems appropriate.

Creation of new 18 U.S.C. § 228

The proposal would also create a new criminal offense at 18 U.S.C. § 228, making it unlawful for any person to knowingly or intentionally possess proceeds directly obtained from corrupt dealings with the Russian government.

Proposal 2: Enabling Transfer of the Proceeds of Forfeited Property in Kleptocracy Asset Recovery Actions to Ukraine to Remediate Harms of Russian Aggression

Amendments to 18 U.S.C. § 981

The proposal would amend 18 U.S.C. § 981, a civil forfeiture statute, to: (1) define a class of cases for this new authority; and (2) set forth the authority for the Attorney General, with the concurrence of Departments of State and of the Treasury, to use the forfeited funds as remediation for the harms of Russian aggression against Ukraine.

The class of cases would include foreign official corruption, and associated money laundering, fraud, or other related conduct; violations of sanctions imposed under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. § 1701, *et seq.*); violations of export controls under the Export Control Reform Act (ECRA) (50 U.S.C. §§ 4801-4852); and violations by a foreign public official, or an associate of such a person, of the Foreign Agents Registration Act (22 U.S.C. § 611, *et seq.*), of an offense constituting bank fraud, the Prohibition on Concealment of the Source of

Assets in Monetary Transactions (31 U.S.C. § 5335); war crimes (18 U.S.C. § 2441); or cybercrimes (18 U.S.C. §§ 1028, 1028A, 1029, 1030).

The proposal would authorize the Attorney General, with the concurrence of the Departments of State and of the Treasury, to use the forfeited funds to remediate harms caused by Russian aggression against Ukraine.

Amendments to 21 U.S.C. § 853

The proposal would amend 21 U.S.C. § 853, a criminal forfeiture statute in the drug laws whose procedures apply to many other unrelated federal offenses. It would adopt the definition of the class of cases in the proposed amendment to 18 U.S.C. § 981, and provide similar authority for the Attorney General, with the concurrence of the Departments of State and of the Treasury, to use the forfeited funds as remediation for the harms of Russian aggression against Ukraine.

Amendments to 21 U.S.C. § 881

The proposal would amend 21 U.S.C. § 881, a civil forfeiture statute, to adopt the definition of the class of cases in the proposed amendment to 18 U.S.C. § 981, and provide similar authority for the Attorney General, with the concurrence of the Departments of State and of the Treasury, to use the forfeited funds as remediation for the harms of Russian aggression against Ukraine.

Amendments to 31 U.S.C. § 9705

The proposal would amend 31 U.S.C. § 9705, which governs the Department of the Treasury Forfeiture Fund, to adopt the definition of the class of cases in the proposed amendment to 18 U.S.C. § 981, and provide authority for the Secretary of the Treasury to transfer funds, with the concurrence of the Secretary of State and the Attorney General, to use the forfeited funds as remediation for the harms of Russian aggression against Ukraine.

Proposal 3: Clamping Down on Facilitation of Sanctions Evasion

The proposal would amend IEEPA’s penalty provision to enable forfeiture of property used to facilitate the commission of a sanctions violation, not just to proceeds of the offense. IEEPA includes a specific provision, 50 U.S.C. § 1705, establishing an offense for violating “any license, order, regulation, or prohibition issued under” IEEPA. That provision, which also encompasses attempts and conspiracies to violate IEEPA, provides for both civil and criminal penalties, including fines and terms of imprisonment. Separate statutory authority also exists for both civil and criminal forfeiture of the proceeds of these violations. *See* 18 U.S.C. § 981(a)(1)(C); 18 U.S.C. § 1956(c)(7)(D); 28 U.S.C. § 2461(c). The proposal would amend 50 U.S.C. § 1705 to add new criminal and civil forfeiture subsections to authorize the forfeiture of “any property, real or personal, tangible or intangible, that was *used or intended to be used to commit or to facilitate* the commission of such violation” (emphasis added).

Proposal 4: Leveraging Foreign Partners’ Ability to Freeze and Seize Oligarch Wealth

The proposal would amend 28 U.S.C. § 2467 in several ways to facilitate enforcement of foreign restraint and forfeiture orders for criminal property, including by (1) establishing notice, standing, and default procedures; (2) authorizing the Attorney General, with the concurrence of the Secretary of the Treasury, to enforce restraint orders from certain civil law jurisdictions; (3) authorizing interlocutory sale of property; and (4) clarifying that recovered property pursuant to this authorization is forfeited to the United States and subject to authority for disposition of forfeited assets as in domestic forfeiture cases. It would also make additional technical amendments.

Proposal 5: Modernizing Racketeering to Include Sanctions Evasion

The proposal would amend 18 U.S.C. § 1961(1) to include criminal violations of IEEPA (specifically 50 U.S.C. § 1705) and the Export Control Reform Act (50 U.S.C. §§ 4801-4852) as “racketeering activity” in the Racketeer Influenced and Corrupt Organizations (RICO) Act. This change would facilitate the investigation and prosecution of organized criminal networks engaged in sanctions evasion and kleptocracy-related crimes. It would extend the life of criminal activity subject to RICO’s applicable statute of limitations, facilitate cooperation with international partners, and extend RICO’s powerful forfeiture tool against racketeering enterprises engaged in sanction evasion.

Proposal 6: Expanding the Time Limit to “Follow the [Oligarchic] Money”

The proposal would amend 18 U.S.C. § 1956(c)(7), part of the federal money laundering statutes, to include in the definition of a “specified unlawful activity” any conduct in violation of foreign law that would constitute “specified unlawful activity” under section 1956, if the conduct had occurred within the jurisdiction of the United States. The proposal would also extend the statute of limitations in such cases and for cases involving offenses against foreign nations defined in sections 1956(c)(7)(B) or proposed section 1956(c)(7)(H).

Amendment to 18 U.S.C. § 1956(c)(7)

Federal statutes criminalize money laundering linked to “specified unlawful activity” defined in 18 U.S.C. § 1956 to include many violations of United States federal law. The proposal would add a new subsection, 1956(c)(7)(H), which would define a “specified unlawful activity” to include “any conduct in violation of foreign law that would constitute specified unlawful activity under this section if the conduct had occurred within the jurisdiction of the United States.” Additionally, 18 U.S.C. § 1956(c)(7)(D) is amended to include ECRA (50 U.S.C. §§ 4801-4852) to the list of offenses constituting specified unlawful activity and removing the reference to the Export Administration Act.

Extension of Statute of Limitations

International investigations and prosecutions require significant time and resources. The proposal would amend 18 U.S.C. § 1956 to add a new subsection to extend the statute of limitations for a criminal prosecution or civil action related to “special unlawful activity” defined in sections 1956(c)(7)(B) and (H) from five years to ten years, recognizing the time needed to identify and

pursue enforcement actions in the context of cross-border offenses. This change would further enable work with international partners to investigate and identify assets for seizure and forfeiture.