

117TH CONGRESS
1ST SESSION

H. R. 5209

To combat the national security threat of foreign corruption and kleptocracy,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2021

Mr. COHEN (for himself, Mr. WILSON of South Carolina, Mr. MALINOWSKI, Mr. CURTIS, Mr. CLEAVER, Mr. FITZPATRICK, Ms. JACKSON LEE, Ms. SALAZAR, Ms. KAPTUR, Mr. HILL, Ms. PORTER, Mr. GONZALEZ of Ohio, Ms. SPANBERGER, Mr. HUDSON, Mr. PHILLIPS, Mr. VEASEY, Mr. GALLEG0, and Ms. MOORE of Wisconsin) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat the national security threat of foreign corruption
and kleptocracy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Counter-Kleptocracy
5 Act”.

1 **SEC. 2. COMBATING GLOBAL CORRUPTION ACT OF 2021.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Combating Global Corruption Act of 2021”.

4 (b) DEFINITIONS.—In this section:

5 (1) CORRUPT ACTOR.—The term “corrupt
6 actor” means—

7 (A) any foreign person or entity that is a
8 government official or government entity re-
9 sponsible for, or complicit in, an act of corrup-
10 tion; and

11 (B) any company, in which a person or en-
12 tity described in subparagraph (A) has a sig-
13 nificant stake, which is responsible for, or
14 complicit in, an act of corruption.

15 (2) CORRUPTION.—The term “corruption”
16 means the unlawful exercise of entrusted public
17 power for private gain, including by bribery, nepo-
18 tism, fraud, or embezzlement.

19 (3) SIGNIFICANT CORRUPTION.—The term “sig-
20 nificant corruption” means corruption committed at
21 a high level of government that has some or all of
22 the following characteristics:

23 (A) Illegitimately distorts major decision-
24 making, such as policy or resource determina-
25 tions, or other fundamental functions of govern-
26 ance.

1 (B) Involves economically or socially large-
2 scale government activities.

3 (c) PUBLICATION OF TIERED RANKING LIST.—

4 (1) IN GENERAL.—The Secretary of State shall
5 annually publish, on a publicly accessible website, a
6 tiered ranking of all foreign countries.

7 (2) TIER 1 COUNTRIES.—A country shall be
8 ranked as a tier 1 country in the ranking published
9 under paragraph (1) if the government of such coun-
10 try is complying with the minimum standards set
11 forth in subsection (d).

12 (3) TIER 2 COUNTRIES.—A country shall be
13 ranked as a tier 2 country in the ranking published
14 under paragraph (1) if the government of such coun-
15 try is making efforts to comply with the minimum
16 standards set forth in subsection (d), but is not
17 achieving the requisite level of compliance to be
18 ranked as a tier 1 country.

19 (4) TIER 3 COUNTRIES.—A country shall be
20 ranked as a tier 3 country in the ranking published
21 under paragraph (1) if the government of such coun-
22 try is making de minimis or no efforts to comply
23 with the minimum standards set forth in subsection
24 (d).

1 (d) MINIMUM STANDARDS FOR THE ELIMINATION OF
2 CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT
3 CORRUPTION.—

4 (1) IN GENERAL.—The government of a coun-
5 try is complying with the minimum standards for
6 the elimination of corruption if the government—

7 (A) has enacted and implemented laws and
8 established government structures, policies, and
9 practices that prohibit corruption, including sig-
10 nificant corruption;

11 (B) enforces the laws described in para-
12 graph (1) by punishing any person who is
13 found, through a fair judicial process, to have
14 violated such laws;

15 (C) prescribes punishment for significant
16 corruption that is commensurate with the pun-
17 ishment prescribed for serious crimes; and

18 (D) is making serious and sustained ef-
19 forts to address corruption, including through
20 prevention.

21 (2) FACTORS FOR ASSESSING GOVERNMENT EF-
22 FORTS TO COMBAT CORRUPTION.—In determining
23 whether a government is making serious and sus-
24 tained efforts to address corruption, the Secretary of

1 State shall consider, to the extent relevant or appro-
2 priate, factors such as—

3 (A) whether the government of the country
4 has criminalized corruption, investigates and
5 prosecutes acts of corruption, and convicts and
6 sentences persons responsible for such acts over
7 which it has jurisdiction, including, as appro-
8 priate, incarcerating individuals convicted of
9 such acts;

10 (B) whether the government of the country
11 vigorously investigates, prosecutes, convicts,
12 and sentences public officials who participate in
13 or facilitate corruption, including nationals of
14 the country who are deployed in foreign military
15 assignments, trade delegations abroad, or other
16 similar missions, who engage in or facilitate sig-
17 nificant corruption;

18 (C) whether the government of the country
19 has adopted measures to prevent corruption,
20 such as measures to inform and educate the
21 public, including potential victims, about the
22 causes and consequences of corruption;

23 (D) what steps the government of the
24 country has taken to prohibit government offi-
25 cials from participating in, facilitating, or

1 condoning corruption, including the investiga-
2 tion, prosecution, and conviction of such offi-
3 cials;

4 (E) the extent to which the country pro-
5 vides access, or, as appropriate, makes adequate
6 resources available, to civil society organizations
7 and other institutions to combat corruption, in-
8 cluding reporting, investigating, and moni-
9 toring;

10 (F) whether an independent judiciary or
11 judicial body in the country is responsible for,
12 and effectively capable of, deciding corruption
13 cases impartially, on the basis of facts and in
14 accordance with the law, without any improper
15 restrictions, influences, inducements, pressures,
16 threats, or interferences (direct or indirect);

17 (G) whether the government of the country
18 is assisting in international investigations of
19 transnational corruption networks and in other
20 cooperative efforts to combat significant corrup-
21 tion, including, as appropriate, cooperating with
22 the governments of other countries to extradite
23 corrupt actors;

24 (H) whether the government of the country
25 recognizes the rights of victims of corruption,

1 ensures their access to justice, and takes steps
2 to prevent victims from being further victimized
3 or persecuted by corrupt actors, government of-
4 ficials, or others;

5 (I) whether the government of the country
6 protects victims of corruption or whistleblowers
7 from reprisal due to such persons having as-
8 sisted in exposing corruption, and refrains from
9 other discriminatory treatment of such persons;

10 (J) whether the government of the country
11 is willing and able to recover and, as appro-
12 priate, return the proceeds of corruption;

13 (K) whether the government of the country
14 is taking steps to implement financial trans-
15 parency measures in line with the Financial Ac-
16 tion Task Force recommendations, including
17 due diligence and beneficial ownership trans-
18 parency requirements;

19 (L) whether the government of the country
20 is facilitating corruption in other countries in
21 connection with state-directed investment, loans
22 or grants for major infrastructure, or other ini-
23 tiatives; and

1 (M) such other information relating to cor-
2 ruption as the Secretary of State considers ap-
3 propriate.

4 (3) ASSESSING GOVERNMENT EFFORTS TO COM-
5 BAT CORRUPTION IN RELATION TO RELEVANT
6 INTERNATIONAL COMMITMENTS.—In determining
7 whether a government is making serious and sus-
8 tained efforts to address corruption, the Secretary of
9 State shall consider the government of a country’s
10 compliance with the following, as relevant:

11 (A) The Inter-American Convention
12 against Corruption of the Organization of
13 American States, done at Caracas March 29,
14 1996.

15 (B) The Convention on Combating Bribery
16 of Foreign Public Officials in International
17 Business Transactions of the Organisation of
18 Economic Co-operation and Development, done
19 at Paris December 21, 1997 (commonly re-
20 ferred to as the “Anti-Bribery Convention”).

21 (C) The United Nations Convention
22 against Transnational Organized Crime, done
23 at New York November 15, 2000.

1 (D) The United Nations Convention
2 against Corruption, done at New York October
3 31, 2003.

4 (E) Such other treaties, agreements, and
5 international standards as the Secretary of
6 State considers appropriate.

7 (e) IMPOSITION OF SANCTIONS UNDER GLOBAL
8 MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.—

9 (1) IN GENERAL.—The Secretary of State, in
10 coordination with the Secretary of the Treasury,
11 should evaluate whether there are foreign persons
12 engaged in significant corruption for the purposes of
13 potential imposition of sanctions under the Global
14 Magnitsky Human Rights Accountability Act (sub-
15 title F of title XII of Public Law 114–328; 22
16 U.S.C. 2656 note)—

17 (A) in all countries identified as tier 3
18 countries under subsection (c); or

19 (B) in relation to the planning or construc-
20 tion or any operation of the Nord Stream 2
21 pipeline.

22 (2) REPORT REQUIRED.—Not later than 180
23 days after publishing the list required by subsection
24 (c)(1) and annually thereafter, the Secretary of

1 State shall submit to the committees specified in
2 paragraph (6) a report that includes—

3 (A) a list of foreign persons with respect to
4 which the President imposed sanctions pursuant
5 to the evaluation under subsection (a);

6 (B) the dates on which such sanctions
7 were imposed;

8 (C) the reasons for imposing such sanc-
9 tions; and

10 (D) a list of all foreign persons found to
11 have been engaged in significant corruption in
12 relation to the planning, construction, or oper-
13 ation of the Nord Stream 2 pipeline.

14 (3) FORM OF REPORT.—Each report required
15 by paragraph (2) shall be submitted in unclassified
16 form but may include a classified annex.

17 (4) BRIEFING IN LIEU OF REPORT.—The Sec-
18 retary of State, in coordination with the Secretary of
19 the Treasury, may (except with respect to the list re-
20 quired by paragraph (2)(D)) provide a briefing to
21 the committees specified in paragraph (6) instead of
22 submitting a written report required under para-
23 graph (2), if doing so would better serve existing
24 United States anti-corruption efforts or the national
25 interests of the United States.

1 (5) TERMINATION OF REQUIREMENTS RELAT-
2 ING TO NORD STREAM 2.—The requirements under
3 paragraphs (1)(B) and (2)(D) shall terminate on the
4 date that is 5 years after the date of the enactment
5 of this Act.

6 (6) COMMITTEES SPECIFIED.—The committees
7 specified in this subsection are—

8 (A) the Committee on Foreign Relations,
9 the Committee on Appropriations, the Com-
10 mittee on Banking, Housing, and Urban Af-
11 fairs, and the Committee on the Judiciary of
12 the Senate; and

13 (B) the Committee on Foreign Affairs, the
14 Committee on Appropriations, the Committee
15 on Financial Services, and the Committee on
16 the Judiciary of the House of Representatives.

17 (f) DESIGNATION OF EMBASSY ANTI-CORRUPTION
18 POINTS OF CONTACT.—

19 (1) IN GENERAL.—The Secretary of State shall
20 annually designate an anti-corruption point of con-
21 tact at the United States diplomatic post to each
22 country identified as tier 2 or tier 3 under sub-
23 section (c), or which the Secretary otherwise deter-
24 mines is in need of such a point of contact. The

1 point of contact shall be the chief of mission or the
2 chief of mission’s designee.

3 (2) RESPONSIBILITIES.—Each anti-corruption
4 point of contact designated under subsection (a)
5 shall be responsible for enhancing coordination and
6 promoting the implementation of a whole-of-govern-
7 ment approach among the relevant Federal depart-
8 ments and agencies undertaking efforts to—

9 (A) promote good governance in foreign
10 countries; and

11 (B) enhance the ability of such countries—

12 (i) to combat public corruption; and

13 (ii) to develop and implement corrup-
14 tion risk assessment tools and mitigation
15 strategies.

16 (3) TRAINING.—The Secretary of State shall
17 implement appropriate training for anti-corruption
18 points of contact designated under paragraph (1).

19 **SEC. 3. FOREIGN CORRUPTION ACCOUNTABILITY ACT.**

20 (a) SHORT TITLE.—This section may be cited as the
21 “Foreign Corruption Accountability Act”.

22 (b) FINDINGS.—Congress finds the following:

23 (1) When public officials and their allies use the
24 mechanisms of government to engage in extortion or

1 bribery, they impoverish their countries' economic
2 health and harm citizens.

3 (2) By empowering the United States Govern-
4 ment to hold to account foreign public officials and
5 their associates who engage in extortion or bribery,
6 the United States can deter malfeasance and ulti-
7 mately serve the citizens of fragile countries suffo-
8 cated by corrupt bureaucracies.

9 (3) The Special Inspector General for Afghan
10 Reconstruction's 2016 report "Corruption in Con-
11 flict: Lessons from the U.S. Experience in Afghan-
12 istan" included the recommendation, "Congress
13 should consider enacting legislation that authorizes
14 sanctions against foreign government officials or
15 their associates who engage in corruption.".

16 (c) AUTHORIZATION OF IMPOSITION OF SANC-
17 TIONS.—

18 (1) IN GENERAL.—The President may impose
19 the sanctions described in paragraph (2) with re-
20 spect to any foreign person who is an individual the
21 President determines—

22 (A) engages in public corruption activities
23 against a United States person, including—

24 (i) soliciting or accepting bribes;

1 (ii) using the authority of the state to
2 extort payments; or

3 (iii) engaging in extortion; or

4 (B) conspires to engage in, or knowingly
5 and materially assists, sponsors, or provides sig-
6 nificant financial, material, or technological
7 support for any of the activities described in
8 subparagraph (A).

9 (2) SANCTIONS DESCRIBED.—

10 (A) INELIGIBILITY FOR VISAS AND ADMIS-
11 SIONS TO THE UNITED STATES.—The foreign
12 person shall be—

13 (i) inadmissible to the United States;

14 (ii) ineligible to receive a visa or other
15 documentation to enter the United States;
16 and

17 (iii) otherwise ineligible to be admitted
18 or paroled into the United States or to re-
19 ceive any other benefit under the Immigra-
20 tion and Nationality Act (8 U.S.C. 1101 et
21 seq.).

22 (B) CURRENT VISAS REVOKED.—

23 (i) IN GENERAL.—The issuing con-
24 sular officer or the Secretary of State, (or
25 a designee of the Secretary of State) shall,

1 in accordance with section 221(i) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1201(i)), revoke any visa or other entry
4 documentation issued to the foreign person
5 regardless of when the visa or other entry
6 documentation is issued.

7 (ii) EFFECT OF REVOCATION.—A rev-
8 ocation under clause (i) shall—

9 (I) take effect immediately; and

10 (II) automatically cancel any
11 other valid visa or entry documenta-
12 tion that is in the foreign person's
13 possession.

14 (iii) REGULATIONS REQUIRED.—Not
15 later than 180 days after the date of the
16 enactment of this Act, the Secretary of
17 State shall prescribe such regulations as
18 are necessary to carry out this subsection.

19 (3) EXCEPTION TO COMPLY WITH LAW EN-
20 FORCEMENT OBJECTIVES AND AGREEMENT REGARD-
21 ING THE HEADQUARTERS OF THE UNITED NA-
22 TIONS.—Sanctions under paragraph (2) shall not
23 apply to a foreign person if admitting the person
24 into the United States—

1 (A) would further important law enforce-
2 ment objectives; or

3 (B) is necessary to permit the United
4 States to comply with the Agreement regarding
5 the Headquarters of the United Nations, signed
6 at Lake Success June 26, 1947, and entered
7 into force November 21, 1947, between the
8 United Nations and the United States, or other
9 applicable international obligations of the
10 United States.

11 (4) TERMINATION OF SANCTIONS.—The Presi-
12 dent may terminate the application of sanctions
13 under this section with respect to a foreign person
14 if the President determines and reports to the ap-
15 propriate congressional committees not later than 15
16 days before the termination of the sanctions that—

17 (A) the person is no longer engaged in the
18 activity that was the basis for the sanctions or
19 has taken significant verifiable steps toward
20 stopping the activity;

21 (B) the President has received reliable as-
22 surances that the person will not knowingly en-
23 gage in activity subject to sanctions under this
24 part in the future; or

1 (C) the termination of the sanctions is in
2 the national security interests of the United
3 States.

4 (5) REGULATORY AUTHORITY.—The President
5 shall issue such regulations, licenses, and orders as
6 are necessary to carry out this section.

7 (6) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES DEFINED.—In this section, the term “appro-
9 priate congressional committees” means—

10 (A) the Committee on the Judiciary, the
11 Committee on Financial Services, and the Com-
12 mittee on Foreign Affairs of the House of Rep-
13 resentatives; and

14 (B) the Committee on the Judiciary, the
15 Committee on Banking, Housing, and Urban
16 Affairs, and the Committee on Foreign Rela-
17 tions of the Senate.

18 (d) REPORTS TO CONGRESS.—

19 (1) IN GENERAL.—The President shall submit
20 to the appropriate congressional committees, in ac-
21 cordance with paragraph (2), a report that in-
22 cludes—

23 (A) a list of each foreign person with re-
24 spect to which the President imposed sanctions

1 pursuant to subsection (c) during the year pre-
2 ceding the submission of the report;

3 (B) the number of foreign persons with re-
4 spect to which the President—

5 (i) imposed sanctions under sub-
6 section (c)(1) during that year; and

7 (ii) terminated sanctions under sub-
8 section (c)(6) during that year;

9 (C) the dates on which such sanctions were
10 imposed or terminated, as the case may be;

11 (D) the reasons for imposing or termi-
12 nating such sanctions;

13 (E) the total number of foreign persons
14 considered under subsection (c)(3) for whom
15 sanctions were not imposed; and

16 (F) recommendations as to whether the
17 imposition of additional sanctions would be an
18 added deterrent in preventing public corruption.

19 (2) DATES FOR SUBMISSION.—

20 (A) INITIAL REPORT.—The President shall
21 submit the initial report under paragraph (1)
22 not later than 120 days after the date of the
23 enactment of this Act.

24 (B) SUBSEQUENT REPORTS.—The Presi-
25 dent shall submit a subsequent report under

1 paragraph (1) on December 10, or the first day
2 thereafter on which both Houses of Congress
3 are in session, of—

4 (i) the calendar year in which the ini-
5 tial report is submitted if the initial report
6 is submitted before December 10 of that
7 calendar year; and

8 (ii) each calendar year thereafter.

9 (3) FORM OF REPORT.—

10 (A) IN GENERAL.—Each report required
11 by paragraph (1) shall be submitted in unclassi-
12 fied form, but may include a classified annex.

13 (B) EXCEPTION.—The name of a foreign
14 person to be included in the list required by
15 paragraph (1)(A) may be submitted in the clas-
16 sified annex authorized by subparagraph (A)
17 only if the President—

18 (i) determines that it is vital for the
19 national security interests of the United
20 States to do so; and

21 (ii) uses the annex in a manner con-
22 sistent with congressional intent and the
23 purposes of this section.

24 (4) PUBLIC AVAILABILITY.—

1 (A) IN GENERAL.—The unclassified por-
2 tion of the report required by paragraph (1)
3 shall be made available to the public, including
4 through publication in the Federal Register.

5 (B) NONAPPLICABILITY OF CONFIDEN-
6 TIALITY REQUIREMENT WITH RESPECT TO VISA
7 RECORDS.—The President shall publish the list
8 required by paragraph (1)(A) without regard to
9 the requirements of section 222(f) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1202(f))
11 with respect to confidentiality of records per-
12 taining to the issuance or refusal of visas or
13 permits to enter the United States.

14 (5) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES DEFINED.—In this section, the term “appro-
16 priate congressional committees” means—

17 (A) the Committee on Appropriations, the
18 Committee on Foreign Affairs, the Committee
19 on Financial Services, and the Committee on
20 the Judiciary of the House of Representatives;
21 and

22 (B) the Committee on Appropriations, the
23 Committee on Foreign Relations, the Com-
24 mittee on Banking, Housing, and Urban Af-

1 fairs, and the Committee on the Judiciary of
2 the Senate.

3 (e) SUNSET.—

4 (1) IN GENERAL.—The authority to impose
5 sanctions under subsection (c) and the requirements
6 to submit reports under subsection (d) shall termi-
7 nate on the date that is 6 years after the date of en-
8 actment of this Act.

9 (2) CONTINUATION IN EFFECT OF SANC-
10 TIONS.—Sanctions imposed under subsection (c) on
11 or before the date specified in paragraph (1), and in
12 effect as of such date, shall remain in effect until
13 terminated in accordance with the requirements of
14 subsection (c)(4).

15 (f) DEFINITIONS.—In this section:

16 (1) ENTITY.—The term “entity” means a part-
17 nership, association, trust, joint venture, corpora-
18 tion, group, subgroup, or other organization.

19 (2) FOREIGN PERSON.—The term “foreign per-
20 son” means a person that is not a United States
21 person.

22 (3) UNITED STATES PERSON.—The term
23 “United States person” means a person that is a
24 United States citizen, permanent resident alien, enti-
25 ty organized under the laws of the United States or

1 any jurisdiction within the United States (including
2 foreign branches), or any person in the United
3 States.

4 (4) PERSON.—The term “person” means an in-
5 dividual or entity.

6 (5) PUBLIC CORRUPTION.—The term “public
7 corruption” means the unlawful exercise of entrusted
8 public power for private gain, including by bribery,
9 nepotism, fraud, or embezzlement.

10 **SEC. 4. FOREIGN EXTORTION PREVENTION ACT.**

11 (a) SHORT TITLE.—This section may be cited as the
12 “Foreign Extortion Prevention Act”.

13 (b) PROHIBITION OF DEMAND FOR BRIBE.—Section
14 201 of title 18, United States Code, is amended—

15 (1) in subsection (a), by adding at the end the
16 following:

17 “(4) The term ‘foreign official’ means—

18 “(A) any official or employee of a foreign
19 government or any department, agency, or in-
20 strumentality thereof;

21 “(B) any official or employee of a public
22 international organization;

23 “(C) any person acting in an official ca-
24 pacity for or on behalf of any such government
25 or department, agency, or instrumentality, or

1 for or on behalf of any such public international
2 organization; or

3 “(D) any person acting in an unofficial ca-
4 pacity for or on behalf of and with authoriza-
5 tion from any such government or department,
6 agency, or instrumentality, or for or on behalf
7 of and with authorization from any such public
8 international organization.

9 “(5) The term ‘public international organiza-
10 tion’ means—

11 “(A) an organization that is designated by
12 Executive order pursuant to section 1 of the
13 International Organizations Immunities Act (22
14 U.S.C. 288); or

15 “(B) any other international organization
16 that is designated by the President by Execu-
17 tive order for the purposes of this section, effec-
18 tive as of the date of publication of such order
19 in the Federal Register.”; and

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

21 “(f)(1) IN GENERAL.—It shall be unlawful for any
22 foreign official or person selected to be a foreign official
23 to corruptly demand, seek, receive, accept, or agree to re-
24 ceive or accept, directly or indirectly, anything of value

1 personally or for any other person or non-governmental
2 entity, in or affecting interstate commerce, in return for—

3 “(A) being influenced in the performance of any
4 official act;

5 “(B) being induced to do or omit to do any act
6 in violation of the official duty of such official or
7 person; or

8 “(C) conferring any improper advantage,
9 in connection with obtaining or retaining business for or
10 with, or directing business to, any person.

11 “(2) PENALTIES.—Any person who violates
12 paragraph (1) of this section shall be fined not more
13 than \$250,000 or three times the monetary equiva-
14 lent of the thing of value, or imprisoned for not
15 more than fifteen years, or both.

16 “(3) TRANSFER.—Except for costs related to
17 the administration and enforcement of the Foreign
18 Extortion Prevention Act, all fines and penalties im-
19 posed against a person under paragraph (2) of this
20 section, whether pursuant to a criminal prosecution,
21 enforcement proceeding, deferred prosecution agree-
22 ment, non-prosecution agreement, a declination to
23 prosecute or enforce, a civil penalty, or any other
24 resolution, shall be deposited in the Victims of

1 Kleptocracy Fund established under subsection (l) of
2 this section.

3 “(4) JURISDICTION.—An offense under para-
4 graph (1) of this section shall be subject to
5 extraterritorial Federal jurisdiction.

6 “(5) REPORT.—Not later than one year after
7 the date of enactment of the Foreign Extortion Pre-
8 vention Act, and annually thereafter, the Attorney
9 General shall submit to the Committee on the Judi-
10 ciary of the House of Representatives and the Com-
11 mittee on the Judiciary of the Senate, and post on
12 the publicly available website of the Department of
13 Justice, a report—

14 “(A) providing an overview of the scale
15 and nature of bribery involving foreign officials,
16 including an analysis of where these crimes are
17 most likely to be committed;

18 “(B) focusing, in part, on demands by for-
19 eign officials for bribes from United States
20 domiciled or incorporated entities, and the ef-
21 forts of foreign governments to prosecute such
22 cases;

23 “(C) addressing United States diplomatic
24 efforts to protect United States domiciled or in-
25 corporated entities from foreign bribery, and

1 the effectiveness of those efforts in protecting
2 such entities;

3 “(D) summarizing major actions taken
4 under this section in the previous year, includ-
5 ing, but not limited to, enforcement actions
6 taken and penalties imposed;

7 “(E) evaluating the effectiveness of the
8 Department of Justice in enforcing this section;

9 “(F) detailing what resources or legislative
10 action the Department of Justice needs to en-
11 sure adequate enforcement of this section; and

12 “(G) studying the efficacy of mutual legal
13 assistance treaties and how they can be im-
14 proved or built upon in multilateral fora, in-
15 cluding the identification of legal and policy
16 issues that are delaying prompt responses.

17 “(6) ANNUAL PUBLICATION OF MUTUAL LEGAL
18 ASSISTANCE TREATY DATA.—Not later than one
19 year after the date of enactment of the Foreign Ex-
20 tortion Prevention Act, and annually thereafter, the
21 Attorney General shall publish on the website of the
22 Department of Justice—

23 “(A) the number of requests for mutual
24 legal assistance made to the Department of

1 Justice from foreign governments during the
2 preceding year;

3 “(B) the number of requests for mutual
4 legal assistance returned for noncompliance
5 during the preceding year;

6 “(C) the reason or reasons each request
7 for mutual legal assistance returned for non-
8 compliance was so returned;

9 “(D) the number of requests for mutual
10 legal assistance processed by the Department of
11 Justice during the preceding year;

12 “(E) the median length of time taken to
13 process a request for mutual legal assistance by
14 the Department of Justice;

15 “(F) the number of requests for mutual
16 legal assistance that have been pending or not
17 completely fulfilled within six months of receipt
18 and the number of requests for mutual legal as-
19 sistance that have been pending or not com-
20 pletely fulfilled within one year or longer of re-
21 ceipt; and

22 “(G) the number of outreach efforts by the
23 Department of Justice to explain how foreign
24 countries can receive mutual legal assistance.

1 “(7) VICTIMS OF KLEPTOCRACY FUND.—There
2 is established in the United States Treasury a fund
3 to be known as the ‘Victims of Kleptocracy Fund’.
4 Amounts deposited into the Victims of Kleptocracy
5 Fund pursuant to paragraph (3) of this subsection
6 or other law shall be available to the Attorney Gen-
7 eral, without fiscal year limitation or need for subse-
8 quent appropriation, only for the purposes of—

9 “(A) the International Criminal Investiga-
10 tive Training Assistance Program;

11 “(B) the Kleptocracy Asset Recovery Ini-
12 tiative;

13 “(C) the Office of Overseas Prosecutorial
14 Development, Assistance, and Training; and

15 “(D) the Office of International Affairs,
16 including for the hiring of personnel to speed
17 processing of requests for mutual legal assist-
18 ance.

19 “(8) CONSTRUCTION.—This subsection shall
20 not be construed as encompassing conduct that
21 would violate section 30A of the Securities Exchange
22 Act of 1934 (15 U.S.C. 78dd–1) or section 104 or
23 104A of the Foreign Corrupt Practices Act of 1977
24 (15 U.S.C. 78dd–2; 15 U.S.C. 78dd–3) whether pur-

1 suant to a theory of direct liability, conspiracy, com-
2 plicity, or otherwise.”.

3 **SEC. 5. GOLDEN VISA ACCOUNTABILITY ACT.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “Golden Visa Accountability Act”.

6 (b) DEFINITIONS.—In this section:

7 (1) FOREIGN STATE.—The term “foreign state”
8 has the meaning given such term in section 1603 of
9 title 28, United States Code.

10 (2) FOREIGN INVESTOR VISA.—The term “for-
11 eign investor visa” means any visa or passport
12 granted by a foreign investor visa program.

13 (3) FOREIGN INVESTOR VISA DENIAL.—The
14 term “foreign investor visa denial” means the deci-
15 sion of a foreign state to deny an applicant a foreign
16 investor visa because of involvement in corruption or
17 serious human rights abuse.

18 (4) FOREIGN INVESTOR VISA PROGRAM.—The
19 term “foreign investor visa program” means any
20 visa or passport program of a foreign state that pro-
21 vides a visa or citizenship in exchange for an invest-
22 ment of any size.

23 (5) UNITED STATES INVESTOR VISA DENIAL.—
24 The term “United States investor visa denial”
25 means a decision to deny an applicant a visa under

1 section 203(b)(5) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1153(b)(5)) because of involve-
3 ment in corruption or serious human rights abuse.

4 (6) INVESTOR VISA DENIALS DATABASE.—

5 (A) IN GENERAL.—Not later than 180
6 days after the date of the enactment of this
7 Act, the Secretary of State shall establish an in-
8 vestor visa denials database. Initially, this data-
9 base shall include records related to United
10 States investor visa denials, for the purpose of
11 coordinating with foreign states—

12 (i) to prevent the abuse of investor
13 visas by foreign corrupt officials or crimi-
14 nals;

15 (ii) to ensure that the proceeds of cor-
16 ruption are not used to purchase an inves-
17 tor visa; and

18 (iii) to counter the tendency of foreign
19 corrupt officials and criminals to “shop”
20 for an investor visa.

21 (B) EXPANSION.—The Secretary of State
22 shall expand the database to include foreign in-
23 vestor visa denials. Foreign states that provide
24 records related to foreign investor visa denials
25 for inclusion in the database shall gain access

1 to records contained therein. Priority foreign
2 states for inclusion in this database are—

3 (i) the foreign states of the European
4 Union, which include Austria, Belgium,
5 Bulgaria, Croatia, Republic of Cyprus,
6 Czech Republic, Denmark, Estonia, Fin-
7 land, France, Germany, Greece, Hungary,
8 Ireland, Italy, Latvia, Lithuania, Luxem-
9 bourg, Malta, Netherlands, Poland, Por-
10 tugal, Romania, Slovakia, Slovenia, Spain,
11 and Sweden; and

12 (ii) the foreign states of the Five
13 Eyes, which include Australia, Canada,
14 New Zealand, and the United Kingdom.

15 (C) ADMISSION.—Foreign states may of
16 their own volition apply for access to, and inclu-
17 sion in, the investor visa denials database. The
18 Secretary of State may admit a foreign state to
19 the database if the Secretary determines that—

20 (i) the foreign state will be honest and
21 forthcoming with records regarding its for-
22 eign investor visa denials; and

23 (ii) the foreign investor visa program
24 is at risk of abuse by foreign corrupt offi-
25 cials.

1 **SEC. 6. JUSTICE FOR VICTIMS OF KLEPTOCRACY ACT OF**
2 **2021.**

3 (a) SHORT TITLE.—This section may be cited as the
4 “Justice for Victims of Kleptocracy Act of 2021”.

5 (b) FORFEITED PROPERTY.—

6 (1) IN GENERAL.—Chapter 46 of title 18,
7 United States Code, is amended by adding at the
8 end the following:

9 **“§ 988. Accounting of certain forfeited property**

10 “(a) ACCOUNTING.—The Attorney General shall
11 make available to the public an accounting of any property
12 relating to foreign government corruption that is forfeited
13 to the United States under section 981 or 982.

14 “(b) FORMAT.—The accounting described under sub-
15 section (a) shall be published on the website of the Depart-
16 ment of Justice in a format that includes the following:

17 “(1) A heading as follows: ‘Assets stolen from
18 the people of _____ and recovered by the
19 United States’, the blank space being filled with the
20 name of the foreign government that is the target of
21 corruption.

22 “(2) The total amount recovered by the United
23 States on behalf of the foreign people that is the tar-
24 get of corruption at the time when such recovered
25 funds are deposited into the Department of Justice

1 Asset Forfeiture Fund or the Department of the
2 Treasury Forfeiture Fund.

3 “(c) UPDATED WEBSITE.—The Attorney General
4 shall update the website of the Department of Justice to
5 include an accounting of any new property relating to for-
6 eign government corruption that has been forfeited to the
7 United States under section 981 or 982 not later than
8 14 days after such forfeiture, unless such update would
9 compromise an ongoing law enforcement investigation.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions for chapter 46 of title 18, United States Code,
12 is amended by adding at the end the following:

“988. Accounting of certain forfeited property.”.

13 (c) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that recovered assets be returned for the benefit of
15 the people harmed by the corruption under conditions that
16 reasonably ensure the transparent and effective use, ad-
17 ministration and monitoring of returned proceeds.

18 **SEC. 7. REVEAL ACT.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Revealing and Explaining Visa Exclusions for Account-
21 ability and Legitimacy Act” or the “REVEAL Act”.

22 (b) LIMITING CONFIDENTIALITY OF RECORDS.—

23 (1) IN GENERAL.—Section 222(f) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1202(f)) is
25 amended—

1 (A) in paragraph (1), by striking the pe-
2 riod at the end and inserting a semicolon;

3 (B) in paragraph (2)(B), by striking the
4 period at the end and inserting the following: “;
5 and”; and

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

7 “(3) the Secretary of State may make available
8 to the public the identity of an individual alien de-
9 termined to be inadmissible to the United States
10 pursuant to subparagraph (C) of section 212(a)(3),
11 and the grounds on which a determination was made
12 to refuse a visa or permit.”.

13 (2) APPLICATION.—This subsection and the
14 amendments made by this subsection shall apply
15 with respect to any determination under section
16 212(a)(3)(C) of the Immigration and Nationality
17 Act (8 U.S.C. 1182(a)(3)(C)) made before, on, or
18 after the date of enactment of this Act.

19 (3) CONSIDERATION OF CERTAIN INFORMATION
20 IN REVEALING BANS.—In determining whether to
21 waive confidentiality under section 222(f)(3) of the
22 Immigration and Nationality Act, as added by para-
23 graph (1), the Secretary of State shall consider—

1 (A) information provided by the chair-
2 person and ranking member of each of the ap-
3 propriate congressional committees; and

4 (B) credible information obtained by other
5 countries and nongovernmental organizations
6 that monitor corruption and human rights
7 abuse.

8 (c) REPORTS TO CONGRESS.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of enactment of this Act, and annually
11 thereafter, the President shall submit to the appro-
12 priate congressional committees a report that in-
13 cludes, for the previous year—

14 (A) a list of each individual that the Sec-
15 retary of State determined was ineligible for an
16 immigrant or nonimmigrant visa pursuant to
17 subparagraph (C) of section 212(a)(3) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1182(a)(3)); and

20 (B) a list of each individual described in
21 subparagraph (A), but for whom the Secretary
22 of State determined not to make public the
23 identity of the individual, and the grounds on
24 which the determination of ineligibility was
25 made.

1 (2) FORM OF REPORT.—

2 (A) IN GENERAL.—Each report required
3 by paragraph (1) shall be submitted in unclassi-
4 fied form, but may include a classified annex.

5 (B) EXCEPTION.—The name of an alien to
6 be included in the list required by paragraph
7 (1)(A)) may be submitted in the classified
8 annex authorized by subparagraph (A) only if
9 the President—

10 (i) determines that it is vital for the
11 national security interests of the United
12 States to do so;

13 (ii) uses the annex in a manner con-
14 sistent with congressional intent and the
15 purposes of this section; and

16 (iii) not later than 15 days before sub-
17 mitting the name in a classified annex,
18 provides to the appropriate congressional
19 committees notice of, and a justification
20 for, including the name in the classified
21 annex.

22 (3) PUBLIC AVAILABILITY.—

23 (A) IN GENERAL.—The unclassified por-
24 tion of the report required by paragraph (1)

1 shall be made available to the public, including
2 through publication in the Federal Register.

3 (B) NONAPPLICABILITY OF CONFIDEN-
4 TIALITY REQUIREMENT WITH RESPECT TO VISA
5 RECORDS.—The President shall publish the list
6 required by paragraph (1)(A) without regard to
7 the requirements of section 222(f) of the Immi-
8 gration and Nationality Act (8 U.S.C. 1202(f))
9 with respect to confidentiality of records per-
10 taining to the issuance or refusal of visas or
11 permits to enter the United States.

12 (4) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES DEFINED.—In this section, the term “appro-
14 priate congressional committees” means—

15 (A) the Committee on the Judiciary and
16 the Committee on Foreign Relations of the Sen-
17 ate; and

18 (B) the Committee on the Judiciary and
19 the Committee on Foreign Affairs of the House
20 of Representatives.

21 **SEC. 8. TRAP ACT OF 2021.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Transnational Repression Accountability and Prevention
24 Act of 2021” or as the “TRAP Act of 2021”.

1 (b) TRANSNATIONAL REPRESSION ACCOUNTABILITY
2 AND PREVENTION.—

3 (1) FINDINGS.—Congress makes the following
4 findings:

5 (A) The International Criminal Police Or-
6 ganization (INTERPOL) works to prevent and
7 fight crime through enhanced cooperation and
8 innovation on police and security matters, in-
9 cluding kleptocracy, counterterrorism,
10 cybercrime, counternarcotics, and transnational
11 organized crime.

12 (B) United States membership and partici-
13 pation in INTERPOL advances the national se-
14 curity and law enforcement interests of the
15 United States related to combating kleptocracy,
16 terrorism, cybercrime, narcotics, and
17 transnational organized crime.

18 (C) Article 2 of INTERPOL’s Constitution
19 states that the organization aims “[to] ensure
20 and promote the widest possible mutual assist-
21 ance between all criminal police authorities . . .
22 in the spirit of the ‘Universal Declaration of
23 Human Rights’”.

24 (D) Article 3 of INTERPOL’s Constitu-
25 tion states that “[i]t is strictly forbidden for the

1 Organization to undertake any intervention or
2 activities of a political, military, religious or ra-
3 cial character”.

4 (E) These principles provide INTERPOL
5 with a foundation based on respect for human
6 rights and avoidance of politically motivated ac-
7 tions by the organization and its members.

8 (F) According to the Justice Manual of the
9 United States Department of Justice, “[i]n the
10 United States, national law prohibits the arrest
11 of the subject of a Red Notice issued by an-
12 other INTERPOL member country, based upon
13 the notice alone”.

14 (2) SENSE OF CONGRESS.—It is the sense of
15 Congress that some INTERPOL member countries
16 have repeatedly misused INTERPOL’s databases
17 and processes, including Notice and Diffusion mech-
18 anisms, for activities of an overtly political or other
19 unlawful character and in violation of international
20 human rights standards, including making requests
21 to harass or persecute political opponents, human
22 rights defenders, or journalists.

23 (3) SUPPORT FOR INTERPOL INSTITUTIONAL
24 REFORMS.—The Attorney General and the Secretary
25 of State shall—

1 (A) use the voice, vote, and influence of
2 the United States, as appropriate, within
3 INTERPOL's General Assembly and Executive
4 Committee to promote reforms aimed at im-
5 proving the transparency of INTERPOL and
6 ensuring its operation consistent with its Con-
7 stitution, particularly articles 2 and 3, and
8 Rules on the Processing of Data, including—

9 (i) supporting INTERPOL's reforms
10 enhancing the screening process for No-
11 tices, Diffusions, and other INTERPOL
12 communications to ensure they comply
13 with INTERPOL's Constitution and Rules
14 on the Processing of Data (RPD);

15 (ii) supporting and strengthening
16 INTERPOL's coordination with the Com-
17 mission for Control of INTERPOL's Files
18 (CCF) in cases in which INTERPOL or
19 the CCF has determined that a member
20 country issued a Notice, Diffusion, or
21 other INTERPOL communication against
22 an individual in violation of articles 2 or 3
23 of the INTERPOL Constitution, or the
24 RPD, to prohibit such member country
25 from seeking the publication or issuance of

1 any subsequent Notices, Diffusions, or
2 other INTERPOL communication against
3 the same individual based on the same set
4 of claims or facts;

5 (iii) increasing, to the extent prac-
6 ticable, dedicated funding to the CCF and
7 the Notices and Diffusions Task Force in
8 order to further expand operations related
9 to the review of requests for red notices
10 and red diffusions;

11 (iv) supporting candidates for posi-
12 tions within INTERPOL's structures, in-
13 cluding the Presidency, Executive Com-
14 mittee, General Secretariat, and CCF who
15 have demonstrated experience relating to
16 and respect for the rule of law;

17 (v) seeking to require INTERPOL in
18 its annual report to provide a detailed ac-
19 count, disaggregated by member country
20 or entity of—

21 (I) the number of Notice re-
22 quests, disaggregated by color, that it
23 received;

1 (II) the number of Notice re-
2 quests, disaggregated by color, that it
3 rejected;

4 (III) the category of violation
5 identified in each instance of a re-
6 jected Notice;

7 (IV) the number of Diffusions
8 that it cancelled without reference to
9 decisions by the CCF; and

10 (V) the sources of all
11 INTERPOL income during the re-
12 porting period; and

13 (vi) supporting greater transparency
14 by the CCF in its annual report by pro-
15 viding a detailed account, disaggregated by
16 country, of—

17 (I) the number of admissible re-
18 quests for correction or deletion of
19 data received by the CCF regarding
20 issued Notices, Diffusions, and other
21 INTERPOL communications; and

22 (II) the category of violation al-
23 leged in each such complaint;

24 (B) inform the INTERPOL General Secre-
25 tariat about incidents in which member coun-

1 tries abuse INTERPOL communications for po-
2 litically motivated or other unlawful purposes so
3 that, as appropriate, action can be taken by
4 INTERPOL; and

5 (C) request to censure member countries
6 that repeatedly abuse and misuse INTERPOL's
7 red notice and red diffusion mechanisms, in-
8 cluding restricting the access of those countries
9 to INTERPOL's data and information systems.

10 (4) REPORT ON INTERPOL.—

11 (A) IN GENERAL.—Not later than 180
12 days after the date of enactment of this Act,
13 and biannually thereafter for a period of 4
14 years, the Attorney General and the Secretary
15 of State, in consultation with the heads of other
16 relevant United States Government depart-
17 ments or agencies, shall submit to the appro-
18 priate committees of Congress a report con-
19 taining an assessment of how INTERPOL
20 member countries abuse INTERPOL Red No-
21 tices, Diffusions, and other INTERPOL com-
22 munications for political motives and other un-
23 lawful purposes within the past three years.

1 (B) ELEMENTS.—The report required
2 under paragraph (1) shall include the following
3 elements:

4 (i) A list of countries that the Attor-
5 ney General and the Secretary determine
6 have repeatedly abused and misused the
7 red notice and red diffusion mechanisms
8 for political purposes.

9 (ii) A description of the most common
10 tactics employed by member countries in
11 conducting such abuse, including the
12 crimes most commonly alleged and the
13 INTERPOL communications most com-
14 monly exploited.

15 (iii) An assessment of the adequacy of
16 INTERPOL mechanisms for challenging
17 abusive requests, including the Commission
18 for the Control of INTERPOL's Files
19 (CCF), an assessment of the CCF's March
20 2017 Operating Rules, and any short-
21 coming the United States believes should
22 be addressed.

23 (iv) A description of how
24 INTERPOL's General Secretariat identi-
25 fies requests for red notice or red diffu-

1 sions that are politically motivated or are
2 otherwise in violation of INTERPOL's
3 rules and how INTERPOL reviews and
4 addresses cases in which a member country
5 has abused or misused the red notice and
6 red diffusion mechanisms for overtly polit-
7 ical purposes.

8 (v) A description of any incidents in
9 which the Department of Justice assesses
10 that United States courts and executive
11 departments or agencies have relied on
12 INTERPOL communications in contraven-
13 tion of existing law or policy to seek the
14 detention of individuals or render judg-
15 ments concerning their immigration status
16 or requests for asylum, with holding of re-
17 moval, or convention against torture claims
18 and any measures the Department of Jus-
19 tice or other executive departments or
20 agencies took in response to these inci-
21 dents.

22 (vi) A description of how the United
23 States monitors and responds to likely in-
24 stances of abuse of INTERPOL commu-
25 nications by member countries that could

1 affect the interests of the United States,
2 including citizens and nationals of the
3 United States, employees of the United
4 States Government, aliens lawfully admit-
5 ted for permanent residence in the United
6 States, aliens who are lawfully present in
7 the United States, or aliens with pending
8 asylum, withholding of removal, or conven-
9 tion against torture claims, though they
10 may be unlawfully present in the United
11 States.

12 (vii) A description of what actions the
13 United States takes in response to credible
14 information it receives concerning likely
15 abuse of INTERPOL communications tar-
16 geting employees of the United States Gov-
17 ernment for activities they undertook in an
18 official capacity.

19 (viii) A description of United States
20 advocacy for reform and good governance
21 within INTERPOL.

22 (ix) A strategy for improving inter-
23 agency coordination to identify and ad-
24 dress instances of INTERPOL abuse that
25 affect the interests of the United States,

1 including international respect for human
2 rights and fundamental freedoms, citizens
3 and nationals of the United States, em-
4 ployees of the United States Government,
5 aliens lawfully admitted for permanent res-
6 idence in the United States, aliens who are
7 lawfully present in the United States, or
8 aliens with pending asylum, withholding of
9 removal, or convention against torture
10 claims, though they may be unlawfully
11 present in the United States.

12 (C) FORM OF REPORT.—Each report re-
13 quired under this subsection shall be submitted
14 in unclassified form, but may include a classi-
15 fied annex, as appropriate. The unclassified
16 portion of the report shall be posted on a pub-
17 licly available website of the Department of
18 State and of the Department of Justice.

19 (D) BRIEFING.—Not later than 30 days
20 after the submission of each report under sub-
21 paragraph (A), the Department of Justice and
22 the Department of State, in coordination with
23 other relevant United States Government de-
24 partments and agencies, shall brief the appro-
25 priate committees of Congress on the content of

1 the reports and recent instances of INTERPOL
2 abuse by member countries and United States
3 efforts to identify and challenge such abuse, in-
4 cluding efforts to promote reform and good gov-
5 ernance within INTERPOL.

6 (5) PROHIBITION REGARDING BASIS FOR EX-
7 TRADITION.—No United States Government depart-
8 ment or agency may extradite an individual based
9 solely on an INTERPOL Red Notice or Diffusion
10 issued by another INTERPOL member country for
11 such individual.

12 (6) DEFINITIONS.—In this section:

13 (A) APPROPRIATE COMMITTEES OF CON-
14 GRESS.—The term “appropriate committees of
15 Congress” means—

16 (i) the Committee on Foreign Rela-
17 tions and the Committee on the Judiciary
18 of the Senate; and

19 (ii) the Committee on Foreign Affairs
20 and the Committee on the Judiciary of the
21 House of Representatives.

22 (B) INTERPOL COMMUNICATIONS.—The
23 term “INTERPOL communications” means
24 any INTERPOL Notice or Diffusion or any
25 entry into any INTERPOL database or other

1 communications system maintained by
2 INTERPOL.

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