

AMENDMENT TO RULES COMMITTEE PRINT

117-31

OFFERED BY MR. COHEN OF TENNESSEE

Add at the end of title III of division I the following:

1 **SEC. 80306. FOREIGN CORRUPTION ACCOUNTABILITY.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) When public officials and their allies use the
4 mechanisms of government to engage in extortion or
5 bribery, they impoverish their countries' economic
6 health and harm citizens.

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

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

1 (b) AUTHORIZATION OF IMPOSITION OF SANC-
2 TIONS.—

3 (1) IN GENERAL.—The Secretary of State may
4 impose the sanctions described in paragraph (2)
5 with respect to any foreign person who is an indi-
6 vidual the Secretary of State determines—

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

9 (i) soliciting or accepting bribes;

10 (ii) using the authority of the state to
11 extort payments; or

12 (iii) engaging in extortion; or

13 (B) conspires to engage in, or knowingly
14 and materially assists, sponsors, or provides sig-
15 nificant financial, material, or technological
16 support for any of the activities described in
17 subparagraph (A).

18 (2) SANCTIONS DESCRIBED.—

19 (A) INADMISSIBILITY TO UNITED
20 STATES.—A foreign person who is subject to
21 sanctions under this section shall be—

22 (i) inadmissible to the United States;

23 (ii) ineligible to receive a visa or other
24 documentation to enter the United States;

25 and

1 (iii) otherwise ineligible to be admitted
2 or paroled into the United States or to re-
3 ceive any other benefit under the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101 et
5 seq.).

6 (B) CURRENT VISAS REVOKED.—

7 (i) IN GENERAL.—The visa or other
8 entry documentation of a foreign person
9 who is subject to sanctions under this sec-
10 tion shall be revoked regardless of when
11 such visa or other entry documentation is
12 issued.

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

15 (I) take effect immediately; and

16 (II) automatically cancel any
17 other valid visa or entry documenta-
18 tion that is in the foreign person's
19 possession.

20 (3) EXCEPTION TO COMPLY WITH LAW EN-
21 FORCEMENT OBJECTIVES AND AGREEMENT REGARD-
22 ING HEADQUARTERS OF UNITED NATIONS.—Sanc-
23 tions described under paragraph (2) shall not apply
24 to a foreign person if admitting the person into the
25 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 Sec-
12 retary of State may terminate the application of
13 sanctions under this subsection with respect to a for-
14 eign person if the Secretary of State determines and
15 reports to the appropriate congressional committees
16 not later than 15 days before the termination of the
17 sanctions that—

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

22 (B) the Secretary of State has received re-
23 liable assurances that the person will not know-
24 ingly engage in activity subject to sanctions
25 under this 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 Secretary
5 of State shall issue such regulations, licenses, and
6 orders as are necessary to carry out this subsection.

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

10 (A) the Committee on the Judiciary and
11 the Committee on Foreign Affairs of the House
12 of Representatives; and

13 (B) the Committee on the Judiciary and
14 the Committee on Foreign Relations of the Sen-
15 ate.

16 (c) REPORTS TO CONGRESS.—

17 (1) IN GENERAL.—The Secretary of State shall
18 submit to the appropriate congressional committees,
19 in accordance with paragraph (2), a report that in-
20 cludes—

21 (A) a list of each foreign person with re-
22 spect to whom the Secretary of State imposed
23 sanctions pursuant to subsection (b) during the
24 year preceding the submission of the report;

1 (B) the number of foreign persons with re-
2 spect to which the Secretary of State—

3 (i) imposed sanctions under sub-
4 section (b)(1) during that year; and

5 (ii) terminated sanctions under sub-
6 section (b)(4) during that year;

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

9 (D) the reasons for imposing or termi-
10 nating such sanctions;

11 (E) the total number of foreign persons
12 considered under subsection (b)(3) for whom
13 sanctions were not imposed; and

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

17 (2) DATES FOR SUBMISSION.—

18 (A) INITIAL REPORT.—The Secretary of
19 State shall submit the initial report under para-
20 graph (1) not later than 120 days after the
21 date of the enactment of this Act.

22 (B) SUBSEQUENT REPORTS.—The Sec-
23 retary of State shall submit a subsequent report
24 under paragraph (1) on December 10, or the

1 first day thereafter on which both Houses of
2 Congress are in session, of—

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

7 (ii) each calendar year thereafter.

8 (3) FORM OF REPORT.—

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

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

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

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

23 (4) PUBLIC AVAILABILITY.—

24 (A) IN GENERAL.—The unclassified por-
25 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 Secretary of State shall publish
6 the list required by paragraph (1)(A) without
7 regard to the requirements of section 222(f) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1202(f)) with respect to confidentiality of
10 records pertaining to the issuance or refusal of
11 visas or permits to enter the United States.

12 (5) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES DEFINED.—In this subsection, the term “ap-
14 propriate congressional committees” means—

15 (A) the Committee on Foreign Affairs, and
16 the Committee on the Judiciary of the House of
17 Representatives; and

18 (B) the Committee on Foreign Relations,
19 and the Committee on the Judiciary of the Sen-
20 ate.

21 (d) SUNSET.—

22 (1) IN GENERAL.—The authority to impose
23 sanctions under subsection (b) and the requirements
24 to submit reports under subsection (c) shall termi-

1 nate on the date that is 6 years after the date of en-
2 actment of this Act.

3 (2) CONTINUATION IN EFFECT OF SANC-
4 TIONS.—Sanctions imposed under subsection (b) on
5 or before the date specified in paragraph (1), and in
6 effect as of such date, shall remain in effect until
7 terminated in accordance with the requirements of
8 subsection (b)(4).

9 (e) DEFINITIONS.—In this section:

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

13 (2) FOREIGN PERSON.—The term “foreign per-
14 son” means a person that is not a United States
15 person.

16 (3) UNITED STATES PERSON.—The term
17 “United States person” means a person that is a
18 United States citizen, permanent resident alien, enti-
19 ty organized under the laws of the United States or
20 any jurisdiction within the United States (including
21 foreign branches), or any person in the United
22 States.

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

1 (5) PUBLIC CORRUPTION.—The term “public
2 corruption” means the unlawful exercise of entrusted
3 public power for private gain, including by bribery,
4 nepotism, fraud, or embezzlement.

Add at the end of division I the following:

5 **TITLE IV—CRIMINAL**
6 **PROVISIONS**

7 **SEC. 80401. JUSTICE FOR VICTIMS OF KLEPTOCRACY.**

8 (a) FORFEITED PROPERTY.—

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

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

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

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

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

1 “(2) The total amount recovered by the United
2 States on behalf of the foreign people that is the tar-
3 get of corruption at the time when such recovered
4 funds are deposited into the Department of Justice
5 Asset Forfeiture Fund or the Department of the
6 Treasury Forfeiture Fund

7 “(c) UPDATED WEBSITE.—The Attorney General
8 shall update the website of the Department of Justice to
9 include an accounting of any new property relating to for-
10 eign government corruption that has been forfeited to the
11 United States under section 981 or 982 not later than
12 14 days after such forfeiture, unless such update would
13 compromise an ongoing law enforcement investigation.”.

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

“988. Accounting of certain forfeited property.”.

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

