

AMENDMENT TO RULES COMMITTEE PRINT 117–

54

OFFERED BY MR. COHEN OF TENNESSEE

Add at the end of title LVIII of division E the following:

1 **SEC. ____ . FOREIGN CORRUPTION ACCOUNTABILITY SANC-**
2 **TIONS AND CRIMINAL ENFORCEMENT.**

3 (a) IN GENERAL.—

4 (1) FINDINGS.—Congress finds the following:

5 (A) When public officials and their allies
6 use the mechanisms of government to engage in
7 extortion or bribery, they impoverish their coun-
8 tries’ economic health and harm citizens.

9 (B) By empowering the United States Gov-
10 ernment to hold to account foreign public offi-
11 cials and their associates who engage in extor-
12 tion or bribery, the United States can deter
13 malfeasance and ultimately serve the citizens of
14 fragile countries suffocated by corrupt bureauc-
15 racies.

16 (C) The Special Inspector General for Af-
17 ghan Reconstruction’s 2016 report “Corruption
18 in Conflict: Lessons from the U.S. Experience

1 in Afghanistan” included the recommendation,
2 “Congress should consider enacting legislation
3 that authorizes sanctions against foreign gov-
4 ernment officials or their associates who engage
5 in corruption.”.

6 (2) AUTHORIZATION OF IMPOSITION OF SANC-
7 TIONS.—

8 (A) IN GENERAL.—The Secretary of State
9 may impose the sanctions described in subpara-
10 graph (B) with respect to any foreign person
11 who is an individual the Secretary of State de-
12 termines—

13 (i) engages in public corruption activi-
14 ties against a United States person, includ-
15 ing—

16 (I) soliciting or accepting bribes;

17 (II) using the authority of the
18 state to extort payments; or

19 (III) engaging in extortion; or

20 (ii) conspires to engage in, or know-
21 ingly and materially assists, sponsors, or
22 provides significant financial, material, or
23 technological support for any of the activi-
24 ties described in clause (i).

25 (B) SANCTIONS DESCRIBED.—

1 (i) INADMISSIBILITY TO UNITED
2 STATES.—A foreign person who is subject
3 to sanctions under this subsection shall
4 be—

5 (I) inadmissible to the United
6 States;

7 (II) ineligible to receive a visa or
8 other documentation to enter the
9 United States; and

10 (III) otherwise ineligible to be
11 admitted or paroled into the United
12 States or to receive any other benefit
13 under the Immigration and Nation-
14 ality Act (8 U.S.C. 1101 et seq.).

15 (ii) CURRENT VISAS REVOKED.—

16 (I) IN GENERAL.—The visa or
17 other entry documentation of a for-
18 eign person who is subject to sanc-
19 tions under this subsection shall be
20 revoked regardless of when such visa
21 or other entry documentation is
22 issued.

23 (II) EFFECT OF REVOCATION.—
24 A revocation under subclause (I)
25 shall—

1 (aa) take effect immediately;

2 and

3 (bb) automatically cancel

4 any other valid visa or entry doc-

5 umentation that is in the foreign

6 person's possession.

7 (C) EXCEPTION TO COMPLY WITH LAW EN-
8 FORCEMENT OBJECTIVES AND AGREEMENT RE-
9 GARDING HEADQUARTERS OF UNITED NA-
10 TIONS.—Sanctions described under subpara-
11 graph (B) shall not apply to a foreign person
12 if admitting the person into the United
13 States—

14 (i) would further important law en-
15 forcement objectives; or

16 (ii) is necessary to permit the United
17 States to comply with the Agreement re-
18 garding the Headquarters of the United
19 Nations, signed at Lake Success June 26,
20 1947, and entered into force November 21,
21 1947, between the United Nations and the
22 United States, or other applicable inter-
23 national obligations of the United States.

24 (D) TERMINATION OF SANCTIONS.—The
25 Secretary of State may terminate the applica-

1 tion of sanctions under this paragraph with re-
2 spect to a foreign person if the Secretary of
3 State determines and reports to the appropriate
4 congressional committees not later than 15 days
5 before the termination of the sanctions that—

6 (i) the person is no longer engaged in
7 the activity that was the basis for the sanc-
8 tions or has taken significant verifiable
9 steps toward stopping the activity;

10 (ii) the Secretary of State has re-
11 ceived reliable assurances that the person
12 will not knowingly engage in activity sub-
13 ject to sanctions under this part in the fu-
14 ture; or

15 (iii) the termination of the sanctions
16 is in the national security interests of the
17 United States.

18 (E) REGULATORY AUTHORITY.—The Sec-
19 retary of State shall issue such regulations, li-
20 censes, and orders as are necessary to carry out
21 this paragraph.

22 (F) APPROPRIATE CONGRESSIONAL COM-
23 MITTEES DEFINED.—In this paragraph, the
24 term “appropriate congressional committees”
25 means—

1 (i) the Committee on the Judiciary
2 and the Committee on Foreign Affairs of
3 the House of Representatives; and

4 (ii) the Committee on the Judiciary
5 and the Committee on Foreign Relations
6 of the Senate.

7 (3) REPORTS TO CONGRESS.—

8 (A) IN GENERAL.—The Secretary of State
9 shall submit to the appropriate congressional
10 committees, in accordance with subparagraph
11 (B), a report that includes—

12 (i) a list of each foreign person with
13 respect to whom the Secretary of State im-
14 posed sanctions pursuant to paragraph (2)
15 during the year preceding the submission
16 of the report;

17 (ii) the number of foreign persons
18 with respect to which the Secretary of
19 State—

20 (I) imposed sanctions under
21 paragraph (2)(A) during that year;
22 and

23 (II) terminated sanctions under
24 paragraph (2)(D) during that year;

1 (iii) the dates on which such sanctions
2 were imposed or terminated, as the case
3 may be;

4 (iv) the reasons for imposing or termi-
5 nating such sanctions;

6 (v) the total number of foreign per-
7 sons considered under paragraph (2)C) for
8 whom sanctions were not imposed; and

9 (vi) recommendations as to whether
10 the imposition of additional sanctions
11 would be an added deterrent in preventing
12 public corruption.

13 (B) DATES FOR SUBMISSION.—

14 (i) INITIAL REPORT.—The Secretary
15 of State shall submit the initial report
16 under subparagraph (A) not later than 120
17 days after the date of the enactment of
18 this Act.

19 (ii) SUBSEQUENT REPORTS.—The
20 Secretary of State shall submit a subse-
21 quent report under subparagraph (A) on
22 December 10, or the first day thereafter
23 on which both Houses of Congress are in
24 session, of—

1 (I) the calendar year in which the
2 initial report is submitted if the initial
3 report is submitted before December
4 10 of that calendar year; and

5 (II) each calendar year there-
6 after.

7 (C) FORM OF REPORT.—

8 (i) IN GENERAL.—Each report re-
9 quired by subparagraph (A) shall be sub-
10 mitted in unclassified form, but may in-
11 clude a classified annex.

12 (ii) EXCEPTION.—The name of a for-
13 eign person to be included in the list re-
14 quired by subparagraph (A)(i) may be sub-
15 mitted in the classified annex authorized
16 by clause (i) only if the Secretary of
17 State—

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

21 (II) uses the annex in a manner
22 consistent with congressional intent
23 and the purposes of this subsection.

24 (D) PUBLIC AVAILABILITY.—

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

6 (ii) NONAPPLICABILITY OF CONFIDEN-
7 TIALITY REQUIREMENT WITH RESPECT TO
8 VISA RECORDS.—The Secretary of State
9 shall publish the list required by subpara-
10 graph (A)(i) without regard to the require-
11 ments of section 222(f) of the Immigration
12 and Nationality Act (8 U.S.C. 1202(f))
13 with respect to confidentiality of records
14 pertaining to the issuance or refusal of
15 visas or permits to enter the United
16 States.

17 (E) APPROPRIATE CONGRESSIONAL COM-
18 MITTEES DEFINED.—In this paragraph, the
19 term “appropriate congressional committees”
20 means—

21 (i) the Committee on Foreign Affairs,
22 and the Committee on the Judiciary of the
23 House of Representatives; and

1 (ii) the Committee on Foreign Rela-
2 tions, and the Committee on the Judiciary
3 of the Senate.

4 (4) SUNSET.—

5 (A) IN GENERAL.—The authority to im-
6 pose sanctions under paragraph (2) and the re-
7 quirements to submit reports under paragraph
8 (3) shall terminate on the date that is 6 years
9 after the date of enactment of this Act.

10 (B) CONTINUATION IN EFFECT OF SANC-
11 TIONS.—Sanctions imposed under paragraph
12 (2) on or before the date specified in subpara-
13 graph (A), and in effect as of such date, shall
14 remain in effect until terminated in accordance
15 with the requirements of paragraph (2)(D).

16 (5) DEFINITIONS.—In this subsection:

17 (A) ENTITY.—The term “entity” means a
18 partnership, association, trust, joint venture,
19 corporation, group, subgroup, or other organi-
20 zation.

21 (B) FOREIGN PERSON.—The term “foreign
22 person” means a person that is not a United
23 States person.

24 (C) UNITED STATES PERSON.—The term
25 “United States person” means a person that is

1 a United States citizen, permanent resident
2 alien, entity organized under the laws of the
3 United States or any jurisdiction within the
4 United States (including foreign branches), or
5 any person in the United States.

6 (D) PERSON.—The term “person” means
7 an individual or entity.

8 (E) PUBLIC CORRUPTION.—The term
9 “public corruption” means the unlawful exercise
10 of entrusted public power for private gain, in-
11 cluding by bribery, nepotism, fraud, or embez-
12 zlement.

13 (b) JUSTICE FOR VICTIMS OF KLEPTOCRACY.—

14 (1) FORFEITED PROPERTY.—

15 (A) IN GENERAL.—Chapter 46 of title 18,
16 United States Code, is amended by adding at
17 the end the following:

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

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

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

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

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

12 “(c) UPDATED WEBSITE.—The Attorney General
13 shall update the website of the Department of Justice to
14 include an accounting of any new property relating to for-
15 eign government corruption that has been forfeited to the
16 United States under section 981 or 982 not later than
17 14 days after such forfeiture, unless such update would
18 compromise an ongoing law enforcement investigation.”.

19 (B) CLERICAL AMENDMENT.—The table of
20 sections for chapter 46 of title 18, United
21 States Code, is amended by adding at the end
22 the following:

 “988. Accounting of certain forfeited property.”.

23 (2) SENSE OF CONGRESS.—It is the sense of
24 Congress that recovered assets be returned for the
25 benefit of the people harmed by the corruption under

- 1 conditions that reasonably ensure the transparent
- 2 and effective use, administration and monitoring of
- 3 returned proceeds.

