

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. KEATING OF MASSACHUSETTS

Page 831, insert after line 15 the following:

1 **Subtitle F—Countering Russian**
2 **and Other Overseas Kleptocracy**

3 **SEC. 1721. FINDINGS.**

4 Congress finds the following:

5 (1) Authoritarian leaders in foreign countries
6 abuse their power to steal assets from state institu-
7 tions, enrich themselves at the expense of their coun-
8 tries' economic development, and use corruption as
9 a strategic tool both to solidify their grip on power
10 and to undermine democratic institutions abroad.

11 (2) Global corruption harms the competitiveness
12 of United States businesses, weakens democratic
13 governance, feeds terrorist recruitment and
14 transnational organized crime, enables drug smug-
15 gling and human trafficking, and stymies economic
16 growth.

17 (3) Illicit financial flows often penetrate coun-
18 tries through what appear to be legitimate financial
19 transactions, as kleptocrats launder money, use shell

1 companies, amass offshore wealth, and participate in
2 a global shadow economy.

3 (4) The Government of the Russian Federation
4 is a leading model of this type of kleptocratic sys-
5 tem, using state-sanctioned corruption to both erode
6 democratic governance from within and discredit de-
7 mocracy abroad, thereby strengthening the authori-
8 tarian rule of Vladimir Putin.

9 (5) Corrupt individuals and entities in the Rus-
10 sian Federation, often with the backing and encour-
11 agement of political leadership, use stolen money—

12 (A) to purchase key assets in other coun-
13 tries, often with a goal of attaining monopolistic
14 control of a sector;

15 (B) to gain access to and influence the
16 policies of other countries; and

17 (C) to advance Russian interests in other
18 countries, particularly those that undermine
19 confidence and trust in democratic systems.

20 (6) Systemic corruption in the People's Repub-
21 lic of China, often tied to, directed by, or backed by
22 the leadership of the Chinese Communist Party and
23 the Chinese Government is used—

24 (A) to provide unfair advantage to certain
25 People's Republic of China economic entities;

1 (B) to increase other countries' economic
2 dependence on the People's Republic of China
3 to secure greater deference to the People's Re-
4 public of China's diplomatic and strategic goals;
5 and

6 (C) to exploit corruption in foreign govern-
7 ments and among other political elites to enable
8 People's Republic of China state-backed firms
9 to pursue predatory and exploitative economic
10 practices.

11 (7) Thwarting these tactics by Russian, Chi-
12 nese, and other kleptocratic actors requires the
13 international community to strengthen democratic
14 governance and the rule of law. International co-
15 operation in combating corruption and illicit finance
16 is vital to such efforts, especially by empowering re-
17 formers in foreign countries during historic political
18 openings for the establishment of the rule of law in
19 those countries.

20 (8) Technical assistance programs that combat
21 corruption and strengthen the rule of law, including
22 through assistance provided by the Department of
23 State's Bureau of International Narcotics and Law
24 Enforcement Affairs and the United States Agency
25 for International Development, and through pro-

1 grams like the Department of Justice’s Office of
2 Overseas Prosecutorial Development, Assistance and
3 Training and the International Criminal Investiga-
4 tive Training Assistance Program, can have lasting
5 and significant impacts for both foreign and United
6 States interests.

7 (9) There currently exist numerous inter-
8 national instruments to combat corruption,
9 kleptocracy, and illicit finance, including—

10 (A) the Inter-American Convention against
11 Corruption of the Organization of American
12 States, done at Caracas March 29, 1996;

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

19 (C) the United Nations Convention against
20 Transnational Organized Crime, done at New
21 York November 15, 2000;

22 (D) the United Nations Convention against
23 Corruption, done at New York October 31,
24 2003;

1 (E) Recommendation of the Council for
2 Further Combating Bribery of Foreign Public
3 Officials in International Business Trans-
4 actions, adopted November 26, 2009; and

5 (F) recommendations of the Financial Ac-
6 tion Task Force comprising the International
7 Standards on Combating Money Laundering
8 and the Financing of Terrorism and Prolifera-
9 tion.

10 **SEC. 1722. STATEMENT OF POLICY.**

11 It is the policy of the United States—

12 (1) to leverage United States diplomatic en-
13 gagement and foreign assistance to promote the rule
14 of law;

15 (2)(A) to promote international instruments to
16 combat corruption, kleptocracy, and illicit finance,
17 including instruments referred to in section
18 _____2(9), and other relevant international stand-
19 ards and best practices, as such standards and prac-
20 tices develop; and

21 (B) to promote the adoption and implementa-
22 tion of such laws, standards, and practices by for-
23 eign states;

24 (3) to support foreign states in promoting good
25 governance and combating public corruption;

1 (4) to encourage and assist foreign partner
2 countries to identify and close loopholes in their
3 legal and financial architecture, including the misuse
4 of anonymous shell companies, free trade zones, and
5 other legal structures, that are enabling illicit fi-
6 nance to penetrate their financial systems;

7 (5) to help foreign partner countries to inves-
8 tigate, prosecute, adjudicate, and more generally
9 combat the use of corruption by malign actors, in-
10 cluding authoritarian governments, particularly the
11 Government of the Russian Federation and the Gov-
12 ernment of the People's Republic of China, as a tool
13 of malign influence worldwide;

14 (6) to assist in the recovery of kleptocracy-re-
15 lated stolen assets for victims, including through the
16 use of appropriate bilateral arrangements and inter-
17 national agreements, such as the United Nations
18 Convention against Corruption, done at New York
19 October 31, 2003, and the United Nations Conven-
20 tion against Transnational Organized Crime, done at
21 New York November 15, 2000;

22 (7) to use sanctions authorities, such as the
23 Global Magnitsky Human Rights Accountability Act
24 (subtitle F of title XII of the National Defense Au-
25 thorization Act for Fiscal Year 2017 (Public Law

1 114–328; 22 U.S.C. 2656 note)) and section
2 7031(e) of the Department of State, Foreign Oper-
3 ations, and Related Programs Appropriations Act,
4 2020 (division G of Public Law 116–94), to identify
5 and take action against corrupt foreign actors;

6 (8) to ensure coordination between relevant
7 Federal departments and agencies with jurisdiction
8 over the advancement of good governance in foreign
9 states; and

10 (9) to lead the creation of a formal grouping of
11 like-minded states—

12 (A) to coordinate efforts to counter corrup-
13 tion, kleptocracy, and illicit finance; and

14 (B) to strengthen collective financial de-
15 fense.

16 **SEC. 1723. ANTI-CORRUPTION ACTION FUND.**

17 (a) ESTABLISHMENT.—There is established in the
18 United States Treasury a fund, to be known as the “Anti-
19 Corruption Action Fund”, only for the purposes of—

20 (1) strengthening the capacity of foreign states
21 to prevent and fight public corruption;

22 (2) assisting foreign states to develop rule of
23 law-based governance structures, including account-
24 able civilian police, prosecutorial, and judicial insti-
25 tutions;

1 (3) supporting foreign states to strengthen do-
2 mestic legal and regulatory frameworks to combat
3 public corruption, including the adoption of best
4 practices under international law; and

5 (4) supplementing existing foreign assistance
6 and diplomacy with respect to efforts described in
7 paragraphs (1), (2), and (3).

8 (b) FUNDING.—

9 (1) TRANSFERS.—Beginning on or after the
10 date of the enactment of this Act, if total criminal
11 fines and penalties in excess of \$50,000,000 are im-
12 posed against a person under the Foreign Corrupt
13 Practices Act of 1977 (Public Law 95–213) or sec-
14 tion 13, 30A, or 32 of the Securities Exchange Act
15 of 1934 (15 U.S.C. 78m, 78dd–1, and 78ff), wheth-
16 er pursuant to a criminal prosecution, enforcement
17 proceeding, deferred prosecution agreement, non-
18 prosecution agreement, a declination to prosecute or
19 enforce, or any other resolution, the court (in the
20 case of a conviction) or the Attorney General shall
21 impose an additional prevention payment equal to
22 \$5,000,000 against such person, which shall be de-
23 posited in the Anti-Corruption Action Fund estab-
24 lished under subsection (a).

1 (2) AVAILABILITY OF FUNDS.—Amounts depos-
2 ited into the Anti-Corruption Action Fund pursuant
3 to paragraph (1) shall be available to the Secretary
4 of State only for the purposes described in sub-
5 section (a), without fiscal year limitation or need for
6 subsequent appropriation.

7 (3) LIMITATION.—None of the amounts made
8 available to the Secretary of State from the Anti-
9 Corruption Action Fund may be used inside the
10 United States, except for administrative costs re-
11 lated to overseas program implementation pursuant
12 to subsection (a).

13 (c) SUPPORT.—The Anti-Corruption Action Fund—

14 (1) may support governmental and nongovern-
15 mental parties in advancing the purposes described
16 in subsection (a); and

17 (2) shall be allocated in a manner complemen-
18 tary to existing United States foreign assistance, di-
19 plomacy, and anti-corruption activities.

20 (d) ALLOCATION AND PRIORITIZATION.—In pro-
21 gramming foreign assistance made available through the
22 Anti-Corruption Action Fund, the Secretary of State, in
23 coordination with the Attorney General, shall prioritize
24 projects that—

1 (1) assist countries that are undergoing historic
2 opportunities for democratic transition, combating
3 corruption, and the establishment of the rule of law;
4 and

5 (2) are important to United States national in-
6 terests.

7 (e) TECHNICAL ASSISTANCE PROVIDERS.—For any
8 technical assistance to a foreign governmental party under
9 this section, the Secretary of State, in coordination with
10 the Attorney General, shall prioritize United States Gov-
11 ernment technical assistance providers as implementers, in
12 particular the Office of Overseas Prosecutorial Develop-
13 ment, Assistance and Training and the International
14 Criminal Investigative Training Assistance Program at
15 the Department of Justice.

16 (f) PUBLIC DIPLOMACY.—The Secretary of State
17 shall announce that funds deposited in the Anti-Corrup-
18 tion Action Fund are derived from actions brought under
19 the Foreign Corrupt Practices Act to demonstrate that the
20 use of such funds are—

21 (1) contributing to international anti-corruption
22 work; and

23 (2) reducing the pressure that United States
24 businesses face to pay bribes overseas, thereby con-

1 tributing to greater competitiveness of United States
2 companies.

3 (g) REPORTING.—Not later than 1 year after the
4 date of the enactment of this Act and not less frequently
5 than annually thereafter, the Secretary of State shall sub-
6 mit a report to the appropriate congressional committees
7 that contains—

8 (1) the balance of the funding remaining in the
9 Anti-Corruption Action Fund;

10 (2) the amount of funds that have been depos-
11 ited into the Anti-Corruption Action Fund; and

12 (3) a summary of the obligation and expendi-
13 ture of such funds.

14 (h) NOTIFICATION REQUIREMENTS.—None of the
15 amounts made available to the Secretary of State from
16 the Anti-Corruption Action Fund pursuant to this section
17 shall be available for obligation, or for transfer to other
18 departments, agencies, or entities, unless the Secretary of
19 State notifies the Committee on Foreign Relations of the
20 Senate, the Committee on Appropriations of the Senate,
21 the Committee on Foreign Affairs of the House of Rep-
22 resentatives, and the Committee on Appropriations of the
23 House of Representatives, not later than 15 days in ad-
24 vance of such obligation or transfer.

1 **SEC. 1724. INTERAGENCY ANTI-CORRUPTION TASK FORCE.**

2 (a) IN GENERAL.—The Secretary of State, in co-
3 operation with the Interagency Anti-Corruption Task
4 Force established pursuant to subsection (b), shall man-
5 age a whole-of-government effort to improve coordination
6 among Federal departments and agencies and donor orga-
7 nizations with a role in—

8 (1) promoting good governance in foreign
9 states; and

10 (2) enhancing the ability of foreign states to
11 combat public corruption.

12 (b) INTERAGENCY ANTI-CORRUPTION TASK
13 FORCE.—Not later than 180 days after the date of the
14 enactment of this Act, the Secretary of State shall estab-
15 lish and convene the Interagency Anti-Corruption Task
16 Force (referred to in this section as the “Task Force”),
17 which shall be composed of representatives appointed by
18 the President from appropriate departments and agencies,
19 including the Department of State, the United States
20 Agency for International Development, the Department of
21 Justice, the Department of the Treasury, the Department
22 of Homeland Security, the Department of Defense, the
23 Department of Commerce, the Millennium Challenge Cor-
24 poration, and the intelligence community.

25 (c) ADDITIONAL MEETINGS.—The Task Force shall
26 meet not less frequently than twice per year.

1 (d) DUTIES.—The Task Force shall—

2 (1) evaluate, on a general basis, the effective-
3 ness of existing foreign assistance programs, includ-
4 ing programs funded by the Anti-Corruption Action
5 Fund, that have an impact on—

6 (A) promoting good governance in foreign
7 states; and

8 (B) enhancing the ability of foreign states
9 to combat public corruption;

10 (2) assist the Secretary of State in managing
11 the whole-of-government effort described in sub-
12 section (a);

13 (3) identify general areas in which such whole-
14 of-government effort could be enhanced; and

15 (4) recommend specific programs for foreign
16 states that may be used to enhance such whole-of-
17 government effort.

18 (e) BRIEFING REQUIREMENT.—Not later than 1 year
19 after the date of the enactment of this Act and not less
20 frequently than annually thereafter through the end of fis-
21 cal year 2026, the Secretary of State shall provide a brief-
22 ing to the appropriate congressional committees regarding
23 the ongoing work of the Task Force. Each briefing shall
24 include the participation of a representative of each of the

1 departments and agencies described in subsection (b), to
2 the extent feasible.

3 **SEC. 1725. DESIGNATION OF EMBASSY ANTI-CORRUPTION**
4 **POINTS OF CONTACT.**

5 (a) EMBASSY ANTI-CORRUPTION POINT OF CON-
6 TACT.—The chief of mission of each United States em-
7 bassy shall designate an anti-corruption point of contact
8 for each such embassy.

9 (b) DUTIES.—The designated anti-corruption points
10 of contact designated pursuant to subsection (a) shall—

11 (1) coordinate, in accordance with guidance
12 from the Interagency Anti-Corruption Task Force
13 established pursuant to section _____6(b), an
14 interagency approach within United States embas-
15 sies to combat public corruption in the foreign states
16 in which such embassies are located that is tailored
17 to the needs of such foreign states, including all rel-
18 evant Federal departments and agencies with a pres-
19 ence in such foreign states, such as the Department
20 of State, the United States Agency for International
21 Development, the Department of Justice, the De-
22 partment of the Treasury, the Department of Home-
23 land Security, the Department of Defense, the Mil-
24 lennium Challenge Corporation, and the intelligence
25 community;

1 (2) make recommendations regarding the use of
2 the Anti-Corruption Action Fund and other foreign
3 assistance funding related to anti-corruption efforts
4 in their respective countries of responsibility that
5 aligns with United States diplomatic engagement;
6 and

7 (3) ensure that anti-corruption activities carried
8 out within their respective countries of responsibility
9 are included in regular reporting to the Secretary of
10 State and the Interagency Anti-Corruption Task
11 Force, including United States embassy strategic
12 planning documents and foreign assistance-related
13 reporting, as appropriate.

14 (c) TRAINING.—The Secretary of State shall develop
15 and implement appropriate training for the designated
16 anti-corruption points of contact.

17 **SEC. 1726. REPORTING REQUIREMENTS.**

18 (a) REPORT OR BRIEFING ON PROGRESS TOWARD
19 IMPLEMENTATION.—Not later than 180 days after the
20 date of the enactment of this Act, and annually thereafter
21 for the following 3 years, the Secretary of State, in con-
22 sultation with the Administrator of the United States
23 Agency for International Development, the Attorney Gen-
24 eral, and the Secretary of the Treasury, shall submit a
25 report or provide a briefing to the appropriate congres-

1 sional committees that summarizes progress made in com-
2 bating public corruption and in implementing this subtitle,
3 including—

4 (1) identifying opportunities and priorities for
5 outreach with respect to promoting the adoption and
6 implementation of relevant international law and
7 standards in combating public corruption,
8 kleptocracy, and illicit finance;

9 (2) describing—

10 (A) the bureaucratic structure of the of-
11 fices within the Department of State and the
12 United States Agency for International Devel-
13 opment that are engaged in activities to combat
14 public corruption, kleptocracy, and illicit fi-
15 nance; and

16 (B) how such offices coordinate their ef-
17 forts with each other and with other relevant
18 Federal departments and agencies;

19 (3) providing a description of how the provi-
20 sions under subsections (d) and (e) of section
21 _____ 5 have been applied to each project funded by
22 the Anti-Corruption Action Fund;

23 (4) providing an explanation as to why a United
24 States Government technical assistance provider was
25 not used if technical assistance to a foreign govern-

1 mental entity is not implemented by a United States
2 Government technical assistance provider;

3 (5) describing the activities of the Interagency
4 Anti-Corruption Task Force established pursuant to
5 section _____ 6(b);

6 (6) identifying—

7 (A) the designated anti-corruption points
8 of contact for foreign states; and

9 (B) any training provided to such points of
10 contact; and

11 (7) recommending additional measures that
12 would enhance the ability of the United States Gov-
13 ernment to combat public corruption, kleptocracy,
14 and illicit finance overseas.

15 (b) ONLINE PLATFORM.—The Secretary of State, in
16 conjunction with the Administrator of the United States
17 Agency for International Development, should consolidate
18 existing reports with anti-corruption components into a
19 single online, public platform that includes—

20 (1) the Annual Country Reports on Human
21 Rights Practices required under section 116 of the
22 Foreign Assistance Act of 1961 (22 U.S.C. 2151n);

23 (2) the Fiscal Transparency Report required
24 under section 7031(b) of the Department of State,
25 Foreign Operations and Related Programs Appro-

1 appropriations Act, 2019 (division F of Public Law 116–
2 6);

3 (3) the Investment Climate Statement reports;

4 (4) the International Narcotics Control Strat-
5 egy Report;

6 (5) any other relevant public reports; and

7 (6) links to third-party indicators and compli-
8 ance mechanisms used by the United States Govern-
9 ment to inform policy and programming, as appro-
10 priate, such as—

11 (A) the International Finance Corpora-
12 tion’s Doing Business surveys;

13 (B) the International Budget Partnership’s
14 Open Budget Index; and

15 (C) multilateral peer review anti-corruption
16 compliance mechanisms, such as—

17 (i) the Organisation for Economic Co-
18 operation and Development’s Working
19 Group on Bribery in International Busi-
20 ness Transactions;

21 (ii) the Follow-Up Mechanism for the
22 Inter-American Convention Against Cor-
23 ruption; and

1 (iii) the United Nations Convention
2 Against Corruption, done at New York Oc-
3 tober 31, 2003.

4 **SEC. 1727. DEFINITIONS.**

5 In this subtitle:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Relations of
10 the Senate;

11 (B) the Committee on Banking, Housing,
12 and Urban Affairs of the Senate;

13 (C) the Committee on Finance of the Sen-
14 ate;

15 (D) the Committee on the Judiciary of the
16 Senate;

17 (E) the Committee on Foreign Affairs of
18 the House of Representatives;

19 (F) the Committee on Financial Services
20 of the House of Representatives;

21 (G) the Committee on Ways and Means of
22 the House of Representatives; and

23 (H) the Committee on the Judiciary of the
24 House of Representatives.

1 (2) FOREIGN ASSISTANCE.—The term “foreign
2 assistance” means foreign assistance authorized
3 under the Foreign Assistance Act of 1961 (22
4 U.S.C. 2251 et seq.).

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

8 (4) INTELLIGENCE COMMUNITY.—The term
9 “intelligence community” has the meaning given
10 such term in section 3(4) of the National Security
11 Act of 1947 (50 U.S.C. 3003(4)).

12 (5) PUBLIC CORRUPTION.—The term “public
13 corruption” includes the unlawful exercise of en-
14 trusted public power for private gain, such as
15 through bribery, nepotism, fraud, extortion, or em-
16 bezzlement.

17 (6) RULE OF LAW.—The term “rule of law”
18 means the principle of governance in which all per-
19 sons, institutions, and entities, whether public or
20 private, including the state, are accountable to laws
21 that are—

22 (A) publicly promulgated;

23 (B) equally enforced;

24 (C) independently adjudicated; and

1 (D) consistent with international human
2 rights norms and standards.

