

**AMENDMENT TO RULES COMM. PRINT 116-57**  
**OFFERED BY MR. KEATING OF MASSACHUSETTS**

Add at the end of subtitle D of title XII the following;

1 **SEC. 12 \_\_\_. COUNTERING RUSSIAN AND OTHER OVERSEAS**

2 **KLEPTOCRACY.**

3 (a) DEFINITIONS.—In this section

4 (1) RULE OF LAW.—The term “rule of law”  
5 means the principle of governance in which all per-  
6 sons, institutions, and entities, whether public or  
7 private, including the state itself, are accountable to  
8 laws that are publicly promulgated, equally enforced,  
9 and independently adjudicated, and which are con-  
10 sistent with international human rights norms and  
11 standards.

12 (2) FOREIGN STATE.—The term “foreign state”  
13 has the meaning given such term in section 1603 of  
14 title 28, United States Code.

15 (3) INTELLIGENCE COMMUNITY.—The term  
16 “intelligence community” has the meaning given  
17 such term in section 3(4) of the National Security  
18 Act of 1947 (50 U.S.C. 3003(4)).

1           (4) 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.

5           (5) FOREIGN ASSISTANCE.—The term “foreign  
6           assistance” means foreign assistance authorized  
7           under the Foreign Assistance Act of 1961.

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

11           (A) the Committee on Foreign Relations,  
12           the Committee on Banking, Housing, and  
13           Urban Affairs, and the Committee on Finance  
14           of the Senate; and

15           (B) the Committee on Foreign Affairs, the  
16           Committee on Financial Services, and the Com-  
17           mittee on Ways and Means of the House of  
18           Representatives.

19          (b) INTERNATIONAL STANDARDS.—It is the sense of  
20          Congress that the following international standards should  
21          be the foundation for foreign states to combat corruption,  
22          kleptocracy, and illicit finance:

23           (1) The United Nations Convention against  
24          Corruption.

1           (2) Recommendations of the Financial Action  
2           Task Force (FATF) comprising the International  
3           Standards on Combating Money Laundering and the  
4           Financing of Terrorism & Proliferation.

5           (3) The Organisation for Economic Co-oper-  
6           ation and Development Convention on Combating  
7           Bribery of Foreign Public Officials in International  
8           Business Transactions (OECD Anti-Bribery Conven-  
9           tion), the 2009 Recommendation of the Council for  
10          Further Combating Bribery, the 2009 Recommenda-  
11          tion on the Tax Deductibility of Bribes to Foreign  
12          Public Officials; and other related instruments.

13          (4) Legal instruments adopted by the Council  
14          of Europe and monitored by the Group of States  
15          against Corruption (GRECO), including the Crimi-  
16          nal Law Convention on Corruption, the Civil Law  
17          Convention on Corruption, the Additional Protocol  
18          to the Criminal Law Convention on Corruption, the  
19          Twenty Guiding Principles against Corruption, the  
20          Recommendation on Codes of Conduct for Public  
21          Officials, and the Recommendation on Common  
22          Rules against Corruption in the Funding of Political  
23          Parties and Electoral Campaigns.

24          (5) Organization for Security and Cooperation  
25          in Europe (OSCE) “Second Dimension” commit-

1       ments on good governance, anti-corruption, anti-  
2       money laundering, and related issues.

3           (6) The Inter-American Convention Against  
4       Corruption under the Organization of American  
5       States.

6       (c) STATEMENT OF POLICY.—It is the policy of the  
7       United States to—

8           (1) leverage United States diplomatic engage-  
9       ment and foreign assistance to promote the rule of  
10      law;

11          (2) promote the international standards identi-  
12      fied in section 4, as well as other relevant inter-  
13      national standards and best practices as such stand-  
14      ards and practices develop, and to seek the universal  
15      adoption and implementation of such standards and  
16      practices by foreign states;

17          (3) support foreign states in promoting good  
18      governance and combating public corruption;

19          (4) encourage and assist foreign partner coun-  
20      tries to identify and close loopholes in their legal and  
21      financial architecture, including the misuse of anon-  
22      ymous shell companies, free trade zones, and other  
23      legal structures, that are enabling illicit finance and  
24      authoritarian capital to penetrate their financial sys-  
25      tems;

1           (5) help foreign partner countries to investigate  
2           and combat the use of corruption by authoritarian  
3           governments, particularly that of Vladimir Putin in  
4           Russia, as a tool of malign influence worldwide;

5           (6) make use of sanctions authorities, such as  
6           the Global Magnitsky Human Rights Accountability  
7           Act (enacted as subtitle F of title XII of the Na-  
8           tional Defense Authorization Act for Fiscal Year  
9           2017 (Public Law 114–328; 22 U.S.C. 2656 note)),  
10          to identify and take action against corrupt foreign  
11          actors; and

12          (7) ensure coordination between the depart-  
13          ments and agencies of the United States Govern-  
14          ment with jurisdiction over the advancement of good  
15          governance in foreign states.

16          (d) ANTI-CORRUPTION ACTION FUND.—

17           (1) IN GENERAL.—The Secretary of State shall  
18           establish in the Department of State a fund to be  
19           known as the “Anti-Corruption Action Fund” to aid  
20           foreign states to prevent and fight public corruption  
21           and develop rule of law-based governance structures,  
22           including accountable investigative, prosecutorial,  
23           and judicial bodies, and supplement existing foreign  
24           assistance and diplomacy with respect to such ef-  
25           forts.

1           (2) FUNDING.—There is authorized to be ap-  
2           propriated to the Fund an amount equal to five per-  
3           cent of each civil and criminal fine and penalty im-  
4           posed pursuant to actions brought under the For-  
5           eign Corrupt Practices Act on or after the date of  
6           the enactment of this Act for each fiscal year.  
7           Amounts appropriated pursuant to this authoriza-  
8           tion shall be authorized to remain available until ex-  
9           pended.

10          (3) SUPPORT.—The Anti-Corruption Action  
11          Fund may support governmental and nongovern-  
12          mental parties in advancing the goals specified in  
13          paragraph (1) and shall be allocated in a manner  
14          complementary to existing United States foreign as-  
15          sistance, diplomaey, and the anti-corruption activi-  
16          ties of other international donors.

17          (4) PREFERENCE.—In programing foreign as-  
18          sistance using the Anti-Corruption Action Fund, the  
19          Secretary of State shall give preference to projects  
20          that—

21                (A) assist countries that are undergoing  
22                historic opportunities for democratic transition,  
23                combating corruption, and the establishment of  
24                the rule of law;

1 (B) are important to United States na-  
2 tional interests; and

3 (C) where United States foreign assistance  
4 could significantly increase the chance of a suc-  
5 cessful transition described in subparagraph  
6 (A).

7 (5) PUBLIC DIPLOMACY.—The Secretary of  
8 State shall publicize that funds provided to the Anti-  
9 Corruption Action Fund originate from actions  
10 brought under the Foreign Corrupt Practices Act so  
11 as to demonstrate that monies obtained under such  
12 Act are contributing to international anti-corruption  
13 work under this section, including by reducing the  
14 pressure that United States businesses face to pay  
15 bribes overseas, thereby contributing to greater  
16 United States competitiveness.

17 (e) INTERAGENCY TASK FORCE.—

18 (1) IN GENERAL.—The Secretary of State shall  
19 have primary responsibility for managing a whole-of-  
20 government effort to improve coordination among  
21 United States Government departments and agen-  
22 cies, as well as with other donor organizations, that  
23 have a role in promoting good governance in foreign  
24 states and enhancing the ability of foreign states to  
25 combat public corruption.

1           (2) INTERAGENCY TASK FORCE.—Not later  
2 than 180 days after the date of the enactment of  
3 this Act, the Secretary of State shall establish and  
4 convene an Interagency Task Force composed of—

5           (A) representatives appointed by the Presi-  
6 dent from appropriate departments and agen-  
7 cies, including the Department of State, the  
8 United States Agency for International Devel-  
9 opment (USAID), the Department of Justice,  
10 the Department of the Treasury, the Depart-  
11 ment of Homeland Security, the Department of  
12 Defense, the Department of Commerce, the Mil-  
13 lennium Challenge Corporation, and the intel-  
14 ligence community; and

15           (B) representatives from any other United  
16 States Government departments or agencies, as  
17 determined by the Secretary.

18           (3) ADDITIONAL MEETINGS.—The Interagency  
19 Task Force established in paragraph (2) shall meet  
20 not less than twice per year.

21           (4) DUTIES.—The Interagency Task Force es-  
22 tablished in paragraph (2) shall—

23           (A) evaluate, on a general basis, the effec-  
24 tiveness of existing foreign assistance programs,  
25 including programs funded by the Anti-Corrup-



1           tion Action Fund under section 6, that have an  
2           impact on promoting good governance in for-  
3           foreign states and enhancing the ability of foreign  
4           states to combat public corruption;

5           (B) assist the Secretary of State in man-  
6           aging the whole-of-government effort described  
7           in subsection (a);

8           (C) identify general areas in which such  
9           whole-of-government effort could be enhanced;  
10          and

11          (D) recommend specific programs for for-  
12          eign states that may be used to enhance such  
13          whole-of-government effort.

14          (f) DESIGNATION OF EMBASSY ANTI-CORRUPTION  
15          POINTS OF CONTACT.—

16           (1) EMBASSY ANTI-CORRUPTION POINT OF CON-  
17          TACT.—The chief of mission of each United States  
18          embassy shall designate an anti-corruption point of  
19          contact for each such embassy.

20           (2) DUTIES.—The designated anti-corruption  
21          points of contact under paragraph (1) shall—

22           (A) with guidance from the Interagency  
23          Task Force established under subsection (e),  
24          coordinate an interagency approach within  
25          United States embassies to combat public cor-

1           ruption in the foreign states in which such em-  
2           bassies are located that is tailored to the needs  
3           of such foreign states, including all relevant  
4           United States Government departments and  
5           agencies with a presence in such foreign states,  
6           such as the Department of State, USAID, the  
7           Department of Justice, the Department of the  
8           Treasury, the Department of Homeland Secu-  
9           rity, the Department of Defense, the Millen-  
10          nium Challenge Corporation, and the intel-  
11          ligence community;

12                   (B) make recommendations regarding the  
13                   use of the Anti-Corruption Action Fund under  
14                   section 6 and other foreign assistance related to  
15                   anti-corruption efforts in their respective for-  
16                   eign states, aligning such assistance with  
17                   United States diplomatic engagement; and

18                   (C) ensure that anti-corruption activities  
19                   carried out within their respective foreign states  
20                   are included in regular reporting to the Sec-  
21                   retary of State and the Interagency Task Force  
22                   under subsection (e), including United States  
23                   embassy strategic planning documents and for-  
24                   eign assistance-related reporting, as appro-  
25                   prium.

1           (3) TRAINING.—The Secretary of State shall  
2       develop and implement appropriate training for des-  
3       ignated anti-corruption points of contact under this  
4       subsection.

5       (g) REPORTING REQUIREMENTS.—

6           (1) REPORT ON PROMOTING INTERNATIONAL  
7       STANDARDS IN COMBATING CORRUPTION,  
8       KLEPTOCRACY, AND ILLICIT FINANCE.—Not later  
9       than 180 days after the date of the enactment of  
10      this Act, the Secretary of State, in consultation with  
11      the Administrator of the USAID and the Secretary  
12      of the Treasury, shall submit to the appropriate con-  
13      gressional committees a report that—

14           (A) summarizes any progress made by for-  
15      eign states to adopt and implement each of the  
16      international standards in combating corrup-  
17      tion, kleptocracy, and illicit finance listed in  
18      subsection (b);

19           (B) details the efforts of the United States  
20      Government to promote such international  
21      standards;

22           (C) identifies priority countries for out-  
23      reach regarding such international standards;  
24      and

1 (D) outlines a plan to encourage the adop-  
2 tion and implementation of such international  
3 standards, including specific steps to take with  
4 the priority countries identified in accordance  
5 with subparagraph (C).

6 (2) REPORT ON PROGRESS TOWARD IMPLEMEN-  
7 TATION.—Not later than one year after the date of  
8 the enactment of this Act and annually thereafter  
9 for three years, the Secretary of State, in consulta-  
10 tion with the Administrator of the USAID, shall  
11 submit to the appropriate congressional committees  
12 a report summarizing progress in implementing this  
13 Act, including—

14 (A) a description of the bureaucratic struc-  
15 ture of the offices within the Department and  
16 USAID that are engaged in activities to combat  
17 corruption, kleptocracy, and illicit finance, and  
18 how such offices coordinate with one another;

19 (B) information relating to the amount of  
20 funds deposited in the Anti-Corruption Action  
21 Fund established under section 6 and the obli-  
22 gation, expenditure, and impact of such funds;

23 (C) the activities of the Interagency Task  
24 Force established pursuant to subsection (e)(2);

1 (D) the designation of anti-corruption  
2 points of contact for foreign states pursuant to  
3 subsection (f)(1) and any training provided to  
4 such points of contact pursuant to subsection  
5 (f)(3); and

6 (E) additional resources or personnel needs  
7 to better achieve the goals of this Act to combat  
8 corruption, kleptocracy, and illicit finance over-  
9 seas.

10 (3) ONLINE PLATFORM.—The Secretary of  
11 State, in conjunction with the Administrator of the  
12 USAID, shall consolidate existing reports and brief-  
13 ings with anti-corruption components into one on-  
14 line, public platform, that includes the following:

15 (A) The Annual Country Reports on  
16 Human Rights Practices.

17 (B) The Fiscal Transparency Report.

18 (C) The Investment Climate Statement re-  
19 ports.

20 (D) The International Narcotics Control  
21 Strategy Report.

22 (E) Any other relevant public reports.

23 (F) Links to third-party indicators and  
24 compliance mechanisms used by the United

1 States Government to inform policy and pro-  
2 gramming, such as the following:

3 (i) The International Finance Cor-  
4 poration's Doing Business surveys.

5 (ii) The International Budget Part-  
6 nership's Open Budget Index.

7 (iii) Multilateral peer review anti-cor-  
8 ruption compliance mechanisms, such as  
9 the Organisation for Economic Co-oper-  
10 ation and Development's Working Group  
11 on Bribery in International Business  
12 Transactions, the Follow-Up Mechanism  
13 for the Inter-American Convention against  
14 Corruption (MESICIC), and the United  
15 Nations Convention against Corruption,  
16 done at New York October 31, 2003, to  
17 further highlight expert international views  
18 on foreign state challenges and efforts.

