

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

**36**

**OFFERED BY MR. WILSON OF SOUTH CAROLINA**

Add at the end of subtitle C of title XVII the following:

1 **SECTION 17\_\_ . STRENGTHENING AUTHORITIES OF THE**  
2 **UNITED STATES TO COUNTER FOREIGN COR-**  
3 **RUPT OFFICIALS.**

4 (a) DESIGNATING CERTAIN FOREIGN CRIME AS A  
5 PREDICATE FOR MONEY LAUNDERING.—Section  
6 1956(c)(7)(B) of title 18, United States Code, is amend-  
7 ed—

8 (1) in clause (vi), by striking “or” at the end;

9 (2) in clause (vii), by inserting “or” at the end;

10 and

11 (3) by inserting after clause (vii) the following:

12 “(viii) any act or activity that would  
13 constitute specified unlawful activity under  
14 this section if the act or activity had oc-  
15 curred within the jurisdiction of the United  
16 States;”.

17 (b) PRESERVING PROCEEDS OF FOREIGN  
18 KLEPTOCRACY IN SUPPORT OF FOREIGN INVESTIGA-

1 TIONS.—Section 981(b)(4) of title 18, United States Code,  
2 is amended—

3 (1) in subparagraph (A)—

4 (A) by inserting “or under foreign law”  
5 after “Controlled Substances Act”; and

6 (B) by striking “30” and inserting “90”;  
7 and

8 (2) in subparagraph(B), by inserting “or to re-  
9 ceive an order or evidence in support of an applica-  
10 tion to preserve property or to enforce a judgment  
11 under section 2467 of title 28” after “subsection”.

12 (c) AUTHORIZING THE UNITED STATES TO USE  
13 FORFEITED PROPERTY TO REMEDIATE THE HARMS OF  
14 KLEPTOCRACY, HUMAN RIGHTS VIOLATIONS AND  
15 ABUSES, WAR CRIMES, AND ARMED AGGRESSION IN  
16 ASSET RECOVERY ACTIONS.—

17 (1) CIVIL FORFEITURE.—Section 981(e) of title  
18 18, United States Code, is amended—

19 (A) in paragraph (6) by striking “or” at  
20 the end;

21 (B) in paragraph (7) by striking the period  
22 at the end and inserting “; or”;

23 (C) by inserting after paragraph (7) the  
24 following new paragraph:

1           “(8) at the discretion of the Attorney General,  
2           in consultation with the Secretary of State and the  
3           Secretary of the Treasury, for use or transfer pursu-  
4           ant to paragraph (1) for remediation of foreign pub-  
5           lic corruption, human rights violations or abuses,  
6           war crimes, or armed aggression, where the conduct  
7           giving rise to the forfeiture involved—

8                   “(A) foreign public corruption, fraud, or  
9                   other related conduct by, on behalf of, or for  
10                  the benefit of a foreign public official or affect-  
11                  ing a foreign government, such as bribery, ex-  
12                  tortion, or the misappropriation, theft, or em-  
13                  bezzlement of public funds;

14                  “(B) human rights violations or abuses, or  
15                  war crimes;

16                  “(C) acts constituting bank fraud by, on  
17                  behalf of, or for the benefit of a current or  
18                  former foreign public official or an associate of  
19                  such person, or a violation of the Prohibition on  
20                  Concealment of the Source of Assets in Mone-  
21                  etary Transactions (31 U.S.C. 5335);

22                  “(D) a violation of the Arms Export Con-  
23                  trol Act (22 U.S.C. 2751 et seq.), the Export  
24                  Control Reform Act of 2018 (50 U.S.C. 4801

1 et seq.), or any license, order, regulation, or  
2 prohibition issued under such acts;

3 “(E) a person or property that is the tar-  
4 get of a prohibition issued pursuant to the  
5 International Emergency Economic Powers Act  
6 (50 U.S.C. 1701 et seq.) in connection with cor-  
7 ruption, human rights violations or abuses, war  
8 crimes, or armed aggression; or

9 “(F) money laundering related to subpara-  
10 graphs (A) through (E).”; and

11 (D) in the matter following paragraph (8),  
12 by adding at the end the following: “Any funds  
13 transferred pursuant to this subsection to the  
14 Department of State or the United States  
15 Agency for International Development may be  
16 considered foreign assistance under the Foreign  
17 Assistance Act of 1961 (22 U.S.C. 2151 et  
18 seq.) for purposes of making available the ad-  
19 ministrative authorities contained in that Act.”.

20 (2) CRIMINAL FORFEITURES UNDER THE CON-  
21 TROLLED SUBSTANCES ACT.—Section 413(i) of the  
22 Controlled Substances Act (21 U.S.C. 853(i)) is  
23 amended—

24 (A) in paragraph (4), by striking “and” at  
25 the end;

1 (B) in paragraph (5), by striking the pe-  
2 riod at the end and inserting “; and”; and

3 (C) by inserting after paragraph (5) the  
4 following:

5 “(6) use or transfer such property as remedi-  
6 ation, as set forth in section 981(e)(8) of title 18,  
7 United States Code.”.

8 (3) ADDITIONAL FORFEITURES UNDER THE  
9 CONTROLLED SUBSTANCES ACT.—Section 511(e)(1)  
10 of the Controlled Substances Act (21 U.S.C.  
11 881(e)(1)) is amended—

12 (A) in subparagraph (D), by striking “or”  
13 at the end;

14 (B) in subparagraph (E)(iii), by striking  
15 the period at the end and inserting “; or”; and

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

17 “(F) use or transfer such property as re-  
18 mediation, as set forth in section 981(e)(8) of  
19 title 18, United States Code.”.

20 (d) PRESERVING ASSETS LOCATED ABROAD FOR RE-  
21 COVERY BY CLARIFYING AUTHORITY FOR SEIZURE WAR-  
22 RANTS.—

23 (1) FORFEITURE UNDER THE CONTROLLED  
24 SUBSTANCES ACT.—Section 413(f) of the Controlled  
25 Substances Act (21 U.S.C. 853(f)) is amended by

1 adding at the end the following: “Notwithstanding  
2 the provisions of rule 41(a) of the Federal Rules of  
3 Criminal Procedure, a seizure warrant may be  
4 issued for property subject to forfeiture that may be  
5 located outside of the United States and may be  
6 transmitted to the central authority or other com-  
7 petent authority of a foreign country for service in  
8 accordance with any treaty or international agree-  
9 ment or in accordance with foreign law.”.

10 (2) CIVIL FORFEITURE.—Section 981(b)(3) of  
11 title 18, United States Code, is amended—

12 (A) by striking “property is found” and in-  
13 serting “property may be found”;

14 (B) by inserting “or other competent au-  
15 thority” after “central authority”;

16 (C) by striking “of any foreign state” and  
17 inserting “of a foreign country”; and

18 (D) by inserting “or in accordance with  
19 foreign law” after “international agreement”.

20 (e) ADDING CERTAIN OFFENSES AS PREDICATES  
21 FOR INTERCEPTION OF WIRE AND ORAL COMMUNICA-  
22 TIONS.—

23 (1) DEFINITIONS RELATED TO RACKETEER IN-  
24 FLUENCED AND CORRUPT ORGANIZATIONS.—Section

1       1961(1) of title 18, United States Code, is amend-  
2       ed—

3               (A) by inserting “section 641 (relating to  
4       theft of government money, records, or prop-  
5       erty), if the act indictable under section 641 is  
6       felonious,” before “section 659 (relating to  
7       theft from interstate shipment)”;

8               (B) by inserting “section 666 (relating to  
9       theft or bribery concerning programs receiving  
10       Federal funds),” before “sections 891–894 (re-  
11       lating to extortionate credit transactions)”;

12              (C) by inserting “section 1028A (relating  
13       to aggravated identity theft),” before “section  
14       1029 (relating to fraud and related activity in  
15       connection with access devices)”;

16              (D) by inserting “section 1091 (relating to  
17       acts of genocide),” before “section 1341 (relat-  
18       ing to mail fraud)”;

19              (E) by inserting “section 2441 (relating to  
20       war crimes), section 2442 (relating to use and  
21       recruitment of child soldiers),” before “sections  
22       175–178 (relating to biological weapons)”;

23              (F) by striking “or” after “purpose of fi-  
24       nancial gain”; and

1 (G) by inserting before the semicolon at  
2 the end: “, (H) any act that is indictable under  
3 section 206 of the International Emergency  
4 Economic Powers Act (50 U.S.C. 1705, (I) any  
5 act that is indictable under section 1760 of the  
6 Export Control Reform Act of 2018 (50 U.S.C.  
7 4819), (J) any act that is indictable under sec-  
8 tion 38 of the Arms Export Control Act (22  
9 U.S.C. 2778), or (K) any act that is indictable  
10 under section 319 (relating to unlawful cam-  
11 paign contributions and donations by foreign  
12 nationals) or 320 (relating to unlawful cam-  
13 paign contributions in the name of another per-  
14 son) of the Federal Election Campaign Act of  
15 1971 (52 U.S.C. 30121, 30122), if the act that  
16 is indictable under either such section is pun-  
17 ishable as a felony under section  
18 309(d)(1)(A)(i) of that Act (52 U.S.C.  
19 30109(d)(1)(A)(i))”.

20 (2) AUTHORIZATION FOR INTERCEPTION OF  
21 WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.—  
22 Section 2516(1) of title 18, United States Code, is  
23 amended—

24 (A) in subparagraph (c) by—



1 (i) inserting “section 1091 (relating to  
2 acts of genocide),” before “section 1114  
3 (relating to officers and employees of the  
4 United States)”;

5 (ii) inserting “a felony violation of  
6 section 641 (relating to theft of govern-  
7 ment money, records, or property)” before  
8 “section 659 (theft from interstate ship-  
9 ment)”;

10 (iii) inserting “section 666 (relating to  
11 theft or bribery concerning programs re-  
12 ceiving federal funds),” before “section  
13 1343 (fraud by wire, radio, or television)”;  
14 and

15 (iv) inserting “section 2441 (relating  
16 to war crimes), section 2442 (relating to  
17 use and recruitment of child soldiers),” be-  
18 fore “section 1203 (relating to hostage  
19 taking)”;

20 (B) in subparagraph (t) by striking “or”  
21 at the end;

22 (C) by striking subparagraph (u); and

23 (D) by inserting after subparagraph (t) the  
24 following:

1           “(u) any violation of section 319 (relating  
2           to unlawful campaign contributions and dona-  
3           tions by foreign nationals) or 320 (relating to  
4           unlawful campaign contributions in the name of  
5           another person) of the Federal Election Cam-  
6           paign Act of 1971 (52 U.S.C. 30121, 30122),  
7           if that violation is punishable as a felony under  
8           section 309(d)(1)(A)(i) of that Act (52 U.S.C.  
9           30109(d)(1)(A)(i));

10           “(v) any criminal violation of section 206  
11           of the International Emergency Economic Pow-  
12           ers Act (50 U.S.C. 1705); or

13           “(w) any conspiracy to commit any offense  
14           described in any subparagraph of this para-  
15           graph.”.

16           (f) LEVERAGING FOREIGN PARTNERS’ ABILITY TO  
17           RECOVER PROCEEDS OF KLEPTOCRACY.—Section 2467 of  
18           title 28, United States Code, is amended—

19           (1) in subsection (c)—

20           (A) in paragraph (1), by striking “on be-  
21           half of a foreign nation”; and

22           (B) by striking paragraph (2)(C) and in-  
23           serting the following:

24           “(C) the district court shall have personal  
25           jurisdiction over a person or entity who has

1 filed a response to an application by the Gov-  
2 ernment under this section or a person or entity  
3 residing outside of the United States if the per-  
4 son or entity has been served with process in  
5 accordance with rule 4 of the Federal Rules of  
6 Civil Procedure;

7 “(D) the United States shall provide notice  
8 of an action to enforce a foreign forfeiture judg-  
9 ment in accordance with the procedures set  
10 forth in Rule G of the Supplemental Rules for  
11 Admiralty or Maritime Claims and Asset For-  
12 feiture Actions to the extent that the provisions  
13 therein are not inconsistent with this section,  
14 which notice shall contain a deadline for filing  
15 a response at least 35 days after the notice is  
16 sent;

17 “(E) any person or entity claiming an in-  
18 terest in property that is the subject of an ap-  
19 plication brought under this section may file a  
20 response to the application of the United  
21 States, except that such response shall be filed  
22 by the date stated in a direct notice of the ap-  
23 plication or, as applicable, not later than 35  
24 days after the date of final publication of notice  
25 of the filing of the application, and shall—

1 “(i) identify the specific property  
2 being claimed;

3 “(ii) identify the respondent;

4 “(iii) set forth the nature and extent  
5 of the respondent’s interest in the prop-  
6 erty, and the time and circumstances of  
7 the respondent’s acquisition of the right,  
8 title, or interest in the property;

9 “(iv) set forth with specificity the  
10 basis upon which the respondent asserts  
11 that the foreign forfeiture judgment should  
12 not be enforced in accordance with sub-  
13 section (d)(1);

14 “(v) be signed by the respondent  
15 under the penalty of perjury; and

16 “(vi) be served on the Government at-  
17 torney who filed the application under this  
18 section; and

19 “(F) at any time, the United States may  
20 move to strike a response or any portion of a  
21 response for failing to comply with subsection  
22 (c)(2)(E) or because the respondent lacks  
23 standing, and such motion—

24 “(i) shall be decided before any mo-  
25 tion by the respondent to dismiss the ac-

1                   tion or dissolve any order to preserve prop-  
2                   erty under this section; and

3                   “ (ii) may be presented as a motion for  
4                   judgment on the pleadings or as a motion  
5                   to determine after a hearing or by sum-  
6                   mary judgment whether the respondent  
7                   can carry the burden to establish standing  
8                   by a preponderance of the evidence.”;

9                   (2) in subsection (d)—

10                   (A) in paragraph (1), by striking “on be-  
11                   half”;

12                   (B) in paragraph (2), by inserting “sub-  
13                   section (a)(2)(A) of” after “Process to enforce  
14                   a judgment under”;

15                   (C) in paragraph (3)—

16                   (i) in subparagraph (B)(ii), by insert-  
17                   ing: “, or by such judicial officer as may  
18                   be authorized under foreign law,” before  
19                   “and certified”; and

20                   (ii) by striking subparagraph (C) and  
21                   inserting the following:

22                   “(C) PRESERVATION, PREVENTION OF  
23                   CRIMINAL USE, AND SALE.—In addition to any  
24                   other action authorized under this section, the  
25                   court, on motion of the Government, may order

1 the preservation, prevention of criminal use, or  
2 interlocutory sale of property subject to civil or  
3 criminal forfeiture under foreign law in accord-  
4 ance with the provisions of Rule G(7) of the  
5 Supplemental Rules for Admiralty or Maritime  
6 Claims and Asset Forfeiture Actions.

7 “(D) LIMIT ON GROUNDS FOR OBJEC-  
8 TION.—No person may object to a restraining  
9 order under subparagraph (A) or an order for  
10 interlocutory sale under subparagraph (C) on  
11 any ground that is the subject of parallel litiga-  
12 tion involving the same property that is pending  
13 in a foreign court.”; and

14 (D) by adding at the end the following:

15 “(4) EFFECT.—All right, title, and interest in  
16 property subject to an order to enforce a forfeiture  
17 or confiscation judgment under this section shall be  
18 forfeited to the United States and shall vest in the  
19 United States upon commission of the act giving rise  
20 to the forfeiture or confiscation judgment. The At-  
21 torney General shall dispose of the forfeited prop-  
22 erty, or the proceeds of its sale, in accordance with  
23 section 413 of the Controlled Substances Act (21  
24 U.S.C. 853) or as otherwise provided by law.”; and

25 (3) by adding at the end the following:

1           “(g) PROTECTION FROM LIABILITY FOR ACTING AT  
2 FOREIGN REQUEST.—Notwithstanding any other provi-  
3 sion of Federal law, no person shall have any right of ac-  
4 tion against the United States, its officers, employees, or  
5 any other person acting on behalf of, or at the direction  
6 of, the United States that arises from any action taken  
7 pursuant to this section, or the return or release of prop-  
8 erty restrained, seized, or forfeited pursuant to this sec-  
9 tion, including an action for damages, costs, interest, or  
10 attorneys’ fees.”.

11           (g) ELIMINATION OF THE “FIRST BROUGHT” VENUE  
12 REQUIREMENT.—

13           (1) IN GENERAL.—Chapter 211 of title 18,  
14 United States Code, is amended—

15           (A) in section 3238, by striking from “The  
16 trial of all” and all that follows up until the pe-  
17 riod and inserting the following: “All offenses  
18 begun or committed upon the high seas, or else-  
19 where outside the jurisdiction of any particular  
20 State or district, may be tried in any district.”;  
21 and

22           (B) by repealing section 3239.

23           (2) CLERICAL AMENDMENT.—The table of sec-  
24 tions for chapter 211 of title 18, United States

1 Code, is amended by repealing the item relating to  
2 section 3239.

3 (h) ENABLING FOREIGN REQUESTS FOR ASSISTANCE  
4 IN CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—

5 (1) ADMINISTRATIVE SUBPOENAS.—Section  
6 3512(a) of title 18, United States Code, is amended  
7 by adding at the end the following:

8 “(3) ADMINISTRATIVE SUBPOENAS.—

9 “(A) IN GENERAL.—An appropriate offi-  
10 cial of the Department of Justice, in executing  
11 a request from a foreign authority for assist-  
12 ance in a criminal matter involving the inves-  
13 tigation or prosecution of criminal offenses, or  
14 in executing a request from a foreign authority  
15 for assistance in proceedings related to the  
16 prosecution of criminal offenses, including pro-  
17 ceedings regarding forfeiture, sentencing, and  
18 restitution, may issue in writing, and cause to  
19 be served, a subpoena requiring the following:

20 “(i) A provider of electronic commu-  
21 nication service or remote computing serv-  
22 ice to disclose the information specified in  
23 section 2703(c)(2), which may be relevant  
24 to the foreign criminal matter.



1           “(ii) A custodian of the records of  
2           that provider to provide a signed certifi-  
3           cation concerning the production and au-  
4           thentication of such records or informa-  
5           tion.

6           “(iii) That the provider not disclose  
7           the fact that a subpoena has been issued  
8           under this subsection, or the fact that the  
9           foreign request for assistance has been  
10          made, and treat the subpoena as confiden-  
11          tial and not to be disclosed publicly, nor  
12          shared with any other person, including  
13          the subscriber or customer for a period of  
14          up to two years.

15          “(B) NONDISCLOSURE.—

16          “(i) IN GENERAL.—A subpoena issued  
17          under subparagraph (A) may require that a  
18          provider not disclose the fact that such  
19          subpoena has been issued, as described in  
20          subparagraph (A)(iii), if an appropriate of-  
21          ficial of the Department of Justice deter-  
22          mines that there is reason to believe that  
23          notification of the existence of the sub-  
24          poena may result in—

1 “(I) endangering the life or phys-  
2 ical safety of an individual;

3 “(II) flight from prosecution;

4 “(III) destruction of or tam-  
5 pering with evidence;

6 “(IV) intimidation of potential  
7 witnesses; or

8 “(V) otherwise seriously jeopard-  
9 izing an investigation or unduly delay-  
10 ing a trial.

11 “(ii) RENEWAL.—The nondisclosure  
12 requirement under this subparagraph may  
13 be renewed beyond the two year-period de-  
14 scribed in subparagraph (A)(iii) if an ap-  
15 propriate official of the Department of  
16 Justice is satisfied that authorities in the  
17 foreign country have provided justification  
18 for the need to continue the nondisclosure  
19 of the subpoena and the foreign criminal  
20 matter.

21 “(C) LOCATION OF SERVICE.—A subpoena  
22 issued pursuant to this paragraph may be  
23 served in any judicial district where the person  
24 or entity resides, does business, or may be  
25 found.

1           “(D) SERVICE.—A subpoena issued pursu-  
2           ant to this paragraph may be served by any  
3           person who is at least 18 years of age and is  
4           designated in the subpoena to serve it. Service  
5           upon a natural person or a legal entity may be  
6           made by personal delivery of the subpoena, by  
7           registered mail or by any available means for  
8           electronic service. Service may also be made  
9           upon a domestic or foreign corporation or upon  
10          a partnership or other unincorporated associa-  
11          tion which is subject to suit under a common  
12          name, by delivering the subpoena to an officer,  
13          to a managing or general agent, or to any other  
14          agent authorized by appointment or by law to  
15          receive service of process. The affidavit of the  
16          person serving the subpoena entered on a true  
17          copy thereof by the person serving it shall be  
18          proof of service.

19           “(E) RETURN DATE.—A subpoena issued  
20           pursuant to this subsection shall prescribe a re-  
21           turn date within a reasonable period of time  
22           within which the records or information can be  
23           assembled and made available, and shall include  
24           notice of the availability of judicial review under  
25           subparagraph (G).

1                   “(F) PROVIDERS OF ELECTRONIC COMMU-  
2                   NICATION SERVICE OR REMOTE COMPUTING  
3                   SERVICE.—A provider of electronic communica-  
4                   tion service or remote computing service that  
5                   receives a subpoena under subparagraph (A), or  
6                   the officer, employee, or agent thereof, may dis-  
7                   close information otherwise subject to any ap-  
8                   plicable nondisclosure requirement to—

9                   “(i) those persons to whom disclosure  
10                  is necessary in order to comply with the re-  
11                  quest;

12                  “(ii) an attorney in order to obtain  
13                  legal advice or assistance regarding the re-  
14                  quest; or

15                  “(iii) other persons, as permitted by  
16                  the Attorney General or his designee.

17                  “(G) JUDICIAL REVIEW.—(i) The recipient  
18                  of a subpoena under this subsection may, in the  
19                  United States district court for the district in  
20                  which that person or entity does business or re-  
21                  sides, petition for an order modifying or setting  
22                  aside the subpoena. The court may modify or  
23                  set aside the subpoena if compliance would be  
24                  unreasonable, oppressive, or otherwise unlawful.

1           “(ii) If a recipient of a subpoena  
2           under this subsection wishes to have a  
3           court review a nondisclosure requirement  
4           imposed in connection with the subpoena,  
5           the recipient may notify the government or  
6           file a petition for judicial review in any  
7           court described in clause (i).

8           “(iii) Not later than 30 days after the  
9           date of receipt of a notification under  
10          clause (ii), the Government shall apply for  
11          an order prohibiting the disclosure of the  
12          existence or contents of the relevant sub-  
13          poena. An application under this clause  
14          may be filed in the district court of the  
15          United States for the judicial district in  
16          which the recipient of the order does busi-  
17          ness or resides, or in the District of Co-  
18          lumbia. The applicable nondisclosure re-  
19          quirement shall remain in effect during the  
20          pendency of proceedings relating to the re-  
21          quirement.

22          “(iv) A district court of the United  
23          States that receives a petition under clause  
24          (ii) or an application under clause (iii)  
25          should rule expeditiously, and shall, subject

1 to clause (vi), issue a nondisclosure order  
2 that includes conditions appropriate to the  
3 circumstances.

4 “(v) An application for nondisclosure  
5 or extension thereof or a response to a pe-  
6 tition filed under clause (ii) shall include a  
7 certification from an appropriate official of  
8 the Department of Justice containing a  
9 statement of specific facts indicating that  
10 the absence of a prohibition on disclosure  
11 under this subsection may result in—

12 “(I) endangering the life or phys-  
13 ical safety of an individual;

14 “(II) flight from prosecution;

15 “(III) destruction of or tam-  
16 pering with evidence;

17 “(IV) intimidation of potential  
18 witnesses; or

19 “(V) otherwise seriously jeopard-  
20 izing an investigation or unduly delay-  
21 ing a trial.

22 “(vi) A district court of the United  
23 States shall issue a nondisclosure order or  
24 extension thereof under this paragraph if  
25 the court determines that there is reason

1 to believe that disclosure of the informa-  
2 tion subject to the nondisclosure require-  
3 ment during the applicable time period  
4 may result in—

5 “(I) endangering the life or phys-  
6 ical safety of an individual;

7 “(II) flight from prosecution;

8 “(III) destruction of or tam-  
9 pering with evidence;

10 “(IV) intimidation of potential  
11 witnesses; or

12 “(V) otherwise seriously jeopard-  
13 izing an investigation or unduly delay-  
14 ing a trial.

15 “(vii) In the case of contumacy by or  
16 refusal to obey a subpoena issued to any  
17 person under this paragraph, an attorney  
18 for the Government duly authorized by an  
19 appropriate official of the Department of  
20 Justice may invoke the aid of any district  
21 court of the United States within the juris-  
22 diction of which the subpoenaed person or  
23 entity resides, does business or may be  
24 found, or for the District of Columbia. The  
25 court may issue an order requiring the

1 subpoenaed person or entity to comply  
2 with the subpoena, including by requiring  
3 the subpoenaed person or entity to produce  
4 a signed certification concerning the pro-  
5 duction and authentication of such records.  
6 Any failure to obey the order of the court  
7 may be punished as a contempt of court.  
8 Any process under this subsection may be  
9 served in any judicial district in which the  
10 person or entity may be found.

11 “(viii) In all proceedings under this  
12 subparagraph, subject to any right to an  
13 open hearing in a contempt proceeding, the  
14 court shall close any hearing to the extent  
15 necessary to prevent an unauthorized dis-  
16 closure of the subpoena, foreign request,  
17 foreign criminal matter, or other informa-  
18 tion. The court shall keep any petition, fil-  
19 ing, record, order, and subpoena filed or  
20 issued under this paragraph under seal to  
21 the extent and as long as necessary to pre-  
22 vent the unauthorized disclosure of the  
23 subpoena, foreign request, foreign criminal  
24 matter, or other information.



1                   “(ix) In a proceeding under this sub-  
2                   section, the court shall, upon request of  
3                   the Government, review ex parte and in  
4                   camera any Government submission or  
5                   portion thereof, which may include sen-  
6                   sitive information regarding the foreign  
7                   criminal matter.

8                   “(H) LIMITATION ON LIABILITY.—Notwith-  
9                   standing any Federal, State, or local law, any  
10                  person, including an officer, agent, or employee  
11                  of such person, who receives a subpoena under  
12                  this paragraph and complies in good faith with  
13                  the subpoena and produces the records sought,  
14                  shall not be liable in any court of any State or  
15                  of the United States to any customer or other  
16                  person for such production or for nondisclosure  
17                  of the subpoena, foreign request for assistance,  
18                  or production.

19                  “(I) RULE OF CONSTRUCTION.—Nothing  
20                  in this paragraph shall preclude the use of judi-  
21                  cial orders described under paragraphs (1) and  
22                  (2) of this subsection.”.

23                  (2) DEFINITIONS.—Section 3512(h) of title 18,  
24                  United States Code, is amended by adding at the  
25                  end the following:

1           “(3) APPROPRIATE OFFICIAL OF THE DEPART-  
2           MENT OF JUSTICE.—The term ‘appropriate official  
3           of the Department of Justice’ means the Attorney  
4           General or his designee, including an attorney as-  
5           signed to the Office appropriately designated to  
6           function as the United States Central Authority  
7           under treaties of mutual legal assistance in criminal  
8           matters.

9           “(4) ELECTRONIC COMMUNICATION SERVICE.—  
10          The term ‘electronic communication service’ has the  
11          meaning given such term in section 2510.

12          “(5) REMOTE COMPUTING SERVICE.—The term  
13          ‘remote computing service’ has the meaning given  
14          such term in section 2711.”.

15          (i) SUSPENSION OF LIMITATIONS TO PERMIT THE  
16          UNITED STATES TO OBTAIN FOREIGN EVIDENCE.—

17                 (1) IN GENERAL.—Section 3292 of title 18,  
18          United States Code, is amended—

19                         (A) in subsection (a)—

20                                 (i) by striking paragraph (1) and in-  
21                                 serting the following:

22   “(1) An official request to obtain evidence of an  
23   offense located in a foreign country shall suspend  
24   the running of the statute of limitations if the dis-  
25   trict court before which a grand jury is or may be

1 impaneled to investigate the offense finds, upon ap-  
2 plication of the United States filed before return of  
3 an indictment, by a preponderance of the evidence,  
4 that—

5 “(A) an official request has been made for  
6 such evidence;

7 “(B) it reasonably appears, or reasonably  
8 appeared at the time the request was made,  
9 that such evidence is, or was, in such foreign  
10 country; and

11 “(C) the request was made prior to the ex-  
12 piration of the statute of limitations.”; and

13 (ii) in paragraph (2), by adding at the  
14 end the following: “The suspension of the  
15 statute of limitations under subsection  
16 (a)(1) shall be effective irrespective of the  
17 date on which the statute of limitations  
18 would have expired absent operation of this  
19 section.”;

20 (B) in subsection (b)—

21 (i) by striking “Except as provided  
22 in” and inserting “Subject to the operation  
23 of”;

24 (ii) by striking “under this section”;

1 (iii) by striking “on the date on which  
2 the foreign court or authority takes” in-  
3 serting “six months after”; and

4 (iv) by adding at the end the fol-  
5 lowing: “If the United States makes mul-  
6 tiple official requests, the period of suspen-  
7 sion shall begin on the date on which the  
8 first official request was made and end six  
9 months after the last date of final action.”;

10 (C) by striking subsection (c) and insert-  
11 ing:

12 “(c) The total of all periods of suspension under this  
13 section with respect to an offense shall not exceed three  
14 years.”; and

15 (D) in subsection (d)—

16 (i) by inserting “(1)” before “As  
17 used”; and

18 (ii) by adding at the end the following  
19 new paragraph:

20 “(2) As used in this section, the term ‘final ac-  
21 tion’ means the receipt by the United States of the  
22 last response from the foreign court or authority ei-  
23 ther producing all requested evidence in the form re-  
24 quested or indicating that the official request has  
25 been, or will not be, fully executed.”.(2) SUSPEN-

1 SION OF LIMITATIONS TO PERMIT UNITED STATES  
2 TO OBTAIN FOREIGN EVIDENCE IN CIVIL FOR-  
3 FEITURE IN REM ACTIONS.—

4 (A) IN GENERAL.—Chapter 213 of title  
5 18, United States Code, is amended by insert-  
6 ing after section 3292 the following:

7 **“§ 3292A. Suspension of limitations to permit United**  
8 **States to obtain foreign evidence in civil**  
9 **forfeiture in rem actions**

10 “(a)(1) An official request to obtain evidence of an  
11 offense located in a foreign country shall suspend the run-  
12 ning of the statute of limitations for seeking forfeiture in  
13 rem if a district court before which a complaint seeking  
14 such forfeiture could be filed finds, upon application of  
15 the United States, by a preponderance of the evidence,  
16 that—

17 “(A) an official request has been made for such  
18 evidence;

19 “(B) it reasonably appears, or reasonably ap-  
20 peared at the time the request was made, that such  
21 evidence is, or was, in such foreign country; and

22 “(C) the request was made prior to the expira-  
23 tion of the statute of limitations.

24 “(2) The court shall rule upon such application not  
25 later than thirty days after the filing of the application.

1 The suspension of the statute of limitations under sub-  
2 section (a)(1) shall be effective irrespective of the date on  
3 which the statute of limitations would have expired absent  
4 operation of this section.

5 “(b) Subject to the operation of subsection (e) of this  
6 section, a period of suspension shall begin on the date on  
7 which the official request is made and end six months  
8 after final action on the request. If the United States  
9 makes multiple official requests, the period of suspension  
10 shall begin on the date on which the first official request  
11 was made and end six months after the last date of final  
12 action.

13 “(c) The total of all periods of suspension under this  
14 section with respect to an offense shall not exceed three  
15 years.

16 “(d) As used in this section, the terms ‘official re-  
17 quest’ and ‘final action’ have the meanings given such  
18 terms in section 3292.”.

19 (B) CLERICAL AMENDMENT.—The table of  
20 sections at the beginning of chapter 213 of title  
21 18, United States Code, is amended by insert-  
22 ing after the item relating to section 3292 the  
23 following new item:

“3292A. Suspension of limitations to permit United States to obtain foreign evi-  
dence in civil forfeiture in rem actions.”.

1 (j) FORFEITURES OF PROPERTY INVOLVED IN OR  
2 FACILITATING SANCTIONS VIOLATIONS, HUMAN RIGHTS  
3 VIOLATIONS, AND WAR CRIMES.—

4 (1) IN GENERAL.—Section 981(a)(1)(I) of title  
5 18, United States Code, is amended—

6 (A) by inserting “tangible or intangible,  
7 constituting, derived from, or traceable to, pro-  
8 ceeds taken, obtained, or retained directly or in-  
9 directly in connection with or as a result of, or”  
10 after “real or personal,”;

11 (B) by striking “ a violation or attempted  
12 violation, or which constitutes or is derived  
13 from proceeds traceable to a prohibition im-  
14 posed pursuant to” and inserting “, or is used  
15 or intended to be used in any manner or part  
16 to commit or facilitate a criminal violation, at-  
17 tempted criminal violation, or any conspiracy to  
18 commit a criminal violation of section 1091,  
19 2340, 2340A, 2441, or 2442 of this title, the  
20 International Emergency Economic Powers Act  
21 (50 U.S.C. 1701 et seq.), the Trading With the  
22 Enemy Act (50 U.S.C. 4301 et seq.), the  
23 United Nations Participation Act of 1945 (22  
24 U.S.C. 287c), the Foreign Narcotics Kingpin  
25 Designation Act (21 U.S.C. 1901–1908),”; and

1 (C) by inserting before the period at the  
2 end the following: “, or any order, regulation,  
3 prohibition, or license issued under any such  
4 law”.

5 (2) APPLICATION.—The amendments made by  
6 this subsection shall apply to any civil forfeiture pro-  
7 ceeding that is pending or commenced on or after  
8 the date of enactment of this Act.

9 (k) ENABLERS OF CORRUPTION INELIGIBLE FOR  
10 VISAS.—Section 7031(c) of the Further Consolidated Ap-  
11 propriations Act, 2020 (Public Law 116–94) is amend-  
12 ed—

13 (1) in paragraph (1), by adding at the end the  
14 following:

15 “(C) Concurrent with the application of  
16 subparagraph (A), the Secretary shall, as ap-  
17 propriate, refer the matter to the Office of For-  
18 eign Assets Control of the Department of the  
19 Treasury , to determine whether to apply sanc-  
20 tions authorities in accordance with United  
21 States law to block the transfer of property and  
22 interests in property, and all financial trans-  
23 actions, in the United States involving any per-  
24 son described in such subparagraph.



1           “(D) Other foreign persons and their im-  
2           mediate family members about whom the Sec-  
3           retary of State has credible information have  
4           enabled, facilitated, or otherwise been involved  
5           in significant corruption, including through the  
6           laundering of its proceeds, obstruction of judi-  
7           cial or investigative processes, or bribery,  
8           among other acts, may be deemed ineligible for  
9           entry into the United States.

10           “(E) The Secretary may publicly or pri-  
11           vately designate or identify the other foreign  
12           persons and their immediate family members  
13           about whom the Secretary of State has such  
14           credible information without regard to whether  
15           the individual has applied for a visa.”; and

16           (2) in paragraph (6), by inserting “(B) and  
17           (E),” after “paragraphs (1)”.

