

117TH CONGRESS
1ST SESSION

H. R. _____

To combat the national security threat of foreign corruption and kleptocracy,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. COHEN introduced the following bill; which was referred to the Committee
on _____

A BILL

To combat the national security threat of foreign corruption
and kleptocracy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Counter-Kleptocracy
5 Act”.

6 **SEC. 2. COMBATING GLOBAL CORRUPTION ACT OF 2021.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Combating Global Corruption Act of 2021”.

9 (b) **DEFINITIONS.**—In this section:

1 (1) CORRUPT ACTOR.—The term “corrupt
2 actor” means—

3 (A) any foreign person or entity that is a
4 government official or government entity re-
5 sponsible for, or complicit in, an act of corrup-
6 tion; and

7 (B) any company, in which a person or en-
8 tity described in subparagraph (A) has a sig-
9 nificant stake, which is responsible for, or
10 complicit in, an act of corruption.

11 (2) CORRUPTION.—The term “corruption”
12 means the unlawful exercise of entrusted public
13 power for private gain, including by bribery, nepo-
14 tism, fraud, or embezzlement.

15 (3) SIGNIFICANT CORRUPTION.—The term “sig-
16 nificant corruption” means corruption committed at
17 a high level of government that has some or all of
18 the following characteristics:

19 (A) Illegitimately distorts major decision-
20 making, such as policy or resource determina-
21 tions, or other fundamental functions of govern-
22 ance.

23 (B) Involves economically or socially large-
24 scale government activities.

25 (c) PUBLICATION OF TIERED RANKING LIST.—

1 (1) IN GENERAL.—The Secretary of State shall
2 annually publish, on a publicly accessible website, a
3 tiered ranking of all foreign countries.

4 (2) TIER 1 COUNTRIES.—A country shall be
5 ranked as a tier 1 country in the ranking published
6 under paragraph (1) if the government of such coun-
7 try is complying with the minimum standards set
8 forth in subsection (d).

9 (3) TIER 2 COUNTRIES.—A country shall be
10 ranked as a tier 2 country in the ranking published
11 under paragraph (1) if the government of such coun-
12 try is making efforts to comply with the minimum
13 standards set forth in subsection (d), but is not
14 achieving the requisite level of compliance to be
15 ranked as a tier 1 country.

16 (4) TIER 3 COUNTRIES.—A country shall be
17 ranked as a tier 3 country in the ranking published
18 under paragraph (1) if the government of such coun-
19 try is making de minimis or no efforts to comply
20 with the minimum standards set forth in subsection
21 (d).

22 (d) MINIMUM STANDARDS FOR THE ELIMINATION OF
23 CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT
24 CORRUPTION.—

1 (1) IN GENERAL.—The government of a coun-
2 try is complying with the minimum standards for
3 the elimination of corruption if the government—

4 (A) has enacted and implemented laws and
5 established government structures, policies, and
6 practices that prohibit corruption, including sig-
7 nificant corruption;

8 (B) enforces the laws described in para-
9 graph (1) by punishing any person who is
10 found, through a fair judicial process, to have
11 violated such laws;

12 (C) prescribes punishment for significant
13 corruption that is commensurate with the pun-
14 ishment prescribed for serious crimes; and

15 (D) is making serious and sustained ef-
16 forts to address corruption, including through
17 prevention.

18 (2) FACTORS FOR ASSESSING GOVERNMENT EF-
19 FORTS TO COMBAT CORRUPTION.—In determining
20 whether a government is making serious and sus-
21 tained efforts to address corruption, the Secretary of
22 State shall consider, to the extent relevant or appro-
23 priate, factors such as—

24 (A) whether the government of the country
25 has criminalized corruption, investigates and

1 prosecutes acts of corruption, and convicts and
2 sentences persons responsible for such acts over
3 which it has jurisdiction, including, as appro-
4 priate, incarcerating individuals convicted of
5 such acts;

6 (B) whether the government of the country
7 vigorously investigates, prosecutes, convicts,
8 and sentences public officials who participate in
9 or facilitate corruption, including nationals of
10 the country who are deployed in foreign military
11 assignments, trade delegations abroad, or other
12 similar missions, who engage in or facilitate sig-
13 nificant corruption;

14 (C) whether the government of the country
15 has adopted measures to prevent corruption,
16 such as measures to inform and educate the
17 public, including potential victims, about the
18 causes and consequences of corruption;

19 (D) what steps the government of the
20 country has taken to prohibit government offi-
21 cials from participating in, facilitating, or
22 condoning corruption, including the investiga-
23 tion, prosecution, and conviction of such offi-
24 cials;

1 (E) the extent to which the country pro-
2 vides access, or, as appropriate, makes adequate
3 resources available, to civil society organizations
4 and other institutions to combat corruption, in-
5 cluding reporting, investigating, and moni-
6 toring;

7 (F) whether an independent judiciary or
8 judicial body in the country is responsible for,
9 and effectively capable of, deciding corruption
10 cases impartially, on the basis of facts and in
11 accordance with the law, without any improper
12 restrictions, influences, inducements, pressures,
13 threats, or interferences (direct or indirect);

14 (G) whether the government of the country
15 is assisting in international investigations of
16 transnational corruption networks and in other
17 cooperative efforts to combat significant corrup-
18 tion, including, as appropriate, cooperating with
19 the governments of other countries to extradite
20 corrupt actors;

21 (H) whether the government of the country
22 recognizes the rights of victims of corruption,
23 ensures their access to justice, and takes steps
24 to prevent victims from being further victimized

1 or persecuted by corrupt actors, government of-
2 ficials, or others;

3 (I) whether the government of the country
4 protects victims of corruption or whistleblowers
5 from reprisal due to such persons having as-
6 sisted in exposing corruption, and refrains from
7 other discriminatory treatment of such persons;

8 (J) whether the government of the country
9 is willing and able to recover and, as appro-
10 priate, return the proceeds of corruption;

11 (K) whether the government of the country
12 is taking steps to implement financial trans-
13 parency measures in line with the Financial Ac-
14 tion Task Force recommendations, including
15 due diligence and beneficial ownership trans-
16 parency requirements;

17 (L) whether the government of the country
18 is facilitating corruption in other countries in
19 connection with state-directed investment, loans
20 or grants for major infrastructure, or other ini-
21 tiatives; and

22 (M) such other information relating to cor-
23 ruption as the Secretary of State considers ap-
24 propriate.

1 (3) ASSESSING GOVERNMENT EFFORTS TO COM-
2 BAT CORRUPTION IN RELATION TO RELEVANT
3 INTERNATIONAL COMMITMENTS.—In determining
4 whether a government is making serious and sus-
5 tained efforts to address corruption, the Secretary of
6 State shall consider the government of a country’s
7 compliance with the following, as relevant:

8 (A) The Inter-American Convention
9 against Corruption of the Organization of
10 American States, done at Caracas March 29,
11 1996.

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

18 (C) The United Nations Convention
19 against Transnational Organized Crime, done
20 at New York November 15, 2000.

21 (D) The United Nations Convention
22 against Corruption, done at New York October
23 31, 2003.

1 (E) Such other treaties, agreements, and
2 international standards as the Secretary of
3 State considers appropriate.

4 (e) IMPOSITION OF SANCTIONS UNDER GLOBAL
5 MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT.—

6 (1) IN GENERAL.—The Secretary of State, in
7 coordination with the Secretary of the Treasury,
8 should evaluate whether there are foreign persons
9 engaged in significant corruption for the purposes of
10 potential imposition of sanctions under the Global
11 Magnitsky Human Rights Accountability Act (sub-
12 title F of title XII of Public Law 114–328; 22
13 U.S.C. 2656 note)—

14 (A) in all countries identified as tier 3
15 countries under subsection (c); or

16 (B) in relation to the planning or construc-
17 tion or any operation of the Nord Stream 2
18 pipeline.

19 (2) REPORT REQUIRED.—Not later than 180
20 days after publishing the list required by subsection
21 (c)(1) and annually thereafter, the Secretary of
22 State shall submit to the committees specified in
23 paragraph (6) a report that includes—

1 (A) a list of foreign persons with respect to
2 which the President imposed sanctions pursuant
3 to the evaluation under subsection (a);

4 (B) the dates on which such sanctions
5 were imposed;

6 (C) the reasons for imposing such sanc-
7 tions; and

8 (D) a list of all foreign persons found to
9 have been engaged in significant corruption in
10 relation to the planning, construction, or oper-
11 ation of the Nord Stream 2 pipeline.

12 (3) FORM OF REPORT.—Each report required
13 by paragraph (2) shall be submitted in unclassified
14 form but may include a classified annex.

15 (4) BRIEFING IN LIEU OF REPORT.—The Sec-
16 retary of State, in coordination with the Secretary of
17 the Treasury, may (except with respect to the list re-
18 quired by paragraph (2)(D)) provide a briefing to
19 the committees specified in paragraph (6) instead of
20 submitting a written report required under para-
21 graph (2), if doing so would better serve existing
22 United States anti-corruption efforts or the national
23 interests of the United States.

24 (5) TERMINATION OF REQUIREMENTS RELAT-
25 ING TO NORD STREAM 2.—The requirements under

1 paragraphs (1)(B) and (2)(D) shall terminate on the
2 date that is 5 years after the date of the enactment
3 of this Act.

4 (6) COMMITTEES SPECIFIED.—The committees
5 specified in this subsection are—

6 (A) the Committee on Foreign Relations,
7 the Committee on Appropriations, the Com-
8 mittee on Banking, Housing, and Urban Af-
9 fairs, and the Committee on the Judiciary of
10 the Senate; and

11 (B) the Committee on Foreign Affairs, the
12 Committee on Appropriations, the Committee
13 on Financial Services, and the Committee on
14 the Judiciary of the House of Representatives.

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

17 (1) IN GENERAL.—The Secretary of State shall
18 annually designate an anti-corruption point of con-
19 tact at the United States diplomatic post to each
20 country identified as tier 2 or tier 3 under sub-
21 section (c), or which the Secretary otherwise deter-
22 mines is in need of such a point of contact. The
23 point of contact shall be the chief of mission or the
24 chief of mission's designee.

1 (2) RESPONSIBILITIES.—Each anti-corruption
2 point of contact designated under subsection (a)
3 shall be responsible for enhancing coordination and
4 promoting the implementation of a whole-of-govern-
5 ment approach among the relevant Federal depart-
6 ments and agencies undertaking efforts to—

7 (A) promote good governance in foreign
8 countries; and

9 (B) enhance the ability of such countries—
10 (i) to combat public corruption; and
11 (ii) to develop and implement corrup-
12 tion risk assessment tools and mitigation
13 strategies.

14 (3) TRAINING.—The Secretary of State shall
15 implement appropriate training for anti-corruption
16 points of contact designated under paragraph (1).

17 **SEC. 3. FOREIGN CORRUPTION ACCOUNTABILITY ACT.**

18 (a) SHORT TITLE.—This section may be cited as the
19 “Foreign Corruption Accountability Act”.

20 (b) FINDINGS.—Congress finds the following:

21 (1) When public officials and their allies use the
22 mechanisms of government to engage in extortion or
23 bribery, they impoverish their countries’ economic
24 health and harm citizens.

1 (2) By empowering the United States Govern-
2 ment to hold to account foreign public officials and
3 their associates who engage in extortion or bribery,
4 the United States can deter malfeasance and ulti-
5 mately serve the citizens of fragile countries suffo-
6 cated by corrupt bureaucracies.

7 (3) The Special Inspector General for Afghan
8 Reconstruction’s 2016 report “Corruption in Con-
9 flict: Lessons from the U.S. Experience in Afghani-
10 stan” included the recommendation, “Congress
11 should consider enacting legislation that authorizes
12 sanctions against foreign government officials or
13 their associates who engage in corruption.”.

14 (c) AUTHORIZATION OF IMPOSITION OF SANC-
15 TIONS.—

16 (1) IN GENERAL.—The President may impose
17 the sanctions described in paragraph (2) with re-
18 spect to any foreign person who is an individual the
19 President determines—

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

22 (i) soliciting or accepting bribes;

23 (ii) using the authority of the state to
24 extort payments; or

25 (iii) engaging in extortion; or

1 (B) conspires to engage in, or knowingly
2 and materially assists, sponsors, or provides sig-
3 nificant financial, material, or technological
4 support for any of the activities described in
5 subparagraph (A).

6 (2) SANCTIONS DESCRIBED.—

7 (A) INELIGIBILITY FOR VISAS AND ADMIS-
8 SIONS TO THE UNITED STATES.—The foreign
9 person shall be—

10 (i) inadmissible to the United States;

11 (ii) ineligible to receive a visa or other

12 documentation to enter the United States;

13 and

14 (iii) otherwise ineligible to be admitted

15 or paroled into the United States or to re-

16 ceive any other benefit under the Immigra-

17 tion and Nationality Act (8 U.S.C. 1101 et

18 seq.).

19 (B) CURRENT VISAS REVOKED.—

20 (i) IN GENERAL.—The issuing con-

21 sular officer or the Secretary of State, (or

22 a designee of the Secretary of State) shall,

23 in accordance with section 221(i) of the

24 Immigration and Nationality Act (8 U.S.C.

25 1201(i)), revoke any visa or other entry

1 documentation issued to the foreign person
2 regardless of when the visa or other entry
3 documentation is issued.

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

6 (I) take effect immediately; and

7 (II) automatically cancel any
8 other valid visa or entry documenta-
9 tion that is in the foreign person's
10 possession.

11 (iii) REGULATIONS REQUIRED.—Not
12 later than 180 days after the date of the
13 enactment of this Act, the Secretary of
14 State shall prescribe such regulations as
15 are necessary to carry out this subsection.

16 (3) EXCEPTION TO COMPLY WITH LAW EN-
17 FORCEMENT OBJECTIVES AND AGREEMENT REGARD-
18 ING THE HEADQUARTERS OF THE UNITED NA-
19 TIONS.—Sanctions under paragraph (2) shall not
20 apply to a foreign person if admitting the person
21 into the United States—

22 (A) would further important law enforce-
23 ment objectives; or

24 (B) is necessary to permit the United
25 States to comply with the Agreement regarding

1 the Headquarters of the United Nations, signed
2 at Lake Success June 26, 1947, and entered
3 into force November 21, 1947, between the
4 United Nations and the United States, or other
5 applicable international obligations of the
6 United States.

7 (4) TERMINATION OF SANCTIONS.—The Presi-
8 dent may terminate the application of sanctions
9 under this section with respect to a foreign person
10 if the President determines and reports to the ap-
11 propriate congressional committees not later than 15
12 days before the termination of the sanctions that—

13 (A) the person is no longer engaged in the
14 activity that was the basis for the sanctions or
15 has taken significant verifiable steps toward
16 stopping the activity;

17 (B) the President has received reliable as-
18 surances that the person will not knowingly en-
19 gage in activity subject to sanctions under this
20 part in the future; or

21 (C) the termination of the sanctions is in
22 the national security interests of the United
23 States.

1 (5) REGULATORY AUTHORITY.—The President
2 shall issue such regulations, licenses, and orders as
3 are necessary to carry out this section.

4 (6) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES DEFINED.—In this section, the term “appro-
6 priate congressional committees” means—

7 (A) the Committee on the Judiciary, the
8 Committee on Financial Services, and the Com-
9 mittee on Foreign Affairs of the House of Rep-
10 resentatives; and

11 (B) the Committee on the Judiciary, the
12 Committee on Banking, Housing, and Urban
13 Affairs, and the Committee on Foreign Rela-
14 tions of the Senate.

15 (d) REPORTS TO CONGRESS.—

16 (1) IN GENERAL.—The President shall submit
17 to the appropriate congressional committees, in ac-
18 cordance with paragraph (2), a report that in-
19 cludes—

20 (A) a list of each foreign person with re-
21 spect to which the President imposed sanctions
22 pursuant to subsection (c) during the year pre-
23 ceeding the submission of the report;

24 (B) the number of foreign persons with re-
25 spect to which the President—

1 (i) imposed sanctions under sub-
2 section (c)(1) during that year; and

3 (ii) terminated sanctions under sub-
4 section (c)(6) during that year;

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

7 (D) the reasons for imposing or termi-
8 nating such sanctions;

9 (E) the total number of foreign persons
10 considered under subsection (c)(3) for whom
11 sanctions were not imposed; and

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

15 (2) DATES FOR SUBMISSION.—

16 (A) INITIAL REPORT.—The President shall
17 submit the initial report under paragraph (1)
18 not later than 120 days after the date of the
19 enactment of this Act.

20 (B) SUBSEQUENT REPORTS.—The Presi-
21 dent shall submit a subsequent report under
22 paragraph (1) on December 10, or the first day
23 thereafter on which both Houses of Congress
24 are in session, of—

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

5 (ii) each calendar year thereafter.

6 (3) FORM OF REPORT.—

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

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

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

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

21 (4) PUBLIC AVAILABILITY.—

22 (A) IN GENERAL.—The unclassified por-
23 tion of the report required by paragraph (1)
24 shall be made available to the public, including
25 through publication in the Federal Register.

1 (B) NONAPPLICABILITY OF CONFIDEN-
2 TIALITY REQUIREMENT WITH RESPECT TO VISA
3 RECORDS.—The President shall publish the list
4 required by paragraph (1)(A) without regard to
5 the requirements of section 222(f) of the Immig-
6 ration and Nationality Act (8 U.S.C. 1202(f))
7 with respect to confidentiality of records per-
8 taining to the issuance or refusal of visas or
9 permits to enter the United States.

10 (5) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES DEFINED.—In this section, the term “appro-
12 priate congressional committees” means—

13 (A) the Committee on Appropriations, the
14 Committee on Foreign Affairs, the Committee
15 on Financial Services, and the Committee on
16 the Judiciary of the House of Representatives;
17 and

18 (B) the Committee on Appropriations, the
19 Committee on Foreign Relations, the Com-
20 mittee on Banking, Housing, and Urban Af-
21 fairs, and the Committee on the Judiciary of
22 the Senate.

23 (e) SUNSET.—

24 (1) IN GENERAL.—The authority to impose
25 sanctions under subsection (c) and the requirements

1 to submit reports under subsection (d) shall termi-
2 nate on the date that is 6 years after the date of en-
3 actment of this Act.

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

10 (f) DEFINITIONS.—In this section:

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

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

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

24 (4) PERSON.—The term “person” means an in-
25 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.

5 **SEC. 4. FOREIGN EXTORTION PREVENTION ACT.**

6 (a) SHORT TITLE.—This section may be cited as the
7 “Foreign Extortion Prevention Act”.

8 (b) PROHIBITION OF DEMAND FOR BRIBE.—Section
9 201 of title 18, United States Code, is amended—

10 (1) in subsection (a), by adding at the end the
11 following:

12 “(4) The term ‘foreign official’ means—

13 “(A) any official or employee of a foreign
14 government or any department, agency, or in-
15 strumentality thereof;

16 “(B) any official or employee of a public
17 international organization;

18 “(C) any person acting in an official ca-
19 pacity for or on behalf of any such government
20 or department, agency, or instrumentality, or
21 for or on behalf of any such public international
22 organization; or

23 “(D) any person acting in an unofficial ca-
24 pacity for or on behalf of and with authoriza-
25 tion from any such government or department,

1 agency, or instrumentality, or for or on behalf
2 of and with authorization from any such public
3 international organization.

4 “(5) The term ‘public international organiza-
5 tion’ means—

6 “(A) an organization that is designated by
7 Executive order pursuant to section 1 of the
8 International Organizations Immunities Act (22
9 U.S.C. 288); or

10 “(B) any other international organization
11 that is designated by the President by Execu-
12 tive order for the purposes of this section, effec-
13 tive as of the date of publication of such order
14 in the Federal Register.”; and

15 (2) by adding at the end the following:

16 “(f)(1) IN GENERAL.—It shall be unlawful for any
17 foreign official or person selected to be a foreign official
18 to corruptly demand, seek, receive, accept, or agree to re-
19 ceive or accept, directly or indirectly, anything of value
20 personally or for any other person or non-governmental
21 entity, in or affecting interstate commerce, in return for—

22 “(A) being influenced in the performance of any
23 official act;

1 “(B) being induced to do or omit to do any act
2 in violation of the official duty of such official or
3 person; or

4 “(C) conferring any improper advantage,
5 in connection with obtaining or retaining business for or
6 with, or directing business to, any person.

7 “(2) PENALTIES.—Any person who violates
8 paragraph (1) of this section shall be fined not more
9 than \$250,000 or three times the monetary equiva-
10 lent of the thing of value, or imprisoned for not
11 more than fifteen years, or both.

12 “(3) TRANSFER.—Except for costs related to
13 the administration and enforcement of the Foreign
14 Extortion Prevention Act, all fines and penalties im-
15 posed against a person under paragraph (2) of this
16 section, whether pursuant to a criminal prosecution,
17 enforcement proceeding, deferred prosecution agree-
18 ment, non-prosecution agreement, a declination to
19 prosecute or enforce, a civil penalty, or any other
20 resolution, shall be deposited in the Victims of
21 Kleptocracy Fund established under subsection (l) of
22 this section.

23 “(4) JURISDICTION.—An offense under para-
24 graph (1) of this section shall be subject to
25 extraterritorial Federal jurisdiction.

1 “(5) REPORT.—Not later than one year after
2 the date of enactment of the Foreign Extortion Pre-
3 vention Act, and annually thereafter, the Attorney
4 General shall submit to the Committee on the Judi-
5 ciary of the House of Representatives and the Com-
6 mittee on the Judiciary of the Senate, and post on
7 the publicly available website of the Department of
8 Justice, a report—

9 “(A) providing an overview of the scale
10 and nature of bribery involving foreign officials,
11 including an analysis of where these crimes are
12 most likely to be committed;

13 “(B) focusing, in part, on demands by for-
14 eign officials for bribes from United States
15 domiciled or incorporated entities, and the ef-
16 forts of foreign governments to prosecute such
17 cases;

18 “(C) addressing United States diplomatic
19 efforts to protect United States domiciled or in-
20 corporated entities from foreign bribery, and
21 the effectiveness of those efforts in protecting
22 such entities;

23 “(D) summarizing major actions taken
24 under this section in the previous year, includ-

1 ing, but not limited to, enforcement actions
2 taken and penalties imposed;

3 “(E) evaluating the effectiveness of the
4 Department of Justice in enforcing this section;

5 “(F) detailing what resources or legislative
6 action the Department of Justice need to en-
7 sure adequate enforcement of this section; and

8 “(G) studying the efficacy of mutual legal
9 assistance treaties and how they can be im-
10 proved or built upon in multilateral fora, in-
11 cluding the identification of legal and policy
12 issues that are delaying prompt responses.

13 “(6) ANNUAL PUBLICATION OF MUTUAL LEGAL
14 ASSISTANCE TREATY DATA.—Not later than one
15 year after the date of enactment of the Foreign Ex-
16 tortion Prevention Act, and annually thereafter, the
17 Attorney General shall publish on the website of the
18 Department of Justice—

19 “(A) the number of requests for mutual
20 legal assistance made to the Department of
21 Justice from foreign governments during the
22 preceding year;

23 “(B) the number of requests for mutual
24 legal assistance returned for noncompliance
25 during the preceding year;

1 “(C) the reason or reasons each request
2 for mutual legal assistance returned for non-
3 compliance was so returned;

4 “(D) the number of requests for mutual
5 legal assistance processed by the Department of
6 Justice during the preceding year;

7 “(E) the median length of time taken to
8 process a request for mutual legal assistance by
9 the Department of Justice;

10 “(F) the number of requests for mutual
11 legal assistance that have been pending or not
12 completely fulfilled within six months of receipt
13 and the number of requests for mutual legal as-
14 sistance that have been pending or not com-
15 pletely fulfilled within one year or longer of re-
16 ceipt; and

17 “(G) the number of outreach efforts by the
18 Department of Justice to explain how foreign
19 countries can receive mutual legal assistance.

20 “(7) VICTIMS OF KLEPTOCRACY FUND.—There
21 is established in the United States Treasury a fund
22 to be known as the ‘Victims of Kleptocracy Fund’.
23 Amounts deposited into the Victims of Kleptocracy
24 Fund pursuant to paragraph (3) of this subsection
25 or other law shall be available to the Attorney Gen-

1 eral, without fiscal year limitation or need for subse-
2 quent appropriation, only for the purposes of—

3 “(A) the International Criminal Investiga-
4 tive Training Assistance Program;

5 “(B) the Kleptocracy Asset Recovery Ini-
6 tiative;

7 “(C) the Office of Overseas Prosecutorial
8 Development, Assistance, and Training; and

9 “(D) the Office of International Affairs,
10 including for the hiring of personnel to speed
11 processing of requests for mutual legal assist-
12 ance.

13 “(8) CONSTRUCTION.—This subsection shall
14 not be construed as encompassing conduct that
15 would violate section 30A of the Securities Exchange
16 Act of 1934 (15 U.S.C. 78dd–1) or section 104 or
17 104A of the Foreign Corrupt Practices Act of 1977
18 (15 U.S.C. 78dd–2; 15 U.S.C. 78dd–3) whether pur-
19 suant to a theory of direct liability, conspiracy, com-
20 plicity, or otherwise.”.

21 **SEC. 5. GOLDEN VISA ACCOUNTABILITY ACT.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Golden Visa Accountability Act”.

24 (b) DEFINITIONS.—In this section:

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

4 (2) FOREIGN INVESTOR VISA.—The term “for-
5 eign investor visa” means any visa or passport
6 granted by a foreign investor visa program.

7 (3) FOREIGN INVESTOR VISA DENIAL.—The
8 term “foreign investor visa denial” means the deci-
9 sion of a foreign state to deny an applicant a foreign
10 investor visa because of involvement in corruption or
11 serious human rights abuse.

12 (4) FOREIGN INVESTOR VISA PROGRAM.—The
13 term “foreign investor visa program” means any
14 visa or passport program of a foreign state that pro-
15 vides a visa or citizenship in exchange for an invest-
16 ment of any size.

17 (5) UNITED STATES INVESTOR VISA DENIAL.—
18 The term “United States investor visa denial”
19 means a decision to deny an applicant a visa under
20 section 203(b)(5) of the Immigration and Nation-
21 ality Act (8 U.S.C. 1153(b)(5)) because of involve-
22 ment in corruption or serious human rights abuse.

23 (6) INVESTOR VISA DENIALS DATABASE.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date of the enactment of this

1 Act, the Secretary of State shall establish an in-
2 vestor visa denials database. Initially, this data-
3 base shall include records related to United
4 States investor visa denials, for the purpose of
5 coordinating with foreign states—

6 (i) to prevent the abuse of investor
7 visas by foreign corrupt officials or crimi-
8 nals;

9 (ii) to ensure that the proceeds of cor-
10 ruption are not used to purchase an inves-
11 tor visa; and

12 (iii) to counter the tendency of foreign
13 corrupt officials and criminals to “shop”
14 for an investor visa.

15 (B) EXPANSION.—The Secretary of State
16 shall expand the database to include foreign in-
17 vestor visa denials. Foreign states that provide
18 records related to foreign investor visa denials
19 for inclusion in the database shall gain access
20 to records contained therein. Priority foreign
21 states for inclusion in this database are—

22 (i) the foreign states of the European
23 Union, which include Austria, Belgium,
24 Bulgaria, Croatia, Republic of Cyprus,
25 Czech Republic, Denmark, Estonia, Fin-

1 land, France, Germany, Greece, Hungary,
2 Ireland, Italy, Latvia, Lithuania, Luxem-
3 bourg, Malta, Netherlands, Poland, Por-
4 tugal, Romania, Slovakia, Slovenia, Spain,
5 and Sweden; and

6 (ii) the foreign states of the Five
7 Eyes, which include Australia, Canada,
8 New Zealand, and the United Kingdom.

9 (C) ADMISSION.—Foreign states may of
10 their own volition apply for access to, and inclu-
11 sion in, the investor visa denials database. The
12 Secretary of State may admit a foreign state to
13 the database if the Secretary determines that—

14 (i) the foreign state will be honest and
15 forthcoming with records regarding its for-
16 eign investor visa denials; and

17 (ii) the foreign investor visa program
18 is at risk of abuse by foreign corrupt offi-
19 cials.

20 **SEC. 6. JUSTICE FOR VICTIMS OF KLEPTOCRACY ACT OF**
21 **2021.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Justice for Victims of Kleptocracy Act of 2021”.

24 (b) FORFEITED PROPERTY.—

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

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

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

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

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

17 “(2) The total amount recovered by the United
18 States on behalf of the foreign people that is the tar-
19 get of corruption at the time when such recovered
20 funds are deposited into the Department of Justice
21 Asset Forfeiture Fund or the Department of the
22 Treasury Forfeiture Fund.

23 “(c) UPDATED WEBSITE.—The Attorney General
24 shall update the website of the Department of Justice to
25 include an accounting of any new property relating to for-

1 eign government corruption that has been forfeited to the
2 United States under section 981 or 982 not later than
3 14 days after such forfeiture, unless such update would
4 compromise an ongoing law enforcement investigation.”.

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

“988. Accounting of certain forfeited property.”.

8 (c) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that recovered assets be returned for the benefit of
10 the people harmed by the corruption under conditions that
11 reasonably ensure the transparent and effective use, ad-
12 ministration and monitoring of returned proceeds.

13 **SEC. 7. REVEAL ACT.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “Revealing and Explaining Visa Exclusions for Account-
16 ability and Legitimacy Act” or the “REVEAL Act”.

17 (b) LIMITING CONFIDENTIALITY OF RECORDS.—

18 (1) IN GENERAL.—Section 222(f) of the Immig-
19 ration and Nationality Act (8 U.S.C. 1202(f)) is
20 amended—

21 (A) in paragraph (1), by striking the pe-
22 riod at the end and inserting a semicolon;

23 (B) in paragraph (2)(B), by striking the
24 period at the end and inserting the following: “;
25 and”; and

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

2 “(3) the Secretary of State may make available
3 to the public the identity of an individual alien de-
4 termined to be inadmissible to the United States
5 pursuant to subparagraph (C) of section 212(a)(3),
6 and the grounds on which a determination was made
7 to refuse a visa or permit.”.

8 (2) APPLICATION.—This subsection and the
9 amendments made by this subsection shall apply
10 with respect to any determination under section
11 212(a)(3)(C) of the Immigration and Nationality
12 Act (8 U.S.C. 1182(a)(3)(C)) made before, on, or
13 after the date of enactment of this Act.

14 (3) CONSIDERATION OF CERTAIN INFORMATION
15 IN REVEALING BANS.—In determining whether to
16 waive confidentiality under section 222(f)(3) of the
17 Immigration and Nationality Act, as added by para-
18 graph (1), the Secretary of State shall consider—

19 (A) information provided by the chair-
20 person and ranking member of each of the ap-
21 propriate congressional committees; and

22 (B) credible information obtained by other
23 countries and nongovernmental organizations
24 that monitor corruption and human rights
25 abuse.

1 (c) REPORTS TO CONGRESS.—

2 (1) IN GENERAL.—Not later than 120 days
3 after the date of enactment of this Act, and annually
4 thereafter, the President shall submit to the appro-
5 priate congressional committees a report that in-
6 cludes, for the previous year—

7 (A) a list of each individual that the Sec-
8 retary of State determined was ineligible for an
9 immigrant or nonimmigrant visa pursuant to
10 subparagraph (C) of section 212(a)(3) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1182(a)(3)); and

13 (B) a list of each individual described in
14 subparagraph (A), but for whom the Secretary
15 of State determined not to make public the
16 identity of the individual, and the grounds on
17 which the determination of ineligibility was
18 made.

19 (2) FORM OF REPORT.—

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

23 (B) EXCEPTION.—The name of an alien to
24 be included in the list required by paragraph
25 (1)(A)) may be submitted in the classified

1 annex authorized by subparagraph (A) only if
2 the President—

3 (i) determines that it is vital for the
4 national security interests of the United
5 States to do so;

6 (ii) uses the annex in a manner con-
7 sistent with congressional intent and the
8 purposes of this section; and

9 (iii) not later than 15 days before sub-
10 mitting the name in a classified annex,
11 provides to the appropriate congressional
12 committees notice of, and a justification
13 for, including the name in the classified
14 annex.

15 (3) PUBLIC AVAILABILITY.—

16 (A) IN GENERAL.—The unclassified por-
17 tion of the report required by paragraph (1)
18 shall be made available to the public, including
19 through publication in the Federal Register.

20 (B) NONAPPLICABILITY OF CONFIDEN-
21 TIALITY REQUIREMENT WITH RESPECT TO VISA
22 RECORDS.—The President shall publish the list
23 required by paragraph (1)(A) without regard to
24 the requirements of section 222(f) of the Immi-
25 gration and Nationality Act (8 U.S.C. 1202(f))

1 with respect to confidentiality of records per-
2 taining to the issuance or refusal of visas or
3 permits to enter the United States.

4 (4) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES DEFINED.—In this section, the term “appro-
6 priate congressional committees” means—

7 (A) the Committee on the Judiciary and
8 the Committee on Foreign Relations of the Sen-
9 ate; and

10 (B) the Committee on the Judiciary and
11 the Committee on Foreign Affairs of the House
12 of Representatives.

13 **SEC. 8. TRAP ACT OF 2021.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “Transnational Repression Accountability and Prevention
16 Act of 2021” or as the “TRAP Act of 2021”.

17 (b) TRANSNATIONAL REPRESSION ACCOUNTABILITY
18 AND PREVENTION.—

19 (1) FINDINGS.—Congress makes the following
20 findings:

21 (A) The International Criminal Police Or-
22 ganization (INTERPOL) works to prevent and
23 fight crime through enhanced cooperation and
24 innovation on police and security matters, in-
25 cluding kleptocracy, counterterrorism,

1 cybercrime, counternarcotics, and transnational
2 organized crime.

3 (B) United States membership and partici-
4 pation in INTERPOL advances the national se-
5 curity and law enforcement interests of the
6 United States related to combating kleptocracy,
7 terrorism, cybercrime, narcotics, and
8 transnational organized crime.

9 (C) Article 2 of INTERPOL’s Constitution
10 states that the organization aims “[to] ensure
11 and promote the widest possible mutual assist-
12 ance between all criminal police authorities . . .
13 in the spirit of the ‘Universal Declaration of
14 Human Rights’”.

15 (D) Article 3 of INTERPOL’s Constitu-
16 tion states that “[i]t is strictly forbidden for the
17 Organization to undertake any intervention or
18 activities of a political, military, religious or ra-
19 cial character”.

20 (E) These principles provide INTERPOL
21 with a foundation based on respect for human
22 rights and avoidance of politically motivated ac-
23 tions by the organization and its members.

24 (F) According to the Justice Manual of the
25 United States Department of Justice, “[i]n the

1 United States, national law prohibits the arrest
2 of the subject of a Red Notice issued by an-
3 other INTERPOL member country, based upon
4 the notice alone”.

5 (2) SENSE OF CONGRESS.—It is the sense of
6 Congress that some INTERPOL member countries
7 have repeatedly misused INTERPOL’s databases
8 and processes, including Notice and Diffusion mech-
9 anisms, for activities of an overtly political or other
10 unlawful character and in violation of international
11 human rights standards, including making requests
12 to harass or persecute political opponents, human
13 rights defenders, or journalists.

14 (3) SUPPORT FOR INTERPOL INSTITUTIONAL
15 REFORMS.—The Attorney General and the Secretary
16 of State shall—

17 (A) use the voice, vote, and influence of
18 the United States, as appropriate, within
19 INTERPOL’s General Assembly and Executive
20 Committee to promote reforms aimed at im-
21 proving the transparency of INTERPOL and
22 ensuring its operation consistent with its Con-
23 stitution, particularly articles 2 and 3, and
24 Rules on the Processing of Data, including—

1 (i) supporting INTERPOL's reforms
2 enhancing the screening process for No-
3 tices, Diffusions, and other INTERPOL
4 communications to ensure they comply
5 with INTERPOL's Constitution and Rules
6 on the Processing of Data (RPD);

7 (ii) supporting and strengthening
8 INTERPOL's coordination with the Com-
9 mission for Control of INTERPOL's Files
10 (CCF) in cases in which INTERPOL or
11 the CCF has determined that a member
12 country issued a Notice, Diffusion, or
13 other INTERPOL communication against
14 an individual in violation of articles 2 or 3
15 of the INTERPOL Constitution, or the
16 RPD, to prohibit such member country
17 from seeking the publication or issuance of
18 any subsequent Notices, Diffusions, or
19 other INTERPOL communication against
20 the same individual based on the same set
21 of claims or facts;

22 (iii) increasing, to the extent prac-
23 ticable, dedicated funding to the CCF and
24 the Notices and Diffusions Task Force in
25 order to further expand operations related

1 to the review of requests for red notices
2 and red diffusions;

3 (iv) supporting candidates for posi-
4 tions within INTERPOL's structures, in-
5 cluding the Presidency, Executive Com-
6 mittee, General Secretariat, and CCF who
7 have demonstrated experience relating to
8 and respect for the rule of law;

9 (v) seeking to require INTERPOL in
10 its annual report to provide a detailed ac-
11 count, disaggregated by member country
12 or entity of—

13 (I) the number of Notice re-
14 quests, disaggregated by color, that it
15 received;

16 (II) the number of Notice re-
17 quests, disaggregated by color, that it
18 rejected;

19 (III) the category of violation
20 identified in each instance of a re-
21 jected Notice;

22 (IV) the number of Diffusions
23 that it cancelled without reference to
24 decisions by the CCF; and

1 (V) the sources of all
2 INTERPOL income during the re-
3 porting period; and

4 (vi) supporting greater transparency
5 by the CCF in its annual report by pro-
6 viding a detailed account, disaggregated by
7 country, of—

8 (I) the number of admissible re-
9 quests for correction or deletion of
10 data received by the CCF regarding
11 issued Notices, Diffusions, and other
12 INTERPOL communications; and

13 (II) the category of violation al-
14 leged in each such complaint;

15 (B) inform the INTERPOL General Secre-
16 tariat about incidents in which member coun-
17 tries abuse INTERPOL communications for po-
18 litically motivated or other unlawful purposes so
19 that, as appropriate, action can be taken by
20 INTERPOL; and

21 (C) request to censure member countries
22 that repeatedly abuse and misuse INTERPOL's
23 red notice and red diffusion mechanisms, in-
24 cluding restricting the access of those countries
25 to INTERPOL's data and information systems.

1 (4) REPORT ON INTERPOL.—

2 (A) IN GENERAL.—Not later than 180
3 days after the date of enactment of this Act,
4 and biannually thereafter for a period of 4
5 years, the Attorney General and the Secretary
6 of State, in consultation with the heads of other
7 relevant United States Government depart-
8 ments or agencies, shall submit to the appro-
9 priate committees of Congress a report con-
10 taining an assessment of how INTERPOL
11 member countries abuse INTERPOL Red No-
12 tices, Diffusions, and other INTERPOL com-
13 munications for political motives and other un-
14 lawful purposes within the past three years.

15 (B) ELEMENTS.—The report required
16 under paragraph (1) shall include the following
17 elements:

18 (i) A list of countries that the Attor-
19 ney General and the Secretary determine
20 have repeatedly abused and misused the
21 red notice and red diffusion mechanisms
22 for political purposes.

23 (ii) A description of the most common
24 tactics employed by member countries in
25 conducting such abuse, including the

1 crimes most commonly alleged and the
2 INTERPOL communications most com-
3 monly exploited.

4 (iii) An assessment of the adequacy of
5 INTERPOL mechanisms for challenging
6 abusive requests, including the Commission
7 for the Control of INTERPOL's Files
8 (CCF), an assessment of the CCF's March
9 2017 Operating Rules, and any short-
10 coming the United States believes should
11 be addressed.

12 (iv) A description of how
13 INTERPOL's General Secretariat identi-
14 fies requests for red notice or red diffu-
15 sions that are politically motivated or are
16 otherwise in violation of INTERPOL's
17 rules and how INTERPOL reviews and
18 addresses cases in which a member country
19 has abused or misused the red notice and
20 red diffusion mechanisms for overtly polit-
21 ical purposes.

22 (v) A description of any incidents in
23 which the Department of Justice assesses
24 that United States courts and executive
25 departments or agencies have relied on

1 INTERPOL communications in contraven-
2 tion of existing law or policy to seek the
3 detention of individuals or render judg-
4 ments concerning their immigration status
5 or requests for asylum, with holding of re-
6 moval, or convention against torture claims
7 and any measures the Department of Jus-
8 tice or other executive departments or
9 agencies took in response to these inci-
10 dents.

11 (vi) A description of how the United
12 States monitors and responds to likely in-
13 stances of abuse of INTERPOL commu-
14 nications by member countries that could
15 affect the interests of the United States,
16 including citizens and nationals of the
17 United States, employees of the United
18 States Government, aliens lawfully admit-
19 ted for permanent residence in the United
20 States, aliens who are lawfully present in
21 the United States, or aliens with pending
22 asylum, withholding of removal, or conven-
23 tion against torture claims, though they
24 may be unlawfully present in the United
25 States.

1 (vii) A description of what actions the
2 United States takes in response to credible
3 information it receives concerning likely
4 abuse of INTERPOL communications tar-
5 geting employees of the United States Gov-
6 ernment for activities they undertook in an
7 official capacity.

8 (viii) A description of United States
9 advocacy for reform and good governance
10 within INTERPOL.

11 (ix) A strategy for improving inter-
12 agency coordination to identify and ad-
13 dress instances of INTERPOL abuse that
14 affect the interests of the United States,
15 including international respect for human
16 rights and fundamental freedoms, citizens
17 and nationals of the United States, em-
18 ployees of the United States Government,
19 aliens lawfully admitted for permanent re-
20 sidence in the United States, aliens who are
21 lawfully present in the United States, or
22 aliens with pending asylum, withholding of
23 removal, or convention against torture
24 claims, though they may be unlawfully
25 present in the United States.

1 (C) FORM OF REPORT.—Each report re-
2 quired under this subsection shall be submitted
3 in unclassified form, but may include a classi-
4 fied annex, as appropriate. The unclassified
5 portion of the report shall be posted on a pub-
6 licly available website of the Department of
7 State and of the Department of Justice.

8 (D) BRIEFING.—Not later than 30 days
9 after the submission of each report under sub-
10 paragraph (A), the Department of Justice and
11 the Department of State, in coordination with
12 other relevant United States Government de-
13 partments and agencies, shall brief the appro-
14 priate committees of Congress on the content of
15 the reports and recent instances of INTERPOL
16 abuse by member countries and United States
17 efforts to identify and challenge such abuse, in-
18 cluding efforts to promote reform and good gov-
19 ernance within INTERPOL.

20 (5) PROHIBITION REGARDING BASIS FOR EX-
21 TRADITION.—No United States Government depart-
22 ment or agency may extradite an individual based
23 solely on an INTERPOL Red Notice or Diffusion
24 issued by another INTERPOL member country for
25 such individual.

1 (6) DEFINITIONS.—In this section:

2 (A) APPROPRIATE COMMITTEES OF CON-
3 GRESS.—The term “appropriate committees of
4 Congress” means—

5 (i) the Committee on Foreign Rela-
6 tions and the Committee on the Judiciary
7 of the Senate; and

8 (ii) the Committee on Foreign Affairs
9 and the Committee on the Judiciary of the
10 House of Representatives.

11 (B) INTERPOL COMMUNICATIONS.—The
12 term “INTERPOL communications” means
13 any INTERPOL Notice or Diffusion or any
14 entry into any INTERPOL database or other
15 communications system maintained by
16 INTERPOL.