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

A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Counter-Kleptocracy

Act”.

SEC. 2. COMBATING GLOBAL CORRUPTION ACT OF 2021.

(a) Short Title.—This section may be cited as the

“Combating Global Corruption Act of 2021”.

(b) Definitions.—In this section:
(1) CORRUPT ACTOR.—The term “corrupt actor” means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(2) CORRUPTION.—The term “corruption” means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(3) SIGNIFICANT CORRUPTION.—The term “significant corruption” means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

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

(c) PUBLICATION OF TIERED RANKING LIST.—
(1) **IN GENERAL.**—The Secretary of State shall annually publish, on a publicly accessible website, a tiered ranking of all foreign countries.

(2) **TIER 1 COUNTRIES.**—A country shall be ranked as a tier 1 country in the ranking published under paragraph (1) if the government of such country is complying with the minimum standards set forth in subsection (d).

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

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

(d) **MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.**—
(1) IN GENERAL.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(A) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

(B) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;

(C) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

(D) is making serious and sustained efforts to address corruption, including through prevention.

(2) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(A) whether the government of the country has criminalized corruption, investigates and
prosecutes acts of corruption, and convicts and
sentences persons responsible for such acts over
which it has jurisdiction, including, as appro-
priate, incarcerating individuals convicted of
such acts;

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

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

(D) what steps the government of the
country has taken to prohibit government offi-
cials from participating in, facilitating, or
condoning corruption, including the investiga-
tion, prosecution, and conviction of such offi-
cials;
(E) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

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

(G) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(H) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized
or persecuted by corrupt actors, government officials, or others;

(I) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(J) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

(K) whether the government of the country is taking steps to implement financial transparency measures in line with the Financial Action Task Force recommendations, including due diligence and beneficial ownership transparency requirements;

(L) whether the government of the country is facilitating corruption in other countries in connection with state-directed investment, loans or grants for major infrastructure, or other initiatives; and

(M) such other information relating to corruption as the Secretary of State considers appropriate.
(3) Assessing government efforts to combat corruption in relation to relevant international commitments.—In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country’s compliance with the following, as relevant:

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


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

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

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

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

(B) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(2) REPORT REQUIRED.—Not later than 180 days after publishing the list required by subsection (c)(1) and annually thereafter, the Secretary of State shall submit to the committees specified in paragraph (6) a report that includes—
(A) a list of foreign persons with respect to which the President imposed sanctions pursuant to the evaluation under subsection (a);

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

(C) the reasons for imposing such sanctions; and

(D) a list of all foreign persons found to have been engaged in significant corruption in relation to the planning, construction, or operation of the Nord Stream 2 pipeline.

(3) Form of report.—Each report required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(4) Briefing in lieu of report.—The Secretary of State, in coordination with the Secretary of the Treasury, may (except with respect to the list required by paragraph (2)(D)) provide a briefing to the committees specified in paragraph (6) instead of submitting a written report required under paragraph (2), if doing so would better serve existing United States anti-corruption efforts or the national interests of the United States.

(5) Termination of requirements relating to Nord Stream 2.—The requirements under
paragraphs (1)(B) and (2)(D) shall terminate on the
date that is 5 years after the date of the enactment
of this Act.

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

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

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

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

(1) IN GENERAL.—The Secretary of State shall
annually designate an anti-corruption point of con-
tact at the United States diplomatic post to each
country identified as tier 2 or tier 3 under sub-
section (c), or which the Secretary otherwise deter-
mines is in need of such a point of contact. The
point of contact shall be the chief of mission or the
chief of mission’s designee.
(2) Responsibilities.—Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(A) promote good governance in foreign countries; and

(B) enhance the ability of such countries—

(i) to combat public corruption; and

(ii) to develop and implement corruption risk assessment tools and mitigation strategies.

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

SEC. 3. FOREIGN CORRUPTION ACCOUNTABILITY ACT.

(a) Short Title.—This section may be cited as the “Foreign Corruption Accountability Act”.

(b) Findings.—Congress finds the following:

(1) When public officials and their allies use the mechanisms of government to engage in extortion or bribery, they impoverish their countries’ economic health and harm citizens.
(2) By empowering the United States Government to hold to account foreign public officials and their associates who engage in extortion or bribery, the United States can deter malfeasance and ultimately serve the citizens of fragile countries suffocated by corrupt bureaucracies.

(3) The Special Inspector General for Afghan Reconstruction’s 2016 report “Corruption in Conflict: Lessons from the U.S. Experience in Afghanistan” included the recommendation, “Congress should consider enacting legislation that authorizes sanctions against foreign government officials or their associates who engage in corruption.”.

(c) AUTHORIZATION OF IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may impose the sanctions described in paragraph (2) with respect to any foreign person who is an individual the President determines—

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

(i) soliciting or accepting bribes;

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

(iii) engaging in extortion; or
(B) conspires to engage in, or knowingly and materially assists, sponsors, or provides significant financial, material, or technological support for any of the activities described in subparagraph (A).

(2) SANCTIONS DESCRIBED.—

(A) INELIGIBILITY FOR VISAS AND ADMISSIONS TO THE UNITED STATES.—The foreign person shall be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) In general.—The issuing consular officer or the Secretary of State, (or a designee of the Secretary of State) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry
documentation issued to the foreign person regardless of when the visa or other entry documentation is issued.

(ii) Effect of Revocation.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the foreign person’s possession.

(iii) Regulations Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe such regulations as are necessary to carry out this subsection.

(3) Exception to Comply with Law Enforcement Objectives and Agreement Regarding the Headquarters of the United Nations.—Sanctions under paragraph (2) shall not apply to a foreign person if admitting the person into the United States—

(A) would further important law enforcement objectives; or

(B) is necessary to permit the United States to comply with the Agreement regarding
the Headquarters of the United Nations, signed
at Lake Success June 26, 1947, and entered
into force November 21, 1947, between the
United Nations and the United States, or other
applicable international obligations of the
United States.

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

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

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

(C) the termination of the sanctions is in
the national security interests of the United
States.
(5) Regulatory Authority.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(6) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(A) the Committee on the Judiciary, the Committee on Financial Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate.

(d) Reports to Congress.—

(1) In General.—The President shall submit to the appropriate congressional committees, in accordance with paragraph (2), a report that includes—

(A) a list of each foreign person with respect to which the President imposed sanctions pursuant to subsection (c) during the year preceding the submission of the report;

(B) the number of foreign persons with respect to which the President—
(i) imposed sanctions under subsection (c)(1) during that year; and

(ii) terminated sanctions under subsection (c)(6) during that year;

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

(D) the reasons for imposing or terminating such sanctions;

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

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

(2) DATES FOR SUBMISSION.—

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

(B) SUBSEQUENT REPORTS.—The President shall submit a subsequent report under paragraph (1) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—
(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

(3) FORM OF REPORT.—

(A) IN GENERAL.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(B) EXCEPTION.—The name of a foreign person to be included in the list required by paragraph (1)(A) may be submitted in the classified annex authorized by subparagraph (A) only if the President—

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

(ii) uses the annex in a manner consistent with congressional intent and the purposes of this section.

(4) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The unclassified portion of the report required by paragraph (1) shall be made available to the public, including through publication in the Federal Register.
(B) Nonapplicability of Confidentiality Requirement with Respect to Visa Records.—The President shall publish the list required by paragraph (1)(A) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(5) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

(e) Sunset.—

(1) In General.—The authority to impose sanctions under subsection (c) and the requirements
to submit reports under subsection (d) shall termi-
nate on the date that is 6 years after the date of en-
actment of this Act.

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

(f) DEFINITIONS.—In this section:

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

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

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

(4) PERSON.—The term “person” means an in-
dividual or entity.
(5) PUBLIC CORRUPTION.—The term “public corruption” means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

SEC. 4. FOREIGN EXTORTION PREVENTION ACT.

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

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

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

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

“(A) any official or employee of a foreign government or any department, agency, or instrumentality thereof;

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

“(C) any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization; or

“(D) any person acting in an unofficial capacity for or on behalf of and with authorization from any such government or department,
agency, or instrumentality, or for or on behalf
of and with authorization from any such public
international organization.
“(5) The term ‘public international organiza-
tion’ means—
“(A) an organization that is designated by
Executive order pursuant to section 1 of the
International Organizations Immunities Act (22
U.S.C. 288); or
“(B) any other international organization
that is designated by the President by Execu-
tive order for the purposes of this section, effec-
tive as of the date of publication of such order
in the Federal Register.”; and
(2) by adding at the end the following:
“(f)(1) IN GENERAL.—It shall be unlawful for any
foreign official or person selected to be a foreign official
to corruptly demand, seek, receive, accept, or agree to re-
ceive or accept, directly or indirectly, anything of value
personally or for any other person or non-governmental
entity, in or affecting interstate commerce, in return for—
“(A) being influenced in the performance of any
official act;
“(B) being induced to do or omit to do any act in violation of the official duty of such official or person; or

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

“(2) Penalties.—Any person who violates paragraph (1) of this section shall be fined not more than $250,000 or three times the monetary equivalent of the thing of value, or imprisoned for not more than fifteen years, or both.

“(3) Transfer.—Except for costs related to the administration and enforcement of the Foreign Extortion Prevention Act, all fines and penalties imposed against a person under paragraph (2) of this section, whether pursuant to a criminal prosecution, enforcement proceeding, deferred prosecution agreement, non-prosecution agreement, a declination to prosecute or enforce, a civil penalty, or any other resolution, shall be deposited in the Victims of Kleptocracy Fund established under subsection (l) of this section.

“(4) Jurisdiction.—An offense under paragraph (1) of this section shall be subject to extraterritorial Federal jurisdiction.
“(5) REPORT.—Not later than one year after the date of enactment of the Foreign Extortion Prevention Act, and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, and post on the publicly available website of the Department of Justice, a report—

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

“(B) focusing, in part, on demands by foreign officials for bribes from United States domiciled or incorporated entities, and the efforts of foreign governments to prosecute such cases;

“(C) addressing United States diplomatic efforts to protect United States domiciled or incorporated entities from foreign bribery, and the effectiveness of those efforts in protecting such entities;

“(D) summarizing major actions taken under this section in the previous year, includ-
ing, but not limited to, enforcement actions taken and penalties imposed;

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

“(F) detailing what resources or legislative action the Department of Justice need to ensure adequate enforcement of this section; and

“(G) studying the efficacy of mutual legal assistance treaties and how they can be improved or built upon in multilateral fora, including the identification of legal and policy issues that are delaying prompt responses.

“(6) ANNUAL PUBLICATION OF MUTUAL LEGAL ASSISTANCE TREATY DATA.—Not later than one year after the date of enactment of the Foreign Extortion Prevention Act, and annually thereafter, the Attorney General shall publish on the website of the Department of Justice—

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

“(B) the number of requests for mutual legal assistance returned for noncompliance during the preceding year;
“(C) the reason or reasons each request for mutual legal assistance returned for non-compliance was so returned;

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

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

“(F) the number of requests for mutual legal assistance that have been pending or not completely fulfilled within six months of receipt and the number of requests for mutual legal assistance that have been pending or not completely fulfilled within one year or longer of receipt; and

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

“(7) VICTIMS OF KLEPTOCRACY FUND.—There is established in the United States Treasury a fund to be known as the ‘Victims of Kleptocracy Fund’. Amounts deposited into the Victims of Kleptocracy Fund pursuant to paragraph (3) of this subsection or other law shall be available to the Attorney General...
eral, without fiscal year limitation or need for subsequent appropriation, only for the purposes of—

“(A) the International Criminal Investigative Training Assistance Program;

“(B) the Kleptocracy Asset Recovery Initiative;

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

“(D) the Office of International Affairs, including for the hiring of personnel to speed processing of requests for mutual legal assistance.


SEC. 5. GOLDEN VISA ACCOUNTABILITY ACT.

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

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

(2) FOREIGN INVESTOR VISA.—The term “foreign investor visa” means any visa or passport granted by a foreign investor visa program.

(3) FOREIGN INVESTOR VISA DENIAL.—The term “foreign investor visa denial” means the decision of a foreign state to deny an applicant a foreign investor visa because of involvement in corruption or serious human rights abuse.

(4) FOREIGN INVESTOR VISA PROGRAM.—The term “foreign investor visa program” means any visa or passport program of a foreign state that provides a visa or citizenship in exchange for an investment of any size.

(5) UNITED STATES INVESTOR VISA DENIAL.—The term “United States investor visa denial” means a decision to deny an applicant a visa under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) because of involvement in corruption or serious human rights abuse.

(6) INVESTOR VISA DENIALS DATABASE.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this
Act, the Secretary of State shall establish an investor visa denials database. Initially, this database shall include records related to United States investor visa denials, for the purpose of coordinating with foreign states—

(i) to prevent the abuse of investor visas by foreign corrupt officials or criminals;

(ii) to ensure that the proceeds of corruption are not used to purchase an investor visa; and

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

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

(i) the foreign states of the European Union, which include Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Fin-
land, France, Germany, Greece, Hungary, 
Ireland, Italy, Latvia, Lithuania, Luxem-
bourg, Malta, Netherlands, Poland, Por-
tugal, Romania, Slovakia, Slovenia, Spain, 
and Sweden; and 
(ii) the foreign states of the Five 
Eyes, which include Australia, Canada, 
New Zealand, and the United Kingdom. 
(C) ADMISSION.—Foreign states may of 
their own volition apply for access to, and inclu-
sion in, the investor visa denials database. The 
Secretary of State may admit a foreign state to 
the database if the Secretary determines that— 
(i) the foreign state will be honest and 
forthcoming with records regarding its for-
eign investor visa denials; and 
(ii) the foreign investor visa program 
is at risk of abuse by foreign corrupt offi-
cials.

SEC. 6. JUSTICE FOR VICTIMS OF KLEPTOCRACY ACT OF 
2021.

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

(b) FORFEITED PROPERTY.—
§ 988. Accounting of certain forfeited property

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

(b) FORMAT.—The accounting described under subsection (a) shall be published on the website of the Department of Justice in a format that includes the following:

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

(2) The total amount recovered by the United States on behalf of the foreign people that is the target of corruption at the time when such recovered funds are deposited into the Department of Justice Asset Forfeiture Fund or the Department of the Treasury Forfeiture Fund.

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

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

“988. Accounting of certain forfeited property.”.

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

SEC. 7. REVEAL ACT.

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

(b) LIMITING CONFIDENTIALITY OF RECORDS.—

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

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

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

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

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

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

(A) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(B) credible information obtained by other countries and nongovernmental organizations that monitor corruption and human rights abuse.
(c) Reports to Congress.—

(1) In general.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that includes, for the previous year—

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

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

(2) Form of report.—

(A) In general.—Each report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(B) Exception.—The name of an alien to be included in the list required by paragraph (1)(A) may be submitted in the classified
annex authorized by subparagraph (A) only if
the President—

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

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

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

(3) PUBLIC AVAILABILITY.—

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

(B) NONAPPLICABILITY OF CONFIDEN-
TIALITY REQUIREMENT WITH RESPECT TO VISA
RECORDS.—The President shall publish the list
required by paragraph (1)(A) without regard to
the requirements of section 222(f) of the Immi-
gration and Nationality Act (8 U.S.C. 1202(f))
with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(A) the Committee on the Judiciary and the Committee on Foreign Relations of the Senate; and

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

SEC. 8. TRAP ACT OF 2021.

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

(b) TRANSNATIONAL REPRESSSION ACCOUNTABILITY AND PREVENTION.—

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

(A) The International Criminal Police Organization (INTERPOL) works to prevent and fight crime through enhanced cooperation and innovation on police and security matters, including kleptocracy, counterterrorism,
cybercrime, counternarcotics, and transnational organized crime.

(B) United States membership and participation in INTERPOL advances the national security and law enforcement interests of the United States related to combating kleptocracy, terrorism, cybercrime, narcotics, and transnational organized crime.

(C) Article 2 of INTERPOL’s Constitution states that the organization aims “[to] ensure and promote the widest possible mutual assistance between all criminal police authorities . . . in the spirit of the ‘Universal Declaration of Human Rights’”.

(D) Article 3 of INTERPOL’s Constitution states that “[i]t is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character”.

(E) These principles provide INTERPOL with a foundation based on respect for human rights and avoidance of politically motivated actions by the organization and its members.

(F) According to the Justice Manual of the United States Department of Justice, “[i]n the
United States, national law prohibits the arrest of the subject of a Red Notice issued by another INTERPOL member country, based upon the notice alone’.

(2) Sense of Congress.—It is the sense of Congress that some INTERPOL member countries have repeatedly misused INTERPOL’s databases and processes, including Notice and Diffusion mechanisms, for activities of an overtly political or other unlawful character and in violation of international human rights standards, including making requests to harass or persecute political opponents, human rights defenders, or journalists.

(3) Support for INTERPOL Institutional Reforms.—The Attorney General and the Secretary of State shall—

(A) use the voice, vote, and influence of the United States, as appropriate, within INTERPOL’s General Assembly and Executive Committee to promote reforms aimed at improving the transparency of INTERPOL and ensuring its operation consistent with its Constitution, particularly articles 2 and 3, and Rules on the Processing of Data, including—
(i) supporting INTERPOL’s reforms enhancing the screening process for Notices, Diffusions, and other INTERPOL communications to ensure they comply with INTERPOL’s Constitution and Rules on the Processing of Data (RPD);

(ii) supporting and strengthening INTERPOL’s coordination with the Commission for Control of INTERPOL’s Files (CCF) in cases in which INTERPOL or the CCF has determined that a member country issued a Notice, Diffusion, or other INTERPOL communication against an individual in violation of articles 2 or 3 of the INTERPOL Constitution, or the RPD, to prohibit such member country from seeking the publication or issuance of any subsequent Notices, Diffusions, or other INTERPOL communication against the same individual based on the same set of claims or facts;

(iii) increasing, to the extent practicable, dedicated funding to the CCF and the Notices and Diffusions Task Force in order to further expand operations related
to the review of requests for red notices and red diffusions;

(iv) supporting candidates for positions within INTERPOL’s structures, including the Presidency, Executive Committee, General Secretariat, and CCF who have demonstrated experience relating to and respect for the rule of law;

(v) seeking to require INTERPOL in its annual report to provide a detailed account, disaggregated by member country or entity of—

(I) the number of Notice requests, disaggregated by color, that it received;

(II) the number of Notice requests, disaggregated by color, that it rejected;

(III) the category of violation identified in each instance of a rejected Notice;

(IV) the number of Diffusions that it cancelled without reference to decisions by the CCF; and
(V) the sources of all INTERPOL income during the reporting period; and

(vi) supporting greater transparency by the CCF in its annual report by providing a detailed account, disaggregated by country, of—

(I) the number of admissible requests for correction or deletion of data received by the CCF regarding issued Notices, Diffusions, and other INTERPOL communications; and

(II) the category of violation alleged in each such complaint;

(B) inform the INTERPOL General Secretariat about incidents in which member countries abuse INTERPOL communications for politically motivated or other unlawful purposes so that, as appropriate, action can be taken by INTERPOL; and

(C) request to censure member countries that repeatedly abuse and misuse INTERPOL’s red notice and red diffusion mechanisms, including restricting the access of those countries to INTERPOL’s data and information systems.
(4) REPORT ON INTERPOL.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and biannually thereafter for a period of 4 years, the Attorney General and the Secretary of State, in consultation with the heads of other relevant United States Government departments or agencies, shall submit to the appropriate committees of Congress a report containing an assessment of how INTERPOL member countries abuse INTERPOL Red Notices, Diffusions, and other INTERPOL communications for political motives and other unlawful purposes within the past three years.

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

(i) A list of countries that the Attorney General and the Secretary determine have repeatedly abused and misused the red notice and red diffusion mechanisms for political purposes.

(ii) A description of the most common tactics employed by member countries in conducting such abuse, including the
crimes most commonly alleged and the
INTERPOL communications most com-
monly exploited.

(iii) An assessment of the adequacy of
INTERPOL mechanisms for challenging
abusive requests, including the Commission
for the Control of INTERPOL’s Files
(CCF), an assessment of the CCF’s March
2017 Operating Rules, and any short-
coming the United States believes should
be addressed.

(iv) A description of how
INTERPOL’s General Secretariat identi-
ifies requests for red notice or red diffu-
sions that are politically motivated or are
otherwise in violation of INTERPOL’s
rules and how INTERPOL reviews and
daddresses cases in which a member country
has abused or misused the red notice and
red diffusion mechanisms for overtly polit-
ical purposes.

(v) A description of any incidents in
which the Department of Justice assesses
that United States courts and executive
departments or agencies have relied on
INTERPOL communications in contravention of existing law or policy to seek the detention of individuals or render judgments concerning their immigration status or requests for asylum, with holding of removal, or convention against torture claims and any measures the Department of Justice or other executive departments or agencies took in response to these incidents.

(vi) A description of how the United States monitors and responds to likely instances of abuse of INTERPOL communications by member countries that could affect the interests of the United States, including citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.
(vii) A description of what actions the United States takes in response to credible information it receives concerning likely abuse of INTERPOL communications targeting employees of the United States Government for activities they undertook in an official capacity.

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

(ix) A strategy for improving inter-agency coordination to identify and address instances of INTERPOL abuse that affect the interests of the United States, including international respect for human rights and fundamental freedoms, citizens and nationals of the United States, employees of the United States Government, aliens lawfully admitted for permanent residence in the United States, aliens who are lawfully present in the United States, or aliens with pending asylum, withholding of removal, or convention against torture claims, though they may be unlawfully present in the United States.
(C) **Form of Report.**—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex, as appropriate. The unclassified portion of the report shall be posted on a publicly available website of the Department of State and of the Department of Justice.

(D) **Briefing.**—Not later than 30 days after the submission of each report under subparagraph (A), the Department of Justice and the Department of State, in coordination with other relevant United States Government departments and agencies, shall brief the appropriate committees of Congress on the content of the reports and recent instances of INTERPOL abuse by member countries and United States efforts to identify and challenge such abuse, including efforts to promote reform and good governance within INTERPOL.

(5) **Prohibition regarding basis for extradition.**—No United States Government department or agency may extradite an individual based solely on an INTERPOL Red Notice or Diffusion issued by another INTERPOL member country for such individual.
(6) DEFINITIONS.—In this section:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(i) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate; and

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

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