

117TH CONGRESS
1ST SESSION

H. R. 3887

To authorize the President to impose sanctions with respect to any foreign person the President determines engages in public or private corruption activities that adversely affect a United States person, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2021

Mr. CURTIS (for himself, Mr. MALINOWSKI, Mr. FITZPATRICK, Mr. PHILLIPS, Mr. COHEN, Ms. JACKSON LEE, Ms. PORTER, Ms. SALAZAR, Ms. SPANBERGER, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the President to impose sanctions with respect to any foreign person the President determines engages in public or private corruption activities that adversely affect a United States person, 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 “Foreign Corruption
5 Accountability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) When public officials and their allies use the
2 mechanisms of government to engage in extortion or
3 bribery, they impoverish their countries' economic
4 health and harm citizens.

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

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

18 **SEC. 3. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

19 (a) IN GENERAL.—The President may impose the
20 sanctions described in subsection (b) with respect to any
21 foreign person who is an individual the President deter-
22 mines—

23 (1) engages in public corruption activities
24 against a United States person, including—

25 (A) soliciting or accepting bribes;

1 (B) using the authority of the state to ex-
2 tort payments; or

3 (C) engaging in extortion; or

4 (2) conspires to engage in, or knowingly and
5 materially assists, sponsors, or provides significant
6 financial, material, or technological support for any
7 of the activities described in paragraph (1).

8 (b) SANCTIONS DESCRIBED.—

9 (1) INELIGIBILITY FOR VISAS AND ADMISSIONS
10 TO THE UNITED STATES.—The foreign person shall
11 be—

12 (A) inadmissible to the United States;

13 (B) ineligible to receive a visa or other doc-
14 umentation to enter the United States; and

15 (C) otherwise ineligible to be admitted or
16 paroled into the United States or to receive any
17 other benefit under the Immigration and Na-
18 tionality Act (8 U.S.C. 1101 et seq.).

19 (2) CURRENT VISAS REVOKED.—

20 (A) IN GENERAL.—The issuing consular
21 officer or the Secretary of State, (or a designee
22 of the Secretary of State) shall, in accordance
23 with section 221(i) of the Immigration and Na-
24 tionality Act (8 U.S.C. 1201(i)), revoke any
25 visa or other entry documentation issued to the

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

3 (B) EFFECT OF REVOCATION.—A revoca-
4 tion under subparagraph (A) shall—

5 (i) take effect immediately; and

6 (ii) automatically cancel any other
7 valid visa or entry documentation that is in
8 the foreign person's possession.

9 (C) REGULATIONS REQUIRED.—Not later
10 than 180 days after the date of the enactment
11 of this Act, the Secretary of State shall pre-
12 scribe such regulations as are necessary to
13 carry out this subsection.

14 (c) EXCEPTION TO COMPLY WITH LAW ENFORCE-
15 MENT OBJECTIVES AND AGREEMENT REGARDING THE
16 HEADQUARTERS OF THE UNITED NATIONS.—Sanctions
17 under subsection (b) shall not apply to a foreign person
18 if admitting the person into the United States—

19 (1) would further important law enforcement
20 objectives; or

21 (2) is necessary to permit the United States to
22 comply with the Agreement regarding the Head-
23 quarters of the United Nations, signed at Lake Suc-
24 cess June 26, 1947, and entered into force Novem-
25 ber 21, 1947, between the United Nations and the

1 United States, or other applicable international obli-
2 gations of the United States.

3 (d) TERMINATION OF SANCTIONS.—The President
4 may terminate the application of sanctions under this sec-
5 tion with respect to a foreign person if the President deter-
6 mines and reports to the appropriate congressional com-
7 mittees not later than 15 days before the termination of
8 the sanctions that—

9 (1) the person is no longer engaged in the activ-
10 ity that was the basis for the sanctions or has taken
11 significant verifiable steps toward stopping the activ-
12 ity;

13 (2) the President has received reliable assur-
14 ances that the person will not knowingly engage in
15 activity subject to sanctions under this part in the
16 future; or

17 (3) the termination of the sanctions is in the
18 national security interests of the United States.

19 (e) REGULATORY AUTHORITY.—The President shall
20 issue such regulations, licenses, and orders as are nec-
21 essary to carry out this section.

22 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

1 (1) the Committee on the Judiciary, the Com-
2 mittee on Financial Services, and the Committee on
3 Foreign Affairs of the House of Representatives;
4 and

5 (2) the Committee on the Judiciary, the Com-
6 mittee on Banking, Housing, and Urban Affairs,
7 and the Committee on Foreign Relations of the Sen-
8 ate.

9 **SEC. 4. REPORTS TO CONGRESS.**

10 (a) IN GENERAL.—The President shall submit to the
11 appropriate congressional committees, in accordance with
12 subsection (b), a report that includes—

13 (1) a list of each foreign person with respect to
14 which the President imposed sanctions pursuant to
15 section 3 during the year preceding the submission
16 of the report;

17 (2) the number of foreign persons with respect
18 to which the President—

19 (A) imposed sanctions under section 3(a)
20 during that year; and

21 (B) terminated sanctions under section
22 3(f) during that year;

23 (3) the dates on which such sanctions were im-
24 posed or terminated, as the case may be;

1 (4) the reasons for imposing or terminating
2 such sanctions;

3 (5) the total number of foreign persons consid-
4 ered under section 3(e) for whom sanctions were not
5 imposed; and

6 (6) recommendations as to whether the imposi-
7 tion of additional sanctions would be an added deter-
8 rent in preventing public corruption.

9 (b) DATES FOR SUBMISSION.—

10 (1) INITIAL REPORT.—The President shall sub-
11 mit the initial report under subsection (a) not later
12 than 120 days after the date of the enactment of
13 this Act.

14 (2) SUBSEQUENT REPORTS.—The President
15 shall submit a subsequent report under subsection
16 (a) on December 10, or the first day thereafter on
17 which both Houses of Congress are in session, of—

18 (A) the calendar year in which the initial
19 report is submitted if the initial report is sub-
20 mitted before December 10 of that calendar
21 year; and

22 (B) each calendar year thereafter.

23 (c) FORM OF REPORT.—

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

4 (2) EXCEPTION.—The name of a foreign person
5 to be included in the list required by subsection
6 (a)(1) may be submitted in the classified annex au-
7 thORIZED by paragraph (1) only if the President—

8 (A) determines that it is vital for the na-
9 tional security interests of the United States to
10 do so; and

11 (B) uses the annex in a manner consistent
12 with congressional intent and the purposes of
13 this Act.

14 (d) PUBLIC AVAILABILITY.—

15 (1) IN GENERAL.—The unclassified portion of
16 the report required by subsection (a) shall be made
17 available to the public, including through publication
18 in the Federal Register.

19 (2) NONAPPLICABILITY OF CONFIDENTIALITY
20 REQUIREMENT WITH RESPECT TO VISA RECORDS.—
21 The President shall publish the list required by sub-
22 section (a)(1) without regard to the requirements of
23 section 222(f) of the Immigration and Nationality
24 Act (8 U.S.C. 1202(f)) with respect to confiden-

1 tiality of records pertaining to the issuance or re-
2 fusal of visas or permits to enter the United States.

3 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congress-
5 sional committees” means—

6 (1) the Committee on Appropriations, the Com-
7 mittee on Foreign Affairs, the Committee on Finan-
8 cial Services, and the Committee on the Judiciary of
9 the House of Representatives; and

10 (2) the Committee on Appropriations, the Com-
11 mittee on Foreign Relations, the Committee on
12 Banking, Housing, and Urban Affairs, and the Com-
13 mittee on the Judiciary of the Senate.

14 **SEC. 5. SUNSET.**

15 (a) IN GENERAL.—The authority to impose sanctions
16 under section 3 and the requirements to submit reports
17 under section 4 shall terminate on the date that is 6 years
18 after the date of enactment of this Act.

19 (b) CONTINUATION IN EFFECT OF SANCTIONS.—
20 Sanctions imposed under section 3 on or before the date
21 specified in subsection (a), and in effect as of such date,
22 shall remain in effect until terminated in accordance with
23 the requirements of section 3(d).

24 **SEC. 6. DEFINITIONS.**

25 In this Act:

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

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

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

14 (4) PERSON.—The term “person” means an in-
15 dividual or entity.

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

○