To identify and combat corruption in countries, to establish a tiered system of countries with respect to levels of corruption by their governments and their efforts to combat such corruption, and to evaluate foreign persons engaged in grand corruption for inclusion as specially designated nationals under the Global Magnitsky Human Rights Accountability Act.

IN THE SENATE OF THE UNITED STATES

Mr. CARDIN (for himself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To identify and combat corruption in countries, to establish a tiered system of countries with respect to levels of corruption by their governments and their efforts to combat such corruption, and to evaluate foreign persons engaged in grand corruption for inclusion as specially designated nationals under the Global Magnitsky Human Rights Accountability Act.

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Combating Global Corruption Act of 2021”.
SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Armed Services of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) 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 sig-
significant stake, which is responsible for, or complicit in, an act of corruption.

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

(4) GRAND CORRUPTION.—The term “grand corruption” means corruption committed at a high level of government that—

(A) distorts policies or the central functioning of the country; and

(B) enables leaders to benefit at the expense of the public good.

(5) PETTY CORRUPTION.—The term “petty corruption” means the abuse of entrusted power by low- or mid-level public officials in their interactions with ordinary citizens.

SEC. 3. PUBLICATION OF TIERED RANKING LIST.

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

(b) TIER 1 COUNTRIES.—A country shall be ranked as a tier 1 country in the ranking published under subsection (a) if the government of such country is complying with the minimum standards set forth in section 4.
(c) TIER 2 COUNTRIES.—A country shall be ranked as a tier 2 country in the ranking published under subsection (a) if the government of such country is making efforts to comply with the minimum standards set forth in section 4, but is not achieving the requisite level of compliance to be ranked as a tier 1 country.

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

SEC. 4. MINIMUM STANDARDS FOR THE ELIMINATION OF CORRUPTION AND ASSESSMENT OF EFFORTS TO COMBAT CORRUPTION.

(a) IN GENERAL.—The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted laws and established government structures, policies, and practices that prohibit corruption, including grand corruption and petty corruption;

(2) enforces the laws described in paragraph (1) by punishing any person who is found, through a fair judicial process, to have violated such laws;
(3) prescribes punishment for grand corruption that is commensurate with the punishment prescribed for serious crimes;

(4) prescribes punishment for petty corruption that—

(A) provides a sufficiently stringent deterrent; and

(B) adequately reflects the nature of the offense; and

(5) is making serious and sustained efforts to eliminate corruption.

(b) FACTORS FOR ASSESSING GOVERNMENT EFFORTS TO COMBAT CORRUPTION.—In determining whether a government is making serious and sustained efforts to eliminate corruption, the Secretary of State shall consider—

(1) whether the government of the country vigorously investigates and prosecutes acts of corruption and convicts and sentences persons responsible for such acts that take place wholly or partly within such country, including, as appropriate, requiring incarceration of individuals convicted of such acts;

(2) 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 severe forms of corruption;

(3) 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;

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) 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;

(6) whether an independent judiciary or judicial body in the country responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, in-
ducements, pressures, threats, or interferences (di-
rect or indirect) from any quarter or for any reason;

(7) whether the government of the country is
assisting in international investigations of
transnational corruption networks and in other coop-
erative efforts to combat grand corruption, including
cooperating with the governments of other countries
to extradite corrupt actors;

(8) whether the government of the country rec-
ognizes 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;

(9) whether the government of the country re-
frains from prosecuting victims of corruption or
whistleblowers due to such persons having assisted
in exposing corruption, and refrains from other dis-
criminatory treatment of such persons; and

(10) such other information relating to corrup-
tion as the Secretary of State considers appropriate.

SEC. 5. IMPOSITION OF SANCTIONS UNDER GLOBAL
MAGNITSKY HUMAN RIGHTS ACCOUNT-
ABILITY ACT.

(a) In General.—The Secretary of State, in coordi-
nation with the Secretary of the Treasury, shall evaluate
foreign persons engaged in grand corruption in all countries identified as tier 3 countries under section 3 for the 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).

(b) Report Required.—Not later than 60 days after publishing the list required by section 3(a), the Secretary of State shall submit to the committees specified in subsection (e) a report that includes—

(1) a list of foreign persons evaluated under subsection (a);

(2) a list of foreign persons with respect to which the President imposed sanctions pursuant to that evaluation;

(3) the dates on which such sanctions were imposed; and

(4) the reasons for imposing such sanctions.

c) Form of Report.—

(1) In General.—Each report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(2) Exception.—The name of a foreign person to be included in the list required by subsection (b)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—
(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this Act; and

(C) not later than 15 days before submitting the name in the classified annex, provides to the committees specified in subsection (e) notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity that would subject the person to the imposition of sanctions under the Global Magnitsky Human Rights Accountability Act.

(d) Public Availability of Report.—

(1) In general.—The unclassified portion of the report required by subsection (b) shall be made available to the public, including through publication in the Federal Register.

(2) Nonapplicability of Confidentiality Requirement with Respect to Visa Records.—The President shall publish the list required by subsection (b)(1) 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.

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

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

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

SEC. 6. DESIGNATION OF EMBASSY ANTI-CORRUPTION POINTS OF CONTACT.

(a) IN GENERAL.—The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified as tier 2 or tier 3 under section 3, or which the Secretary otherwise determines 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.

(b) RESPONSIBILITIES.—Each anti-corruption point of contact designated under subsection (a) shall be respon-
sible for coordinating and overseeing the implementation
of a whole-of-government approach among the relevant
Federal departments and agencies operating programs
that—

(1) promote good governance in foreign coun-
tries; and

(2) enhance the ability of such countries—

(A) to combat public corruption; and

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

(e) Training.—The Secretary of State shall imple-
ment appropriate training for anti-corruption points of
contact designated under subsection (a).