

117TH CONGRESS  
1ST SESSION

# H. R. 4737

To amend title 18, United States Code, to prohibit a foreign official from demanding a bribe, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2021

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

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## A BILL

To amend title 18, United States Code, to prohibit a foreign official from demanding a bribe, 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 Extortion Pre-  
5 vention Act”.

6 **SEC. 2. PROHIBITION OF DEMAND FOR BRIBE.**

7 Section 201 of title 18, United States Code, is  
8 amended—

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

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

4 “(A) any official or employee of a foreign  
5 government or any department, agency, or in-  
6 strumentality thereof;

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

9 “(C) any person acting in an official ca-  
10 pacity for or on behalf of any such government  
11 or department, agency, or instrumentality, or  
12 for or on behalf of any such public international  
13 organization; or

14 “(D) any person acting in an unofficial ca-  
15 pacity for or on behalf of and with authoriza-  
16 tion from any such government or department,  
17 agency, or instrumentality, or for or on behalf  
18 of and with authorization from any such public  
19 international organization.

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

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

1           “(B) any other international organization  
2           that is designated by the President by Execu-  
3           tive order for the purposes of this section, effec-  
4           tive as of the date of publication of such order  
5           in the Federal Register.”; and

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

7           “(f)(1) IN GENERAL.—It shall be unlawful for any  
8           foreign official or person selected to be a foreign official  
9           to corruptly demand, seek, receive, accept, or agree to re-  
10          ceive or accept, directly or indirectly, anything of value  
11          personally or for any other person or non-governmental  
12          entity, in or affecting interstate commerce, in return for—

13           “(A) being influenced in the performance of any  
14          official act;

15           “(B) being induced to do or omit to do any act  
16          in violation of the official duty of such official or  
17          person; or

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

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

1           “(3) TRANSFER.—Except for costs related to  
2 the administration and enforcement of the Foreign  
3 Extortion Prevention Act, all fines and penalties im-  
4 posed against a person under paragraph (2) of this  
5 section, whether pursuant to a criminal prosecution,  
6 enforcement proceeding, deferred prosecution agree-  
7 ment, non-prosecution agreement, a declination to  
8 prosecute or enforce, a civil penalty, or any other  
9 resolution, shall be deposited in the Victims of  
10 Kleptocracy Fund established under subsection (l) of  
11 this section.

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

15           “(5) REPORT.—Not later than one year after  
16 the date of enactment of the Foreign Extortion Pre-  
17 vention Act, and annually thereafter, the Attorney  
18 General shall submit to the Committee on the Judi-  
19 ciary of the House of Representatives and the Com-  
20 mittee on the Judiciary of the Senate, and post on  
21 the publicly available website of the Department of  
22 Justice, a report—

23                   “(A) providing an overview of the scale  
24                   and nature of bribery involving foreign officials,

1 including an analysis of where these crimes are  
2 most likely to be committed;

3 “(B) focusing, in part, on demands by for-  
4 eign officials for bribes from United States  
5 domiciled or incorporated entities, and the ef-  
6 forts of foreign governments to prosecute such  
7 cases;

8 “(C) addressing United States diplomatic  
9 efforts to protect United States domiciled or in-  
10 corporated entities from foreign bribery, and  
11 the effectiveness of those efforts in protecting  
12 such entities;

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

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

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

22 “(G) studying the efficacy of mutual legal  
23 assistance treaties and how they can be im-  
24 proved or built upon in multilateral fora, in-

1 including the identification of legal and policy  
2 issues that are delaying prompt responses.

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

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

13 “(B) the number of requests for mutual  
14 legal assistance returned for noncompliance  
15 during the preceding year;

16 “(C) the reason or reasons each request  
17 for mutual legal assistance returned for non-  
18 compliance was so returned;

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

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

1           “(F) the number of requests for mutual  
2           legal assistance that have been pending or not  
3           completely fulfilled within six months of receipt  
4           and the number of requests for mutual legal as-  
5           sistance that have been pending or not com-  
6           pletely fulfilled within one year or longer of re-  
7           ceipt; and

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

11          “(7) VICTIMS OF KLEPTOCRACY FUND.—There  
12          is established in the United States Treasury a fund  
13          to be known as the ‘Victims of Kleptocracy Fund’.  
14          Amounts deposited into the Victims of Kleptocracy  
15          Fund pursuant to paragraph (3) of this subsection  
16          or other law shall be available to the Attorney Gen-  
17          eral, without fiscal year limitation or need for subse-  
18          quent appropriation, only for the purposes of—

19                 “(A) the International Criminal Investiga-  
20                 tive Training Assistance Program;

21                 “(B) the Kleptocracy Asset Recovery Ini-  
22                 tiative;

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

1           “(D) the Office of International Affairs,  
2           including for the hiring of personnel to speed  
3           processing of requests for mutual legal assist-  
4           ance.

5           “(8) CONSTRUCTION.—This subsection shall  
6           not be construed as encompassing conduct that  
7           would violate section 30A of the Securities Exchange  
8           Act of 1934 (15 U.S.C. 78dd–1) or section 104 or  
9           104A of the Foreign Corrupt Practices Act of 1977  
10          (15 U.S.C. 78dd–2; 15 U.S.C. 78dd–3) whether pur-  
11          suant to a theory of direct liability, conspiracy, com-  
12          plicity, or otherwise.”.

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