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

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

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Foreign Extortion Prevention Act”.

4 SEC. 2. PROHIBITION OF DEMAND FOR BRIBE.

5 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 organization’ 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 Executive order for the purposes of this section, effective 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 receive 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 for-
eign officials for bribes from United States
domiciled or incorporated entities, and the ef-
forts of foreign governments to prosecute such
cases;

“(C) addressing United States diplomatic
efforts to protect United States domiciled or in-
corporated 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 en-
sure adequate enforcement of this section; and

“(G) studying the efficacy of mutual legal
assistance treaties and how they can be im-
proved or built upon in multilateral fora, in-
cluding 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 Ex-
tortion 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, 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.