

118TH CONGRESS  
1ST SESSION

# S. 3460

To direct the Director of the Bureau of Justice Statistics to establish a database with respect to corporate offenses, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2023

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

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## A BILL

To direct the Director of the Bureau of Justice Statistics to establish a database with respect to corporate offenses, 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 “Corporate Crime Data-  
5 base Act of 2023”.

6 **SEC. 2. CORPORATE CRIME DATABASE AT THE BUREAU OF**  
7 **JUSTICE STATISTICS.**

8 (a) IN GENERAL.—Part C of title I of the Omnibus  
9 Crime Control and Safe Streets Act of 1968 (34 U.S.C.

1 10131 et seq.) is amended by adding at the end the fol-  
2 lowing:

3 **“SEC. 305. CORPORATE CRIME DATABASE.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) BUSINESS ENTITY.—The term ‘business  
6 entity’ means a corporation, association, partnership,  
7 limited liability company, limited liability partner-  
8 ship, or other legal entity.

9 “(2) CORPORATE OFFENSE.—The term ‘cor-  
10 porate offense’ means—

11 “(A) a violation or alleged violation of Fed-  
12 eral law committed by—

13 “(i) a business entity; or

14 “(ii) an individual employed by a busi-  
15 ness entity within the conduct of the indi-  
16 vidual’s occupational role; and

17 “(B) any other violation determined by the  
18 Director to be a corporate offense.

19 “(3) DIRECTOR.—The term ‘Director’ means  
20 the Director of the Bureau.

21 “(4) ENFORCEMENT ACTION.—The term ‘en-  
22 forcement action’ includes any concluded administra-  
23 tive, civil, or criminal enforcement action or any dec-  
24 lination, settlement, deferred prosecution agreement,

1 or non-prosecution agreement entered into by a Fed-  
2 eral agency to enforce a law or regulation.

3 “(5) FEDERAL AGENCY.—The term ‘Federal  
4 agency’ has the meaning given the term ‘agency’ in  
5 section 551 of title 5, United States Code.

6 “(b) ESTABLISHMENT.—Beginning not later than 1  
7 year after the date of enactment of the Corporate Crime  
8 Database Act of 2023, the Director shall—

9 “(1) collect, aggregate, and analyze information  
10 regarding enforcement actions taken with respect to  
11 corporate offenses; and

12 “(2) publish on the internet website of the Bu-  
13 reau a database of the enforcement actions described  
14 in paragraph (1).

15 “(c) INFORMATION INCLUDED.—The database estab-  
16 lished under subsection (b) shall include the following in-  
17 formation on an enforcement action with respect to cor-  
18 porate offenses:

19 “(1) Each business entity or individual identi-  
20 fied by the enforcement action.

21 “(2) The employer of an individual identified  
22 under paragraph (1), as determined relevant by the  
23 Director.

24 “(3) The parent company of a business entity  
25 identified under paragraph (1) or the parent com-

1 pany of any employer identified under paragraph  
2 (2), as determined relevant by the Director.

3 “(4) The type of offense or alleged offense com-  
4 mitted by the business entity or individual.

5 “(5) Any relevant statute or regulation violated  
6 by the business entity or individual.

7 “(6) Each Federal agency bringing the enforce-  
8 ment action.

9 “(7) The outcome of the enforcement action, if  
10 any, including all documentation relevant to the out-  
11 come.

12 “(8) An unique identifier for each business enti-  
13 ty, individual, employer, or parent company identi-  
14 fied by the enforcement action.

15 “(9) Any additional information the Director  
16 determines necessary to carry out the purposes of  
17 this section.

18 “(d) INFORMATION COLLECTION BY DIRECTOR.—

19 “(1) IN GENERAL.—Not later than 180 days  
20 after the date of enactment of the Corporate Crime  
21 Database Act of 2023, the Director shall establish  
22 guidance for the collection of information from each  
23 Federal agency that carries out an enforcement ac-  
24 tion with respect to corporate offenses, including  
25 identification of each Federal agency that shall sub-

1 mit information to the Director and the manner in  
2 which, time at which, and frequency with which the  
3 information shall be submitted.

4 “(2) COOPERATION BY FEDERAL AGENCIES.—  
5 Each Federal agency identified in the guidance es-  
6 tablished under paragraph (1) shall submit to the  
7 Director the information specified by the Director,  
8 in accordance with that guidance.

9 “(3) TIMING OF INFORMATION INCLUDED.—To  
10 the extent to which information is available, the  
11 database established under subsection (b) shall in-  
12 clude the information described in subsection (c) on  
13 each enforcement action with respect to corporate  
14 offenses taken by a Federal agency before, on, or  
15 after the date of enactment of the Corporate Crime  
16 Database Act of 2023.

17 “(e) PUBLICATION DETAILS.—

18 “(1) IN GENERAL.—Not later than 1 year after  
19 the date of enactment of the Corporate Crime Data-  
20 base Act of 2023, the Director shall publish on the  
21 internet website of the Bureau the database estab-  
22 lished under subsection (b) in a format that is  
23 searchable, downloadable, and accessible to the pub-  
24 lic.

1           “(2) UPDATE OF INFORMATION.—The Director  
2           shall update the information included in the data-  
3           base established under subsection (b) each time the  
4           information is collected under subsection (d).

5           “(f) REPORT REQUIRED.—Not later than 1 year  
6           after the publication of the database established under  
7           subsection (b), and annually thereafter, the Director shall  
8           submit to Congress a report including—

9           “(1) a description of the data collected and  
10          analyzed under this section related to corporate of-  
11          fenses, including an analysis of recidivism, offenses  
12          and alleged offenses, and enforcement actions;

13          “(2) an estimate of the impact of corporate of-  
14          fenses on victims and the public; and

15          “(3) recommendations, developed in consulta-  
16          tion with the Attorney General, for legislative or ad-  
17          ministrative actions to improve the ability of Federal  
18          agencies to monitor, respond to, and deter instances  
19          of corporate offenses.”.

20          (b) CHIEF DATA OFFICER COUNCIL.—Section  
21          3520A(b) of title 44, United States Code, is amended—

22                 (1) in paragraph (4), by striking “; and” and  
23                 inserting a semicolon;

24                 (2) in paragraph (5), by striking the period at  
25                 the end and inserting “; and”; and

1           (3) by adding at the end the following:

2           “(6) identify ways in which a Federal agency  
3           (as defined in section 305 of title I of the Omnibus  
4           Crime Control and Safe Streets Act of 1968) that  
5           carries out an enforcement action (as defined in that  
6           section) with respect to a corporate offense (as de-  
7           fined in that section) can improve the collection, dig-  
8           italization, tabulation, sharing, and publishing of in-  
9           formation under that section, and the standardiza-  
10          tion of those processes, in order to carry out that  
11          section.”.

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