

118TH CONGRESS  
1ST SESSION

# S. 53

To identify and combat corruption in countries, to establish a tiered list of countries with respect to levels of corruption by their governments and their efforts to combat such corruption, and to evaluate whether foreign persons engaged in significant corruption should be specially designated nationals under the Global Magnitsky Human Rights Accountability Act.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2023

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

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## A BILL

To identify and combat corruption in countries, to establish a tiered list of countries with respect to levels of corruption by their governments and their efforts to combat such corruption, and to evaluate whether foreign persons engaged in significant corruption should be specially designated nationals under the Global Magnitsky Human Rights Accountability Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Combating Global Cor-  
3 ruption Act of 2023”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **CORRUPT ACTOR.**—The term “corrupt  
7 actor” means—

8 (A) any foreign person or entity that is a  
9 government official or government entity re-  
10 sponsible for, or complicit in, an act of corrup-  
11 tion; and

12 (B) any company, in which a person or en-  
13 tity described in subparagraph (A) has a sig-  
14 nificant stake, which is responsible for, or  
15 complicit in, an act of corruption.

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

20 (3) **SIGNIFICANT CORRUPTION.**—The term “sig-  
21 nificant corruption” means corruption committed at  
22 a high level of government that—

23 (A) illegitimately distorts major decision-  
24 making, such as policy or resource determina-  
25 tions, or other fundamental functions of govern-  
26 ance; and

1 (B) involves economically or socially large-  
2 scale government activities.

3 **SEC. 3. PUBLICATION OF TIERED RANKING LIST.**

4 (a) IN GENERAL.—The Secretary of State shall an-  
5 nually publish, on a publicly accessible website, a tiered  
6 ranking of all foreign countries.

7 (b) TIER 1 COUNTRIES.—A country shall be ranked  
8 as a tier 1 country in the ranking published under sub-  
9 section (a) if the government of such country is complying  
10 with the minimum standards set forth in section 4.

11 (c) TIER 2 COUNTRIES.—A country shall be ranked  
12 as a tier 2 country in the ranking published under sub-  
13 section (a) if the government of such country is making  
14 efforts to comply with the minimum standards set forth  
15 in section 4, but is not achieving the requisite level of com-  
16 pliance to be ranked as a tier 1 country.

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

1 **SEC. 4. MINIMUM STANDARDS FOR THE ELIMINATION OF**  
2 **CORRUPTION AND ASSESSMENT OF EFFORTS**  
3 **TO COMBAT CORRUPTION.**

4 (a) **IN GENERAL.**—The government of a country is  
5 complying with the minimum standards for the elimi-  
6 nation of corruption if the government—

7 (1) has enacted and implemented laws and es-  
8 tablished government structures, policies, and prac-  
9 tices that prohibit and generally deter corruption, in-  
10 cluding significant corruption;

11 (2) enforces the laws described in paragraph (1)  
12 by punishing any person who is found, through a  
13 fair judicial process, to have violated such laws;

14 (3) prescribes punishment for significant cor-  
15 ruption that is commensurate with the punishment  
16 prescribed for serious crimes; and

17 (4) is making serious and sustained efforts to  
18 address corruption, including through prevention.

19 (b) **FACTORS FOR ASSESSING GOVERNMENT EF-**  
20 **FORTS TO COMBAT CORRUPTION.**—In determining wheth-  
21 er a government is making serious and sustained efforts  
22 to address corruption, the Secretary of State shall con-  
23 sider, to the extent relevant or appropriate, factors such  
24 as—

25 (1) whether the government of the country has  
26 criminalized corruption, investigates and prosecutes

1 acts of corruption, and convicts and sentences per-  
2 sons responsible for such acts over which it has ju-  
3 risdiction, including, as appropriate, incarcerating  
4 individuals convicted of such acts;

5 (2) whether the government of the country vig-  
6 orously investigates, prosecutes, convicts, and sen-  
7 tences public officials who participate in or facilitate  
8 corruption, including nationals of the country who  
9 are deployed in foreign military assignments, trade  
10 delegations abroad, or other similar missions, who  
11 engage in or facilitate significant corruption;

12 (3) whether the government of the country has  
13 adopted measures to prevent corruption, such as  
14 measures to inform and educate the public, including  
15 potential victims, about the causes and consequences  
16 of corruption;

17 (4) whether the government of the country has  
18 taken steps to prohibit government officials from  
19 participating in, facilitating, or condoning corrup-  
20 tion, including the investigation, prosecution, and  
21 conviction of such officials;

22 (5) the extent to which the country provides ac-  
23 cess, or, as appropriate, makes adequate resources  
24 available, to civil society organizations and other in-

1       stitutions to combat corruption, including reporting,  
2       investigating, and monitoring;

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

10              (7) whether the government of the country is  
11       assisting in international investigations of  
12       transnational corruption networks and in other coop-  
13       erative efforts to combat significant corruption, in-  
14       cluding, as appropriate, cooperating with the govern-  
15       ments of other countries to extradite corrupt actors;

16              (8) whether the government of the country rec-  
17       ognizes the rights of victims of corruption, ensures  
18       their access to justice, and takes steps to prevent  
19       victims from being further victimized or persecuted  
20       by corrupt actors, government officials, or others;

21              (9) whether the government of the country pro-  
22       tects victims of corruption or whistleblowers from re-  
23       prisal due to such persons having assisted in expos-  
24       ing corruption, and refrains from other discrimina-  
25       tory treatment of such persons;

1           (10) whether the government of the country is  
2 willing and able to recover and, as appropriate, re-  
3 turn the proceeds of corruption;

4           (11) whether the government of the country is  
5 taking steps to implement financial transparency  
6 measures in line with the Financial Action Task  
7 Force recommendations, including due diligence and  
8 beneficial ownership transparency requirements;

9           (12) whether the government of the country is  
10 facilitating corruption in other countries in connec-  
11 tion with state-directed investment, loans or grants  
12 for major infrastructure, or other initiatives; and

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

15       (c) ASSESSING GOVERNMENT EFFORTS TO COMBAT  
16 CORRUPTION IN RELATION TO RELEVANT INTER-  
17 NATIONAL COMMITMENTS.—In determining whether a  
18 government is making serious and sustained efforts to ad-  
19 dress corruption, the Secretary of State shall consider the  
20 government of a country's compliance with the following,  
21 as relevant:

22           (1) The Inter-American Convention against  
23 Corruption of the Organization of American States,  
24 done at Caracas March 29, 1996.

1           (2) The Convention on Combating Bribery of  
2 Foreign Public Officials in International Business  
3 Transactions of the Organisation of Economic Co-  
4 operation and Development, done at Paris December  
5 21, 1997 (commonly referred to as the “Anti-Brib-  
6 ery Convention”).

7           (3) The United Nations Convention against  
8 Transnational Organized Crime, done at New York  
9 November 15, 2000.

10           (4) The United Nations Convention against  
11 Corruption, done at New York October 31, 2003.

12           (5) Such other treaties, agreements, and inter-  
13 national standards as the Secretary of State con-  
14 siders appropriate.

15 **SEC. 5. IMPOSITION OF SANCTIONS UNDER GLOBAL**  
16 **MAGNITSKY HUMAN RIGHTS ACCOUNT-**  
17 **ABILITY ACT.**

18           (a) IN GENERAL.—The Secretary of State, in coordi-  
19 nation with the Secretary of the Treasury, should evaluate  
20 whether there are foreign persons engaged in significant  
21 corruption for the purposes of potential imposition of  
22 sanctions under the Global Magnitsky Human Rights Ac-  
23 countability Act (subtitle F of title XII of Public Law  
24 114–328; 22 U.S.C. 2656 note) in all countries identified  
25 as tier 3 countries under section 3.

1 (b) REPORT REQUIRED.—Not later than 180 days  
2 after publishing the list required by section 3(a) and annu-  
3 ally thereafter, the Secretary of State shall submit to the  
4 committees specified in subsection (e) a report that in-  
5 cludes—

6 (1) a list of foreign persons with respect to  
7 which the President imposed sanctions pursuant to  
8 the evaluation under subsection (a);

9 (2) the dates on which such sanctions were im-  
10 posed; and

11 (3) the reasons for imposing such sanctions.

12 (c) FORM OF REPORT.—Each report required by sub-  
13 section (b) shall be submitted in unclassified form but may  
14 include a classified annex.

15 (d) BRIEFING IN LIEU OF REPORT.—The Secretary  
16 of State, in coordination with the Secretary of the Treas-  
17 ury, may provide a briefing to the committees specified  
18 in subsection (e) instead of submitting a written report  
19 required under subsection (b), if doing so would better  
20 serve existing United States anti-corruption efforts or the  
21 national interests of the United States.

22 (e) COMMITTEES SPECIFIED.—The committees speci-  
23 fied in this subsection are—

24 (1) the Committee on Foreign Relations, the  
25 Committee on Appropriations, the Committee on

1 Banking, Housing, and Urban Affairs, and the Com-  
2 mittee on the Judiciary of the Senate; and

3 (2) the Committee on Foreign Affairs, the  
4 Committee on Appropriations, the Committee on Fi-  
5 nancial Services, and the Committee on the Judici-  
6 ary of the House of Representatives.

7 **SEC. 6. DESIGNATION OF EMBASSY ANTI-CORRUPTION**  
8 **POINTS OF CONTACT.**

9 (a) IN GENERAL.—The Secretary of State shall an-  
10 nually designate an anti-corruption point of contact at the  
11 United States diplomatic post to each country identified  
12 as tier 2 or tier 3 under section 3, or which the Secretary  
13 otherwise determines is in need of such a point of contact.  
14 The point of contact shall be the chief of mission or the  
15 chief of mission’s designee.

16 (b) RESPONSIBILITIES.—Each anti-corruption point  
17 of contact designated under subsection (a) shall be respon-  
18 sible for enhancing coordination and promoting the imple-  
19 mentation of a whole-of-government approach among the  
20 relevant Federal departments and agencies undertaking  
21 efforts to—

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

24 (2) enhance the ability of such countries—

25 (A) to combat public corruption; and

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

3 (c) TRAINING.—The Secretary of State shall imple-  
4 ment appropriate training for anti-corruption points of  
5 contact designated under subsection (a).

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