

116TH CONGRESS
1ST SESSION

H. R. 2167

To authorize the President to impose sanctions with respect to any foreign person the President determines, based on credible evidence, engages in public or private sector corruption activities that adversely affect a United States foreign investor, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2019

Mr. CURTIS (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the President to impose sanctions with respect to any foreign person the President determines, based on credible evidence, engages in public or private sector corruption activities that adversely affect a United States foreign investor, 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 “Protecting United
5 States Businesses Abroad Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) UNITED STATES FOREIGN INVESTOR.—The
4 term “United States foreign investor” means a
5 United States person who has made a financial in-
6 vestment in a foreign country.

7 (2) CREDIBLE EVIDENCE.—The term “credible
8 evidence” means evidence of any kind that appears
9 worthy of belief, including evidence consisting of the
10 results of United States or foreign law enforcement
11 investigations or judicial proceedings, law enforce-
12 ment or intelligence information available to any
13 agency of the United States Government, informa-
14 tion obtained through diplomatic channels, open
15 source information that is publicly available in the
16 United States or foreign news media, and informa-
17 tion provided by any United States person or foreign
18 person.

19 (3) ENTITY.—The term “entity” means a part-
20 nership, association, trust, joint venture, corpora-
21 tion, group, subgroup, or other organization.

22 (4) FOREIGN PERSON.—The term “foreign per-
23 son” means a person that is not a United States
24 person.

25 (5) PERSON.—The term “person” means an in-
26 dividual or entity.

1 (6) UNITED STATES PERSON.—The term
2 “United States person” means a person that is a
3 United States citizen, permanent resident alien, enti-
4 ty organized under the laws of the United States or
5 any jurisdiction within the United States (including
6 foreign branches and entities outside the United
7 States that are substantially owned by a United
8 States person or persons), or any person in the
9 United States.

10 **SEC. 3. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

11 (a) IN GENERAL.—The President may impose the
12 sanctions described in subsection (b) with respect to any
13 foreign person who is an individual the President deter-
14 mines, based on credible evidence—

15 (1) engages in public sector corruption activities
16 against a United States foreign investor, including—

17 (A) soliciting or accepting bribes;

18 (B) using the authority of the state to ex-
19 tort payments, unjustly coerce or intimidate the
20 United States foreign investor, or otherwise un-
21 justly thwart investment by the United States
22 foreign investor; or

23 (C) obstructing or otherwise improperly
24 manipulating or interfering with the impartial

1 operation of judicial or law enforcement proc-
2 esses;

3 (2) expropriates the assets of a United States
4 foreign investor without providing just compensa-
5 tion;

6 (3) engages in extortion, use of force, or the
7 threat of use of force against a United States for-
8 eign investor or the family, employees, or associates
9 of the United States foreign investor; or

10 (4) conspires to engage in, or knowingly and
11 materially assists, sponsors, or provides financial,
12 material, or technological support for any of the ac-
13 tivities described in paragraph (1), (2), or (3).

14 (b) SANCTIONS DESCRIBED.—The sanctions de-
15 scribed in this subsection are the following:

16 (1) The person shall be ineligible to receive a
17 visa to enter the United States or to be admitted to
18 the United States.

19 (2) If the person has been issued a visa or
20 other documentation, revocation, in accordance with
21 section 221(i) of the Immigration and Nationality
22 Act (8 U.S.C. 1201(i)), of the visa or other docu-
23 mentation.

24 (c) CONSIDERATION OF CERTAIN INFORMATION IN
25 IMPOSING SANCTIONS.—In determining whether to im-

1 pose sanctions under subsection (a), the President shall
2 consider—

3 (1) information provided by United States for-
4 eign investors to an official of the United States
5 Government designated by the President to receive
6 and evaluate such information;

7 (2) information provided by the chairperson or
8 ranking member of each of the appropriate congres-
9 sional committees; and

10 (3) credible information obtained from other
11 countries and nongovernmental organizations, other
12 agencies of the United States Government, or pub-
13 licly available open sources.

14 (d) EXCEPTION TO COMPLY WITH LAW ENFORCE-
15 MENT OBJECTIVES AND AGREEMENT REGARDING THE
16 HEADQUARTERS OF THE UNITED NATIONS.—Sanctions
17 under subsection (b) shall not apply to a person if admit-
18 ting the person into the United States—

19 (1) would further important law enforcement
20 objectives; or

21 (2) is necessary to permit the United States to
22 comply with the Agreement regarding the Head-
23 quarters of the United Nations, signed at Lake Sue-
24 cess June 26, 1947, and entered into force Novem-
25 ber 21, 1947, between the United Nations and the

1 United States, or other applicable international obli-
2 gations of the United States.

3 (e) TERMINATION OF SANCTIONS.—The President
4 may terminate the application of sanctions under this sec-
5 tion with respect to a person if the President determines
6 and reports to the appropriate congressional committees
7 not later than 15 days before the termination of the sanc-
8 tions that—

9 (1) credible information exists that the person
10 did not engage in the activity for which sanctions
11 were imposed;

12 (2) the person has been prosecuted appro-
13 priately for the activity for which sanctions were im-
14 posed;

15 (3) the person has credibly demonstrated a sig-
16 nificant change in behavior, has paid an appropriate
17 consequence for the activity for which sanctions were
18 imposed, and has credibly committed to not engage
19 in an activity described in subsection (a) in the fu-
20 ture; or

21 (4) the termination of the sanctions is in the
22 national security interests of the United States.

23 (f) REGULATORY AUTHORITY.—The President shall
24 issue such regulations, licenses, and orders as are nec-
25 essary to carry out this section.

1 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Committee on the Judiciary and the
5 Committee on Foreign Affairs of the House of Rep-
6 resentatives; and

7 (2) the Committee on the Judiciary and the
8 Committee on Foreign Relations of the Senate.

9 **SEC. 4. REPORTS TO CONGRESS.**

10 (a) IN GENERAL.—The President shall submit to the
11 appropriate congressional committees, in accordance with
12 subsection (b), a report that includes—

13 (1) a list of each foreign person with respect to
14 which the President imposed sanctions pursuant to
15 section 3 during the year preceding the submission
16 of the report;

17 (2) the number of foreign persons with respect
18 to which the President—

19 (A) imposed sanctions under section 3(a)
20 during that year; and

21 (B) terminated sanctions under section
22 3(f) during that year;

23 (3) the dates on which such sanctions were im-
24 posed or terminated, as the case may be;

1 (4) the reasons for imposing or terminating
2 such sanctions; and

3 (5) the total number of foreign persons consid-
4 ered under section 3(e) for whom sanctions were not
5 imposed.

6 (b) DATES FOR SUBMISSION.—

7 (1) INITIAL REPORT.—The President shall sub-
8 mit the initial report under subsection (a) not later
9 than 120 days after the date of the enactment of
10 this Act.

11 (2) SUBSEQUENT REPORTS.—The President
12 shall submit a subsequent report under subsection
13 (a) on December 10, or the first day thereafter on
14 which both Houses of Congress are in session, of—

15 (A) the calendar year in which the initial
16 report is submitted if the initial report is sub-
17 mitted before December 10 of that calendar
18 year; and

19 (B) each calendar year thereafter.

20 (c) FORM OF REPORT.—

21 (1) IN GENERAL.—Each report required by
22 subsection (a) shall be submitted in unclassified
23 form, but may include a classified annex.

24 (2) EXCEPTION.—The name of a foreign person
25 to be included in the list required by subsection

1 (a)(1) may be submitted in the classified annex au-
2 thorized by paragraph (1) only if the President—

3 (A) determines that it is vital for the na-
4 tional security interests of the United States to
5 do so; and

6 (B) uses the annex in a manner consistent
7 with congressional intent and the purposes of
8 this Act.

9 (d) PUBLIC AVAILABILITY.—

10 (1) IN GENERAL.—The unclassified portion of
11 the report required by subsection (a) shall be made
12 available to the public, including through publication
13 in the Federal Register.

14 (2) NONAPPLICABILITY OF CONFIDENTIALITY
15 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

16 The President shall publish the list required by sub-
17 section (a)(1) without regard to the requirements of
18 section 222(f) of the Immigration and Nationality
19 Act (8 U.S.C. 1202(f)) with respect to confiden-
20 tiality of records pertaining to the issuance or re-
21 fusal of visas or permits to enter the United States.

22 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
23 FINED.—In this section, the term “appropriate congres-
24 sional committees” means—

1 (1) the Committee on Appropriations, the Com-
2 mittee on Foreign Affairs, and the Committee on the
3 Judiciary of the House of Representatives; and

4 (2) the Committee on Appropriations, the Com-
5 mittee on Foreign Relations, and the Committee on
6 the Judiciary of the Senate.

7 **SEC. 5. STRATEGY TO PROTECT UNITED STATES FOREIGN**
8 **INVESTORS.**

9 (a) IN GENERAL.—The Secretary of State, in coordi-
10 nation with the Secretary of Commerce, the Secretary of
11 the Treasury, and the heads of other relevant Federal de-
12 partments and agencies, shall develop a strategy to coordi-
13 nate United States Government efforts to protect United
14 States foreign investors against corruption. The strategy
15 shall call for the diplomatic and consular programs of the
16 United States to protect United States foreign investors
17 that are targeted by foreign persons engaged in public or
18 private sector corruption.

19 (b) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, and annually thereafter, the
21 Secretary of State shall submit to the appropriate congres-
22 sional committees a report—

23 (1) detailing the strategy required by subsection
24 (a);

1 (2) summarizing specific actions taken to pro-
2 tect United States foreign investors since the last re-
3 port; and

4 (3) a detailed description of the tools currently
5 available to protect United States foreign investors
6 investing abroad from public and private sector cor-
7 ruption, as well as recommendations for expanding
8 such tools to better protect United States foreign in-
9 vestors against corruption.

10 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

11 In this section, the term “appropriate congressional com-
12 mittees” means—

13 (1) the Committee on Banking, Housing, and
14 Urban Affairs, the Committee on Finance, and the
15 Committee on Foreign Relations of the Senate; and

16 (2) the Committee on Financial Services, the
17 Committee on Ways and Means, and the Committee
18 on Foreign Affairs of the House of Representatives.

19 **SEC. 6. SUNSET.**

20 (a) IN GENERAL.—The authority to impose sanctions
21 under this Act shall terminate on the date that is 6 years
22 after the date of enactment of this Act.

23 (b) CONTINUATION IN EFFECT OF SANCTIONS.—

24 Sanctions imposed under this Act on or before the date
25 specified in subsection (a), and in effect as of such date,

- 1 shall remain in effect until terminated in accordance with
- 2 the requirements of section 3(e).

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