

117TH CONGRESS
2D SESSION

S. 5141

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2022

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

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 2022”.

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 2022, 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 2022, 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) TIMING OF INFORMATION INCLUDED.—To
5 the extent to which information is available, the
6 database established under subsection (b) shall in-
7 clude the information described in subsection (c) on
8 each enforcement action with respect to corporate
9 offenses taken by a Federal agency before, on, or
10 after the date of enactment of the Corporate Crime
11 Database Act of 2022.

12 “(e) PUBLICATION DETAILS.—

13 “(1) IN GENERAL.—Not later than 1 year after
14 the date of enactment of the Corporate Crime Data-
15 base Act of 2022, the Director shall publish on the
16 internet website of the Bureau the database estab-
17 lished under subsection (b) in a format that is
18 searchable, downloadable, and accessible to the pub-
19 lic.

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

24 “(f) REPORT REQUIRED.—Not later than 1 year
25 after the publication of the database established under

1 subsection (b), and annually thereafter, the Director shall
 2 submit to Congress a report including—

3 “(1) a description of the data collected and
 4 analyzed under this section related to corporate of-
 5 fenses, including an analysis of recidivism, offenses
 6 and alleged offenses, and enforcement actions;

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

9 “(3) recommendations, developed in consulta-
 10 tion with the Attorney General, for legislative or ad-
 11 ministrative actions to improve the ability of Federal
 12 agencies to monitor, respond to, and deter instances
 13 of corporate offenses.”.

14 (b) CHIEF DATA OFFICER COUNCIL.—Section
 15 3520A(b) of title 44, United States Code, is amended—

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

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

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

21 “(6) identify ways in which a Federal agency
 22 (as defined in section 305 of title I of the Omnibus
 23 Crime Control and Safe Streets Act of 1968) that
 24 carries out an enforcement action (as defined in that
 25 section) with respect to a corporate offense (as de-

1 fined in that section) can improve the collection, dig-
2 italization, tabulation, sharing, and publishing of in-
3 formation under that section, and the standardiza-
4 tion of those processes, in order to carry out that
5 section.”.

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