

(Pub. L. 118-31, div. A, title XIII, §1353, Dec. 22, 2023, 137 Stat. 519.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 8005 of the Department of Defense Appropriations Act, 2023, referred to in subsec. (e)(1)(B), is section 8005 of Pub. L. 117-328, div. C, title VIII, Dec. 29, 2022, 136 Stat. 4585, which is not classified to the Code.

The Atomic Energy Act of 1954, referred to in subsec. (e)(2), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

### Executive Documents

#### DELEGATION OF FUNCTIONS

Functions and authorities vested in the President under subsecs. (d), (h), and (i) of this section delegated to Secretary of Defense for funds allocated to the Department of Defense account and to Secretary of Energy for funds allocated to the Department of Energy account, in coordination with the Director of the Office of Management and Budget, by Memorandum of President of the United States, §1(c)(vi), July 9, 2024, 89 F.R. 57337, set out in a note under section 10413 of this title.

Functions and authorities vested in the President under subsecs. (c) and (e)(1)(D) and (3) of this section delegated to the Secretary of Defense for funds transferred to Department of Defense accounts and to the Secretary of Energy for funds transferred to Department of Energy accounts, in coordination with the Director of the Office of Management and Budget, and under subsecs. (a), (e)(1)(A), (2), and (f)(1) of this section delegated to the Director of the Office of Management and Budget, in consultation with the Secretaries of Defense and Energy, as appropriate, by Memorandum of President of the United States, §1(d), (e), Dec. 11, 2024, 89 F.R. 101835, set out in a note under section 10431 of this title.

### § 10433. Appropriate congressional committees and leadership defined

In this chapter, the term “appropriate congressional committees and leadership” means—

(1) the Speaker of the House of Representatives and the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the majority leader of the Senate and the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(Pub. L. 118-31, div. A, title XIII, §1354, Dec. 22, 2023, 137 Stat. 522.)

## CHAPTER 112—COMBATING GLOBAL CORRUPTION

Sec.	
10501.	Definitions.
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### § 10501. Definitions

In this chapter:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

(2) The term “corrupt actor” means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(3) The term “corruption” means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(4) The term “significant corruption” means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

(Pub. L. 118-31, div. E, title LIV, §5402, Dec. 22, 2023, 137 Stat. 944.)

### Statutory Notes and Related Subsidiaries

#### SHORT TITLE

Pub. L. 118-31, div. E, title LIV, §5401, Dec. 22, 2023, 137 Stat. 944, provided that: “This subtitle [subtitle A (§§5401-5406) of title LIV of div. E of Pub. L. 118-31, enacting this chapter] may be cited as the ‘Combating Global Corruption Act’.”

### § 10502. Publication and provision of lists regarding progress on anti-corruption efforts

#### (a) Public list

The Secretary of State shall publish annually, on a publicly accessible website, a list of foreign countries where the government is sustaining or making good progress on anti-corruption efforts in accordance with the minimum standards set forth in section 10503 of this title. Such list shall include a brief description of each such country’s progress or justification for being on such list.

#### (b) Classified list

The Secretary of State shall provide to the appropriate congressional committees a classified list of countries where the government is making limited or no efforts to comply with minimum standards set forth in section 10503 of this title, and are not achieving meaningful progress

on combating corruption. Such list shall include a brief description of each country's lack of progress or justification for being on such list.

**(c) Annual update**

The Secretary of State shall provide an annual update in a classified setting to the appropriate congressional committees on the United States Government's efforts to fight against corruption. This update should include an overview of the key obstacles to combating corruption and present near-term and long-term strategies.

**(d) Implementation and timing**

**(1) Deadline**

The publication and submission of the lists and the annual update required by subsections (a), (b), and (c) shall be completed not later than 2 years after December 22, 2023, and annually thereafter for seven years.

**(2) Report on methodology**

Not later than one year after December 22, 2023, the Secretary shall submit to the appropriate congressional committees a report detailing the methodology developed to assign countries to either the public list or the classified list and a proposed budget for preparing the first set of lists during the subsequent year.

**(e) Exception to publication**

The Secretary may, in specific instances where the Secretary determines the inclusion of specific countries on the public list required by subsection (a) would not be in the national interests of the United States, submit the information required by subsection (a) about such specific countries in a classified manner in writing to the appropriate congressional committees, together with a justification for why publication would not be in the national interest. The justification, if applicable, shall be submitted the same date as the public list required by subsection (a).

(Pub. L. 118-31, div. E, title LIV, § 5403, Dec. 22, 2023, 137 Stat. 944.)

**§ 10503. Minimum standards for the elimination of corruption and assessment of efforts to combat corruption**

**(a) In general**

The government of a country is complying with the minimum standards for the elimination of corruption if the government—

(1) has enacted and implemented laws and established government structures, policies, and practices that prohibit corruption, including significant corruption;

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

(3) prescribes punishment for significant corruption that is commensurate with the punishment prescribed for serious crimes; and

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

**(b) Factors for assessing government efforts to combat corruption**

In determining whether a government is making serious and sustained efforts to address cor-

ruption, the Secretary of State shall consider, to the extent relevant or appropriate, factors such as—

(1) whether the government of the country has criminalized corruption, investigates and prosecutes acts of corruption, and convicts and sentences persons responsible for such acts over which it has jurisdiction, including, as appropriate, incarcerating individuals convicted of such acts;

(2) whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate corruption, including nationals of the country who are deployed in foreign military assignments, trade delegations abroad, or other similar missions, who engage in or facilitate significant corruption;

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

(4) what steps the government of the country has taken to prohibit government officials from participating in, facilitating, or condoning corruption, including the investigation, prosecution, and conviction of such officials;

(5) the extent to which the country provides access, or, as appropriate, makes adequate resources available, to civil society organizations and other institutions to combat corruption, including reporting, investigating, and monitoring;

(6) whether an independent judiciary or judicial body in the country is responsible for, and effectively capable of, deciding corruption cases impartially, on the basis of facts and in accordance with the law, without any improper restrictions, influences, inducements, pressures, threats, or interferences (direct or indirect);

(7) whether the government of the country is assisting in international investigations of transnational corruption networks and in other cooperative efforts to combat significant corruption, including, as appropriate, cooperating with the governments of other countries to extradite corrupt actors;

(8) whether the government of the country recognizes the rights of victims of corruption, ensures their access to justice, and takes steps to prevent victims from being further victimized or persecuted by corrupt actors, government officials, or others;

(9) whether the government of the country protects victims of corruption or whistleblowers from reprisal due to such persons having assisted in exposing corruption, and refrains from other discriminatory treatment of such persons;

(10) whether the government of the country is willing and able to recover and, as appropriate, return the proceeds of corruption;

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