

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;

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

(13) such other information relating to corruption as the Secretary of State considers appropriate.

(c) Assessing government efforts to combat corruption in relation to relevant international commitments

In determining whether a government is making serious and sustained efforts to address corruption, the Secretary of State shall consider the government of a country's compliance with the following, as relevant:

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

(2) The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation of¹ Economic Co-operation and Development, done at Paris December 21,² 1997 (commonly referred to as the "Anti-Bribery Convention").

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

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

(5) Such other treaties or conventions ratified by the United States as the Secretary of State considers appropriate.

(Pub. L. 118–31, div. E, title LIV, § 5404, Dec. 22, 2023, 137 Stat. 945.)

§ 10504. Imposition of sanctions under Global Magnitsky Human Rights Accountability Act

(a) In general

The Secretary of State, in consultation with the Secretary of the Treasury, should evaluate whether there are foreign persons engaged in significant corruption for the purposes of potential imposition of sanctions under the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328; 22 U.S.C. 10101 et seq.)—

(1) in all countries identified pursuant to section 10502(b) of this title; and

(2) in relation to the planning or construction or any operation of the Nord Stream 2 pipeline.

(b) Report required

Not later than 180 days after providing the list required by section 10502(b) of this title, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

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

(2) the dates on which such sanctions were imposed;

(3) the reasons for imposing such sanctions; and

(4) a list of all foreign persons that have engaged in significant corruption in relation to

the planning, construction, or operation of the Nord Stream 2 pipeline.

(c) Form of report

Each report required by subsection (b) shall be submitted in unclassified form but may include a classified annex.

(d) Briefing in lieu of report

The Secretary of State, in consultation with the Secretary of the Treasury, may, instead of submitting a written report required under subsection (b) (except with respect to the list required by subsection (b)(4)), provide to the appropriate congressional committees a briefing, together with a written justification, if doing so would better serve the national interests of the United States.

(e) Termination of requirements relating to Nord Stream 2

The requirements under subsections (a)(2) and (b)(4) shall terminate on the date that is 5 years after December 22, 2023.

(Pub. L. 118–31, div. E, title LIV, § 5405, Dec. 22, 2023, 137 Stat. 947.)

Editorial Notes

REFERENCES IN TEXT

The Global Magnitsky Human Rights Accountability Act, referred to in subsec. (a), is subtitle F (§§ 1261–1264) of title XII of div. A of Pub. L. 114–328, Dec. 23, 2016, 130 Stat. 2533, which is classified generally to chapter 108 (§10101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 10101 of this title and Tables.

§ 10505. Designation of embassy anti-corruption points of contact

(a) In general

The Secretary of State shall annually designate an anti-corruption point of contact at the United States diplomatic post to each country identified pursuant to section 10502(b) of this title, or which the Secretary otherwise determines is in need of such a point of contact. The point of contact shall be the chief of mission or the chief of mission's designee.

(b) Responsibilities

Each anti-corruption point of contact designated under subsection (a) shall be responsible for enhancing coordination and promoting the implementation of a whole-of-government approach among the relevant Federal departments and agencies undertaking efforts to—

(1) promote good governance in foreign countries; and

(2) enhance the ability of such countries—

(A) to combat public corruption; and

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

(c) Training

The Secretary of State shall implement appropriate training for anti-corruption points of contact designated under subsection (a).

(Pub. L. 118–31, div. E, title LIV, § 5406, Dec. 22, 2023, 137 Stat. 947.)

¹ So in original. Probably should be "for".

² So in original. Probably should be "17".