H. R. ______

To criminalize transnational repression, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHIFF introduced the following bill; which was referred to the Committee on ______

A BILL

To criminalize transnational repression, 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 “Stop Transnational
5 Repression Act”.
6 SEC. 2. FINDINGS.
7 Congress finds the following:
8 (1) Transnational repression is not currently
9 codified or defined in United States law.
(2) The Federal Bureau of Investigation defines transnational repression as foreign government transgression of national borders through physical and digital means to intimidate, silence, coerce, harass, or harm members of diaspora and exile communities. Transnational repression is often used to silence individuals who oppose or are critical of a government, including journalists, human rights defenders, religious or ethnic minority groups, and political opponents. Methods of transnational repression are known to include physical and digital stalking, harassment, computer hacking, criminal threats, assaults, attempted kidnappings, coerced repatriation, and detaining family members in the home country.

(3) Transnational repression is not limited to physical acts of intimidation and harassment. According to Citizen Lab, “digital transnational repression” tools are used to facilitate government reach beyond borders to gain access to social media and email accounts, including through phishing attacks, zero-click spyware hacks, social media page take-downs, SIM card hacks, and fake invitations to conferences. For human rights activists and dissidents, this has a serious impact on their advocacy work.
and sense of security, even if they have relocated to escape physical intimidation.

(4) On February 23, 2022, the National Security Division of the Department of Justice launched a “Strategy for Countering Nation-State Threats” in order to take a comprehensive, “whole-of-government” approach to addressing threats the United States faces from hostile nations, including transnational repression.

(5) Throughout 2022, the Department of Justice has charged a number of individuals with stalking, harassing, and spying, who allegedly perpetrated transnational repression to silence United States residents who were critics of the People’s Republic of China.

(6) Transnational repression is a growing problem. As of August 2022, Freedom House has documented 735 direct, physical cases of transnational repression that took place between 2014 and 2021.

(7) A total of 85 new incidents of transnational repression were recorded around the globe in 2021. Four governments, Algeria, Belarus, Comoros, and Nigeria, attacked exiles abroad for the first time last year, bringing the total number of states engaged in transnational repression to 36. The number of host
countries, or countries where acts of transnational repression took place, rose from 79 to 84, including the United States.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that hostile nations and authoritarian regimes have increasingly and aggressively targeted individuals in the United States. Agents of these governments have acted outside diplomatic channels to threaten, intimidate, harass, surveil, stalk, silence, and even plot to physically harm or kidnap persons within U.S. borders. Although transnational repression often involves actions that are already prohibited by U.S. law, their foreign government backing render these activities more egregious than the underlying acts of intimidation or harassment alone. Therefore, it is necessary to formally define and criminalize transnational repression in Federal law, and more actively track and report on instances transnational repression in the United States.

SEC. 4. CRIMINALIZING TRANSNATIONAL REPRESSION.

(a) Offense.—Chapter 45 of title 18, United States Code, is amended by adding at the end the following:

“§ 971. Transnational repression

“(a) In General.—Whoever knowingly commits an act of transnational repression shall be fined under this title and imprisoned not more than 10 years.
“(b) ATTEMPT OR CONSPIRACY.—Whoever attempts
or conspires to commit an offense under this section shall
be subject to the same penalties as those prescribed for
the offense, the commission of which was the object of the
attempt or conspiracy.

“(c) EXTRATERRITORIAL JURISDICTION.—There is
extraterritorial Federal jurisdiction over an offense under
this section.

“(d) DEFINITIONS.—In this section:

“(1) AGENT OF A FOREIGN POWER.—The term
‘agent of a foreign power’ means an individual who
operates subject to the direction or control of a for-
egn government or official.

“(2) EXTRAJUDICIAL KILLING.—The term
‘extrajudicial killing’ means an act with the intention
to or in the knowledge that such act will end the life
of another person, when that act is not incident to
lawful sanction, public necessity, self-defense or the
defense of others, or the law of armed conflict.

“(3) PROXY.—The term ‘proxy’ means an indi-
vidual acting on behalf of an agent of a foreign
power.

“(4) TRANSNATIONAL REPRESSION.—The term
‘transnational repression’ means any activity by a
foreign government, or an agent of a foreign power
or a proxy thereof, that meets each of the following criteria:

“(A) The activity involves—

“(i) any effort intended to intimidate or coerce, including by force or fear, a person to take an action in the interest of a foreign government;

“(ii) any effort intended to intimidate or coerce, including by force or fear, a person to take an action to forebear from exercising a right guaranteed to the person by the Constitution or laws of the United States;

“(iii) enabling an effort specified in clause (i) or (ii); or

“(iv) an extrajudicial killing.

“(B) The activity is engaged in for the purpose of stifling dissent against or otherwise advancing the interests of a foreign government.

“(C) The activity—

“(i) occurs, in whole or in part, in the United States; or

“(ii) is committed against—

“(I) a United States person;
“(II) a person in the United States; or

“(III) a person not specified in subclause (I) or (II) if the activity could reasonably be expected to result in the deprivation of any rights, privileges, or immunities of such person secured or protected by the Constitution or laws of the United States.

“(5) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given such term in section 105A(c) of the National Security Act of 1947.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 45 of title 18, United States Code, is amended by adding at the end the following:

“971. Transnational repression.”.

SEC. 5. CENTRALIZATION OF OVERSIGHT OF TRANSNATIONAL REPRESSION PROSECUTIONS AND INVESTIGATIONS.

(a) NATIONAL SECURITY DIVISION.—The Attorney General shall centralize oversight of transnational repression prosecutions in the National Security Division of the Department of Justice, or any successor organization.

(b) COUNTERINTELLIGENCE DIVISION.—The Attorney General, acting through the Director of the Federal
Bureau of Investigation, shall centralize oversight of transnational repression investigations in the Counterintelligence Division of the Federal Bureau of Investigation, or any successor organization.

(c) COORDINATION.—In carrying out oversight under this section—

(1) the Assistant Attorney General for the National Security Division of the Department of Justice may coordinate with other divisions of the Department of Justice, as appropriate; and

(2) the head of the Counterintelligence Division of the Federal Bureau of Investigation may coordinate with other divisions of the Federal Bureau of Investigation, as appropriate.

SEC. 6. REPORTING ON TRANSNATIONAL REPRESSION.

(a) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Assistant Attorney General for the National Security Division of the Department of Justice and the Director of the Federal Bureau of Investigation, in consultation with the Director of National Intelligence and the head of any other department or agency the Assistant Attorney General and Director of the Federal Bureau of Investigation determines appropriate, shall submit to the appropriate congressional committees a joint report on incidents
of transnational repression against or otherwise impacting
a United States person. Each report shall contain the fol-
lowing:

(1) An overview of transnational repression in
the United States or against United States persons
outside of the United States, including the govern-
ments that perpetrate transnational repression and
the tactics that they use.

(2) A description of any activities that the As-
sistant Attorney General of the National Security
Division of the Department of Justice or the Direc-
tor of the Federal Bureau of Investigation deter-
moves to be substantially similar to transnational re-
pression that do not fall within the definition of
transnational repression.

(3) A description of efforts during the previous
calendar year to disrupt transnational repression
through investigation and criminal prosecution.

(4) A description of efforts during the previous
calendar year by any agency of the United States
Government to disrupt transnational repression
through means other than investigation and criminal
prosecution, including through diplomatic means.
(b) **FORM.**—Each report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 7. DEFINITIONS.**

In this Act:

1. **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

   (A) the Committee on the Judiciary, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

   (B) the Committee on the Judiciary, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

2. **TRANSNATIONAL REPRESS.**—The term “transnational repression” has the meaning given the term in section 971 of title 18, United States Code, as added by section 4.