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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To criminalize transnational repression, and for other purposes.

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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.

1           (2) The Federal Bureau of Investigation defines  
2           transnational repression as foreign government  
3           transgression of national borders through physical  
4           and digital means to intimidate, silence, coerce, har-  
5           ass, or harm members of diaspora and exile commu-  
6           nities. Transnational repression is often used to si-  
7           lence individuals who oppose or are critical of a gov-  
8           ernment, including journalists, human rights defend-  
9           ers, religious or ethnic minority groups, and political  
10          opponents. Methods of transnational repression are  
11          known to include physical and digital stalking, har-  
12          assment, computer hacking, criminal threats, as-  
13          saults, attempted kidnappings, coerced repatriation,  
14          and detaining family members in the home country.

15          (3) Transnational repression is not limited to  
16          physical acts of intimidation and harassment. Ac-  
17          cording to Citizen Lab, “digital transnational repres-  
18          sion” tools are used to facilitate government reach  
19          beyond borders to gain access to social media and  
20          email accounts, including through phishing attacks,  
21          zero-click spyware hacks, social media page take-  
22          downs, SIM card hacks, and fake invitations to con-  
23          ferences. For human rights activists and dissidents,  
24          this has a serious impact on their advocacy work

1 and sense of security, even if they have relocated to  
2 escape physical intimidation.

3 (4) On February 23, 2022, the National Secu-  
4 rity Division of the Department of Justice launched  
5 a “Strategy for Countering Nation-State Threats”  
6 in order to take a comprehensive, “whole-of-govern-  
7 ment” approach to addressing threats the United  
8 States faces from hostile nations, including  
9 transnational repression.

10 (5) Throughout 2022, the Department of Jus-  
11 tice has charged a number of individuals with stalk-  
12 ing, harassing, and spying, who allegedly perpetrated  
13 transnational repression to silence United States  
14 residents who were critics of the People’s Republic  
15 of China.

16 (6) Transnational repression is a growing prob-  
17 lem. As of August 2022, Freedom House has docu-  
18 mented 735 direct, physical cases of transnational  
19 repression that took place between 2014 and 2021.

20 (7) A total of 85 new incidents of transnational  
21 repression were recorded around the globe in 2021.  
22 Four governments, Algeria, Belarus, Comoros, and  
23 Nigeria, attacked exiles abroad for the first time last  
24 year, bringing the total number of states engaged in  
25 transnational repression to 36. The number of host

1 countries, or countries where acts of transnational  
2 repression took place, rose from 79 to 84, including  
3 the United States.

4 **SEC. 3. SENSE OF CONGRESS.**

5 It is the sense of Congress that hostile nations and  
6 authoritarian regimes have increasingly and aggressively  
7 targeted individuals in the United States. Agents of these  
8 governments have acted outside diplomatic channels to  
9 threaten, intimidate, harass, surveil, stalk, silence, and  
10 even plot to physically harm or kidnap persons within U.S.  
11 borders. Although transnational repression often involves  
12 actions that are already prohibited by U.S. law, their for-  
13 eign government backing render these activities more egre-  
14 gious than the underlying acts of intimidation or harass-  
15 ment alone. Therefore, it is necessary to formally define  
16 and criminalize transnational repression in Federal law,  
17 and more actively track and report on instances  
18 transnational repression in the United States.

19 **SEC. 4. CRIMINALIZING TRANSNATIONAL REPRESSION.**

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

22 **“§ 971. Transnational repression**

23 “(a) IN GENERAL.—Whoever knowingly commits an  
24 act of transnational repression shall be fined under this  
25 title and imprisoned not more than 10 years.

1           “(b) ATTEMPT OR CONSPIRACY.—Whoever attempts  
2 or conspires to commit an offense under this section shall  
3 be subject to the same penalties as those prescribed for  
4 the offense, the commission of which was the object of the  
5 attempt or conspiracy.

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

9           “(d) DEFINITIONS.—In this section:

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

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

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

23           “(4) TRANSNATIONAL REPRESSION.—The term  
24 ‘transnational repression’ means any activity by a  
25 foreign government, or an agent of a foreign power

1 or a proxy thereof, that meets each of the following  
2 criteria:

3 “(A) The activity involves—

4 “(i) any effort intended to intimidate  
5 or coerce, including by force or fear, a per-  
6 son to take an action in the interest of a  
7 foreign government;

8 “(ii) any effort intended to intimidate  
9 or coerce, including by force or fear, a per-  
10 son to take an action to forebear from ex-  
11 ercising a right guaranteed to the person  
12 by the Constitution or laws of the United  
13 States;

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

16 “(iv) an extrajudicial killing.

17 “(B) The activity is engaged in for the  
18 purpose of stifling dissent against or otherwise  
19 advancing the interests of a foreign govern-  
20 ment.

21 “(C) The activity—

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

24 “(ii) is committed against—

25 “(I) a United States person;

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

3 “(III) a person not specified in  
4 subclause (I) or (II) if the activity  
5 could reasonably be expected to result  
6 in the deprivation of any rights, privi-  
7 leges, or immunities of such person  
8 secured or protected by the Constitu-  
9 tion or laws of the United States.

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

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

“971. Transnational repression.”.

17 **SEC. 5. CENTRALIZATION OF OVERSIGHT OF**  
18 **TRANSNATIONAL REPRESSION PROSECU-**  
19 **TIONS AND INVESTIGATIONS.**

20 (a) NATIONAL SECURITY DIVISION.—The Attorney  
21 General shall centralize oversight of transnational repres-  
22 sion prosecutions in the National Security Division of the  
23 Department of Justice, or any successor organization.

24 (b) COUNTERINTELLIGENCE DIVISION.—The Attor-  
25 ney General, acting through the Director of the Federal

1 Bureau of Investigation, shall centralize oversight of  
2 transnational repression investigations in the Counter-  
3 intelligence Division of the Federal Bureau of Investiga-  
4 tion, or any successor organization.

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

7 (1) the Assistant Attorney General for the Na-  
8 tional Security Division of the Department of Jus-  
9 tice may coordinate with other divisions of the De-  
10 partment of Justice, as appropriate; and

11 (2) the head of the Counterintelligence Division  
12 of the Federal Bureau of Investigation may coordi-  
13 nate with other divisions of the Federal Bureau of  
14 Investigation, as appropriate.

15 **SEC. 6. REPORTING ON TRANSNATIONAL REPRESSION.**

16 (a) REPORTS.—Not later than 180 days after the  
17 date of enactment of this Act, and annually thereafter,  
18 the Assistant Attorney General for the National Security  
19 Division of the Department of Justice and the Director  
20 of the Federal Bureau of Investigation, in consultation  
21 with the Director of National Intelligence and the head  
22 of any other department or agency the Assistant Attorney  
23 General and Director of the Federal Bureau of Investiga-  
24 tion determines appropriate, shall submit to the appro-  
25 priate congressional committees a joint report on incidents



1 of transnational repression against or otherwise impacting  
2 a United States person. Each report shall contain the fol-  
3 lowing:

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

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

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

19 (4) A description of efforts during the previous  
20 calendar year by any agency of the United States  
21 Government to disrupt transnational repression  
22 through means other than investigation and criminal  
23 prosecution, including through diplomatic means.

1 (b) FORM.—Each report submitted under subsection  
2 (a) shall be submitted in unclassified form, but may in-  
3 clude a classified annex.

4 **SEC. 7. DEFINITIONS.**

5 In this Act:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
7 TEES.—The term “appropriate congressional com-  
8 mittees” means—

9 (A) the Committee on the Judiciary, the  
10 Committee on Foreign Affairs, and the Perma-  
11 nent Select Committee on Intelligence of the  
12 House of Representatives; and

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

16 (2) TRANSNATIONAL REPRESSION.—The term  
17 “transnational repression” has the meaning given  
18 the term in section 971 of title 18, United States  
19 Code, as added by section 4.