

118TH CONGRESS  
1ST SESSION

# H. R. 5907

To criminalize transnational repression, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2023

Mr. SCHIFF (for himself, Mr. QUIGLEY, Mr. HIMES, Ms. NORTON, Mr. COHEN, Mr. CARSON, Mr. SHERMAN, Mr. KRISHNAMOORTHY, Mr. MCGOVERN, and Mr. CASE) introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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:

1           (1) Transnational repression is not currently  
2 codified or defined in United States law.

3           (2) The Federal Bureau of Investigation defines  
4 transnational repression as foreign government  
5 breach of national borders through physical and dig-  
6 ital means to intimidate, silence, coerce, harass, or  
7 harm members of diaspora and exile communities in  
8 violation of United States law. Transnational repres-  
9 sion is often used to silence individuals who are per-  
10 ceived to oppose or are critical of a government, in-  
11 cluding journalists, writers and artists, human rights  
12 defenders, religious or ethnic minority groups, and  
13 political opponents. Methods of transnational repres-  
14 sion may include physical and digital stalking, har-  
15 assment, computer hacking, phone tapping,  
16 INTERPOL abuse, criminal threats, assaults, at-  
17 tempted kidnappings, coerced repatriation, and de-  
18 taining family members in the home country.

19           (3) Transnational repression is not limited to  
20 physical acts of intimidation and harassment. Ac-  
21 cording to Citizen Lab, “digital transnational repres-  
22 sion” tools are used to facilitate government reach  
23 beyond borders to gain access to social media and  
24 email accounts, including through phishing attacks,  
25 zero-click spyware hacks, social media page take-

1       downs, SIM card hacks, and fake invitations to con-  
2       ferences. For human rights activists and dissidents,  
3       this has a serious impact on their advocacy work  
4       and sense of security, even if they have relocated to  
5       escape physical intimidation.

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

13              (5) Throughout 2022, the Department of Jus-  
14      tice charged a number of individuals with stalking,  
15      harassing, and illicitly acting as agents of foreign  
16      governments, who allegedly perpetrated  
17      transnational repression to silence United States  
18      residents who were critics of the People’s Republic  
19      of China.

20              (6) In January 2023, the Department of Jus-  
21      tice announced charges and arrests in a case involv-  
22      ing an assassination plot directed from Iran against  
23      a critic of the regime. The Department stated,  
24      “These charges are just the latest example of indi-

1       viduals in Iran directing deadly violence on U.S.  
2       soil.”.

3               (7) Transnational repression is a growing prob-  
4       lem. The Department of Justice has reported an  
5       “alarming rise in plots emanating from Iran, China,  
6       Russia, and elsewhere, targeting people in the  
7       United States”. As of April 2023, Freedom House  
8       has documented 854 direct, physical cases of  
9       transnational repression that took place globally be-  
10      tween 2014 and 2022.

11              (8) Freedom House recorded a total of 79 new  
12      incidents of transnational repression globally com-  
13      mitted by 20 governments in 2022. Two govern-  
14      ments, Bangladesh and Djibouti, were added to the  
15      list of perpetrators, bringing the total number of  
16      states engaged in transnational repression around  
17      the world to 38. The number of countries where acts  
18      of transnational repression took place rose from 84  
19      to 91 in 2022, including the United States, accord-  
20      ing to Freedom House.

21   **SEC. 3. SENSE OF CONGRESS.**

22       It is the sense of Congress that hostile nations and  
23      authoritarian regimes have increasingly and aggressively  
24      targeted individuals in the United States and persons out-  
25      side the United States. Agents of these governments have

1 acted outside diplomatic channels to threaten, intimidate,  
2 harass, surveil, stalk, silence, and even plot to physically  
3 harm or kidnap persons within U.S. borders. Although  
4 transnational repression often involves actions that are al-  
5 ready prohibited by U.S. law, their foreign government  
6 backing render these activities more dangerous than the  
7 underlying acts of intimidation or harassment alone.  
8 Therefore, it is necessary to formally define and crim-  
9 inalize transnational repression in Federal law, and to  
10 more actively track and report on instances of  
11 transnational repression in the United States and affect-  
12 ing United States persons. It is also necessary to continue  
13 to work with foreign partners to address this issue in a  
14 coordinated manner, including in multilateral settings.

15 **SEC. 4. CRIMINALIZING TRANSNATIONAL REPRESSION.**

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

18 **“§ 971. Transnational repression**

19 “(a) IN GENERAL.—Whoever knowingly commits an  
20 act of transnational repression shall be fined under this  
21 title and imprisoned not more than 10 years, or both, and  
22 if death or serious bodily injury results from the act, or  
23 if such act include the use, attempted use, or threatened  
24 use of a dangerous weapon, kidnapping or an attempt to  
25 kidnap, or aggravated sexual abuse, or an attempt to com-

1 mit aggravated sexual abuse, shall be fined under this  
2 title, or imprisoned for any term of years or for life, or  
3 both.

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

9 “(c) SENTENCING ENHANCEMENT.—Whoever know-  
10 ingly commits, attempts, or conspires to commit an of-  
11 fense under any other section of this title at the direction  
12 of or under the control of a foreign government or official  
13 or on behalf of their proxy while engaged in and in fur-  
14 therance of transnational repression shall, in addition to  
15 the punishment authorized for such offense, be subject to  
16 a sentencing enhancement of up to ten years in prison.

17 “(d) EXTRATERRITORIAL JURISDICTION.—There is  
18 extraterritorial Federal jurisdiction over an offense under  
19 this section.

20 “(e) DEFINITIONS.—In this section:

21 “(1) AGENT OF A FOREIGN GOVERNMENT.—  
22 The term ‘agent of a foreign government’ means an  
23 individual who operates subject to the direction or  
24 control of a foreign government or official.

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

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

10           “(4) TRANSNATIONAL REPRESSION.—The term  
11           ‘transnational repression’ means any activity by a  
12           foreign government, or an agent of a foreign govern-  
13           ment or a proxy thereof, that satisfies each of the  
14           following:

15           “(A) The activity involves—

16                   “(i) any effort intended to coerce, har-  
17                   ass, or digitally or physically threaten, in-  
18                   cluding by force or reasonable fear of  
19                   death or serious bodily injury or imprison-  
20                   ment of a person or an immediate family  
21                   member of a person, a person to take an  
22                   action in the interest of a foreign govern-  
23                   ment;

24                   “(ii) any effort intended to harass or  
25                   coerce, including by force or fear, a person

1 to forebear from exercising their First  
2 Amendment rights or any other right guar-  
3 anteed to the person by the Constitution or  
4 laws of the United States, or to retaliate  
5 against a person for having exercised such  
6 a right;

7 “(iii) an extrajudicial killing; or

8 “(iv) any act intended to further the  
9 efforts specified in clause (i), (ii), or (iii).

10 “(B) The activity is engaged in for or in  
11 the interests of a foreign government.

12 “(C) The activity—

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

15 “(ii) is committed against—

16 “(I) a United States person; or

17 “(II) a person in the United  
18 States.

19 “(5) UNITED STATES PERSON.—The term  
20 ‘United States person’ has the meaning given such  
21 term in section 1637(d)(10) of the Carl Levin and  
22 Howard P. ‘Buck’ McKeon National Defense Au-  
23 thorization Act for Fiscal Year 2015 (50 U.S.C.  
24 1708(d)(10)).



1           “(6) DANGEROUS WEAPON.—The term ‘dan-  
2           gerous weapon’ has the meaning given the term in  
3           section 930(g)(2).”.

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

          “971. Transnational repression.”.

7           (c) PREDICATE OFFENSES.—Part I of title 18,  
8           United States Code, is amended—

9                   (1) in section 1956(c)(7)(D), by inserting “sec-  
10           tion 971 (relating to transnational repression),” be-  
11           fore “section 1005 (relating to fraudulent bank en-  
12           tries),”;

13                   (2) in section 1961(1), by inserting “section  
14           971 (relating to transnational repression),” before  
15           “section 1028 (relating to fraud and related activity  
16           in connection with identification documents),”; and

17                   (3) in section 2516(1)—

18                           (A) in paragraph (t), by striking “or”;

19                           (B) in paragraph (u), by striking the pe-  
20           riod and inserting “; or”; and

21                           (C) by adding at the end the following:

22                                   “(v) any violation of section 951 of title 18  
23           (relating to agents of foreign governments); any  
24           violation of section 971 of title 18  
25           (transnational repression); and any felony viola-

1           tion of section 8 of the Foreign Agents Reg-  
2           istration Act (22 U.S.C. 618) (relating to reg-  
3           istration of agents of foreign principals).”.

4 **SEC. 5. CENTRALIZATION OF OVERSIGHT OF**  
5           **TRANSNATIONAL REPRESSION PROSECU-**  
6           **TIONS AND INVESTIGATIONS.**

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

11          (b) INVESTIGATIONS.—The Attorney General, acting  
12          through the Director of the Federal Bureau of Investiga-  
13          tion, shall centralize oversight of transnational repression  
14          investigations in the Federal Bureau of Investigation, or  
15          any successor organization.

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

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

1 p r i a t e c o n g r e s s i o n a l c o m m i t t e e s a j o i n t r e p o r t o n i n c i d e n t s  
2 o f t r a n s n a t i o n a l r e p r e s s i o n a g a i n s t o r o t h e r w i s e i m p a c t i n g  
3 a U n i t e d S t a t e s p e r s o n . E a c h r e p o r t s h a l l c o n t a i n t h e f o l -  
4 l o w i n g :

5 (1) A n o v e r v i e w o f t r a n s n a t i o n a l r e p r e s s i o n i n  
6 t h e U n i t e d S t a t e s o r a g a i n s t U n i t e d S t a t e s p e r s o n s  
7 o u t s i d e o f t h e U n i t e d S t a t e s , i n c l u d i n g t h e g o v e r n -  
8 m e n t s t h a t p e r p e t r a t e t r a n s n a t i o n a l r e p r e s s i o n a n d  
9 t h e t a c t i c s t h a t t h e y u s e .

10 (2) A d e s c r i p t i o n o f a n y a c t i v i t i e s t h a t t h e A s -  
11 s i s t a n t A t t o r n e y G e n e r a l o f t h e N a t i o n a l S e c u r i t y  
12 D i v i s i o n o f t h e D e p a r t m e n t o f J u s t i c e o r t h e D i r e c -  
13 t o r o f t h e F e d e r a l B u r e a u o f I n v e s t i g a t i o n d e t e r -  
14 m i n e s t o b e s u b s t a n t i a l l y s i m i l a r t o t r a n s n a t i o n a l r e -  
15 p r e s s i o n t h a t d o n o t f a l l w i t h i n t h e d e f i n i t i o n o f  
16 t r a n s n a t i o n a l r e p r e s s i o n .

17 (3) S u b j e c t t o a p p r o p r i a t e p r o t e c t i o n s f o r s e n -  
18 s i t i v e i n f o r m a t i o n r e g a r d i n g l a w e n f o r c e m e n t i n v e s -  
19 t i g a t i o n s a n d o p e r a t i o n s , a d e s c r i p t i o n o f e f f o r t s  
20 d u r i n g t h e p r e v i o u s c a l e n d a r y e a r t o d i s r u p t  
21 t r a n s n a t i o n a l r e p r e s s i o n t h r o u g h i n v e s t i g a t i o n a n d  
22 c r i m i n a l p r o s e c u t i o n .

23 (4) A d e s c r i p t i o n o f e f f o r t s d u r i n g t h e p r e v i o u s  
24 c a l e n d a r y e a r b y a n y a g e n c y o f t h e U n i t e d S t a t e s  
25 G o v e r n m e n t t o d i s r u p t t r a n s n a t i o n a l r e p r e s s i o n

1 through means other than investigation and criminal  
2 prosecution, including through diplomatic means.

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

6 **SEC. 7. DEFINITIONS.**

7 In this Act:

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

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

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

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

22 **SEC. 8. THE U.S. SENTENCING COMMISSION.**

23 Not later than 1 year after the date of enactment  
24 of this Act, the U.S. Sentencing Commission shall promul-  
25 gate or amend such sentencing guideline as may be nec-

1 essary to provide appropriate guideline penalties for the  
2 offense conduct and penalty provisions established in this  
3 Act, and amended by this Act, including enhanced pen-  
4 alties for aggravated forms of any offense established in  
5 this Act.

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